

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.564/08

Friday this the 31st day of July 2009

C O R A M :

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

K.V.Ravikumar, IFS,
S/o.late P.Chathu Nair,
Divisional Forest Officer,
Munnar Division, Devikulam.
Residing at Saranya,
North Mynagappally (Post),
Kunnathur Taluk.

...Applicant

(By Advocate Mr.P.V.Mohanan)

V e r s u s

1. Union of India represented by the Secretary,
Ministry of Environment & 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 Advocate Mr.P.A.Aziz,ACGSC [R1], Mr.R.PremSankar,GP [R2]
& Mr.P.Nandakumar [R3])

This application having been heard on 31st July 2009 the Tribunal on
the same day delivered the following :-

O R D E R

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant has sought the following reliefs in this Original
Application :-



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1. To direct the respondents 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 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 prayed above.
5. To direct the respondent No.2 to consider and dispose of Annexure A-5 and Annexure A-6 representations in accordance with law.

2. The applicant being a Senior Grade State Service Officer, he was eligible to be considered for selection and appointment to IFS Kerala Cadre against the vacancies as on 1.1.2002 and thereafter. His date of superannuation from the State Forest Service was 30.6.2006. Since no action was taken to conduct the selection for the year 2002, 2003, 2004 and 2005 he had earlier filed O.A.338/06 and at its admission stage itself, this Tribunal, by interim order dated 13.6.2006, held that his impending retirement from the State Forest Service from 30.6.2006 shall not stand in the way of his being considered for selection to the IFS against the promotion vacancy for the aforesaid years, if he is otherwise found eligible. Later on, the basis of the submissions of the State Government that the



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applicant's name was forwarded for consideration for the aforesaid years, the O.A was closed, vide Annexure A-1 order dated 5.10.2006, with a direction to the U.P.S.C to convene the Selection Committee not later than 31.12.2006. Thereafter, the Selection Committee met on 21.12.2006 and prepared the Select Lists for the year 2003, 2004 and 2005 and published them vide Annexure A-2 notification dated 18.4.2007. The applicant's name appeared in the Select List for the year 2004. Thereafter, the Annexure A-3 notification dated 24.7.2007, he was appointed to IFS cadre with effect from 25.2.2007 and by Annexure A-4 notification dated 1.9.2007 he was posted as Divisional Forest Officer, Munnar. He assumed the charge in IFS (Kerala) cadre on 6.9.2007. Later, he has made Annexure A-5 and Annexure A-6 representations to regularise the period from 1.7.2006 (date of superannuation from State Forest Service) to 5.9.2007 (the date of assumption of charge in IFS cadre) as on duty for all purposes including fixation of pay in Senior Time Scale of pay.

3. The applicant has submitted that his case is squarely covered by the earlier common orders of this Tribunal in O.A.589/06 and O.A.595/06 dated 23.7.2008 and in O.A.441/08 and O.A.442/08 dated 25.5.2009.

4. The respondents in their reply has stated that as he has not done any work during the period between his date of retirement from the State Forest Service and date of joining the IFS, the principle of "no work no pay" will apply.



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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.PremSankar 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



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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



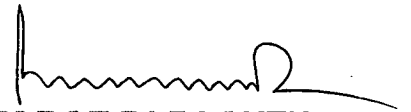
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pay in Senior Time Scale of pay in IFS cadre for all purposes and to grant all consequential benefits including pay and allowances in the Senior Time Scale of pay and to disburse the same forthwith. The respondent State is also directed to fix the pay of the applicant in the Indian Forest Service Cadre in Senior Time Scale with effect from 1.1.2004. Necessary orders 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.

(Dated this the 31st day of July 2009)



K. GEORGE JOSEPH
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER

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