

1.

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.220/11

Wednesday this the 27th day of April 2011

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

S.Janardanan,
Dy. Conservator of Forest (Non Cadre) (Planning),
Office of the Chief Conservator of Forests (SA&NO),
Forest Headquarters, Vazhuthacaud,
Thiruvananthapuram – 695 014.

...Applicant

(By Advocate Mr.S.Sujin)

V e r s u s

1. The State of Kerala represented by the
Chief Secretary to Government,
Government Secretariat,
Thiruvananthapuram – 695 001.
2. The Principal Secretary to Government of Kerala,
Forest and Wild Life Department,
Government Secretariat,
Thiruvananthapuram – 695 001.
3. Union of India represented by the
Secretary to Government of India,
Ministry of Environment and Forests,
Paryavaran Bhavan, CGO Complex,
Lodi Road, New Delhi – 110 003.
4. Union Public Service Commission
represented by the Secretary,
Shajahan Road, Dholpur House,
New Delhi – 110 069. ...Respondents

(By Advocates Mr.N.K.Thankachan,GP [R1&2],
Mr.M.K.Aboobacker,ACGSC [R3] & Mr.Thomas Mathew Nellimoottil [R4])

This application having been heard on 27th April 2011 this Tribunal
on the same day delivered the following :-



.2.

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is a candidate for selection to the post of IFS Kerala Cadre. He had filed this O.A on 15.3.2011 before this Tribunal seeking a direction to the respondent UPSC to convene the Selection Committee for selecting the State Service personnel for Indian Forest Service by promotion immediately and to finalise the select list thereafter. During the pendency of this O.A he filed M.A 226/11 seeking a direction to the respondents to consider him for selection by promotion notwithstanding the fact that he is retiring on 31.3.2011. This Tribunal allowed the aforesaid M.A.

2. Today when the matter was taken up for consideration Shri.N.K.Thankachan,GP counsel for the State Government has submitted that the applicant's name has already been forwarded to the UPSC for consideration for promotion vide their letter No.14362/Spl.C1/2009/GAD dated 26.2.2011. However, Shri.Thomas Mathew Nellimoottil appearing on behalf of UPSC has submitted that the aforesaid letter of the State Government was considered by the UPSC but sought the following clarifications vide their letter dated 7.4.2011 :-

a. The State Government have included the name of Shri.K.Viswanathan in the eligibility list of 2007-A. However, his name was not included in the eligibility furnished during the last SCM held against the vacancies of 2006. The reasons for omission of his name in the eligibility list in the last SCM may be intimated.



.3.

b. The State Government are requested to clarify whether the disciplinary proceedings initiated against Shri.K.Viswanathan (Charge sheet dated 20.5.1998) and K.J.Samuel (Charge sheet dated 30.10.2005) may be treated as pending in view of the remarks stated in the statement of disciplinary proceedings.

c. The State Government has certified the integrity of Shri.B.Shyam and A.M.Babu Bonaventure provisionally. They are requested to take a clear decision on the integrity of the officer duly keeping in view of the orders of the Hon'ble High Court/Central Administrative Tribunal.

d. The ACR dossiers of Shri.M.N.Muraleedharan Nair, O.Jayarajan and P.Mohananchandran have not been received from the State Government. Further, the C.Rs/A.C.Rs in respect of 12 officers are missing. The State Government is requested to make them available.

e. It is also observed that the State Government have forwarded two ACR one in respect of period 1.1.2002 to 5.6.2002 and another for 2002 in respect of Shri.K.Viswanathan. The actual position in this regard and the ACR which can be taken into account may be clarified. Further all certificates regarding non-availability of ACRs of the officer for the period 2003 and 2005 to 2008, although mentioned to have been kept along with the ACRs have not been received. The same along with the entire ACR dossier (containing the ACRs prior to 2000) of the officer may be forwarded.

3. He has also filed a statement stating that the Commission will be in a position to convene the Selection Committee meeting only after the deficiencies in the proposal are cured by the State Government.

4. In view of the above facts and circumstances the learned counsel for the applicant has submitted that this Original Application can be disposed of by a direction to the State Government as well as to the UPSC to take appropriate steps in the matter within a certain time frame. Counsel for the respondents have no objection in this matter.

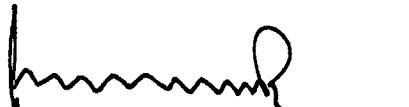


.4.

5. I, therefore, dispose of this O.A with a direction to the Chief Secretary, State Government of Kerala that all the aforesaid deficiencies pointed out by the UPSC vide their letter dated 7.4.2011 shall be considered and disposed of within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the UPSC shall consider the applicant along with other eligible candidates for preparation of the Select List of 2008 and 2009 for promotion to the IFS Kerala Cadre within a period of one month.

6. There shall be no order as to costs.

(Dated this the 27th day of April 2011)



GEORGE PARACKEN
JUDICIAL MEMBER

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