

**Central Administrative Tribunal  
Madras Bench**

**OA/310/01249/2015**

**Dated the 1<sup>st</sup> day of June Two Thousand Twenty**

**P R E S E N T**

**Hon'ble Mr. P.Madhavan, Member(J)**  
**&**  
**Hon'ble Mr.T.Jacob, Member(A)**

Prof. Dr.A.Ramachandran, Ph.D.,IFS.,  
DQ2, Director's Quarters,  
Anna University Residential Complex,  
Kotturpuram,  
Chennai 600 085.  
By Advocate **M/s.M.Ravi**

.. Applicant

**Vs.**

1. The State of Tamil Nadu,  
rep. by the Principal Secretary to Government,  
Environment & Forest Department,  
Secretariat,  
Chennai-9.
2. The Principal Chief Conservator of Forest &  
Head of Forest Force,  
Panagal Building,  
Chennai-15.
3. Union of India, rep. by  
The Secretary to Government,  
M/o Environment, Forests &  
Climate Change,  
New Delhi.

.. Respondents

By Advocate **Mr.V.Kadhirvelu (R1), Mr.K.V.Dhanapalan**

**ORDER**

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

The above OA is filed seeking the following relief(s):-

“to call for the records on the file of the 1<sup>st</sup> respondent in Government Letter No.3900/FR.Spl.A/2014-9, dated 14.7.15 and quash the same and to consequently issue direction to the 1<sup>st</sup> respondent to include the name of the applicant in the appropriate place in the Approved Panel of Conservator of Forests, fit for promotion as Chief Conservator of Forests, as issued by the 1<sup>st</sup> respondent herein, in G.O.(Ms.)No.258, Environment and Forests (FR. Spl.A.) Department, dated 08.11.2012 and to grant him promotion as Chief Conservator of Forests, with retrospective effect from the date of promotion of his immediate junior therein, with all consequential benefits, including grant of retirement and pensionary benefits in the cadre of Chief Conservator of Forests with interest on the delayed payments and pass such further or other orders as this Tribunal may deem fit and proper in the circumstances of this case.”

2. The case of the applicant is that the applicant was directly recruited as Assistant Conservator of Forests in the Tamil Nadu Forest Service through the Tamil Nadu Public Service Commission. He joined the service on 12.1.1981 and was confirmed in the said post w.e.f. 31.3.1983. Thereafter, he was selected to the Indian Forest Service (IFS) by the Selection Committee on 24.3.1994 and he was posted to cadre post on 18.6.1994. He was issued with a formal order of appointment to IFS w.e.f. 09.1.1996. As the year of allotment assigned to him was 1990 but the order of appointment issued being w.e.f. 1996, he filed OA 590/2006 to redetermine his year of allotment and seniority. The said OA was allowed by this Tribunal by order dated

01.6.07 and it was confirmed by Division Bench of Hon'ble High Court of Madras in WP No.20844/2007 dt. 18.12.2007. Pursuant to the said order, the applicant's year of allotment was redetermined as 1989 and was placed below one Shri Subrat Mohapatra, IFS in inter-se seniority. Later, the 1<sup>st</sup> respondent in G.O.Ms.No.23 dt. 20.3.08 directed to advance the date of Junior Administrative Grade and Selection Grade as 01.1.1998 and 01.1.2002 respectively.

3. During the year 2008 the applicant was deputed to Anna University as Professor and Founder Director, Centre for Climate Change and Adaptation Research. Whiles, the 1<sup>st</sup> respondent issued G.O.Ms. No.258, Environment and Forests (F.R. Spl.A), dt. 08.11.12 wherein the applicant's name was omitted to be included in the panel of Conservator of Forests for promotion as Chief Conservator of Forests (CCF) and whereby one Mr.Neeraj Kumar and 5 others who are juniors to the applicant belonging to 1990 batch were included in the panel for promotion as CCF. Therefore, he made representation on 13.12.13 to the 1<sup>st</sup> respondent to promote him as CCF and give him a suitable posting in the Forest Department, on completion of his deputation in Anna University, which was not answered.

4. In the meantime, the applicant made a representation dt. 18.12.13 to the 1<sup>st</sup> respondent to offer Voluntary Retirement (VR) w.e.f. 21.3.14 to pursue his research on Climate Change and Forest Ecosystem, which evoked no response. His deputation to Anna University ended on 07.2.14 and he reported to his parent department on 10.2.14. As the above said representations were pending for consideration, he filed OA 213/2014 before this Tribunal for a direction to the 1<sup>st</sup>

respondent to include the name of the applicant in the appropriate place in the Approved Panel of Conservator of Forests, fit for promotion as CCF, as issued by the 1<sup>st</sup> respondent in G.O.Ms. No.258, Environment and Forests (F.R. Spl.A), dt. 08.11.12 and to grant him promotion as CCF, with retrospective effect from the date of promotion of his immediate juniors therein, with all consequential benefits.

5. In the meanwhile, the applicant was permitted to go on VR w.e.f. 21.3.14 by the order dt. 20.3.14 of the 1<sup>st</sup> respondent. The above said OA was disposed of on 18.2.15 with a direction to the respondents to “place the case of the applicant for empanelment in a Review Screening Committee Meeting to be convened for the purpose at the earliest which should assess him based on his overall record and the materials available like his self-assessment, if any, the Reports of the VC, Anna University even though the latter might not be treated as part of his PAR dossier according to Rule 5(1) of AIS (PAR) Rules, 2007, and then depending on the outcome of this assessment by the Screening Committee, to consider his case for promotion as CCF on a notional basis with effect from the date of his junior was promoted. There is no doubt, difficulty is there in this case in view of the non-availability of the ACRs/APRs crucial for a proper assessment, but this has to be seen in the context of the applicant not being entirely responsible for the gaps and, therefore, a view would have to be taken in the case on the basis of available materials/records. If promoted on a notional basis, the monetary benefit will be in terms of increased pensionary benefits in as much as the applicant has taken VR already”.

