

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00437/2016

Date of Order: This, the 8th Day of February, 2021

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)

Shri Kunja Hazarika
S/o Late Dina Hazarika
H.N. 48, Near Hatisil Siv Mandir
Kharghuli, Joypur Road
Guwahati – 781004.



... Applicant

- Versus -

1. Union of India
Represented by the Secretary
To the Govt. of India, Ministry of Environment
Forest & Climate Change, New Delhi, Pin – 110001.
2. The Secretary
To the Government of India
Ministry of Personnel Public Grievance and
Pension, Department of Personnel and
Training, New Delhi, Pin – 110001.
3. The Union Public Service Commission
Dholpur House, New Delhi, Pin – 110069.
4. The Selection Committee
[A Committee constituted under Regulation
3 of the Indian Forest Service (Appointment
By Promotion), Regulations, 1966],
C/o UPSC Office, Dholpur House
New Delhi – 110069.

O.A. No. 040/437/2016

5. State of Assam
Represented by Commissioner
& Secretary, Dept. of Forest
Dispur, Guwahati – 6.

...Respondents.

For the Applicant : Sri U. Pathak

For the Respondents : Smt. G. Sutradhar, Addl. CGSC
For res. Nos. 1 & 2
D. Gogoi, SC for Forest and
Environment Department and
Sri H. Gupta, UPSC for
Res. Nos. 3 & 4.



ORDER (ORAL)

NEKKHOMANG NEIHSIAL, MEMBER (A):-

This O.A. has been filed by the applicant asking
for the reliefs as under:-

“8. In the premises aforesaid, your applicant prays that this Hon'ble Tribunal may be pleased to admit this application, call for the records of the case and issue notice upon the respondents to show cause as to why the minutes of the Selection Committee Meeting dated 02.09.2016 should not be set aside in so far it relates to declaring your applicant as 'Unfit' for promotion to the cadre of Indian Forest Service and to reconsider the case of your applicant independently and without being influenced by the earlier departmental proceeding which has come to an end and strictly in accordance with the Indian Forest Service (Appointment by Promotion)

O.A. No. 040/437/2016

Regulations, 1966 and thereafter promote your applicant to the cadre of Indian Forest Service in the interest of justice and/or to pass such further or other orders as deemed fit and proper."

2. After repeated adjournments for want of completion of pleadings, the case was finally heard on 08.02.2021 and dismissed.



3. We have heard Sri U. Pathak, learned counsel for the applicant, Smt. G. Sutradhar, Addl. CGSC for respondent Nos. 1 & 2, D. Gogoi, Standing counsel for Forest and Environment Department and Sri H. Gupta, learned counsel for respondent Nos. 3 & 4.

4. The applicant belongs to State Forest Service of Assam. The Selection Committee constituted under Regulation 3 of the Indian Forest Service for preparation of list of members of the State Forest Service of Assam was held on 2nd September 2016 for promotion to the Indian Forest Service of Assam-Meghalaya Joint Cadre (Assam Segment) against the vacancies of the years 2013, 2014 and 2015. In the select list of the State Forest Officers, the applicant was left out for promotion to IFS.

5. In this O.A., the applicant alleges that he has been left out for selection against the vacancies of the year 2013, 2014 and 2015 due to long process of disciplinary proceedings initiated against him in the year 1999 which continued for 13 years culminating to a penalty order dated 04.05.2012 of withholding of increments for 02 years with cumulative effect. Accordingly, due to this prolong period of disciplinary proceedings, he has been left out for selection to Indian Forest Service for the vacancies year as above.



6. The respondent No. 5 filed his written statement on 20.07.2017 and respondent Nos. 3 & 4 has filed their written statement on 22.01.2019. Rejoinder to the written statement filed by the respondent Nos. 3, 4 & 5 has been filed by the applicant on 17.07.2019. Counter Affidavit on behalf of respondent No. 1 has also been filed on 5th August 2019.

7. During the hearing, Sri U. Pathak, learned counsel for the applicant submitted, as given in the O.A. that the applicant has been deprived of his promotion to Indian Forest Service for the years 2013, 2014 and

2015 due to prolong disciplinary proceedings initiated against him and the Minutes of the Selection Committee dated 2nd September 2016 should be set aside, as prayed for in his OA.



8. On going through the Minutes of the meeting dated 2nd September 2016, it has been clearly brought out by the Committee that he could not be selected during the running period of penalty of two increments with cumulative effect w.e.f. 04.05.2012. It was noticed that the applicant obviously could not be given promotion during this running period of penalty imposed on him. Therefore, the Selection Committee has rightly followed the correct procedure for not recommending the name of the applicant for selection/promotion to the Indian Forest Service of Assam-Meghalaya Joint Cadre (Assam Segment). It was also agreed to in the open court that if the applicant had any grievance in this regard, he could have challenged the said disciplinary proceedings at that time which was initiated in 1999.

9. We therefore, find that there is no merit in this
O.A. and accordingly, it is hereby dismissed.

10. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

