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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH:CUTTACK

ORIGINAL APPLICATION NO.103 OF 1992  
Cuttack, this the 4th day of May, 1998

Sri Amiya Kumar Mohanty ..... .

Applicant

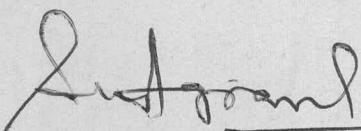
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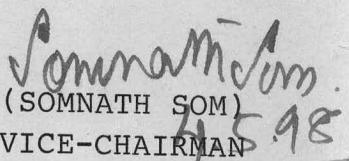
Union of India and others ..... .

Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? Yes
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No

  
(S.K.AGRAWAL) 4/5/98  
MEMBER (JUDICIAL)

  
(SOMNATH SOM) 4/5/98  
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO.103 OF 1992  
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CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN  
AND  
HON'BLE SHRI S.K.AGRAWAL, MEMBER(JUDICIAL)

.....

Sri Amiya Kumar Mohanty,  
aged about 51 years,  
son of late Purna Ch.Mohanty,  
resident of Santa Sahi,  
Cuttack, at present  
D.F.O., Rairakhol, K.L.Division,  
At/PO-Rairakhol, Dist.Sambalpur .....

Applicant

By the Advocates -

M/s B.Das-  
mohapatra  
&  
M.Rath.

Vrs.

1. Union of India, represented by  
the Secretary,  
Ministry of Environment & Forest,  
C.G.O.Complex, Lodi Road,  
New Delhi.
2. State of Orissa,  
represented through the Secretary,  
Forest & Environment Department  
Secretariat Building,  
At/PO/Munsif-Bhubaneswar,  
Dist.Puri.
3. Secretary to Government  
General Administration Department,  
Government of Orissa,  
Secretariat Building,  
At/PO/Munsif-Bhubaneswar,  
Dist.Puri.
4. Union Public Service Commission,  
through its Secretary,  
Dholpur House,  
New Delhi .....

Respondents

.....

Advocates for Respondents - M/s U.B.Mohapatra  
K.C.Mohanty, G.A., &  
C.A.Rao.

SOMNATH SOM, VICE-CHAIRMAN

In this application under Section 19 of Administrative Tribunals Act, 1985, the petitioner has prayed for a direction to the respondents, particularly Union of India (respondent no.1), to consider the case of the applicant for the purpose of initial recruitment to the Orissa Cadre of Indian Forest Service and appoint the petitioner to Indian Forest Service as an initial recruit and to give all consequential financial and promotional benefits like other seven officers of the same batch as that of the petitioner in Orissa State Forest Service. There was an interim prayer that provisional gradation list should not be finalised till the O.A. is disposed of. But on the date of admission of this application on 3.4.1992 the prayer for interim relief was disposed of with the direction that the result of this application will govern the future service benefits of the petitioner including his seniority and if any appointment is given thereafter out of the select list already prepared, then such appointee should be specifically informed that his appointment is subject to the result of this application.

2. The case of the petitioner is that on the basis of competitive examination, he was selected in Orissa Forest Service and deputed for training to Indian Forest

College, Dehradun, for three years from December 1960 . On completion of training, he was appointed as Assistant Conservator of Forests, Angul Forest Division, with effect from 6.4.1964 and had been in continuous service in Orissa Forest Service till Indian Forest Service was constituted. In 1966 Government of India formed the Indian Forest Service in exercise of powers conferred under Section 3 of All India Services Act, 1951 and Indian Forest Service (Cadre)Rules, 1966 were framed under the above Act. The Indian Forest Service (Initial Recruitment) Regulations, 1966 came into force with effect from 1.7.1966. The petitioner's case is that according to Regulation 4 of the Indian Forest Service (Initial Recruitment)Regulations, 1966 (hereinafter referred to as "Intial Recruitment Regulations") he was eligible to be considered for appointment as an initial recruit in Indian Forest Service in the JuniorScale as the three years spent by him in training were due to be taken into account for the purpose of computation of four years of continuous service.

