

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. O.A.755 of 1996

Present : Hon'ble Mr. Justice A.K.Chatterjee, Vice-Chairman.  
Hon'ble Mr. M.S. Mukherjee, Administrative Member.

DR. DEEPAK KUMAR GHOSH

vs.

UNION OF INDIA & ORS.

For the applicant : Mr. Samir Ghosh, counsel

For the respondents: Mr. S.K. Mitra, counsel.  
(For State of West Bengal)

Heard on : 6.9.1996

28-11-96 V;  
S.C. Order on : 49.11.1996

ORDER

A.K.Chatterjee, V.C.

The petitioner is an officer of the Indian Forest Service in the Junior Administrative Grade and has been denied an appointment to the Selection Grade while two of the officers junior to him, namely, S/Shri A.Zaidi and N.Biswas were so appointed by an order of the Government dated 23.3.1994. The petitioner contends that his record being clean and unblemished, he should have been appointed to the Selection Grade and denial of the same would affect his promotion to the post of Conservator of Forests and further promotion of Chief Conservator of Forests. He has made several representations to the concerned authority

between 30.8.1994 and 17.6.1996 but to no effect. He, therefore, prays for suitable direction on the respondents to promote him to the Selection Grade from the date his next junior was given and to give him further promotion in accordance to the provisions of the relevant recruitment rules.

2. The respondents in their counter contend that under the IFS (Pay) Rules, appointment to the Selection Grade is made on the basis of merit-cum-seniority but the same is subject to vigilance clearance. A charge sheet was issued to the petitioner for drawal of proceeding on the basis of an enquiry conducted by the Vigilance Commission which is still pending. Another vigilance case was also said to be pending against him. However, a suitable post in the Selection Grade has been kept earmarked for him and he will be appointed to it as soon as vigilance clearance is received. Suitable post would also be earmarked for him for promotion to the post of Conservator of Forests, though several officers senior to him, namely, S/Shri P.Shukla and A.K.Bajpayee are still working in the post of Deputy Conservator of Forests. Regarding the post of Chief Conservator of Forests, it has been stated that a host of officers senior to the petitioner who are even of earlier batch, are yet to be promoted to the post of Chief Conservator of Forests.

3. We have heard the 1d.counsel for both the parties and perused the record before us. It is a common case of both the parties that appointment to the Selection Grade can be made only on the basis of seniority-cum-fitness and, therefore, it cannot be disputed that it can be made only subject to vigilance clearance. The 1d.counsel for the

petitioner has, however, argued that the officers junior to the petitioner were appointed to the selection grade in July, 1993, when no vigilance enquiry was pending against the petitioner. Relevant files have been produced before us by the ld.counsel for the State which disclosed that a formal enquiry in the departmental proceedings was pending in the Vigilance Commission against the petitioner even in November, 1992 and ultimately the Vigilance Commission recommended drawal of disciplinary proceeding against the petitioner and a charge sheet was finally issued on 9.9.1994. Therefore, it cannot be successfully urged that no vigilance enquiry was pending when the officers junior to the petitioner were appointed to the Selection Grade in July, 1993.

4. We are, therefore, unable to grant the desired relief but dispose of the application with a direction upon the respondents for expeditious disposal of the proceeding and if the petitioner is given clearance, he should be immediately considered for appointment to the Selection Grade in accordance with the relevant rules from the date his next junior was appointed to it.

5. No order is made as to costs.

*Mukherjee*  
28/11/96  
(M.S. Mukherjee)  
Administrative Member

*A.K. Chatterjee*  
28.11.96  
(A.K. Chatterjee)  
Vice-Chairman