

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

ORIGINAL APPLICATION NOS:

533/2008, 534/08 & 535/08

DATED THE 8th DAY OF SEPTEMBER, 2009.

CORAM:

**HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms K NOORJEHAN, ADMINISTRATIVE MEMBER**

Original Application NO.533/08

M Sreedharan Nair,
Deputy Conservator of Forest,
Nilambur (Holding Full Additional Charge of
Nilambur North Division),
Residing at Ramya, Kozhunthil, P.O. Nileswar,
Kasaragod District. ... Applicant.

By Advocate Mr P V Mohanan

V/s

- 1 Union of India,
Represented by the Secretary,
Ministry of Environment and Forest,
Pariyavaran Bhawan, C.G.O. Complex,
Lodi Road, New Delhi.
- 2 The State of Kerala,
Represented by Chief Secretary,
Government of Kerala,
Thiruvananthapuram.
- 3 The Accountant General (A&E),
Office of the Accountant General, State of Kerala,
Thiruvananthapuram. ... Respondents

By Advocates Mr C M Nazar ACGSC (R-1)
Mr R Premsankar G P (R-2)
Mr P Nandakumar (R-3)

Original Application NO.534/08

P.S. Mani,
Working as Plan Officer,
"VANASREE",
Mathottom Arakkunar, Kozhikode-28
Residing at Forest Quarters,
Paravattani, Thrissur-680 005. ... Applicant.

By Advocate Mr P V Mohanan

V/s

- 1 Union of India,
Represented by the Secretary,
Ministry of Environment and Forest,
Pariyavaran Bhawan,
C.G.O. Complex,
Lodi Road, New Delhi.
- 2 The State of Kerala,
Represented by Chief Secretary,
Government of Kerala,
Thiruvananthapuram.
- 3 The Accountant General (A&E),
Office of the Accountant General,
State of Kerala,
Thiruvananthapuram. ... Respondents

By Advocates Mr A D Raveendraprasad ACGSC (R-1)
Mr R Premsankar G P (R-2)
Mr P Nandakumar (R-3)

Original Application NO.535/08

B.P.Varghese, IFS,
Divisional Forest Officer, Ranni,
Residing at Forest Quarters. ... Applicant.

By Advocate Mr P V Mohanan

V/s

- 1 Union of India,
Represented by the Secretary,
Ministry of Environment and Forest,
Pariyavaran Bhawan,
C.G.O. Complex,
Lodi Road, New Delhi.
- 2 The State of Kerala,
Represented by Chief Secretary,
Government of Kerala,
Thiruvananthapuram.
- 3 The Accountant General (A&E),
Office of the Accountant General, State of Kerala,
Thiruvananthapuram. ... Respondents

By Advocates Mr TPM Ibrahim Khan SCGSC (R-1)
Mr R Premsankar G P (R-2)
Mr P Nandakumar (R-3)

This application having been heard on 08.09.2009 the Tribunal on the same day:delivered the following

(ORDER)

HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER

1 These are identical OAs filed by applicants who have been inducted into IFS after their superannuation from the State Forest Service as Assistant Conservator of Forests.

2 The relief sought by the applicant in OA 533/08 are as under:-

- 1 To direct the respondents to regularize the period from 1.6.2007 to 4.9.2007 as on duty for fixation of pay in Senior Time Scale of pay and for all purposes and to grant all consequential benefits including pay and allowances in the Senior Time Scale of Pay and disburse the same forth with.
- 2 To direct the respondents to fix the pay of the applicant in Indian Forest Service Cadre in Senior Time Scale of Pay ie. Rs.10000-15200/- in IFS Cadre at higher stage with effect from 1.1.2005 the year for which the applicant was selected with all attended benefits and to pay the arrears of pay.
- 3 To direct the respondents to confer the year of allotment to the applicant in the IFS Cadre by granting sufficient weightage in the service rendered in State Forest Service taking note that the applicant is deemed to have been officiated in IFS Kerala (cadre) with effect from 1.1.2005.
- 4 To direct the respondents to grant promotion to the applicant to the grade of Junior Administrative Grade in IFS Cadre by reckoning his year of allotment.
- 5 To direct the respondent no.2 to consider and dispose of Annexure A4 representation in accordance with law.
- 6 Any other order or direction as this Hon'ble Tribunal deem fit in the interest of justice.

