

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 579 OF 2012

Thursday, this the 4th day of April, 2013

CORAM:

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

N.Shamsul Huda
Retired Deputy Conservator of Forests (Non Cadre)
22/382-B, Bye-pass Junction
Thiruvannur PO
Calicut - 29

... Applicant

(By Advocate Mr.Babu Joseph Kuruvathazha)

versus

1. Union of India represented by its Secretary
Ministry of Environment and Forest
Pariyavaran Bhavan, CGO Complex
Lodi Road, New Delhi – 110 001
2. Union Public Service Commission
Shajahan Road, Dholpur House
New Delhi – 110 069 represented by its Secretary
3. State of Kerala represented by its
Chief Secretary to Government
Government Secretariat
Thiruvananthapuram – 695 001

... Respondents

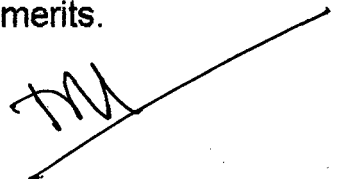
(By Advocate Mr. Thomas Mathew Nellimoottil (R-2)
Advocate Mr.M.Rajeev, GP (R-3).)

The application having been heard on 04.04.2013, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

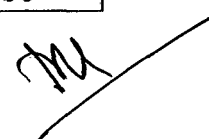
When the case was taken up for consideration, there was none to address us on behalf of the applicant. In the light of Rule 15 of CAT (Procedure) Rules, the Tribunal can dismiss the application for default or hear and decide it on merit, we proceed to decide it on merits.



2. The relief sought for is to direct the appropriate authority to consider and dispose of Annexures A-9, A-10 and A-11 representation forthwith in the light of Annexure A-3 to A-8 proceedings, to issue appropriate direction commanding the respondents to confer IFS to the applicant to the unfilled vacancy of IFS occurred during 2006 as contemplated in Annexure A-6.

3. In the reply filed by the 3rd respondent, the Government of Kerala, they have stated that out of three vacancies in the year 2006, one relates to the Select List of 2003 (Shri R.Rajendran) and the second relates to the Select List of 2004(Shri Abdul Gafoor) whose names were included in the Select Lists provisionally subject to clearance of disciplinary proceedings against them and grant of integrity certificate by the State Government. Since they could not be appointed to IFS as inclusion of their names in the Select List was not made unconditional. Those vacancies were carried over to the year 2006. The 3rd vacancy is the retirement vacancy of Shri P Muraleedharan Nair on 31.10.2005. Thus, Government of India have taken into account the available vacancies upto 31.12.2005 only and they determined the vacancies as three. The name of the applicant was considered for the vacancies that arose from 01.01.2005 to 31.12.2005 and not for the vacancies that arose from 01.01.2006 to 31.12.2006 There was only three vacancies available for the Select List year 2006 and three eligible persons were selected from the zone of consideration. The relevant position of the select list of 2006 is extracted below:-

SELECT LIST 2006		
Sl.No.	Name (S/Shri)	Date of Birth
1	A.K.Salim	08.05.1952
2	N.Sethu Kumar	29.04.1954
3	L.Krishna Prasad	24.02.1953

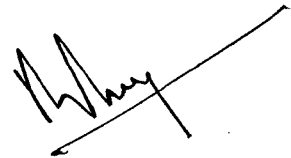


4. Annexure R-3 (b) is the Government of India notification produced in the case. More over, it is also pointed out that the applicant was not considered by the SCM due to the pending disciplinary action against him. Thus no vacancy is left unfilled, for the years 2006 and 2007 for considering the case of the applicant. No rejoinder is filed disputing the correctness of the statement made in the reply. In view of the vacancy position as stated above, and in the absence of any material to show otherwise, we cannot grant the relief as sought for in the OA. In the result, OA is **dismissed**. No costs.

Dated, the 4th April, 2013.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R. RAMAN
JUDICIAL MEMBER

VS