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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 549 OF 1999
Cuttack, this the 22nd day of June, 2001

Subash Chandra Sahu ... Applicant

Vrs.

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.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som.
(SOMNATH SOM)
VICE-CHAIRMAN
22.6.2001

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 549 OF 1999
Cuttack, this the 22nd day of June, 2001

CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

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Sri Subash Chandra Sahu, aged about 50 years, son of Satyanarayan Sahu of village Kareni, P.S-Gunupur, District-Rayagada at present working as D.F.O.(Afforestation), Rayagada...

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Applicant

Advocates for applicant - M/s SSK Subudhi
K.C.Sahu
D.Narendra
S.P.Mishra
D.K.Patra
Miss.B.Panda

Vrs.

1. Union of India, represented through the Commissioner-cum-Secretary, Ministry of Forest & Environment New Delhi.
2. Commissioner-cum-Secretary, Forests & Environment Department, Government of Orissa, Bhubaneswar.
3. Chief Secretary, Government of Orissa, Bhubaneswar.
4. Principal Chief Conservator of Forests, Orissa, Aranyabhawan, Chandrasekharpur, Bhubaneswar.
5. Chairman, Union Public Service Commission, Dholpur House, Shahajahan Road, New Delhi-110 011.

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Respondents

Advocates for respondents - M/s A.K.Bose, SCGSC
S.B.Jena, ACGSC
&
KC Mohanty, GA
O R D E R

JSm.
SOMNATH SOM, VICE-CHAIRMAN

In this application the petitioner has made the following prayers:

"(ii)

The Hon'ble Tribunal may be pleased to direct the respondents to select the applicant to the post of Indian Forest Services in the ensuing selection committee which is to be held by the respondents.

- (iii) The Hon'ble Tribunal may be pleased to direct the respondents to give promotion to the applicant to the rank of Indian Forest Service with all service benefits."

on the grounds urged in the O.A. Union of India and Chief Secretary Government of Orissa (respondent nos.1 and 3) have filed counters. No rejoinder has been filed. We have heard Shri S.S.K.Subudhi, the learned counsel for the petitioner, Shri K.C.Mohanty, the learned Government Advocate for State of Orissa, Shri S.B.Jena, the learned Addl.Standing Counsel for Union of India, and Shri A.K.Bose, the learned Senior Standing Counsel for Union Public Service Commission.

2. For the purpose of considering this petition it is not necessary to go into too many facts of this case. It is only necessary to note that the applicant is working as Divisional Forest Officer in Orissa Forest Service, Class-I. With regard to his grievances in the State Forest Service he had earlier approached the Orissa State Administrative Tribunal and ultimately in order dated 14.8.1991 he was promoted to the rank of Deputy Conservator of Forest in OFS Class-I with effect from 8.1.1979 in the order at Annexure-2. He has stated that in 1990 a disciplinary proceeding was initiated against him and because of pendency of the proceeding he was not promoted to Indian Forest Service. The applicant has stated that even though the proceeding was initiated in 1990, charges were communicated to him only on 5.10.1999 and he submitted his explanation on 6.10.1999. The applicant's grievance is that because of pendency of this proceeding, he has not been considered for promotion to IFS.

3. As earlier noted the applicant in this petition filed on 14.10.1999 has prayed for a direction for consideration of his case for promotion to IFS in the ensuing meeting of the Selection Committee. Union of India in their counter have stated that the case of the applicant was considered along with other

eligible officers of State Forest Service by the Selection Committee meeting held on 14.10.1999. The select list prepared by the Selection Committee is pending with the Union Public Service Commission at the time of filing of counter by Union of India. From the above recital it is clear that the main prayer for consideration of his case for promotion to Indian Forest Service in the ensuing meeting of the Selection Committee has already been met.

4. The applicant has not prayed that his case should be considered for promotion from any earlier date in the relief claimed by him in the O.A. But the State Government in their counter have stated that in the meeting of the Selection Committee for the year 1995-96 held on 14.3.1996 the case of the applicant was considered and the Committee assessed him as unfit. In the next meeting of the Selection Committee for 1996-97 which was held on 21.3.1997 the applicant was again considered and he was assessed as "Good" and his name could not be included because of the statutory limit on the size of the select list. The next meeting of the Selection Committee was held on 17.9.1998 to fill up two vacancies in the promotion quota. For drawing up the select list seven officers of State Forest Service were considered and the applicant was at Serial No.3. He was again assessed as "Good" and could not be included in the select list. In paragraph 4.7 of the O.A. the applicant has given the list of several officers who are junior to him and who have been promoted to IFS. The State Government have pointed out that two officers, namely, Shri A.K.Patra and Shri R.N.Sahu are senior to him. The State Government have also stated that there is no officer named R.N.Panigrahi, as has been mentioned by the applicant.


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5. It is not necessary to go further into the matter because as already noted the main prayer of the applicant has already been granted by considering him in the meeting of the Selection Committee held on 14.10.1999. We also note that on three occasions prior to this he was also considered but was not included in the select list because of the grading given to him by the Selection Committee.

6. In view of the above, we hold that the Original Application has become infructuous and the same is accordingly disposed of. No costs.


(G.NARASIMHAM)

MEMBER(JUDICIAL)


(SOMNATH SOM)
22.6.2001
VICE-CHAIRMAN

AN/PS