3 The relief sought by the applicant in OA 534/08 are as under:-

- 1 To direct the respondents to regularize the period from 1.5.2006 to 5.9.2007 as on duty for fixation of pay in Senior Time Scale of pay and for all purposes and to grant all consequential benefits including pay and allowances in the Senior Time Scale of Pay and disburse the same forth with.
- 2 To direct the respondents to fix the pay of the applicant in Indian Forest Service Cadre in Senior Time Scale of Pay ie. Rs.10000-15200/- in IFS Cadre at higher stage with effect from 1.1.2004 the year for which the applicant was selected with all attended benefits and to pay the arrears of pay.
- 3 To direct the respondents to confer the year of allotment to the applicant in the IFS Cadre by granting sufficient weightage in the service rendered in State Forest Service taking note that the applicant is deemed to have been officiated in IFS Kerala (cadre) with effect from 1.1.2004..
- 4 To direct the respondents to grant promotion to the

applicant to the grade of Junior Administrative Grade in IFS Cadre by reckoning his year of allotment fixed as above.

- 5 To direct the respondent no.2 to consider and dispose of Annexure A4 representation in accordance with law.
- 6 Any other order or direction as this Hon'ble Tribunal deem fit in the interest of justice.

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The relief sought by the applicant in OA 535/08 are as under:-

- 1 To direct the respondents to regularize the period from 1.4.2006 to 5.9.2007 as on duty for fixation of pay in Senior Time Scale of pay and for all purposes and to grant all consequential benefits including pay and allowances in the Senior Time Scale of Pay and disburse the same forth with.
- 2 To direct the respondents to fix the pay of the applicant in Indian Forest Service Cadre in Senior Time Scale of Pay ie. Rs.10000-15200/- in IFS Cadre at higher stage with effect from 1.1.2005 the year for which the applicant was selected with all attended benefits and to pay the arrears of pay.
- 3 To direct the respondents to confer the year of allotment to the applicant in the IFS Cadre by granting sufficient weightage in the service rendered in State Forest Service taking note that the applicant is deemed to have been officiated in IFS Kerala (cadre) with effect from 1.1.2005.
- 4 To direct the respondents to grant promotion to the applicant to the grade of Junior Administrative Grade in IFS Cadre by reckoning his year of allotment fixed as prayed above.
- 5 To direct the respondent no.2 to consider and dispose of Annexure A5 representation in accordance with law.
- 6 Any other order or direction as this Hon'ble Tribunal deem fit in the interest of justice.

5

We have considered the submissions of the counsel for the parties.

According to them, these OAs are covered by earlier orders of this Tribunal in OA 564/08 decided on 31.7.2009 the operative part of which reads as under:-

"5. We have heard Shri.P.V.Mohanan for the applicant, Shri.Pankajakshan on behalf of Shri.P.A.Aziz,ACGSC for the respondent No.1, Shri.R.Premankar for the respondent No.2 and Smt.Asha on behalf of Shri.P.Nandakumar for the respondent No.3. In our considered opinion, the present O.A is fully covered by the earlier common orders of this Tribunal in O.A.589/06, O.A.595/06 (supra) and in O.A.441/08, O.A.442/08 (supra). In the order dated 23.7.2008 in O.A.589/06 & O.A.595/06, Union of India represented by its Secretary, Ministry of Environment & Forests, New Delhi was directed to assign the year of allotment to the applicants therein. The respondent State Government was represented by its Chief Secretary, Government Secretariat, Thiruvananthapuram was directed to regularise the period of absence of the applicant in those O.As as duty in the IFS for all purposes and to grant them arrears of pay and allowances. The respondents were also directed to consider the applicants for promotion to the Junior Administrative Grade with effect from the date of their entitlement as determined on assigning the year of allotment in terms of the guidelines and to pay them arrears of pay and allowances that would become due to them on such promotions. Their pensionary benefits was also to be revised accordingly.