*S.Jom.*  
The petitioner further states that according to Regulation 5, the Special Selection Board constituted under Regulation 3 was required to prepare, in order of preference, a list of officers of State Forest Service who were adjudged by the Board to be suitable for appointment as initial recruits to Indian Forest Service (Senior Scale) and Indian Forest Service (Junior Scale) . For this purpose, the Board is

required to prepare two lists. The Regulations also provide that for those persons who are considered but not selected, the Board has to record reasons for their non-selection and the same have to be sent to Union Public Service Commission (respondent no.4) who would then make final recommendation to the Central Government. According to these Regulations, first selection was made in January 1967 when 41 officers were selected. But this select list was not given effect to as the Chief Conservator of Forests, Orissa, who himself was an initial recruit, was made a member of the Special Selection Board. Thereafter another Special Selection Board was constituted in the year 1971. The petitioner states that at that time for the purpose of initial recruitment there were 53 posts, 40 in the Senior Scale and 13 in the Junior Scale. The Special Selection Board adjudged 42 State Forest Service officers suitable for appointment to Indian Forest Service as initial recruits and after approval of Union Public Service Commission and Government of India those 42 officers were appointed to I.F.S. as initial recruits. Some of the State Forest Service officers, who were not adjudged suitable to be appointed as initial recruits challenged the selection in a batch of writ petitions in the Hon'ble Supreme Court. These writ petitions along with similar writ petitions from Uttar

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Pradesh and Maharashtra were decided by the Hon'ble Supreme Court in the case of K.Prasad and others v. Union of India 26  
others, AIR 1988 SC 535. The Hon'ble Supreme Court in the above judgment set aside the selection made in Orissa, while upholding the same in respect of Maharashtra and Uttar Pradesh, and ordered that the selection should be redone properly in the light of the observations made by their Lordships in the above judgment. The petitioner's case is that even after this judgment delivered on 10.12.1987, the respondents in violation of the said judgment considered only those officers who were earlier found unsuitable and inducted 16 officers of the State Forest Service to IFS. The petitioner has further stated that only those officers who approached the Hon'ble Supreme Court were inducted as initial recruits in the selection subsequent to the judgment of the Hon'ble Supreme Court. The case of the petitioner, who had not approached the Hon'ble Supreme Court, was not considered. Being aggrieved by non-consideration of his case, the petitioner sent several representations and his last representation dated 15.11.1991 is at Annexure-4. But as no orders on his representation were passed or communicated to him, he has approached the Tribunal with the aforesaid prayers.

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3. Counters have been filed by the State of Orissa (respondent no.3) and Union Public Service Commission (respondent no.4). Learned Additional Standing Counsel appearing for Union of India (respondent no.1) has adopted the counter filed by the State Government. The State Government in their counter have submitted that the Special Selection Board first met in January 1967 and found 41 officers suitable for appointment in the State Cadre of Indian Forest Service as initial recruits. This initial recruitment made in 1967 was struck down by the Hon'ble Supreme Court in the case of A.K.Kraipak and others v. Union of India and others, AIR 1970 SC 150. After this first round of selection was set aside, the Reconstituted Special Selection Board met in 1971 and adjudged 42 State Forest Service officers suitable for appointment to the State Cadre of I.F.S. as initial recruits and accordingly, these 42 officers were appointed with effect from 1.10.1966 during 1971. This selection was challenged by eight petitioners before the Hon'ble Supreme and the Hon'ble Supreme Court in their judgment in the case of K.Prasad and others (supra) allowed the petitions and ordered fresh consideration of eligible officers. The Hon'ble Supreme Court also directed that appointment of 42 officers who had been earlier selected would not be disturbed. The Special Selection Board met on 1.12.1988. They considered 22 more

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officers over and above the 42 officers already selected and out of these 16 were appointed as initial recruits to I.F.S. The total number of official recruits thus became 58 taking into account the 42 persons selected earlier. The State Government have stated that in 1971 selection the case of the applicant was sponsored by the State Government in their letter dated 28.4.1971 for consideration by the Special Selection Board. He was considered but not found suitable. Again in 1988 his name was sponsored along with other officers of the State Forest Service in State Government's letter dated 22.11.1988. He was again considered and not found suitable. As regards the assertion of the petitioner that out of 53 posts which were the strength of the Cadre, 40 were in the Senior Scale and 13 in the Junior Scale, the State Government have pointed out that there was no such break-up. The State Government in paragraph 14 of the counter have mentioned that the petitioner was communicated adverse entries in the C.Rs. for the years 1964-65, 1968-69, 1969-70, 1971-72, 1972-73, 1974-75 (a portion), 1975-76, 1978-79, 1979-80(a portion) and 1980-81. Some of the remarks have been toned down and some have been expunged either fully or partly and some representations have been rejected. The State Government have stated that no representation against the adverse entries for 1964-65 and 1980-81 has been received by the State Government.

