

Central Administrative Tribunal
Principal Bench

(12)

O.A. No. 1751, of 1993

New Delhi, dated this 25- NOVEMBER 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mr. Kuldip Singh, Member (J)

Shri Amar Nath,
S/o late Shri Gopal Dass,
R/o 56, Neshvilia Road,
Dehra Dun-248001, ... Applicant
U.P.

(Applicant in person)

Versus

1. Union of India through
the Secretary,
Ministry of Environment & Forests,
Paryavaran Bhawan,
C.G.O. Complex,
Lodhi Road,
New Delhi-110003.
2. The Director,
Indira Gandhi National Forest Academy,
P.O. New Forest,
Dehra Dun-248006.
3. The Director,
Forest Research Institute,
P.O. New Forest,
Dehra Dun-248006. Respondents

(None appeared)

O R D E R

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant seeks promotion as Asst. Registrar at Forest Research Institute, Dehra Dun w.e.f. 14.11.91 viz. the date from which his 'junior' Shri Harbux Singh was promoted to the aforesaid post along with compensation for his non-promotion as Asst. Registrar w.e.f. 14.11.91 and emoluments of the post of Office Supdt. (Rs.1640-2900) w.e.f. the date his junior was promoted to that post in FRI, with consequential benefits.

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2. Applicant's case is that he joined the Forest Research Institute and Colleges, Dehra Dun as an LDC in 1959 and was promoted as U.D.C. in 1964 and Head Clerk on 29.11.83. In February, 1986 he was transferred in the routine course to the Indian Forest College, which was then one of the many branches of FRI and Colleges. By letter dated 22.5.87 (Annexure I) the name of Indian Forest College was changed to Indira Gandhi National Forest Academy and the IGNFA was delinked from its parent body i.e. FRI and Colleges (Now called Indian Council of Forestry Research and Education). The Registrar, FRI (applicant's parent department) issued letter dated 3.6.87 (Annexure II) for reversion of applicant to his parent organisation, but the Director IGNFA by his letter dated 29.6.87 (Annexure III) retained applicant's service in the interest of work, against a sanctioned post of Sr. P.A. in IGNFA. Applicant states that his name was arbitrarily deleted from the seniority list of Head Clerks in FRI and in the mean time some posts of Office Supdt. (Rs.1640=2900) became available in FRI where he had his lien, and three Head Clerks who were junior to him were promoted as Office Supdt. He represented against this action of respondents whereupon the Ministry its letter dated 13.9.91 (copy taken on record) pointed out that applicant's name should not have been deleted from the seniority list of Head Clerks of FRI. It called upon the FRI authorities to include applicant's name at the appropriate place in the seniority list of Head Clerks of

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DPC

FRI which had been placed before the Group 'B' DPC in 1989, and thereafter to convene a review DPC meeting to consider applicant's case for promotion as Office Supdt. In case he was found suitable, his name was to be interpolated at the appropriate places in the 1989 or 1990 panel for promotion as Office Supdt. and thereafter he would be given all the benefits of promotion notionally as per 'next below rule'. On promotion as Office Supdt. applicant could be retained in IGNFA as a post of Office Supdt. had been sanctioned for IGNFA in November, 1990.

3. Applicant admits that pursuant to those orders he was given notional promotion as Office Supdt. w.e.f. 24.7.89 when his immediate junior was so promoted.

4. Applicant represented on 17.12.91 (copy taken on record) for reversion to his parent department when he held his lien as his junior Shri Harbux Singh had meanwhile been promoted as Asst. Registrar (Rs.2000-3500) but that prayer was rejected vide order dated 14.1.92 (Annexure IV). Applicant represented against that decision on 14.2.92 (Annexure V) pointing out inter alia that his lien in FRI could not be terminated without his consent, and if for any reason it was not practicable to revert him to his parent office, a supernumerary post of Asst. Registrar be created in IGNFA against which he be promoted w.e.f. 14.11.91. He states that his case was supported by the Director, IGNFA who recommended that the post of Office Superintendent, IGNFA be temporarily

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upgraded to that of Asst. Registrar and applicant be promoted to that upgraded post, but the Ministry in its letter dated 2.12.92 (Annexure VI) rejected the same.

5. Meanwhile applicant retired on superannuation on 31.1.93.

6. Respondents in their reply challenge the O.A. They state that consequent to the setting up of National Forest Academy (subsequently renamed IGNFA) in May, 1987 the then Indian Forest College was delinked from FRI and merged with the newly formed Academy. The staff in IFC were formally transferred to the Academy along with their posts and work. Applicant's services were placed at the disposal of the Academy in the interest of work. Meanwhile it was decided that the Academy and the FRI would have separate cadre w.e.f. 1.7.88 for all administrative purposes including confirmation, promotion etc. In the process applicant's name which figured in the seniority list of Head Quarter in FRI was deleted as he was working in the Academy as a result he was not considered for promotion of Head Clerk to the grade of Office Superintendent in FRI in 1989-90 but upon his representation, his grievance was redressed by the Review DPC which recommended his case for notional promotion to the post of Office Superintendent w.e.f. 24.7.89 i.e. the date his immediate junior was promoted. Respondents state that in 1989 both FRI and IGNFA were under the Ministry of Environment and Forests and a post of Office

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Superintendent was available in IGNFA to effect applicant's promotion. The Review DPC also recommended that applicant should be absorbed against the sanctioned post of Office Supdt. in the Academy and that would also not have any claim whatsoever to any post in FRI thereafter, and applicant was absorbed against the sanctioned post of Office Supdt. in the Academy w.e.f. 19.11.91. Meanwhile FRI was itself converted into an autonomous institution w.e.f. 1.6.91 and applicant stood transferred to IGNFA in public interest before such

No option for change of cadre from a Central Government Officer to an autonomous organisation is permissible. Respondents contend that applicant ceased to be an employee of FRI, and had been taken on the cadre of IGNFA consequent to it having become an independent Government organisation in May, 1987. There was no post of Assistant Registrar in IGNFA where applicant was working as Office Superintendent before his retirement, and hence the question of his promotion as Assistant Registrar did not arise. Moreover he could compare his promotional prospects available to his counterparts in an autonomous organisation, namely FRI.

7. Applicant had filed rejoinder in which he has denied respondents' assertions and broadly reiterated his own.

8. We have heard applicant who argued his case in

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person, and Shri N.s. Mehta for respondents. We have perused the materials on record and given the matter our careful consideration.

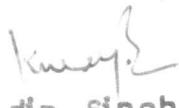
9. From Paragraph 1 of applicant's own representation dated 17.12.91, respondents' contention is borne out that applicant was promoted as Office Supdt. in IGNFA by order dated 19.11.91 on the clear stipulation that he would not have any claim whatsoever to any post in FRI hereafter. Applicant does not deny that he joined duty on the promotional post with the above condition. It is true that he represented for being reverted to his parent organisation, but he did so after joining the promotional post of Office Supdt. in IGNFA. It would have been an entirely applicant's matter if he had refused the offer of promotion as Office Supdt. in IGNFA and "insisted" on his reversion to FRI. However having joined on the promotional post of Office Supdt. in IGNFA with the clear stipulation that he would not have any claim whatsoever to any post in FRI thereafter, it must be deemed that applicant had severed his links with FRI and respondents are correct when they state that applicant cannot compare his promotional prospects without those available to his counterparts in that organisation, which in the mean time has been converted into an autonomous organisation.

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unable

10. In the result we find ourselves to grant the relief prayed for by applicant. The O.A. is dismissed.

No costs.


(Kul dip Singh)

Member (J)


(S.R. Adige)
Vice Chairman (A)

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