

**REGISTERED**

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex(BDA),  
Indiranagar,  
Bangalore - 560 038

Dated : 3/9/82

APPLICATION NO 668 /86(T)

W.P. NO 16879/83

Applicant

Shri V.P. Hiremath

V/s

The Secy, Dept of P & AR, M/o Home Affairs  
New Delhi & 3 Ors

To

1. Shri V.P. Hiremath  
Deputy Conservator of Forests  
Kollegal  
Mysore District

2. Shri M. Narayana Swamy  
Advocate  
844 (Upstairs)  
Vth Block, Rajajinagar  
Bangalore - 560 010

3. The Secretary  
Dept. of Personnel & Administrative Reforms  
Ministry of Home Affairs  
North Block, New Delhi

4. The Secretary  
Food & Forest Department  
Govt. of Karnataka  
Vidhana Soudha  
Bangalore - 560 001

5.. Shri K. Sundar Naik, I.F.S.  
Deputy Conservator of Forests  
Koppa Division, Koppa

6. Shri S.C. Neginhal, I.F.S.  
Deputy Conservator of Forests  
Green Belt, Aranya Bhavan  
Malleswaram, Bangalore - 3

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/

~~INTERIM ORDER~~ passed by this Tribunal in the above said

application on 26-8-87.

*R.V. Venkatesh*  
DEPUTY REGISTRAR  
~~SECTION OFFICER~~  
(JUDICIAL)

Encl : as above

7. Shri M.S. Padmarajaiah  
Central Govt. Stng Counsel  
High Court Buildings  
Bangalore - 560 001

8. Shri S.M. Babu  
State Govt. Pleader  
Karnataka Administrative Tribunal  
Indiranagar  
Bangalore - 560 038

RECEIVED

3-9-82  
Diary No. 1080/CP/82  
Date: 4/9/82

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 26TH DAY OF AUGUST, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and  
Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NO. 668/1987

Shri V.P. Hiremath,  
S/o P.V. Hiremath,  
aged 33 years,  
Deputy Conservator of Forests,  
Kollegal, Mysore District.  
(Shri M. Narayana Swamy, Advocate)  
v.

.... Applicant

1. The Union of India  
by its Secretary, Department  
of Personnel & Administrative Reforms,  
Ministry of Home Affairs,  
North Block, New Delhi.
2. The State of Karnataka by its  
Secretary to Government,  
Food and Forest Department,  
Vidhana Soudha,  
Bangalore.
3. K. Sundar Naik, I.F.S.  
Deputy Conservator of Forests,  
Koppa Division, Koppa.
4. S.G. Neginhal, I.F.S.  
Deputy Conservator of Forests,  
Green Belt, Aranya Bhavan,  
Malleswaram, Bangalore.

.... Respondents.

(Shri M.S. Padmarajaiah, SCGSC for Respondent - 1)

(Shri S.M. Babu, Advocate for Respondent - 2 )

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. At the material time the applicant and Respondents 3 and 4 were working as Assistant Conservator of Forests (ACFs) in the Karnataka State Forest Service and in that service, the applicant was senior to Respondents 3 and 4.

3. In making selections to the Indian Forest Service (IFS) in 1981 by appointment by promotion under Regulation No.5 of the Indian Forest Service (Appointment and Promotion) Regulations, 1966 (Regulations) the applicants, respondents 3 and 4 and several other ACFs were eligible. In conformity with the ~~said~~ Regulations and all other relevant provisions a Selection Committee (SC) constituted thereto made selections with which the UPSC concurred. In conformity with the same Government of India (GOI) by its Notification No.17013/10/82-AIS(IV) dated 27th July 1982 (Annexure-B) had published the select list of officers selected to IFS from the State Cadre. In that list Respondents 3 and 4 ~~xxx~~ had been assigned a higher rank over the applicant. In Writ Petition No.16879/83 the applicant moved the High Court for a direction to declare him as senior to Respondents 3 and 4 in that select list, which on transfer has been registered as Application No.668/1987.

4. The applicant claims that on making selections to IFS his seniority over respondents 3 and 4 in the State Cadre, must have been maintained and that he should have been assigned a higher rank over Respondents 3 and 4.

5. Shri M. Narayanaswamy, learned counsel for the applicant contends, that the assignment of higher ranks to Respondents 3 and 4 in the IFS over the applicant was wholly <sup>illegal</sup> improper and unjustified.

6. Shri M.S. Padmarajaiah, learned counsel for the Respondent-1 and Shri S.M. Babu, learned counsel appearing for Respondent-2, sought to support the action of SC and GOI.

7. Shri Babu has produced the original records of Karnataka Government which contain an authenticated copy of the proceedings of the SC held on 19th December 1981 making selections to IFS, which has also been perused by Sri Narayanaswamy. In those proceedings of the SC, the applicant has been graded as "good" and Respondents 3 and 4 had been graded as "very good". On these gradings the, SC had prepared the select list placing Respondents 3 and 4 over the applicant with which the UPSC had concurred. In conformity with them the GOI, had issued notification on 27-7-1982.

8. Whatever be the position of the parties in the State Cadre, the assessments made and the gradings given by the SC with which the UPSC had concurred, had altered the position of the applicant and Respondents 3 and 4 in the IFS. The assessments made and gradings assigned to the applicant and Respondents 3 and 4 are in conformity with the regulations and the principles enunciated by the Supreme Court in R.S. DAS v. UNION OF INDIA A.I.R.(1987 SC 593.) We do not find any infirmity or illegality in

the gradings and the assignment of rankings to the applicant and Respondents 3 and 4. From this it follows the challenge of the applicant is liable to be rejected.

9. On the foregoing discussion we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But in the circumstances of the case we direct the parties to bear their own costs.

Sd/-  
Vice-Chairman

ab/sjs

Sd/-  
Member (A)

bsv/Mrv.

'True Copy'

*Ravi Kumar B. B. 208*  
DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE  
3191