

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**O.A.No.26/2007
Friday, March 09, 2007**

CORAM :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

A.K.Salim.
Dy. Conservator of Forest(Non Cadre)
Working as Asst. Conservator Forest,
Special Investigation & Protection,
Trissur. ... Applicant

By Advocate Mr.C.Rajendran

V/s.

- 1 Union of India represented by its Secretary,
Ministry of Environment & Forest,
Pariyavarhan Bhavan, CGO Complex,
Lodhi Road, New Delhi
- 2 State of Kerala represented by
Chief Secretary,
Government of India,
Thiruvananthapuram
3. The Principal Secretary
Forest, Government of Kerala,
Secretariat, Thiruvananthapuram
- 4 U.P.S.C represented by its Secretary
Shajahan Road, New Delhi
- 5 The Selection Committee
For Selection to Indian Forest Service
Constituted under Regulation 3 of IFS
(Appointment by promotion)
Regulation 1966, represented by its
Chairman, Union Public Service Commission,
New Delhi ... Respondents

By Advocates Mr.Premsankar (R 2&3)
Mr.Shaji V.A. For Mr.TPM I Khan SCGSC (R 1,4&5)

The application having been heard on 9.3.2007 the Tribunal delivered the following on the same day:

Hon'ble Mrs.Sathi Nair, Vice Chairman

(ORDER)

The applicant in this OA has sought the following reliefs:-

- a) To direct the respondents to convene selection committee for selection and appointment to IFS Cadre (Kerala by promotion under Rule 3 and 5 of IFS (appointment by promotion) Regulation 1966 against the substantive vacancy available as on 1st January, 2006 forthwith and consider the claim of the applicant for selection and appointment to IFS Cadre (Kerala) posts against the vacancies as on 01.01.2006.
- b) Declare that the action in not placing the proposal to fill up the substantive vacancy available as on 1.1.2006 despite the selection committee meeting on 22.12.2006 is illegal and arbitrary and direct the respondents to take consequential action.
- c) Direct the respondents to convene selection committee for selection and appointment to IFS Cadre (Kerala by promotion under Rule 3 and 5 of IFS (appointment by promotion) Regulation 1966 against the substantive vacancy available as on 1st January, 2006 and notify the select list for the year 2003 to 2005.
- d) Any other further relief or orders that this Tribunal may deem fit and proper to meet the ends of justice.

2 The respondent numbers 2 and 3 have filed their reply according to which the following has been stated:-

“7 The Government of India has determined one vacancy for the year 2006. The Administrative Department viz Forest & Wild Department has furnished proposal for convening selection committee meeting of the year 2006; which contained names of officers who were included in the zone for the years 2003, 2004 and 2005. The proposal is deficient in certain aspects mainly on the availability of Confidential Report's of the officers in the zone. Clarifications have been received from Forest & Wild Department only very recently.

8 Shri M.L.Thomas, Deputy Conservator of Forests (Non Cadre) who is relatively senior in the grade of ACF had filed an OA 850/2006 before this Hon.CAT praying to direct the State Government to consider his claim for appointment by promotion to the IFS by the Selection Committee. The Hon. Tribunal vide Interim order dated 8.1.2007 has directed the Respondents to consider the representation of the applicant at

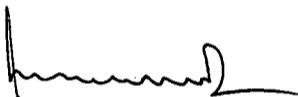
Annexure A7 (copy of the representation dated 4.10.2007) in the light of annexure A6/G.O.(Rt)559/06/F&WLD dated 30.12.2006) and to take a decision on the eligibility of the applicant for consideration by the Selection Committee for promotion to the cadre of IFS for the year 2006 in accordance with the rules. Therefore the proposal already received requires to be recast.

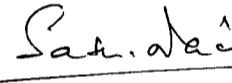
9 The proposal for convening SCM for the year 2006 can be finalized only after receipt of a comprehensive proposal from the Forest & Wild Life Department taking into account the eligibility or otherwise of the Applicant in OA No.850/2006 in obedience to the order dated 8.1.2007 of this Hon.Tribunal. The proposals for convening the SCM for 2006 will be sent to the Union Public Service Commission without further delay. If the Applicant is eligible for the year 2006 as per the Promotion Regulations he will be included in the zone of consideration subject to its maximum size."

3 When the matter came up today, counsel for applicant submitted that, from the reply of the Respondent Nos.2 and 3, it can be seen that the Government of India has determined one vacancy for the year 2006 and that the proposals for convening the Selection Committee Meeting has not been sent to the Union Public Service Commission, as the representation of one Shri M.L.Thomas who had filed an OA No.850/2006 before this Tribunal and as the Tribunal vide order dated 8/1/2007 had directed the State Government to take a decision on the eligibility of the applicant for consideration by the Selection Committee for promotion to the cadre of IFS for the year 2006 in accordance with rules, the proposal already received required to be recast. The Counsel for applicant also submitted that the applicant herein is to retire on 31/5/2007.

4 In the wake of the above submissions, we are of the view that since one vacancy has been determined for the year 2006 and the applicant is in the zone of consideration proposals shall be submitted to the UPSC without any further delay and the Selection Committee shall

convene a Meeting within a fixed time frame. The averment of the respondent that the matter has been delayed for taking a decision on the representation of the applicant in OA-850/2006 is not tenable as this Tribunal had given the direction on 8/1/2007 ^{itself} ~~only~~ and the proposal should have been submitted to the UPSC much before that and the decision should have been taken earlier. Since the applicant's retirement is impending, we direct the Respondents 2 and 3 to submit the consolidated proposals for consideration for Selection to the IFS Cadre for the year 2006 to the UPSC within a period of three weeks from the date of receipt of copy of this order and on receipt of such a proposal the 4th and 5th respondents shall convene the Selection Committee Meeting well before the date of retirement of the applicant i.e. 31/5/2007 in accordance with the rules. With the above direction, the OA is disposed of.


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

abp