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As the case of the petitioner was considered along with others in 1971 as well as in 1988, the State Government have claimed that the petitioner cannot have any cause of grievance and therefore, they have opposed the prayers made by the petitioner.

4. In the counter filed by the Union Public Service Commission (respondent no.4), it has been submitted that the case of the petitioner was considered by the 1971 Special Selection Board which met on 19th and 20th July 1971, but he was not recommended. The Special Selection Board of 1971 recommended 29 officers in Senior Scale and 13 officers in Junior Scale, in total 42, and 11 officers in the Senior Scale and 29 officers in the Junior Scale were not found suitable for appointment to Indian Forest Service as initial recruits. The Special Selection Board had recorded that the records of these 40 officers who were not selected were not such as to justify inclusion of their names in the list of officers found suitable for <sup>appointment</sup> as initial recruits. After this selection was set aside in the decision of the Hon'ble Supreme Court in the case of **K.Prasad and others (supra)**, the Special Selection Board again met on 1.12.1988 and considered 22 officers including the petitioner whose records were available. The petitioner was again found unsuitable and detailed reasons were recorded by the Special Selection Board for not recommending the name of the petitioner. These

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recommendations were approved by the Union Public Service Commission on 16.1.1989. The Commission in their counter have stated that the Special Selection Board which met in December 1988 considered that there was no ground for reviewing the selection of 29 officers who were found suitable in 1971 for appointment in Senior Scale of IFS and 13 officers who were found suitable for appointment to IFS (Junior Scale). The Board accordingly decided to consider the cases of 11 officers who were not found suitable for appointment in Senior Scale in 1971 and 29 officers who were not found suitable for appointment in Junior Scale in 1971. Out of these 40 officers, C.Rs. of 18 officers were not available and the cases of those officers were not considered. The cases of remaining 22 officers were considered and the case of the petitioner was also considered along with 21 other officers. On an overall assessment, the Special Selection Board in 1988 recommended three more officers for appointment in Senior Scale and 13 officers in Junior Scale. Accordingly, the petitioner's case was not recommended. The Special Selection Board recorded reasons for his non-selection. It was noted by the Special Selection Board that from his records it appears that the petitioner lacked administrative ability and control over staff. His knowledge of the branch and department as well as touring were poor. He did not take interest in his work and there was delay in submission of his

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diaries. As the case of the petitioner was considered in 1971 and again in 1988 and he was not recommended, respondent no.4 has opposed the prayers of the petitioner.

5. The petitioner has filed a common rejoinder to the counters filed by the State Government and the Union Public Service Commission. He has stated that all the State Forest Service officers of his batch were appointed to I.F.S. except him without any plausible reasons and this amounts to hostile discrimination. It has also been submitted that as the State Government had not filed any document in support of their contention that the Special Selection Board considered the case of the applicant in 1988, their submission should be disbelieved and it should be held that the Special Selection Board did not consider the case of the applicant at all in 1988. The petitioner has also stated that even though the Special Selection Board met in 1988, they were required to adjudge the suitability of the officers for initial recruitment as on 1.7.1966 and therefore, only the Confidential Character Rolls upto that date should have been considered and not the C.C.Rs. for subsequent years. From the counters filed by the State Government and Union Public Service Commission, it appears that the Special Selection Board considered the C.Rs. of the applicant for subsequent years and therefore, his non-selection on the basis of consideration of C.Rs. for subsequent years is bad in law and

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should be set aside.

6. We have heard Shri B.Dasmohapatra, the learned lawyer for the applicant, Shri K.C.Mohanty, the learned Government Advocate for the State Government, Shri U.B.Mohapatra, learned Addl.S.C. for the Union of India, and Shri C.A.Rao, learned counsel for U.P.S.C., and have also perused the records. At our instance, the learned Government Advocate has produced the C.R.folder of the petitioner and we have also perused the same.

7. Before proceeding further, it would be convenient to set out the directions given by the Hon'ble Supreme Court in the case of **K.Prasad and others (supra)**. As earlier noted, in that case, a batch of writ petitions against the initial recruitment to IFS filed from Uttar Pradesh, Maharashtra and Orissa were considered together and disposed of in this common judgment. In this judgment, their Lordships of the Hon'ble Supreme Court, after analysing the legal provisions, have dealt with the cases of different States, Uttar Pradesh, Maharashtra and Orissa separately. The relevant portion of the judgment relating to Orissa is quoted below:

J.S.M.

