

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/00780/2020

HYDERABAD, this the 7th day of December, 2020.

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member



A.Bharath Kumar, IFS,
S/o Thimothayya, Aged : 61 years,
Conservator of Forests (Retd.),
Ananthapur Circle, Anathapur.

...Applicant

(By Advocate : Mr. K. Sudhaker Reddy)

Vs.

- 1.Union of India, Rep by its Secretary,
Ministry of Environment & Forests,
New Delhi.
2. Government of Andhra Pradesh,
Rep by its Chief Secretary, Secretariat,
Velagapudi, Guntur – District.
3. The Govt. of Andhra Pradesh,
Rep by its Secretary to Govt. (Political),
Secretariat, Velagapudi, Guntur – District.
4. The Principal Secretary to Govt.,
Dept. of Forests, Secretariat,
Velagapudi, Guntur – District. A.P.
5. The Principal Chief Conservator of Forests,
Department of Forests,
Government of Andhra Pradesh,
Guntur – District, A.P.

....Respondents

(By Advocate: Mrs.K.Rajitha, Sr. CGSC &
Mr.M. Bal Raj, Govt. Pleader for State of A.P.)

ORAL ORDER
(As per Hon'ble Mr. B.V.Sudhakar, Administrative Member)

Through Video Conferencing:

2. The OA has been filed in regard to the promotion of the applicant as Chief Conservator of Forests on par with his batchmates.



3. Brief facts of the case are that the applicant belongs to 1997 batch of Indian Forest Service (IFS). He retired from service on 31.08.2019. The claim of the applicant is that he was eligible for promotion to the Super Time Scale-II in the Grade pay of Rs.10,000/- in the rank of Chief Conservator of Forests (for short "CCF"). The screening committee considered his case and adopted sealed cover procedure in view of the pendency of disciplinary proceedings against him. The respondents issued orders promoting 1997 batch IFS officers to Super Time Scale-II in the rank of CCF on 31.12.2015, but the same was denied to him. The disciplinary proceedings initiated against him ended as under:

S. No.	Charge Memo	Finalised on	Penalty
1.	GORT No. 6228, GA (SC-D) Dept, dt. 06.10.2007	12.03.2019	Censure
2.	GORT No. 1217, GA (SC-D) Dept, dt. 06.03.2007	05.07.2019	Censure
3.	GORT No. 6228, GA (SC-D) Dept, dt. 06.10.2007	07.08.2019	Dropped

Therefore, as the major penalty proceedings ended in imposing minor penalty, the applicant claims that the respondents should open the sealed cover and give effect to the recommendations of the screening committee

with respect to his promotion to the grade of CCF. The applicant submitted representation on 29.08.2019 to the respondents. As there is no response, the applicant filed this OA.



4. The contentions of the applicant are that his batchmates of IFS were promoted as CCF. Major penalty disciplinary proceedings initiated against him culminated in minor penalty being imposed. Therefore, the respondents should promote him to the cadre of CCF in the scale of pay of Rs.37400-67000 with GP of Rs.10000/-. The applicant cites judgment of the Hon'ble Supreme Court in Dev Dutt v. Union of India in support of his contention.

5. Heard both the counsel and perused the pleadings on record.

6. The dispute is about the promotion of the applicant to the post of CCF with GP of Rs.10,000/-. The applicant submits that his batchmates have been promoted as CCF. However, the same has been denied to the applicant. It is seen from the material available that the applicant was proceeded on disciplinary grounds, which ended in imposing a minor penalty of Censure as per the details given in para 3 above. The applicant prays that the sealed cover may be opened and as per the findings of the sealed cover, his case may be examined and considered for promotion. The applicant also made a representation in this regard. According to the applicant, the said representation has not been disposed of.

7. In view of the above, the respondents are directed to dispose of the representation of the applicant, within 4 weeks from the date of receipt of this order, by passing a speaking and reasoned order. With the above direction, the OA is disposed of, at the admission stage. It is made clear that we have not gone into the merits of the OA. There shall be no order as to costs.



(B.V.SUDHAKAR)
ADMINISTRATIVEMEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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