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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.804 OF 2010
Cuttack this the 6th day of February, 2013

Lalit Mohan Patra...Applicant
Versus-
Union of India & Ors. ...Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? No
2. Whether it be referred to PB, New Delhi for circulation or not ? No


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)

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CORAM
HON'BLE SHRI A.K.PATNAIK, MEMBER(J)
HON'BLE SHRI R.C.MISRA, MEMBER(A)

Lalit Mohan Patra,
aged about 53 years,
Son of late Prafulla Chandra Patra,
resident of 455/08,
Nuasahi, Nayapalli,
Bhubaneswar,
District-Khurda,
presently working as Divisional Forest Officer,
Boudh Forest Division,
At/PO-Boudh,
District-Boudh

...Applicant

By Advocates: M/s. B. Routray
D.K. Mohapatra
P.Ku. Sahoo
S. Das
S. Jena
S.K. Samal

-VERSUS-

Union of India represented through

1. Secretary to Government of India, Ministry of Forest & Environment Department, New Delhi
2. State of Orissa represented through its Chief Secretary, Secretariat Building, Bhubaneswar, District-Khurda
3. Principal Secretary, Forest and Environment Department, Secretariat Building, Bhubaneswar, District-Khurda
4. Special secretary to government of Orissa, General Administration Department, Secretariat Building, Bhubaneswar, District-Khurda
5. Principal Chief Conservator of Forest, Orissa Bhubaneswar, District-Khurda
6. Chairman, Union Public Service Commission, Dholpur House, Sahajahan Road, New Delhi-1

...Respondents

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By Advocates: Mr.U.B.Mohapatra, SSC(Res.No.1)
Mr.S.S.Mohapatra (Res.No.6)
Mr.G.C.Nayak (Res. 2 to 4)

ORDER

SHRI R.C.MISRA, MEMBER(A):

The applicant in this case is an officer of the Odisha Forest Service Grade-I, working as Divisional Forest Officer under the State Government. He has approached this Tribunal stating his grievance that he has not been included in the list of promotees from O.F.S. to Indian Forest Service (in short I.F.S.) for the years 2004 to 2008 prepared in the Departmental Promotion Committee held on 31.12.2008, even though he has fulfilled the required eligibility criteria for promotion. He has, accordingly, sought a direction from this Tribunal to the Respondents, the Union Government, the State Government of Odisha and the Union Public Service Commission to promote him to the cadre of I.F.S. with effect from 30.7.2009, the date from which his batch mates were given promotion.

2. The facts of the matter are that under the provisions of IFS (Appointment by Promotion) Regulations, 1966, there is a Selection Committee under the Chairman/Member of the Union Public Service Commission which makes selection of State Forest Service Officers for appointment by promotion to the Indian Forest Service, based upon the proposal and records sent by the State Government. The State Government is the nodal agency for computing the vacancies accruing every year in the promotion quota, and the Union Government determines the same on the basis of the proposal

received from the State Government. Admittedly, a meeting of the Selection Committee for preparation of the Select List of 2004, 2005, 2006, 2007, and 2008 against 07, 05, 01, ^{or 2} and 01 vacancies respectively, was held on 31.12.2008 for promotion to the I.F.S. of Odisha Cadre. The name of the applicant figured in the zone of consideration for the years 2004 and 2005 and the Selection Committee assessed him as 'Very Good' for both the years. However, his name could not be included in the Select List due to statutory limit on the size of the list and availability of offers with the same grading, but senior to him in service. On the basis of that selection, officers included in the Select list were appointed to IFS by a Notification of the Government of India dated 30.7.2009.

3. A perusal of the counter affidavit filed by the UPSC, Respondent No.6 in this case reveals that Government of India, Ministry of Environment and Forests have determined 11, 04, and 02 vacancies respectively for preparation of the Select Lists for the vacancies as on 1.1.2009, 1.1.2010 and 1.1.2011. Since the State Government of Odisha have not furnished any proposals to the UPSC in this regard, the Selection Committee Meeting has not been convened. UPSC is prepared to hold the Selection Committee Meeting once they receive self contained proposal along with documents from the State Government. On the other hand, the State Government in their counter affidavit have submitted that they could not send detailed proposal to UPSC for convening the meeting for the years, 2008-A and 2009, due to non-availability of required



documents, and for the same reason also, the Selection Committee Meeting could not be convened in 2010. It has been further averred that a detailed proposal has now been forwarded to UPSC in their letter dated 21.6.2011 and UPSC has convened the Selection Committee Meeting on 24.10.2011, for preparing the select List of 2008-A, 2009 and 2010.

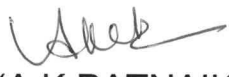
4. We have heard the learned counsels for the respective parties and also gone through the submissions made. The applicant has not been able to establish any case that unfair or discriminatory treatment has been meted out to him in so far as his claim for promotion is concerned. But admittedly, because of delay in the submission of self-contained and complete proposal by the State Government, the eligible officers could not be considered for promotion by the UPSC for the years 2008-A onwards. The State Government have submitted that they did not have the required documents, but now they have sent a proposal to the UPSC, and according to the submissions made before this Tribunal, the UPSC has convened the Selection Committee Meeting. The learned counsel for the applicant has, on the other hand, made a submission that he would be satisfied if a direction is issued to the Respondents to consider the case of he applicant for promotion, and finalize the proceedings of Selection Committee Meeting expeditiously. This, we believe, is a fair submission, and accordingly, we direct Respondent Nos. 1, 2 and 6 to finalize the matter, without any further delay, consider the case of



the applicant for promotion as per extant rules and guidelines and take appropriate decisions, communicating such decisions to the applicant.

With the above directions, the O.A. is disposed of. No costs.


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)

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