**"THE POSITION IN ORISSA**

36. So far as Orissa is concerned, the position is very simple. It clearly emerges from our discussion above that all the 82 eligible officers had to be considered for initial recruitment. Though it has been alleged in the counter-affidavit that they had been so

considered, the Government note referred to by counsel dated 2.6.1967 (at p.47 of the paper book) indicates to the contrary. The S.S.B. merely selected 42 officers and made an omnibus observation that the others were found unsuitable. This, as explained in Chothia (AIR 1978 SC 1214) is not proper compliance with the rules and so the selection has to be set aside with a direction that it should be redone properly.

37. It has been vehemently contended for the respondents that the writ petition should be dismissed on the ground of laches. It is true that the petitioners have come to court somewhat belatedly. Counsel urged that they had been under a bona fide impression that they had been considered and found ineligible. But this does not appear to be correct. There is on record (at p.44 of the paper book) a representation made by one of them on 20.4.67 from which it seems that he was even then aware that his name had not been considered at all because of an interpretation that the junior posts were limited to 19 only. Nevertheless, they did not take any steps. The Gujarat, Karnataka and Maharashtra judgments on which the petitioners rely had been rendered in 1978, Jan. 1981 and August 1981 respectively but even after that the petitioners allowed time to lapse. There has therefore been delay on the part of the petitioners in coming to Court. Nevertheless, having regard to the complicated nature of the issues involved, we do not think that the petitioners should be put out of court on the ground of laches. The position as it has now emerged is that all 82 eligible officers as on 1.10.1966 should be considered and not merely some of them. Their suitability should be adjudged. If they are not found suitable, reasons should be given which the UPSC should be able to consider. If they are found suitable a list of such officers should be drawn up with ranking given to them in the order of preference for the consideration of the UPSC. Since this has not been done the recruitments have to be set aside and the matter remanded with directions that it should be finalised as per the Recruitment Rules and in the light of the above discussion."

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After giving direction with regard to different States, in paragraphs 38 and 39 of the judgment, their Lordships had mentioned certain other conditions. Of these, paragraph 39 is important and this is quoted below:

"OTHER CONDITIONS

38.       xxxx                           xxxx

39. We would like to make one more thing clear before we conclude. It is not our intention, nor can it be the result of our discussion, that the appointment of any of the officers recruited under Rule 4(1) or 4(2) should be considered invalid. All the officers selected will have to be adjusted, if necessary, by amending the Cadre Regulations. The only result of our findings will be the readjustment of their seniority with necessary and consequential effect on their promotions in the Service".

Paragraph 40 of the judgment sets out the conclusion and this is quoted below:

"40. In the result, we see no merits in the appeals from U.P. and Maharashtra which, consequently, stand dismissed subject to what we have observed above. So far as the Orissa writs are concerned, they are allowed and the S.S.B. is directed to redo the selections in the light of the principles set out in this judgment. We make no order as to costs.

Order accordingly."

It is submitted by the learned lawyer for the petitioner that the Hon'ble Supreme Court in paragraph 36 of the judgment quoted above have set aside the selection with a direction that it should be redone properly. Therefore, he has contended that in 1988 selection all the 82 officers, 42 already selected in 1971 selection and 40 who were left out,

should have been considered afresh and a fresh select list should have been drawn up. But the Special Selection Board of 1988 did not consider the 42 officers selected in 1971 afresh, but took up the cases of 40 officers who were not selected in 1971. Out of these 40, C.Rs. of 18 officers were not available and the remaining 22 were only considered. This, according to the learned lawyer for the petitioner, was not in accordance with the direction of the Hon'ble Supreme Court and therefore, he urged that 1988 selection should be set aside. With regard to the observation of the Hon'ble Supreme Court, in paragraph 39 quoted above, ~~xxxxwhich~~ their Lordships made it clear that appointment of any of the officers recruited under Rule 4(1) or Rule 4(2) should not be considered invalid, all the officers selected will have to be adjusted if necessary by amending the Cadre Regulations. The only result of the Hon'ble Supreme Court's direction for redoing the selection would mean readjustment of their seniority, if necessary, with consequential effect on their promotions in the Service. It is submitted by the learned lawyer for the petitioner that this direction has no reference to Orissa select list because in paragraph 36 the Hon'ble Supreme Court had directed that the select list should be redone properly. We are unable to accept this contention because from paragraph 40 of the judgment setting

