

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

REGISTERED

APPLICATION No. 103/87(T)

(WP.NO. 17703/79 )

COMMERCIAL COMPLEX, (BDA)  
INDIRANAGAR,  
BANGALORE-560 038.

DATED: 25 MAY 1987

APPLICANT

Vs

Shri M. Nagaraja Sharma

TO

1. Shri M. Nagaraja Sharma  
Research Assistant Grade I  
Forest Research Laboratory  
Malleswaram  
Bangalore - 560 003
2. Dr M.S. Nagaraja  
Advocate  
No. 35 (Above Hotel Swagath)  
1st Main Road  
Gandhinagar  
Bangalore - 560 009
3. The Secretary  
Ministry of Agriculture  
Krishi Bhavan  
New Delhi-110 001
4. The President  
Forest Research Institute  
& Colleges  
Dehradun (U.P.)

RESPONDENTS

The Secy, M/o Agriculture & 9 Ors

5. Shri S.P. Juyal
6. Shri S.P. Singh
7. Shri J.D. Jain
8. Shri S.C. Misra
9. Shri V.K. Gupta  
(Sl. No. 5 to 9 - Respondents  
Forest Research Institute &  
Colleges, Dehradun (U.P.) )
10. Shri A.K. Ananthanarayana
11. Shri C.R. Rangaswamy
12. Ms B.S. Kamala  
(Sl. No. 10 to 12 - Respondents  
Forest Research Laboratory  
Malleswaram, Bangalore - 560 003)  
Grade I
13. Shri M.S. Padmarajaiah  
Central Govt. Stng Counsel  
High Court Buildings, Bangalore - 1

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE  
BENCH IN APPLICATION NO. 103/87(T)

....

Please find enclosed herewith the copy of the Order  
passed by this Tribunal in the above said Application on  
30-4-87

ENCL: As above.

14. Shri A. Keshava Bhat  
Advocate  
"Vani Nilaya"  
37, 3rd Main Road  
Vyalikaval, Bangalore - 560 003

*Pls. note well*  
of for DEPUTY REGISTRAR  
(JUDICIAL)

*26/5/87*

This application having come up for hearing to-day Vice-chairman made the following.

O R D E R

This is a transferred application and is received from the High Court of Karnataka under Section 29 of the Administrative Tribunals Act, 1985 ('the Act').

2. On 15.12.1965, the applicant, with the qualification of a Master in Science, joined service as a Research Assistant, Grade-I, at the Forest Research Laboratory, Bangalore, an unit attached to the Forest Research Institute, Dehradun ('FRI'). The next promotional post to the applicant under the Forest Research Institute & Colleges (Class I and Class II Non Tenure Posts) Recruitment Rules, 1966 ('the Rules'), was that of a Research Officer Grade-B ('RO'), which is a selection post.
3. From 1973 to 19.8.1979, for reasons that are not clear, there were no promotions to the post of ROs and therefore the applicant, or other eligible officers, were not considered, and promoted as ROs during the said period.
4. On 20.8.1979, a Departmental Promotion Committee ('DPC') constituted for the purpose by Government, considered the case of the applicant and 93 eligible officers to 27 posts of ROs and made its recommendations against the 'general' and 'reserved' quotas and accepting

the same, the President, FRI, by his Office Order No.A.32014/2/78-Estts., III-I dated 22.10.1979 (Annexure-E), had promoted respondents 3 to 11 and several others to the posts of ROs, who are functioning as ROs ever since then. On 9.11.1979, the applicant approached the High Court in W.P. No.17703/79 challenging his non-selection and the selection of respondents 3 to 11 ~~on diverse grounds~~ which on transfer has been registered as A.No.103/87.

5. In justification of the non-selection of the applicant and the selection of R3 to 11, and others, respondents 1 and 2 have filed their statement of objections before the High Court.

6. Dr. M.S. Nagaraja, learned counsel for the applicant, contends, that in conformity with the circular instructions of Government, the DPC on 20.8.1979, should have allocated all the previous ~~years~~ <sup>14</sup> vacancies yearwise, and considered the cases of only those officers that ~~who~~ were eligible for that year only, instead of bunching all the vacancies and considering the cases of all, as if that was one unit and in so doing, it had acted illegally.

7. Shri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel, appearing for the respondents 1 and 2, and Shri K. Keshava Bhat, learned counsel for respondent No.10, and Shri A.K. Anantanarayan who is Respondent 9 contend that the circular instructions