

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

ORIGINAL APPLICATION NO:106/2006

FRIDAY THIS 28TH DAY OF APRIL, 2006

CORAM:

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

P.S.Mani

Deputy conservator of Forests(N/C)

Office of the Deputy Conservator of Forests,

Vanapriya forest Complex,

Special Investigation and Protection

Paravattani, Thrissur-5.

... Applicant

By Advocate Shri Santhosh Kumar.

V/s.

1. Union of India represented by the Secretary
Ministry of environment and Forests,
Pariyavaran Bhawan, C.G.O.Complex,
Lodi Road, New Delhi.
2. The State of Kerala represented by the
Chief Secretary, Government of Kerala,
Government Secretariat, Thiruvananthapuram.
3. The Union Public Service Commission,
Represented by its Secretary, Shajahan Rd,
New Delhi.
4. The Selection Committee,
For Selection to the Indian forest Service,
Constituted under Regulation 3 of IFS
(appointment by promotion) Regulations 1966
represented by its Chairman
Union Public Service Commission,
New Delhi.

... Respondents

By Advocate TPM I Khan SCGSC (R-1,3,4)

By Advocate Shri Renjith GP (R-2)

The application having been heard on 28th April, 2006, the Tribunal delivered the following:-

ORDER

Hon'ble Mrs.Sathi Nair, Vice Chairman.

The applicant belongs to Kerala Forest Subordinate Services and is working as an Assistant Conservator of Forests since 4/6/1993. According to him he is the third person in the seniority for consideration for

selection to the IFS cadre. He has submitted representation to the Chief Conservator of Forests on 7/3/2005. According to him the last select committee for selection to IFS cadre was conducted in the year 2002 and since then 8 vacancies have arisen due to retirement, etc. The select committee has not met after 11/8/2003, therefore he seeks a direction to the respondents to convene the selection committee for selection and appointment to IFS Cadre (Kerala) by promotions under Rule 3 and 5 of I.F.S. (appointment by promotion) Regulation 1966 against the 8 vacancies that are available as on 1st January, 2005 forthwith and to consider his claim for selection and appointment to I F. S. Cadre (Kerala) posts against the vacancies as on 1/1/2004, 1/1/2005 respectively before 30/4/2006.

Counsel for the State Government has filed a preliminary statement to the effect that they have worked out the vacancies and submitted to the government of India as follows:-

<u>Year</u>	<u>Earlier Vacancy Position</u>	<u>Revised Vacancy Position</u>
2002	1	Nil
2003	1	2
2004	4	4
2005	2	2
Total	<u>8</u> =====	<u>8</u> =====

2. The Government of India has determined the vacancies accordingly. Since the State Government is required to furnish details of the officers in the zone of consideration regarding pendency of vigilance and disciplinary proceedings if any alongwith other records which are being collected, the proposal could not be sent to the Government of India for convening the Select Committee Meeting.³ The applicant has filed MA No.403/2006 for Early Hearing of his case as he is retiring on 30/4/2006 and accordingly it was heard.

3. The Counsel for applicant has submitted that his prayer is limited to the extent that his retirement on 30/4/2006 should not come in the way of his case being considered for I.F.S. Cadre w.e.f. 1/1/2004 and he will be satisfied if such a direction is given to the respondents to this effect.

4. I have heard the counsel for the State also. Since applicant is retiring on 30/4/2006, and the State Government has requested for further time to collect the details of the applicant which are necessary for convening a Select Committee for selection to IFS cadre I find that the prayer of the applicant that his case be considered notwithstanding his retirement on 30/4/2006 has merit.

5. In the interest of justice, the respondents shall consider the case of the applicant for promotion to the I.F.S.cadre w.e.f. 1/1/2004 notwithstanding the fact that he is retiring on 30/4/2006. However, such consideration of the applicant for promotion to IFS cadre shall be according to his eligibility provided he falls in the zone of consideration as determined on the basis of number of vacancies and if he is found otherwise eligible according to the Rules and Regulations governing appointment by promotion to IFS cadre. M.A.-403/2006 is allowed. OA is disposed of accordingly. No costs.


SATHI NAIR
VICE CHAIRMAN

abp