

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00339/2021

HYDERABAD, this the 27th day of April, 2021

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



I. Prakash S/o Late I. Krupanandam,
(Group-A), Aged about 42 years,
Occ : Deputy Conservator of Forests /
Divisional Forest Officer (under suspension),
Urban Forestry, HMDA, R/o Flat No.104,
Lakshmi Arcade Apartments, Gangastan
Gated Community, Dhulapelly, Hyderabad,
Telangana State.Applicant

(By Advocate : Mrs. Nandita Guha)

Vs.

1. The Government of India,
Rep by its Secretary to the Government,
Ministry of Environment & Forests,
Paryavaran Bhavan, CGO Complex,
Lodi Road, New Delhi.
2. The Secretary,
Union Public Service Commission,
Dholpur House, New Delhi.
3. The State of Telangana,
Rep by its Chief Secretary to Government,
General Administration (SC-IFS) Secretariat Building,
Saifabad, Hyderabad.
4. The Department of Environment, Forest, Science
& Technology, Rep. by its Spl. Chief Secretary to Government,
Secretariat Buildings, Saifabad, Hyderabad.
5. The Government of Telangana,
Represented by its, Prl. Chief Conservator of Forests,
Head of Forest Force, Aranya Bhavan, Saifabad,
Hyderabad.Respondents

(By Advocate : Mrs. K. Rajitha, Sr. CGSC, Mr. P. Raveender Reddy, Spl. Counsel for State of Telangana & Mr.B.N.Sharma, SC for UPSC)

ORAL ORDER

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

Through Video Conferencing:



2. The O.A. is filed challenging the inaction of the 3rd respondent in not issuing the Integrity Certificate for promoting the applicant to the next higher grade.
3. The brief facts of the case are that the applicant has joined the respondent's organization as Assistant Conservator of Forests in the year 2010 and was promoted as Deputy Conservator of Forests in the year 2017. Presently, he is working as Divisional Forest Officer. He has completed 8 years of service and is eligible to be considered for appointment to Indian Forest Service under All India Service Act. The applicant submits that there are vacancies for the years from 2014 to 2019, which are liable to be filled up by way of appointment by promotion to Indian Forest Service. The applicant became eligible to be appointed to IFS on promotion on 01.01.2018. The applicant has got the requisite qualifications to be considered for appointment to IFS. Neither a charge sheet nor a criminal case is pending against him. However, the respondents have not issued integrity certificate to the applicant though nothing substantial is pending against him. Aggrieved over the same, the present O.A. is filed.



4. The contentions of the applicant are that the respondents have not followed the instructions of Ministry of Home Affairs vide letter dated 26.5.1970 in issuing the integrity certificate. There are no jurisdictional facts pending against the applicant, which call for denial of issuance of integrity certificate. Non-issuance of integrity certificate is violative of Article 14 & 16 of the Constitution. The applicant, though eligible is not considered over the years from 2018 till 2020 for appointment to IFS on promotion. It is also submitted that the respondents have considered an officer Sri B. Jaya Kumar, who was facing a disciplinary case, for promotion, whereas in respect of the applicant, against whom even a charge sheet is not pending, integrity certificate is not being issued by the respondents. The Tribunal has directed the respondents to issue integrity certificate to Sri N. Nageswara Rao, Divisional Forest Officer when he filed OA No.265/2014 and to Sri Shaik Salam in OA No.1367/2013. The applicant is similarly situated and, therefore, prays for grant of similar relief.

6. Heard the learned counsel for the parties and perused the pleadings on record.

7. I. The applicant is aggrieved that integrity certificate has not been issued to him and, therefore, his promotion to Indian Forest Service on appointment has not been considered over the last few years. Learned counsel for the applicant has prayed that as an interim measure, the respondents may be directed to issue integrity certificate to the applicant.



II. We have gone through the facts of the case and it is seen that there was a raid by the ACB officials in the chamber of the applicant and found cash of Rs.10.50 lakhs in the wooden shelf of the applicant. An FIR was lodged against him and he was remanded to judicial custody. The cash was recovered when the applicant was away from his chamber and there was no lock to the wooden shelf. The lock and key of the applicant's chamber were maintained by the security official. The respondents have not issued any charge sheet to the applicant nor is a criminal case pending against him as per the version of the applicant. The applicant made a detailed representations on 27.2.2021/ 01.04.2021 requesting the respondents to issue the integrity certificate. However, the representations have not been disposed of till date.

III. After hearing the learned counsel for the parties, we are of the view that the respondents need to be directed to dispose of the representations dated 27.2.2021 & 1.4.2021 submitted by the applicant. Directing the respondents to issue integrity certificate in respect of the applicant as prayed by the learned counsel for the applicant may not be fair without giving an opportunity to the respondents to let know their stand. Moreover, in the context of ACB raid done in the chamber of the applicant, it would be proper and appropriate for the respondents, at the first instance, to take a view on the representations made by the applicant.

IV. Keeping the above in view, we direct the respondents to dispose of the representations cited, within six weeks from the date

of receipt of a copy of this order, by issuing a speaking and reasoned order in accordance with rules and law.

With the above direction, the O.A. is disposed of. There shall be no order as to costs.



(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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