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out the conclusion, it is clear that the appeals from Uttar Pradesh and Maharashtra were dismissed subject to the observations of their Lordships with regard to those cases and the writ petitions from Orissa were allowed and the Special Selection Board was directed to redo the selection in the light of the principles set out in the judgment of their Lordships. From this it is clear that as only the Orissa petitions were allowed, this direction in paragraph 39 squarely applies to Orissa select list of 1971. Therefore, the net effect of the decision of the Hon'ble Supreme Court was that the select list had to be redone, but the selection of 42 officers made in 1971 cannot be considered invalid. In view of the above clear direction of the Hon'ble Supreme Court, the Special Selection Board which met in December 1988 did the correct thing by not reconsidering the cases of those 42 officers. Reconsideration necessarily implies rejudging their suitability and this was specifically ruled out in the judgment of the Hon'ble Supreme Court. In view of this, the Special Selection Board did the right thing by considering the balance 40 officers out of which C.Rs. of 18 officers were not available. The rest 22 officers including the petitioner were considered. The action of the Special Selection Board in this regard cannot, therefore, be found fault with.

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8. It is next submitted by the learned lawyer for the petitioner that as the respondents have not produced the record of the Special Selection Board meeting, it must be held that the case of the petitioner was not considered at all by the Special Selection Board in 1988. We are unable to accept this contention. The Union Public Service Commission and the State Government have specifically averred in their counter that the case of the petitioner was considered in 1971 and again in 1988. The State Government have indicated the letter number in which the case of the petitioner along with others was sponsored to the Special Selection Board in 1988. The U.P.S.C. have pointed out in their counter that the Special Selection Board of 1988 recorded specific reasons why the petitioner was not adjudged suitable to be appointed as an initial recruit and the finding recorded by the Special Selection Board of 1988 has also been quoted in the counter of the U.P.S.C. In view of this, it is not possible to hold that the case of the petitioner was not considered at all by the Special Selection Board in 1988. Thus the inescapable conclusion is that his case was considered in 1988 by the Special Selection Board, but he was adjudged not suitable to be appointed as an initial recruit.

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9. The third submission made by the learned lawyer for the petitioner is that for the purpose of adjudging his suitability, the C.R. of the petitioner upto 1.7.1966 should have been taken into account and not the C.Rs. for the subsequent years and as the Special Selection Board have taken into account the C.Rs. of subsequent years, their action for non-selection of the petitioner must be set aside. In support of this contention, the learned lawyer for the petitioner has relied on the decision of the Hon'ble Supreme Court in the case of Parvez Qadir v. Union of India, AIR 1975 SC 446. For the present purpose, it is not necessary to go into the facts of **Parvez Qadir's case (supra)**. It will be adequate if it is noted that the Hon'ble Supreme Court in that case held that for initial recruitment the C.Rs. upto the date from which the initial recruitments are to be made will have to be considered and not the C.Rs. upto the year when the selection was actually made. In other words, in the present case, the initial recruitment was to have been made from 1.10.1966 and therefore, C.Rs. upto that date had to be considered and not C.Rs. upto December 1988 when the Special Selection Board finally met. It will be relevant to quote paragraph 14 of the judgment of the Hon'ble Supreme Court in the case of **Parvez Qadir's case (supra)**:

"14. It was next contended that even if the selections are to be made from amongst the

persons who are members of the State Forest Service as on the date of the initial recruitment, the confidentials of those persons which have to be considered for adjudging their suitability for appointment should be those which have been written upto the time when the selections were in fact made. This argument, in our view, has no substance, because a moment's reflection would show that if persons who are to be considered for initial recruitment are those who belonged to the Service on the date of the initial recruitment, then the confidentials to be considered are only those pertaining to a period prior to that date. If this were not so, and the contention of the petitioner is accepted, then there would be a discrimination because while the suitability of those in service on the date of the initial recruitment has to be considered as on the date of the actual selection, the suitability of those who are dead or retired cannot be considered by reference to the confidentials of a later period, for the obvious reason that there can be no such record written up after the person has retired or is dead. We can find no justification for accepting the contention of the learned Advocate for the petitioner that suitability of a person has to be adjudged by reference to the confidentials written up even after the initial constitution of the Service on October 1, 1966."

