

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH : PATNA

Date of Order:- 4.1.07

Registration No. OA-774 of 2005

C O R A M

Hon'ble Km Sadhna Srivastava, Member (J)

Hon'ble Shri S.N.P.N.Sinha, Member (A)

.....  
Satyendra Kumar Singh ....Applicant

-By Shri Rana Pratap Singh, Advocate

Versus

The Union of India & Others ..... Respondents

-By 1. Shri D. Surendra. Additional Standing Counsel for Union of India.  
2. Shri Shekhar Singh, Standing Counsel for the State of Bihar

O R D E R

Km Sadhna Srivastava, Member (J):- The applicant is 1984 batch Officer of Indian Forest Service and presently posted as Conservator of Forests, Patna Circle, Patna. The grievance raised by him that the D.P.C. held on 22.6.2005 did not consider him for promotion to the post of Chief Conservator of Forests.

2. The facts are that the D.P.C. held on 22.6.2005 was required to select I.F.S. Officers for five posts of Chief Conservator of Forests pertaining to the vacancies which occurred during the years 2000, 2001, 2002 and 2003. No junior to the applicant was considered or selected. The applicant alleges that he has completed 18 years of his service. Therefore, he should



have been considered according to the guidelines issued by Government of India for promotion of members of Indian Forest Service to the senior scale and supertime scale from time to time.

3. The Official respondents in their reply have clearly stated that there are only six posts of Chief Conservator of Forests as detailed in para 3 of their reply. They have further stated in para 4 of reply that Bihar State Forest Development Corporation having become a sick unit is not in a position to pay salary and allowances of Managing Director. Therefore, the post of Chief Conservator of Forests-cum-Managing Director was not required to be filled. In this manner only six posts of Chief Conservator of Forests were available, one of which is occupied by one B.A.Khan working temporarily as Principal Chief Conservator of Forests. Consequently, five posts of Chief Conservator of Forests were available for which I.F.S. Officers of Bihar cadre were considered. The respondents thus mean to suggest that as soon as the next vacancy occurs the applicant will also be considered and subject to his merits become entitled to promotion as Chief Conservator of Forests.

4. We have considered carefully the pleadings raised by the parties. We are of the opinion that it is not mandatory that an officer who has completed 18 years of service has to be considered for promotion to the post of Chief Conservator of Forests. The words used are 'may be considered.' Thus depending on the number of vacancies, the I.F.S. Officer of 18 years of service may be considered. In the instant case as explained above only 5 vacancies were notified. Therefore, officers were considered for those 5 vacancies. The applicant is labouring under a belief that there existed seven vacancies. The respondents have explained clearly that only 5 vacancies existed. Resultantly, the applicant, who has completed 18 years of service,

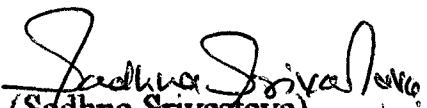


was not considered by the D.P.C. We, on a careful consideration, do not find any mistake either in notifying the vacancies or D.P.C. making 5 promotions instead of 7 promotions. We have considered in this regard para 3 of Government of India guidelines (Annexure-5). In view of the reply we find that the vacancies have been correctly calculated. We are further of the opinion that it is not correct that B.A. Khan, Chief Conservator of Forests has been made to hold charge of Principal Chief Conservator of Forests in order to deny promotion to the applicant as Chief Conservator of Forests. Rather the reason is that the post of Chief Conservator of Forests can only be held by an officer who has completed 30 years of service. We do not find any mala fide in this regard.

5. Resultantly the OA is dismissed without any order as to costs.

  
 (S.N.P.N. Sinha)  
 Member (A)

skS

  
 (Sadhna Srivastava)  
 Member (J)