6. Pursuant to the above said order in OA 213/14, the 1<sup>st</sup> respondent issued Annexure A11 impugned order dt. 14.7.15 rejecting the claim of the applicant for promotion to the level of CCF. Aggrieved by the impugned rejection order, he has filed this OA seeking the aforesaid relief.

7. Upon notice, the respondents have entered appearance and filed the reply statement denying all the allegations averred in the application, except those that are specifically admitted herein.

8. It is submitted that the respondents have arrived at 11 vacancies for the post of CCF by promotion from the rank of Conservator of Forests for the year 2013 and the service details of eligible Forest Service officers appointed during 1985 to 1990, including the name of the applicant were placed before the Screening Committee for consideration. On 30.7.12, the Screening Committee examined the service details of the applicant alongwith others and found that the PAR for the year 2007-2008 of the applicant were not available and his reports for three years prior to 2006-07 were not received and therefore, the Committee was unable to assess his performance. Hence, the name of the applicant was passed over by the Committee. The 1<sup>st</sup> respondent has also examined the recommendations of the Committee and accepted its recommendation and approved the panel of Conservator of Forests fit for promotion as CCF vide G.O.Ms.No.258, environment and Forests (FR.Spl.A) Department, dated 08.11.12. Further, pursuant to the direction in OA 213/14, the 1<sup>st</sup> respondent has placed the service details of the applicant before the Review Screening Committee Meeting held on 14.6.15. The Committee reviewed his over all PAR, particularly for

the periods 1.4.08 to 31.3.09, 1.4.09 to 31.3.10, 1.4.10 to 31.3.11, 1.4.11 to 31.3.12 and 1.4.12 to 31.3.13 and the committee observed the following shortcomings:-

- i) Submission of PAR is belated.
- ii) Under section II, Annual Work Plan, target and achievements have not been indicated.
- iii) Deliverables for initial and Mid year exercise have not been spelt out.
- iv) The tasks to be performed under academic research and teaching along with the targets and achievements have not been indicated.
- v) Teaching and research outputs have not been indicated and therefore research and teaching output could not be assessed.
- vi) Views of the Reviewing and Accepting Authorities have not been recorded except for the financial year 2012-13.

The PAR for the period from 2008 to 2012 have only been written by the Reporting Authority and not reviewed by the Reviewing Authority and the Accepting Authority. Therefore, the appraisal for the period from 2008-09 to 2012-13 with reference to the quality of output and effectiveness could not be meaningfully assessed during the period. Thus, the Committee has not recommended his name for inclusion in the CCF panel. Therefore, the impugned order is just and reasonable and prayed for dismissal of the OA.

9. The applicant has filed a rejoinder stating the reasons for the shortcomings stated in the reply. As regards shortcomings (ii) to (iv), the applicant would submit that the PARs are designed for All India Service Officers to check the performance of

officers in terms of work plan, targets and achievements, which is not applicable to in the academic field where the applicant was working. The applicant cannot be held responsible for the above shortcomings.

10. We had heard both sides. The counsel for the applicant would contend that the respondents ought to have taken into account the relevant reports from Anna University and on the basis of the same, assessed his candidature to the post of CCF. On a reading of the impugned order, it can be seen that the applicant could not be considered for the post of CCF as the necessary inputs were not available.

11. The counsel for the respondents, Additional Advocate General, admitted that they had not fully considered the directions issued by this Tribunal in OA 213/14 dt. 18.2.15 wherein it was directed to take in all relevant materials from University also and to conduct a proper assessment of the eligibility of the applicant since the applicant is not responsible for the missing gap. He also conceded that the respondents have no objection in considering all relevant materials and if found eligible to give notional promotion as CCF.

12. In view of the above facts, **the impugned order dt. 14.7.15 cannot stand and hence it is accordingly set aside. The respondents are directed to collect all relevant materials from the Anna University regarding the work done by the applicant and place the same before the Screening Committee.**

13. **The Committee will make an assessment on the eligibility of the applicant to the post of CCF and pass orders accordingly.**

14. **In view of the inordinate delay occurred, the respondents are directed to complete the above exercise at the earliest, not later than two months from the date of receipt of a copy of this order.**

15. OA is disposed off accordingly. No costs.

(T.Jacob)  
Member(A)

01.06.2020

(P.Madhavan)  
Member(J)

/G/



**Annexures referred to by the applicant in OA No.310/01249/2015:**

Annexure A1: Important Certificates awarded to the applicant

Annexure A2: G.O.Ms. dt. 20.3.08

Annexure A3: Approved Panel for promotion as CCF dt. 08.11.12.

Annexure A4: Applicant's representation dt. 13.12.13.

Annexure A5: Applicant's application for VR dt. 18.12.13.

Annexure A6: Relieving order from Anna University dt. 05.2.14 with an encomium to the applicant.

Annexure A7: Relieving order from Anna University dt. 07.2.14.

Annexure A8: Applicant's reporting to Forest Department dt. 10.2.14.

Annexure A9: Order in OA 213/14 dt. 18.2.14.

Annexure A10: Order of the 1<sup>st</sup> respondent for VR dt. 20.3.14.

Annexure A11: Impugned order of the 1<sup>st</sup> respondent dt. 14.7.15.