

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD

ORIGINAL APPLICATION NO.833 OF 1995

FRIDAY, THIS THE 3RD DAY OF JANUARY, 2003

HON. MR. JUSTICE R.R.K.TRIVEDI, VICE CHAIRMAN
HON. MAJ. GEN K.K.SRIVASTAVA, MEMBER(A)

R.Muthusami
a/a 42 years
s/o P.Rangaswamy Naidu,
presently working as Assistant
professor Engineering and Surveying
Indira Gandhi National Forest Academy
New Forest Post, Dehradun. Applicant

(By Advocate:-Sh. Sudhir Agarwal)

Versus

1. Union of India through the Secretary
Ministry of Environment and Forest
(Department of Environment, Forest and
Wildlife) Paryavaran Bhawan
C.G.O.Complex Lodi Road,
New Delhi.
2. The Director, Indira Gandhi National
Forest Academy New Forest Post,
Dehradun. Respondents.
(By Advocate:-Sh. R.C.Joshi)

O R D E R

HON. MR. JUSTICE R.R.K.TRIVEDI, VICE CHAIRMAN

By this O.A Under Section 19 of Administrative Tribunals
Act, 1985, applicant has prayed for a direction to the
respondents to provide atleast two promotional avenues to the
applicant and to consider the applicant for such promotion
and to give him ~~the~~ such promotion with effect ~~on~~
from the date when he would have been entitled for promotion
from Assistant Lecturer(Engineering and Surveying) to
Lecturer.

2. The facts of the case are that the applicant was
selected and appointed through U.P.S.C in 1985 as Assistant
Lecturer(Engineering and Surveying) in the Central Forest
Ranger College, Chandrapur (Maharashtra). This college
was, at that time, a part of the Umbrella body of the
FRI and colleges, Dehradun. The post carried/scale of
Rs. 650-1200 (now revised Rs.2200-3500). As per the
recruitment rules, the minimum essential qualification prescribed

for the recruitment to the post of Assistant Lecturer (E&S) was Bachelor Degree in Civil Engineering. It is not disputed that the applicant possessed the necessary qualification. The next promotion available to the applicant under the existing rules was to the post of Lecturer (E&S) in the pay scale of 1100-1600 (now revised Rs. 3000-4500) after putting in 8 years regular service in the grade. However, before the applicant could complete the eight years service necessary for being promoted as lecturer (E&S), the Government introduced a change in service conditions and the lecturers were designated as Scientists S.D. The cadre of Assistant Lecturer (E&S) was not taken care of and the applicant's fate was left undecided. He continued to make representations from time to time to the competent authorities and they ultimately suggested to promote the applicant as Assistant Professor. This promotion was granted to applicant in 1994 though on adhoc basis initially for one year which has been extended from time to time. The applicant is continuing as adhoc Assistant Professor. The learned counsel for the applicant has submitted that the service career of the applicant came to an end, but respondents have not been able to take any definite decision about his career/progressing and he is facing uncertainty even at this stage of his service career of 18 years. The learned counsel has placed before us the letter dated 9-4-1996 filed as Annexure RA-1.

This letter was addressed to Sh.M.K.KAW, Member Secretary, Fifth Central Pay Commission, Bhikaji Cama Place, New Delhi-110 066 by Ministry of Environment and Forest, Government of India. Para '4' of the letter concluded as under :-



..... The Ministry has considered his representations and recommends that in view of the acute stagnation of Shri Muthusami and lack of promotional opportunities in his present post the post of Assistant professor (Engineering and Surveying) may be upgraded to the scale of Rs. 3000-5000/- particularly when the other incumbents in the substantive post of Assistant lecturer (E&S) who were Senior to him have already been promoted to the grade of Lecturer in Engineering and surveying and thus, became entitled for five yearly assessments promotion as Scientists under the FCS."

However, in spite of the aforesaid strong recommendation, no decision has been taken. Hon'ble Supreme Court in case of Raghunath Prasad Singh versus Secretary (Police Department) Government of Bihar AIR 1988 SC 1033 observed as under:-

..... Reasonable promotional opportunities should be available in every wing of public service. That generates efficiency in service and fosters the appropriate attitudes to grow for achieving excellence in service. In the absence of promotional prospects, the service is bound to degenerate stagnation kills the desire to serve properly...."

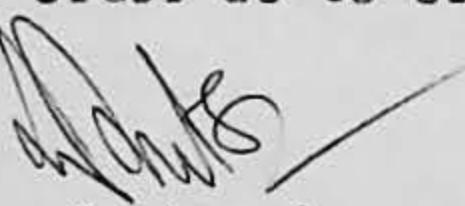
Supreme Court in this Judgment directed the state Government to provide atleast two promotional opportunities to the Officers of the State Police. In another judgment in case of O.Z. Hussain versus Union of India and others AIR 1990 SC 311 Hon'ble Supreme Court held as under:-

..... This court, has on more than one occassion, pointed out that provision for promotion increases efficiency of the public service while stagnation reduces efficiency and makes the service ineffective. Promotion is thus normal incidence of service. There too is no justification why while similarly placed officers in other ministries whenever the benefit of promotion, the non-medical 'A' Group scientists in the establishment of Director General of Health Services would be deprived of such advantage. In a welfare state, it is necessary that there should be an efficient public service and, therefore, it should have been the obligation of the Ministry of Health to attend to the representations of the counsel and its members and provide promotional avenue for this category of officers it is, therefore, necessary that on the model of rules framed by the Ministry of Science and Technology with such alterations as may be necessary, appropriate rules should be framed within 4 months from now provide promotional avenue for the 'A' category Scientists in the non-medical wing of the Directorate"

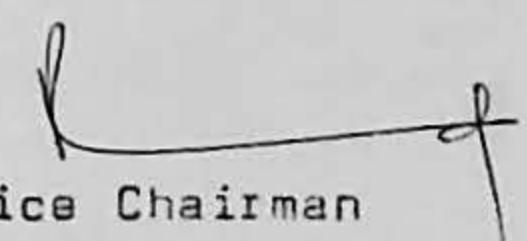
The aforesaid observation of Hon'ble Supreme Court are squarely applicable in the present case. Respondents in their letter have themselves admitted that case of applicant is an acute case of his stagnation. In the circumstances a swift action ought to have been taken by the respondents which in the present case has not been done though more than 7 years passed

after this O.A was filed in this Tribunal on 21-8-1995. If no reasonable method could be adopted for giving relief to the applicant, his case could have been easily considered for two promotions under the ACP(Assured Career Progression) scheme which has been introduced by the Central Government uniformly in all Departments.

3. Considering the facts and circumstances and the reasons stated above we disposed of this O.A with the direction to respondent No. 1 to consider the case of the applicant and take a final decision within three months from the date of a copy of this order is filed which will include application of the ACP scheme in respect of applicant also, if no other way is found by the respondents for giving relief. There will be no order as to costs.



Member-A



Vice Chairman

Madhu/