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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 1329/90
M.A. NO. 2181/91

New Delhi, 9.8.1994

CORAM :

THE HON'BLE MR. S. R. ADIGE, MEMBER (A)
THE HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

P. M. Sangal,
Conservator of Forests (Central),
Indian Forest Service,
C/O Shri G. K. Aggarwal, Adv.
G-82, Ashok Vihar-I, Delhi-52. ... Applicant

None for the Applicant

Versus

Union of India through Secretary,
Ministry of Environment & Forests,
Paryavaran Bhawan, CGO Complex,
Lodi Road, New Delhi-110003. ... Respondent

By Advocate Shri M. L. Verma

O R D E R (ORAL)

Shri S. R. Adige, Member (A) -

In this application, Shri P. M. Sangal, Indian Forests Service (for short IFS), has impugned the proceedings of the DPC held in 1990 for promotion of eligible officers to the post of Principal Chief Conservator of Forests (for short PCCF) in the Union Territories Cadre of the IFS.

2. None appeared for the applicant when the case was called out. Shri M. L. Verma appeared for the respondents. As this is a very old case, we thought it fit to dispose it of after considering the materials on record and hearing Shri Verma.

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3. The applicant began his career as an Assistant Conservator of Forests on 1.10.1969 in the State Forests Service of Andaman & Nicobar Islands. He was inducted into the IFS on 1.10.1966 and was placed in the Union Territories Cadre of that Service. On 28.7.1982, he was promoted as Conservator of Forests in U.T. Cadre in Arunachal Pradesh and on 7.1.1987 he was appointed as Conservator of Forests (Central) at the Regional Office at Bhubaneswar by the Central Government, where he worked till 24.10.1988.

4. The applicant contends that there are three posts of Principal Chief Conservator of Forests (PCCF), one in Arunachal Pradesh, one in Mizoram and one in Andaman & Nicobar Islands to be filled by officers from the IFS. The respondents held a DPC to consider eligible officers from the Service of the U.T.s Cadre for the three posts of PCCF some time in 1990, and the applicant contends that he was eligible to be considered but apprehends that he was not considered. He has also argued that the States of Arunachal Pradesh, Goa, Mizoram etc. have separate cadres for IFS officers belonging to the erstwhile U.T.s cadre, and they cannot be promoted to posts in these States without consulting the concerned States. He states that he has been adversely affected by the erstwhile U.T.s Cadre IFS officers being illegally and unconstitutionally promoted to the post of PCCF in Andaman & Nicobar, Arunachal Pradesh and Mizoram, and if separate DPCs were held for everyone of the three posts of PCCF after constituting separate cadres for Arunachal

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Pradesh and Mizoram and allotting earstwhile U.T.s Cadre officers to different States/U.T.s, he by virtue of his seniority alone would have been promoted as PCCF in either Andaman & Nicobar Islands, Arunachal Pradesh or Mizoram. He has also urged that the constitution of the DPC was illegal because there was no representative from the constituent States, and the impugned DPC did not deliberate as a committee for evaluation of the comparative merits of the candidates.

5. The respondents have resisted the contentions made in the O.A. and have pointed out that the findings of the said selection committee which met in New Delhi on 14.3.1990 considered selection for appointment to the post of PCCF in the Arunachal Pradesh-Goa-Mizoram-Union Territories (AGMU) Cadre of the IFS, which was thereafter implemented by way of promotion of the recommended officers to the grade of PCCF vide orders dated 20.9.1990. The applicant was also considered along with others. The respondents point out that it is not the function of the Tribunal to sit as a DPC or as a selection committee or as an appellate court over the findings and selection made by a duly constituted selection committee. The selection cannot be held improper or illegal, inasmuch as the same has been done in substantial compliance of the requirements of the rules, regulations and administrative instructions. It has further been pointed out that the U.T.s Cadre in the IFS stood reconstituted as the AGMU joint cadre w.e.f. 3.4.1989 and is bound in its operation by the provisions of the All India Services (Joint Cadre) Rules, 1972 and other rules and regulations framed under Section 2A of the All India

Services Act, 1951. With the formulation of the AGMU joint cadre, the need for retaining the transitory provisions in terms of which the U.T. cadre of the IFS was retained as such even after conferment of Statehood on Arunachal Pradesh, Goa and Mizoram in relation to the posts and officers forming part of the strength of the IFS in the respective States and Union Territories came to a clause. The respondents have denied the charge that they have usurped the powers and functions of the States of Arunachal Pradesh, Goa and Mizoram inasmuch as the members of the AGMU joint cadre have while specifically delegating certain functions to the Central Government concerning the management of the AGMU joint cadre of the IFS also ratify the actions taken by the Central Government between 3.4.1989 upto the date of delegation and, therefore, the respondents contend that the actions of the Central Government in the matter of effecting promotion in the AGMU joint cadre, cannot be a question of challenge before a judicial forum. It has, therefore, been denied that the impugned DPC suffered from any inherent lack of jurisdiction.

6. In the light of the averments made by the respondents, and in the absence of the applicant or his counsel, we are unable to accept the applicant's contention that the DPC which met to consider the cases for promotion to the post of PCCF in Arunachal Pradesh, Mizoram and Andaman & Nicobar Islands, suffered from any inherent lack of jurisdiction. The respondents have stated on affidavit that the case of the applicant was considered along with the cases of others in the

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meeting held on 14.3.1990 for selection to the post of FCCF, and we have no reason to doubt this statement. The respondents have rightly pointed out that it is not the function of the Tribunal to sit as a DPC or as a selection committee or as an appellate court over the findings and selection made by a selection committee which has been duly constituted. The applicant has not alleged any mala fide or bias against any individual member of the committee, and, therefore, it must be presumed that their findings were objective and based upon relevant considerations. The applicant has asserted that the DPC had not actually met face-to-face but the decisions were taken by circulation. This has been vehemently denied by the respondents and there are no materials before us to doubt this denial. Lastly, it appears that the recommendations of the DPC have since been implemented by way of promotion of the recommended officers w.e.f. 20.9.1990.

7. In the result, the impugned orders warrant no interference and this application is dismissed.
No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

S. R. Adige
(S. R. Adige)
Member (A)

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