Thus the position of law is well settled that at the time of considering the suitability of the petitioner in 1988 along with others, his CRs upto 1.10.1966 could only be considered and not the subsequent years. The State Government in paragraph 14 of their counter have given a long list of the various years all after 1966, except for one year when adverse entries were communicated to the petitioner and the result of the representations filed by the petitioner against

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such adverse entries. All these adverse entries from 1968-69 to 1980-81 referred to in paragraph 14 of the counter of the State Government are totally irrelevant for the purpose of adjudging the suitability of the petitioner for being appointed as an initial recruit in IFS on 1.10.1966. In view of this submission, we have called for the C.R.folder of the petitioner and looked into the same. The Union Public Service Commission in their counter have stated in paragraph 9 of the counter that the Special Selection Board of 1988 had recorded detailed reasons for not recommending the name of the applicant for appointment to IFS at its initial constitution. Deficiencies noticed in his record have also been noted by the Special Selection Board. On verification of the C.R. folder, we find that the deficiencies noticed by the Special Selection Board of 1988 for which he was not selected relate to his C.R. of 1964-65. We have compared the deficiencies mentioned by the Special Selection Board and the adverse remarks given in his C.R. of 1964-65 and these tally. From this it is clear that the Special Selection Board of 1988 did not take into account the applicant's C.Rs. after 1964-65. It is also noticed that these adverse entries were communicated to the petitioner in letter dated 30.4.1966 and the State Government in their counter have mentioned that no representation against these adverse entries was received by the State Government. In view of this, it is clear that the

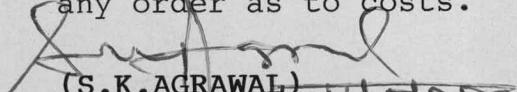
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Special Selection Board has properly exercised their power of selection while finding the applicant unsuitable for induction into IFS from 1.10.1966 as initial recruit. In view of this, we hold that the Special Selection Board have rightly assessed the records of the petitioner and this contention of the petitioner must, therefore, be held to be without any merit.

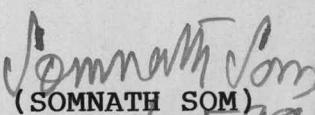
10. There is a third ground on which also the petition must fail. The case of the petitioner in the O.A. is that other persons of his batch 1962-64 were considered and appointed to IFS from 1.10.1966 and he alone was left out and this is discriminatory. It has been mentioned by the petitioner in paragraph 4(T) of his application that out of 16 persons who were adjudged suitable in the meeting of the Special Selection Board in 1988, 7 officers belong to the petitioner's batch. From the counter of the Union Public Service Commission it is seen that out of 16 officers who were found suitable for appointment to IFS as initial recruits, 3 were found suitable for Senior Scale and 13 for Junior Scale. Out of these 13, 7 officers mentioned by the petitioner in paragraph 4(T) of his application belong to the petitioner's batch. What the petitioner has not mentioned is that all these 7 persons belonging to the petitioner's batch are senior to the petitioner. In paragraph 4(V) of his application the petitioner has mentioned the case of Shri S.N. Bohidar, one of those seven, who was his immediate

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senior. So it appears that the petitioner was the juniormost person who was considered in the Special Selection Board meeting in 1988. To ascertain the position, we had directed the learned Government Advocate to tell us the factual position. In response, the learned Government Advocate filed the letter No.2959 dated 7.2.1998 addressed to him by the Joint Secretary, General Administration Department, Government of Orissa, in which it has been indicated that in the process of initial recruitment no officer junior to the petitioner was recruited as an initial recruit, as the petitioner was the juniormost officer in the State Forest Service amongst the officers in the zone of consideration for initial recruitment to IFS at that time. Thus it is seen that the petitioner was not superseded by any of his juniors. He was the last man in the list of persons who were considered. He was considered and found unsuitable and as such we hold that the petitioner has failed to make out a case in support of any of his prayers. This case does not call for any interference by the Tribunal.

11. In the result, therefore, the petition fails and is dismissed but, under the circumstances, without any order as to costs.

  
(S.K.AGRAWAL)  
MEMBER(JUDICIAL) 4/5/98

  
(SOMNATH SOM)  
4/5/98  
VICE-CHAIRMAN