

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

CA. 220/97 to be taken up

for hearing

Bench

21/3/2001

Order dt 22.3.2001

Copy of order may be given to both the counsel.

12/3/2001

S.O. (C)

Order dt 22.3.2001

Copy of order may be given to the counsel for State & Government only.

5/9/2001

S.O. (C)

J. Sam.

29. 14. 3. 2001.

Mr. R. C. Pattnaik files vakalatnama on behalf of Shri K.N. Das who will be the arguing counsel for the applicant and he wants a short adjournment. Adtd. to 22.3.01 for peremptory hearing. It is submitted by Mr. Pattnaik, for the applicant that the matter may be disposed even in his absence.

J. Sam.  
V. R. H. B. S.

Memorandum

Order dated 22.3.2001

On behalf of learned counsel for the petitioner Shri D.C. Mohanty wanted an adjournment for arguing the matter on the ground that Shri K.N. Das, the arguing counsel is ill. We find that in this case, on earlier occasion Shri Das was appearing on behalf of the applicant. It is only on 14.3.2001 Shri R.C. Pattnaik filed Vakalatnama on behalf of Shri K.N. Das, and requested the matter to be taken up on 22.3.2001 peremptorily to be taken up even in his absence and that is why the matter has been posted to this day peremptorily for final disposal. In this view of the matter prayer for adjournment is rejected.

We have heard Shri D.C. Mohanty, on behalf of learned counsel for the petitioner, Shri K.C. Mohanty, learned Govt. Advocate appearing for the State of Orissa, Shri B. Das, learned A.S.C. for Res. 1 and 2 and Shri J. Sengupta, learned counsel for private Res. 5.

For the purpose of considering this O.A. it is not necessary to go into too many facts of this case. In the present application the petitioner, who is a Member of Orissa Forest Service has prayed for the following reliefs:-

- i) Res. 3 and 4 be directed to issue Integrity Certificate in his favour for consideration of his selection to I.F.S. in pursuance of selection for the year 1996-97;
- ii) Direct Res.3 to send the name of the applicant to Res.1 for promotion to I.F.S. as per selection at Annexure-2
- iii) Direct the respondents to give promotion to the applicant w.e.f. date his junior Res.5 has been promoted to I.F.S. and
- iv) for quashing the order dated 20.3.98 at Annexure-4, rejecting his representation for promotion to I.F.S.

The Government of Orissa and U.P.S.C. have filed their counters. Govt. of Orissa have also filed additional counter on 15.5.2000, copy of which has been served on the learned counsel for the petitioner. Private Res.5 has also filed counter. We have perused the pleadings of the parties.

*Sim.* The admitted position between the parties is that applicant is a Member of Orissa Forest Service and he was eligible to be considered for promotion to the I.F.S. Accordingly his case was considered in the Selection Committee Meeting held on 21.3.1997 for the year 1996-97 and he was selected and included in the select list provisionally, subject to granting of Integrity Certificate. It is also the admitted position between the parties that in the select list the applicant was assigned his position at Sl. No.4. But the State Government did not issue Integrity Certificate and therefore, the applicant's selection was treated as provisional and he could not be promoted to I.F.S. From the additional counter filed by the State Government it appears that the applicant approached the Orissa Administrative Tribunal in O.A.412/98 and as per order of Orissa Administrative Tribunal on 23.11.1999, adverse entries in his C.R. for the year 1991-92 were expunged vide G.A.Department

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letter dated 7.1.200 and the State Government issued the Integrity Certificate in favour of the applicant. Thus it is clear that the 1st prayer of the applicant for direction to State Government for granting Integrity Certificate in his favour has already been granted by the State Government and therefore, this prayer has become infructuous and no order need be passed on this prayer.

So far as second prayer of the applicant for direction to the State Government to recommend his case to the U.P.S.C. by granting Integrity Certificate is concerned, in the additional counter the State Government have stated that after the Integrity Certificate was granted to him, the State Government wrote to the U.P.S.C. in their letter dated 15.1.2000, with a request to put the applicant's name unconditionally in the final selection list of the year 1996-97. Thus, from this it is clear that the 2nd prayer of the applicant has also been granted to him by the State Government and therefore, this prayer has become infructuous.

The third prayer of the applicant is for direction to respondents to promote him to I.F.S. with effect from the date & his junior Respondent No.5 was so promoted. From the pleadings it does not appear if acting upon the recommendation of the Statement Government in letter dated 25.1.2000, the applicant has since been promoted to the I.F.S. In course of argument it is submitted by the learned counsel for the petitioner as also the learned Govt. Advocate that in the meantime the petitioner has been appointed to I.F.S. on promotion. In view of this, this part of the third prayer has also been granted to the applicant by the departmental authorities.

The only remaining point for consideration is whether the applicant has been given promotion to I.F.S. from w.e.f. the date as asked for by him. As the Presidential order promoting the applicant is not before us, it is not possible for us to consider this issue. In view of this we dispose of this prayer with an observation that in case the applicant has been appointed to I.F.S. in the meantime by way of promotion and in case he has any grievance with regard to date of his promotion, he will be free to approach this Tribunal with & & in a separate O.A.

O.A. is disposed off as above. No costs.

MEMBER (JUDICIAL)

*Pannathim*  
VICE-CHAIRMAN