

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Original Application No.180/00215/2016**

Thursday, this the 21<sup>st</sup> day of January, 2021

**C O R A M :**

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER**

**HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER**

Francis V.K, aged 58 years

S/o.Late V.V.Kuriakose, Residing at Vadakkekudiyil House

Uppukulamkara Kuttamangalam Village

Oonnukallu, Kothamangalam Taluk, Kerala State

...Applicant

(By Advocate Mr.B.S.Sivaji)

**v e r s u s**

1. State of Kerala, Represented by the Chief Secretary  
Government of Kerala, Government Secretariat  
Thiruvananthapuram – 695 001
2. The Principal Secretary, Forest & Wildlife (A) Department  
Government Secretariat, Thiruvananthapuram 695 001
3. The Additional Principal Chief Conservator of Forests (Admn)  
'Forest Headquarters, Vazhuthacaud, Thiruvananthapuram- 695 014
4. Union of India, Represented by the Principal Secretary  
Ministry of Personal, Public Grievances and Pension  
Central Secretariat, New Delhi 110 001
5. Union Public Service Commission, Represented by its  
Secretary, New Delhi 110 001
6. Union of India represented by the Secretary  
Ministry of Environment, Forest and Climate Change

Indira Paryavaran Bhavan  
6<sup>th</sup> Floor, Prithvi block, Jorbag Road  
Aligng, New Delhi-3

....Respondents

(By Advocate : Mr.N.Anilkumar,SCGSC for R4 &6, Mr.Thomas Mathew  
Nellimoottil,Sr.PCGC for R5, Mr.M.Rajeev, G.P for R 1-3)

This application having been heard on 21.1.2021, this Tribunal on the same day delivered the following :

### **ORDER (ORAL)**

#### **HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER**

This is an Original Application filed seeking the following relief:

" i) To call for the records leading to Annexure A1 communication and set aside the same.

ii) To declare that the applicant is eligible to be promoted to IFS for the year 2013

iii) To call for the records leading to Annexure A4 O.,M f.No.14015/30/2015-AIS-I dated 20.3.2015 and set aside the same declaring that notification dated 17.3.2015 amending Regulation 5(3) of the Indian Forest Service (appointment by regulation) Amendment Regulations, 2015 "(3) The committee shall not consider the cases of members of Stte Forest Service who have attained the age of 56 years on the 1<sup>st</sup> day of January of the year for which the select list is prepared" is deemed retrospective and is applicable for the selection year 2013.

iv) To direct the 4<sup>th</sup> respondent to consider the applicant for promotion to Indian Forest Service for the year 2013.

v) To grant such other reliefs as may be prayed for and this Tribunal may deem fit to grant."

2. When the matter came up earlier, the counsel for the applicant and respondents submitted that WP(Civil) No.119/2016, W.P(C) No.327/2015, W.P(C) No.443/2015, W.P(C) No.721/2015, W.P(C) No.770/2015 and W.P(Civil) No.193/15 in a similar matter are pending before the Hon'ble Apex Court and law will attain finality only when the Apex Court decides the case.

3. Today, when the matter was taken up, it was submitted that the Hon'ble Apex Court has dismissed the W.P(Civil) No.119/2016, W.P(C) No.327/2015, W.P(C) No.443/2015, W.P(C) No.721/2015, W.P(C) No.770/2015 and W.P(Civil) No.193/15 on 6.4.2017 and there is no purpose in continuing with this Original Application.

4. In view of the submission made and in view of the order of the Apex Court, nothing survives and hence the Original Application is dismissed. No costs.

**(K.V.EAPEN)**  
**ADMINISTRATIVE MEMBER**

**(P.MADHAVAN)**  
**JUDICIAL MEMBER**

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**List of Annexures**

Annexure A1 - A true copy of the letter No.D2-39790/2015 dated 22.8.2015 issued by the 3<sup>rd</sup> respondent to the applicant

Annexure A2 - A true copy of the order GO Rt No.160/2013/F&WLD dated 19.4.2013 issued by the 2<sup>nd</sup> respondent

Annexure A3 - A true copy of the Notification dated 17.3.2015 issued by the 4<sup>th</sup> respondent

Annexure A4 - A true copy of the O.M No.F.N 14015/30/2015-AIS -1 issued by the Department of Personnel Training Public Grievances & Pensions, Government of India, dated 20.3.2015.

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