

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.324/99 and O.A.363/99

Thursday, this the 16th day of September, 1999.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR J.L.NEGI, ADMINISTRATIVE MEMBER

O.A.324/99

B.Muraleedharan,
Deputy Conservator of Forests,
Malayattur Division.

- Applicant

By Advocate Mr M.R.Rajendran Nair

Vs

1. State of Kerala represented by
Chief Secretary to Government of Kerala,
Secretariat,
Trivandrum.
2. Union of India represented by
Secretary to Government of India,
Department of Forests & Environment,
New Delhi.
3. Union Public Service Commission
represented by its Secretary,
Dholpur House,
New Delhi. - Respondents

By Advocate Mr C.A.Joy, G.P.(for R.1)

By Advocate Mr Govindh K Bharathan, SCGSC(for R.2&3)

O.A.363/99

1. G.Rennensen,
Divisional Forest Officer,
Munnar.
2. N.Sasidharan,
Forest Utilisation Officer,
Forest Head Quarters,
Trivandrum-14.
3. C.Balachandran Nair,
Assistant Conservator of Forests,
in-Charge of Deputy Conservator of Forests,
Fire Training Centre,
Forest Department,
Trivandrum. - Applicants

By Advocate Mr M.R.Rajendran Nair

Vs

1. State of Kerala represented by Chief Secretary to Government of Kerala, Secretariat, Trivandrum.
2. Union of India represented by Secretary to Government of India, Department of Forests & Environment, New Delhi.
3. Union Public Service Commission represented by its Secretary, Dholpur House, New Delhi.

- Respondents

By Advocate Mr C.A.Joy, G.P.(For R.1)

By Advocate Mr Govindh K Bharathan, SCGSC(for R.2&3)

The applications having been heard on 16.9.99, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The subject matter of both these cases is one and the same and therefore these cases are being considered and disposed of together by this common order.

2. The applicant in O.A.324/99 and the first and second applicants in O.A.363/99 are members of the Indian Forest Service inducted into that service on the basis of Indian Forest Service(Appointment by Promotion) Regulation, 1996. The third applicant in O.A.363/99 is a State Forest Service officer. On account of revision of seniority, pursuant to the judgement of the Hon'ble Supreme Court ~~dated 16.9.99~~ in Civil Appeal No.11528-11529/95, the seniority of the State Forest Service officers were revised which requires a review of the selection to the IFS for the years 1985 onwards. For this purpose a meeting was held on 8.1.99 for reviewing the selection for the period 1985,

1986 and 1987. The applicants in both these cases were considered by the committee. However, the grievance of the applicants is that the select list drawn up has not yet been approved by the U.P.S.C. and the appointments have not been notified so far. Therefore the applicants in both these cases have prayed for the identical reliefs which read as follows:

- "(i) To direct the respondents to complete the process of review selection committee for appointment by promotion to I.F.S. for the years 1985, 86 and 87, by approving the select list and notifying the appointments including that of the applicants with effect from the relevant dates on which it was due.
- (ii) Direct the respondents to draw and disburse the financial benefits due to the applicants on account of retrospective appointment by promotion to the I.F.S. together with interest at the rate of 18% per annum."

3. The respondents have not filed a reply statement so far. When the matter came up for hearing today, the learned counsel on both sides agree that the matter can be disposed of on the basis of the available pleadings and the information that the learned Senior Central Government Standing Counsel is able to pass on. Learned SCGSC informed us that he has been, by a letter dated 25.5.99 of the U.P.S.C. informed that a clarification regarding certain points have been received from the Central Government and on the basis of the clarification, the U.P.S.C. would be taking a view in regard to approval of the select list drawn up pursuant to the meeting which was held on 8.1.99. Now that the meeting of the committee which ^{has} ~~been~~ held as early as on 8.1.99 and as the view of the Government of India have already been obtained by the U.P.S.C., what remains is only to consider the approval of the select list by the Commission and the notification of the appointment by the Central Government.

4. In the light of the above facts, both the applications are disposed of directing the third respondent to finalise the select list as expeditiously as possible at any rate not later than a period of two months from the date of receipt of a copy of this order and directing the 2nd respondent to take further action pursuant thereto as expeditiously as possible and at any rate within one month thereafter. The financial benefits that may flow from the decision and the claim for interest etc. does not arise for consideration at this stage. Hence these matters are left open. No costs.

Dated, the 16th of September, 1999.

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(J.L. NEGI)
ADMINISTRATIVE MEMBER

A.V. Haridasan
(A.V. HARIDASAN)
VICE CHAIRMAN

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