6. In common order in O.A.441/08 and O.A.442/08 (supra) this Tribunal has given the following directions :-

O.A. 441/2008:-

(a) It is declared that the applicant is deemed to have officiated in the Indian Forest Service (Kerala) Cadre on promotion quota in the Senior Time Scale of pay from the year 2000 onwards against substantive vacancies of IFS Cadre as on 01/01/2000 and he is entitled to consequential benefits thereof including fixation of pay and allowances with attended increment and terminal benefits based on the last pay drawn taking into account the aforesaid benefits.

(b) The respondents are directed to regularise the period from 01/04/2003 to 28/04/2004 for the purpose of pay and allowance and increments in Senior Time Scale to pay/JAG in IFS Cadre for all service purpose including pension.

(c) Annexure A19 order dated 13/06/2007 is quashed and set aside in so far as it declines the fixation of pay in Senior Time Scale in IFS Cadre by protecting pay in the State Forest Service.

O.A. 442/2008:-

(a) It is declared that the applicant is deemed to have been officiated in the Indian Forest Service (Kerala) Cadre on promotion quota in the Senior Time Scale of pay from the year 1999 onwards against substantive vacancies of IFS Cadre as on 01/01/1999 and he is entitled to consequential benefits thereof including fixation of pay and allowances with attended increment and terminal benefits based on the last pay drawn taking into account the aforesaid benefits.

(b) The respondents are directed to regularise the period from 01/10/2001 to 13/01/2005 for the purpose of pay and allowance and increments in Senior Time Scale to pay/JAG in IFS Cadre for all service purpose including pension.

(c) Annexure A18 order dated 08/03/2007 and Annexure A19 order dated 29/10/2007 are quashed and set aside.

7. As the applicant's case is squarely covered by the aforesaid orders, we allow this O.A. and direct the 1st respondent, namely, Union of India represented by its Secretary, Ministry of Environment & Forests, New Delhi to confer the year of allotment to the applicant in the IFS cadre by granting sufficient weightage in the service rendered in State Forest Service in accordance with the rules taking note that the applicant is deemed to have been officiated in IFS Kerala (cadre) with effect from 1.1.2004 and to regularise the period from 1.7.2006 to 5.9.2007 as on duty for fixation of pay in Senior Time Scale of pay in IFS cadre for all purposes and to grant all consequential benefits including pay and allowances in the Senior Time Scale of pay and to disburse the same forthwith. The respondent State is also directed to fix the pay of the applicant in the Indian Forest Service Cadre in Senior Time Scale with effect from 1.1.2004. Necessary order in this regard shall be issued by the respective respondents within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs."

represented by its Secretary, Ministry of Environment & Forests, New Delhi to confer the years of allotment to the applicants in the IFS cadre by granting them sufficient weightage in the service rendered by them in State Forest Service in accordance with the rules taking note that they are deemed to have officiated in IFS Kerala (cadre) with effect from 1.1.2005 (applicant in OA 533/08), with effect from 1.1.2004 (applicant in OA 534/08) and with effect from 1.1.2005 (applicant in OA 535/08) and to regularize the period from 1.6.2007 to 4.9.2007 with regard to applicant in OA 533/08, from 1.5.2006 to 5.9.2007 with regard to applicant in OA 534/08 and from 1.4.2006 to 5.9.2007 with regard to applicant in OA 535/08) and to treat them that they were on duty for fixation of pay in Senior Time Scale of pay in IFS cadre for all purposes and to grant all consequential benefits including pay and allowances in the Senior Time Scale of pay and to disburse the same forthwith. The respondent State is also directed to fix the pay of the applicants in the Indian Forest Service Cadre in Senior Time Scale with effect from 1.1.2005 (applicant in OA 533/08), with effect from 1.1.2004 (applicant in OA 534/08) and with effect from 1.1.2005 (applicant in OA 535/08). Necessary orders in this regard shall be issued by the respondents concerned, within a period of two months from the date of receipt of a copy of this order.

7 With the aforesaid directions, these OAs are allowed. There shall be no orders as to costs.

K NOORJEHAN
ADMINISTRATIVE MEMBER
abp

GEORGE PARACKEN
JUDICIAL MEMBER