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vs.

Respondents.

HON. Mr. K. Obayya. A.M.

(A6)

The D.P.C. was held in the year 1991 for selection for promotion to the post of Chief Conservator of Forests. In the said selection the applicant's name was placed at Sr.No.3 and Shri P.C. Srivastava and Shri M.C. Ghildiyal were placed at Sr.No.1 & 2 respectively. The said Shri Srivastava was allotted the year of 1964 and the applicant was also allotted the same year. Shri Ghildiyal was placed at No.2 in the panel and his year of allotment was 1965. One Shri Khanduri, was not selected but it appears that subsequently he filed an appeal before the Tribunal and the Tribunal directed to hold a Review D.P.C. Thereafter the Review D.P.C. was held and the said Shri Khanduri was found fit and consequently he was promoted against the third post, with the result the applicant who was already in the panel could not get the promotion in preference to one who was not in the panel but under the direction of the Tribunal he got the promotion.

2. According to the applicant, the post which was being held by Shri P.C.Srivastava, i.e. Chief Conservator of Seed and Research was abolished, but he was posted elsewhere i.e. as General Manager, Forest Corporation, in spite of promoting the applicant against the said post. Similarly Shri Ghildiyal was also also promoted. Subsequently another post of C.C.F. fell vacant on 1-1-92 on the retirement of Shri N.K. Agrawala, but the applicant was illegally deprived of the promotion this time also inasmuch as the said post was not filled in. A third post fell vacant from 19/4/92 on the retirement of Shri S.P. Singh. This time also the applicant was not promoted and that this 4th post was also not filled in.

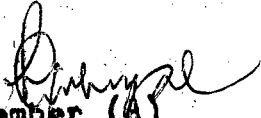
According to the applicant he is senior to these persons as Conservator of Forests and he was placed above Shri Ghildiyal and Shri P.C. Srivastava in the panel and as such his seniority cannot be overlooked.

3. It may be that in the post of Conservator of Forests he was senior to these persons, but so far as the question of promotion to the post of Chief Conservator of Forests is concerned, the post being a Selection Post, the selection is to be made in accordance with the placement in the panel and the applicant was third in the panel. As Shri Khanduri was promoted under the judicial order no observation in this behalf can be made. Obviously in case the said Shri Khanduri would not have been promoted, in the normal course the applicant could have got promotion. It is also true that some posts are lying vacant and are not filled in and the posts abolished have not been revived. If the post is revived and the vacant posts are filled in, by virtue of seniority, in case the applicant is at the top, in the normal course, it is the applicant who is to get the promotion in preference to any other person who has been subsequently selected or whose name is not in the panel. But no such direction can be given to the Government to fill in a particular post in a particular State. But we expect as certain posts are lying vacant and have not been filled in and in case any vacancy arises or the abolished post is revived and the vacant posts are filled in, there appears to be no reason, in case no senior person of the applicant is waiting or his name is in the panel and waiting for his turn to come, which could have come even earlier than the case of the said Shri Khanduri, as to why the case of the applicant cannot be considered and given promotion w.e.f. the due date to which he is entitled to, with all consequential benefits. With the above observations this

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application is disposed of finally. No order as to
the costs.


Member (A)


Vice-Chairman.

Dated: 1st February, 1993, Lucknow.

(tgk)