

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.35/2003.

Monday this the 10th day of March 2003.

CORAM:

HON'BLE MR. A. V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T. N. T. NAYAR, ADMINISTRATIVE MEMBER

Patric Gomez,
Working as Assistant Conservator of Forests,
World Bank Project Cell,
Forest Headquarters, Vazhuthacaud,
Thiruvananthapuram-14. Applicant

(By Advocate Shri O.V.Radhakrishnan)

vs.

1. State of Kerala, represented by its Chief Secretary, Secretariat, Thiruvananthapuram-1.
2. Secretary, Forest & Wildlife Department, Secretariat, Thiruvananthapuram.
3. Union Public Service Commission, represented by its Chairman, New Delhi.
4. Union of India, represented by its Secretary, Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, Lodi Road, New Delhi 110003. Respondents

(By Advocate Shri A.Renjith, GP(R:1&2)

(By Advocate Shri PMM Najeeb Khan, ACGSC(R.3&4)

The application having been heard on 10.3.2003, the Tribunal on the same day delivered the following:

ORDER

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

The applicant a member of the State Forest Service, presently working as Assistant Conservator of Forests has filed this application for a direction to the respondents to arrange the convening of the Selection Committee set up under Regulation 3 of the IFS (Appointment by Promotion) Regulations, 1966 and to prepare separate Select Lists for the vacancies of the years 2000 onwards before 31.3.2003 when the applicant would retire on

superannuation, from the State Forest Service, for a direction to the respondents to consider the applicant for selection by promotion to IFS placing his name before the Select Committee and for any other appropriate order.

2. The respondents 1 & 2 have filed a statement conceding the right of the applicant for being considered for appointment by promotion to IFS from 2000 onwards. It has been stated that the applicant would be considered for the vacancies of the years 2000 and 2002, no vacancy having arisen in the year 2001. It is also stated that the proposal for convening the Select Committee Meeting have already been forwarded to the UPSC by letter dated 1.2.2003. The respondents 3 & 4 have not filed any reply statement.

3. We have heard Shri O.V.Radhakrishnan, learned counsel for the applicant and Shri Renjith, GP., who is appearing for R.1&2.

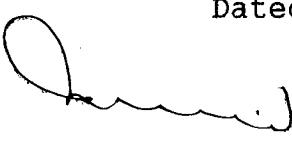
4. The applicant's claim that he is entitled to be considered for appointment by promotion to IFS for the vacancies of 2000 and onwards is not in dispute. According to the respondents 1 & 2, the vacancies are existing only for the years 2000 and 2002. The respondents 1&2 have indicated that the applicant's name has been included in the list for consideration and the process of selection has been set in motion by sending necessary proposal to the UPSC.

5. In the light of the above statement made by the learned counsel for respondents 1 & 2, we are of the considered view that

the application can be disposed of with appropriate directions to the respondents to have the meeting convened and the resultant orders issued, now, that the proposal for convening of the Select Committee Meeting has already been forwarded by the respondents 1&2. We, therefore, direct the respondents to have the meeting of the Select Committee for preparing a Select List of State Forest Officers for appointment by Promotion to Indian Forest Service for the vacancies of the years 2000 and 2002 to draw up the list as expeditiously as possible, before 31.3.2003 as has been stipulated in the interim order dated 17.1.2003, and issue resultant orders thereafter without further delay. If, for any reason, it be found impossible to draw a Select List before 31.3.2003, we make it clear that, the delay in doing so would not in any way affect the applicant's claim for appointment to IFS by promotion for the reason that he would retire on superannuation ^{on} from State Forest Service 31.3.2003.

6. O.A. is disposed of as above. There is no order as to costs.

Dated the 10th March, 2003.


T.N.T.NAYAR
ADMINISTRATIVE MEMBER


A.V.HARIDASAN
VICE CHAIRMAN

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