

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00114/2021

Jabalpur, this Wednesday, the 31st day of March, 2021

HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER



1. Prabhat Mishra, S/o Shri R.P. Mishra, aged about 55 years, Conservator of Forest, Working Plan Durg, Chhattisgarh 491001.

2. K.R. Barhai, S/o Shri Rai Singh Barhai, aged about 55 years, Divisional Forest Officer (D.F.O), Baloda Bazar, Chhattisgarh 493332.

-Applicants

(By Advocate – Shri Swapnil Ganguly)

V e r s u s

1. Union of India through its Secretary, Ministry of Forest & Environment, New Delhi – 110001.

2. Union Public Service Commission, Dholpura House, Shahjahan Road, New Delhi – 110069.

3. State of Chhattisgarh through its Principal Secretary/Secretary, Department of Forest Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh 492901.

-Respondents

(By Advocate – Shri Surendra Pratap Singh for respondent No.1

Shri Mohan Sausarkar for respondent No.2

Shri Ajay Ojha for respondent No.3 is on adjustment)

O R D E R

By Ramesh Singh Thakur, JM.

Through this Original Application, the applicants are seeking direction to the respondent-UPSC to hold review DPC/Screening Committee meeting

in pursuance to recasting of seniority done by the State of Chhattisgarh on 13.09.2019 (Annexure A-6) in a time-bound manner.

2. The applicants have sought for the following reliefs:

- “8(i) Call upon the entire records pertaining to the lis in question;
- (ii) Direct the respondent UPSC to hold review DPC/Screening Committee meeting at an early date in pursuance to recast of seniority as has been done by the State of Chhattisgarh on 13.09.2019 (Annexure A-6) in a time bound manner, the recommendations of the UPSC may further be implemented by the Union of India in a time bound manner;
- (iii) Any other relief deemed fit be also granted.”

3. Brief facts of the case are that the applicants are working as IFS officers in the State of Chhattisgarh. The applicant No.1 was inducted in the Indian Forest Services in the year 2012 and was allotted IFS of the year 2006, whereas applicant No.2 was inducted in the year 2013 and was allotted 2007 batch. One Shri Rajesh Chandele, who was a waiting list candidate of 1989 vacancy, was appointed on 01.07.1991 and was awarded IFS in 2008 and was given the year of allotment 2003.

3.1 After bifurcation of State of Chhattisgarh from erstwhile Madhya Pradesh, the applicants were allocated to State of Chhattisgarh. But in the State of Madhya Pradesh, certain litigations were pending before the Hon'ble High Court regarding fixation of seniority on the basis of the State



Forest Service Recruitment Rules 1976 in which after the decision of the Hon'ble High Court of Madhya Pradesh in Writ Petition No.18517/2010 decided on 29.11.2012, the State of Madhya Pradesh has issued a detailed order dated 17.09.2014 (Annexure A-2) regarding fixation of the seniority.

3.2 Subsequently, several correspondences were made between the State of Chhattisgarh and State of Madhya Pradesh with regard to fixation of seniority and ultimately on 12.10.2018 and 06.12.2018 (Annexure A-4 collectively), the State of Madhya Pradesh clarified the position of applicants vis-à-vis Shri Rajesh Chandele and the applicants were assigned the seniority over and above Shri Rajesh Chandele. Since no action was taken by the respondents in pursuance thereof, the applicants approached this Tribunal by filing Original Application No.269/2019, which was disposed of vide order dated 28.03.2019 (Annexure A-5) with liberty to the applicants to file their detailed representation and further direction to the respondents to consider and decide the same by passing a reasoned and speaking order. In pursuance to the order passed by this Tribunal, the State of Chhattisgarh has passed the order dated 13.09.2019 (Annexure A-6), showing the applicants senior to Shri Rajesh Chandele. Since no decision was taken by the respondent No.3 regarding consequential benefits, the





applicants again approached this Tribunal by filing Original Application No.989/2019, which was disposed of vide order dated 31.10.2019 (Annexure A-7) with direction to the respondents to decide the representation for granting consequential benefits within 90 days. Subsequently, in reference to the correspondence dated 17.03.2020 of the State of Chhattisgarh for change of year of allotment in respect of the promotee IFS officers of Chhattisgarh Cadre, the Government of India vide letter dated 05.06.2020 (Annexure A-6) has communicated that any change in select list can only be done by convening Review Selection Committee Meeting, which comes under exclusive domain of the UPSC. However, no action has been taken till date by the respondent-UPSC.

4. The respondent No.2-UPSC has filed reply. In para 2.6 of their reply, procedure as per the provisions of Regulation 6 and 6(A) and Regulation 7 of the IFS (Appointment by Promotion) Regulations 1966 has been mentioned.

5. During the course of argument, learned counsel for the applicants submitted that on 16.03.2021, the State of Chhattisgarh has sent a proposal

to the Secretary, UPSC for convening review DPC. The communication dated 16.03.2021 is taken on record.

 6. In the peculiar circumstances of this case, we are of the view that the issue regarding the seniority of the applicants qua Shri Rajesh Chandele has already been finalised on 13.09.2019 (Annexure A-6) by the State of Chhattisgarh on the basis of the judgment passed by the Hon'ble High Court of Madhya Pradesh. Due to this reason, it is incumbent on the UPSC to convene a Review Selection Committee Meeting of the applicants vis-à-vis Shri Rajesh Chandele as per the regulations. Accordingly, we direct the respondent-UPSC to convene the Review Selection Committee Meeting, within a period of three months from the date of receipt of a copy of this order.

7. With these observations, this Original Application is disposed of. No order as to costs.

(Naini Jayaseelan)
Administrative Member

am/-

(Ramesh Singh Thakur)
Judicial Member