

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 253/93

New Delhi this the 24th day of April 1998

Hon'ble Shri N. Sahu, Member (A)
Hon'ble Dr. A. Vedavalli, Member (J)

1. S.K. Niraj,
S/o Dr. D. Prasad,
R/O University Campus,
Muzaffarpur,
Presently at D-1/134
Chanakyapuri, New Delhi
2. Anil K. Gupta,
S/o Shri Guru Prashad Gupta
B-182-A, Bapu Nagar,
Mangal Marg,
Jaipur-302 015.
3. M.U. Khan
S/o S.U. Khan
64/10, Civil Lines
Guna Cantt. (M.P.)-2
4. Dileep Kumar
S/o Sh. Chandrika Prasad
Village Nagarajairam
Post Brahammavali (Aurangabad)
Distt. Sitapur (U.P.)
5. Mukund Lal Srivastava
S/O Shri Rajendra Prasad
c/o Mr. R.K. Lal
DTS 9CTC)
N.E. Railway
Gorakhpur.
6. Dharamendra Prakash
S/o Late G.C. Srivastava
C/o Smt. Chandra Mohini Srivastava
C/123/28, Near Shyam Lodge
Sumer Nagar, Gorakhpur-273 001.
7. Sanjay Kumar Pathak
IFS(P)
S/O Dr. P.S. Pathak
Princial Scientist
Indian Grassland & Fodder
Research Institute
Jhansi-284 003.
8. Manoj Kumar Shukla
S/O Shri D.D. Shukla
Rafiganj
Faizabad (U.P.)

9. M.K. Yadav
C/o Smt. S.S. Yadav
Rashtriya VIDyalaya H.S. DIGBOI
P.O. DIGBOI
Distt: Dibrugarh
Assam-786 171
10. Vijay Sharma
S/O H.S. Sharma
25 G, Tagore Town
Allahabad 211 002
11. Meenakshi Negi,
C/o Mr. A.S. Negi,
Studio Lodge
Kulri, Mussoorie (U.P.)
Pin- 248 179
12. Jagat Ram
S/o Shri Moti Ram
Village Tarot, P.O. Kanaid
Teh. Sundernagar,
Distt. Mandi -175 048
13. Nameeta Meshram
C/o Charuchandra Tripathy
Post- Galupur
Village- Galuapur, Kanpur Dehat
Kanpur (U.P.)
14. Madan Pal Singh,
IPS (Probationer)
S/O J.D. Singh
R/O Village Chandanawana
P.O. Kashichak
Distt. Nanda
Bihar
15. Biswajit Kumar Singh.
S/o Baleshwar Prasad,
MIEF 49, Chanakyapuri
5 Katari Hill Road, Gaya-1

.....Applicants

(By Advocate: None)

Versus

1. Union of India
through the Secretary to the
the Govt. of India,
Ministry of Environment & Forest
Parivaran Bhavan,
C.G.O. Complex,
Lodhi Road,
New Delhi- 110 003.
2. The Director
Indira Gandhi National
Forest Academy,
Dehradun, U.P.

3. Union Public Service Commission,
through its Secretary,
Dholpur House,
Shahjahan Road,
New Delhi- 110 001.

..... Respondents
(By Advocate: Shri P.H. Ramchandani)

ORDER (Oral)

By Hon'ble Shri N.Sahu, Member (A)

Heard Shri P.H. Ramchandani, learned counsel for the respondents. Neither the applicant nor his counsel appeared even on the second call. By a note of the Registry on 9.7.93 it was stated that in spite of sufficient time granted to the applicant for filing the rejoinder, the same has not been filed. It showed that the applicant had lost interest in this case. After hearing learned counsel for the respondents we are able to perceive the reasons for the lack of interest of pursuing this O.A.

2. The prayer of the applicant in this O.A. is that he wants to be given seniority w.e.f. 3.7.89 i.e. date from which other officers of his batch i.e. 1988, examination 1989 batch of the Indian Forest Services were qualified and he prays that accordingly the inter-se-seniority should be fixed.

3. The brief background facts are that the applicant had qualified in the 1988 examination and wanted to appear in the Civil Services Examination 1989. It was communicated to him that if he wanted to avail of a chance in the Civil Services Examination 1989, he would not be permitted to join the Indian Forest Service in 1989. He would be permitted to join only in 1990

depending upon the result of his performance in the 1989 examination. The applicant followed these instructions, appeared in the examination for 1989 and waited for the results. His batchmates who were also conveyed similar instructions did not obey these instructions and joined the training in 1989 but wrote the Civil Services Examination simultaneously. When the applicant went back to the respondents for joining after the results of 1989 Civil Services Examination were declared, he found that his batchmates had already joined and he was apprehensive of his seniority as there was an ensuing litigation going on in four OAs which was resolved by a common order dated 20.10.90 by a Division Bench of this Principal Bench. The applicants in this O.A. were also batchmates of the applicant. The Tribunal allowed their applications and deleted the last sentence of para-4 of the letter dated 13.3.89. The applicants in those OAs have become eligible, according to the court, to sit in the 1990 Civil Services Examination and this court held that they were not affected by the restrictions contained in the second proviso of rule(4) of the Civil Services Examination Rules. Respondents themselves after this order determined the inter-se-seniority of I.F.S. Officers appointed on the basis of I.F.S. Examination 1988 by the communication dated 30.12.1997. They placed the applicant at Sr. No. 51 of this seniority list. We are informed that one Shri Anupam Gupta, the applicant in the O.A. referred to above, has also been placed at Sr. No. 18 and all other persons in the list are batchmates of the applicant. We are also informed that the seniority has been given on the basis of the marks obtained at the U.P.S.C. as well as the marks obtained

in the Training Institute. It is for this reason presumably that the applicant finds that the grievance having been met, he has no cause to pursue this O.A. further. We also notice that he is not present today even on the second call. Under these circumstances we find that this O.A. having become infructuous and also the applicant having lost interest in pursuing this O.A. it has to be dismissed. It is accordingly dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

N. Sahu

(N. Sahu)
Member (A)

cc.