

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Applications No. 180/00214/2020

Thursday, this the 13th day of August, 2020

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member

Hon'ble Mr.K.V.Eapen, Administrative Member

C.V.Rajan, age 57,
S/o C.V.Chathukutty
Deputy Conservator of Forest (Non-Cadre)(Retired),
Divisional Forest Office, Flying Squad Division, Kannur.
Residing at Karthika,
Edachovva, Post Chovva-670 006.

Applicant

(Advocate: Mr.P.V.Mohanan)

Versus

1. Union of India represented by the Secretary
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan
6th Floor, Prithvi Block, Jorbag Road,
New Delhi-110 001.
2. State of Kerala represented by
Chief Secretary
Government of Kerala
Thiruvananthapuram-695 001.
3. Union Public Service Commission
represented by its Secretary
Shajahan Road, New Delhi-110 001
4. Selection Committee for Selection
to the Indian Forest Service
Constituted under Regulation 3 of IFS
(Appointment by promotion) Regulation 1966,
represented by its Chairman
Union Public Service Commission
Shahjahan Road, New Delhi-110 001.

Respondents

Advocates:

Mr.P.R.Sreejith, ACGSC for R1, Mr.M.Rajeev (GP) for R2
and Mr.Thomas Mathew Nellimoottil, Sr.PCGC for R3&4.

This OA having been heard on 11th August, 2020, the Tribunal delivered the following order on 13.08.2020:

ORDER

P.Madhavan, Judicial Member

This is an application filed by a Deputy Conservator of Forest (non-cadre)-Retired, seeking promotion to the post of IFS for the vacancy year 2018. According to the applicant, he retired on superannuation from the State Forest Service on 31.5.2019 after attaining 55 years and as per the order in OA No.279/2019, the Tribunal has ordered that his retirement will not preclude him from considering for appointment to the post of IFS. At present, the Government has notified 2 vacancies for the post as per Annexure A1. Owing to the re-determination of vacancies, one more vacant post has arisen and it has to be re-notified. The applicant was in the zone of consideration for the year 2016 & 2017. The unfilled 2017 vacancies had been carried forward to 2018 and the respondents have to issue a revised notification enhancing the vacancies to 3. The Selection Committee Meeting for the year 2016 & 2017 were conducted on 4.10.2019. The applicant was at Sl.No.7 in the said Selection List given to the UPSC.

2. Counsel for R2 had filed a detailed reply admitting the selection process for the year 2016 & 2017. He also admitted that the Government had taken steps for adding one more vacancy left over for the year 2017 and it is re-notified. So the prayer for including one more vacancy for the year 2018 is already complied with. Promotion to IFS is done as per IFS (Appointment by Promotion) Regulations, 1966 and the 2nd respondent has to furnish the proposal for conducting SCM for 2018 and 2019. The second respondent has to propose at least 9 persons in the Select List for consideration of 3 vacancies of the year 2018. If the applicant is eligible, he will be included in the zone of consideration.

3. UPSC (R3&4) has no objection in considering the applicant for promotion if he is eligible.
4. When the matter came up for hearing, the learned counsel for the respondents submitted that if the applicant is eligible for consideration, he will be considered for vacancies of 2018.
5. In view of the submission made by the 2nd respondent who is the contesting party, we direct the respondents to consider the name of the applicant for the 3 vacancies available for the year 2018 if he is otherwise eligible and free from vigilance angle etc., in the next Selection Committee Meeting constituted for the same, at the earliest.
6. The OA is disposed of.

(K.V. Eapen)
Administrative Member

(P. Madhavan)
Judicial Member

aa.

Annexures filed by the applicant:

Annexure A1: Copy of the notification No.17013/15/2019-IFS-II dated 18.3.2019.

Annexure A2: Copy of the notification No.17013/22/2018-IFS-II dated 13.12.2019.

Annexure A3: Copy of the notification No.17013/22/2018-IFS-II dated 27.2.2020.

Annexure A4: Copy of the order in OA No.612/2017 dated 28.7.2017 by this Tribunal.

Annexure A5: Copy of the representation dated 28.5.2020.

Annexure A6: Copy of the letter No.2380563/AIS-C1/2018/GD dated 29.9.2019.

Annexure A7: Copy of the order in OA No.611/2019 dated 14.11.2019 by this Tribunal.

Annexures filed by respondents:

Annexure R2(A): Letter F.No.10/9/2018-AIS dated 24.10.2019 from UPSC, New Delhi.

Annexure R2(B): Letter F.no.17013/14/2020-IFS-II dated 18.3.2020 of Government of India.