

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No. 723/93

Date of Order: 21.10.93

Between :

A.P.Awasthi

.. Applicant

and

1. Union of India, represented by its Secretary to Government, Ministry of Forests and Environment, NEW DELHI.
2. State of Andhra Pradesh, represented by its Chief Secretary to Government, Secretariat, Hyderabad.
3. The Union Public Service Commission, rep. by its Chairman, Dholpur House, New Delhi.
4. The Screening Committee for promotion of I.F.S. Officers, General Administration Dept., A.P. Secretariat, Hyderabad.
5. The Principal Chief Conservator of Forests, Aranya Bhavan, Saifabad, Hyderabad.
6. Sri S.D. Mukherjee, I.F.S., Conservator of Forests, C/o Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad.

.. Respondents

Counsel for the Applicant : Mr. S. Satyam Reddy

Counsel for the Respondents : Mr. N. R. Devaraj S. C & SC
Mr. D. Panduranga Reddy Spl. Counsel to AP.

CORAM:

THE HON'BLE MR. JUSTICE V. NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN : MEMBER (ADMN.)

OA.723/93

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

This OA was filed on 2-7-1993 praying for calling for records relevant to the issuance of GO RT No.3204, dated 29-6-1993 and the recommendations of the Screening Committee which had met on 29-6-1993 and to declare the action of the Screening Committee in not taking into account the year of allotment in IFS for promotion to the post of Chief Conservator of Forests by adopting a different method as arbitrary, illegal and for consequential direction to Respondents 1 to 5 to promote the applicant as Chief Conservator of Forests as per his seniority in IFS cadre, before R-6 is promoted as Chief Conservator of Forests.

2. The Selection / Screening Committee considered the officers of the Batches belonging to 1966 to 1972 and also that of Sri Rameswar of 1965 Batch, who ^{was} ~~were~~ not promoted earlier, for promotion to the post of Chief Conservator of Forests. Then R-6 of 1968 Batch was placed at serial No.1 and the applicant of 1966 Batch was placed at serial No.2 and officers of later batches were placed below the applicant and on that basis both R-6 and the applicant were promoted to the cadre of Chief Conservator of Forests on 1-8-1993.

3. Then the applicant filed MA.742/93 praying for amendment of the prayer in the OA. The said application was allowed and as per the amended prayer, the applicant prays for calling for record relating to issuance of GO RT

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No.3204 of 29-6-1993 and the Recommendation of the Screening Committee which met on 29-6-1993 and to declare the action of the Screening Committee in assigning serial No.2 to the applicant in the panel for promotion to the post of Chief Conservator of Forests by adopting a different method as arbitrary and illegal and to consequently direct R-1 to R-5 to assign serial No.1 to the applicant and thus above R-6..

4. The seniority of the officers of IFS (Indian Forest Service) is fixed on the basis of the year of allotment and interse seniority as amongst the officers of the same year is fixed on the basis of the merit/rank given to them at the time of selection to the IFS. That seniority is not disturbed even in a case where one or other junior officer is promoted to any ^{higher} category on the basis of selection on merit. Thus, it means that for consideration ^{for} of promotion of IFS officers at each stage, the initial seniority alone is taken into consideration and the seniority in the immediate lower cadre is not relevant. As such no junior can be considered ~~for promotion at any stage~~ without considering the case of the senior as per the initial seniority list, for promotion to any higher category. When the applicant is of 1966 Batch, ~~while~~ R-6 is of 1968 Batch, R-6 cannot be considered for promotion to the next higher category i.e. Principal Chief Conservator of Forests, without considering the case of the applicant, as he is senior to R-6 as per the initial seniority list, and as the seniority in the category of Chief Conservator of Forests is not relevant for consideration for promotion.

5. But the question as to whether the seniority in the lower category i.e. Chief Conservator of Forests ^{can be taken} ~~is a matter~~

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^{into}
~~for~~ consideration for assigning rank at the time of
~~consideration for~~ promotion to the post of Principal
 Chief Conservator of Forests is not a matter for consider-
 ation at this stage, for it cannot be stated as to what
 norms would be followed when the turn of the applicant for
 consideration of promotion to the post of Principal Chief
 Conservator of Forests arises. It is also open to the
 Government to issue necessary instructions ^{meanwhile} in the matter. ^{in the}
 So, the said contention is merely hypothetical, and as such,
 we do not propose to consider about it and the same is left
 open for consideration as and when it arises.

6. It is true that in assigning serial No.1 to R-6, the
 Screening/Selection Committee had taken into consideration
 about the fact that the R-6 is senior to the applicant in
 the category of Conservator of Forests. But as the
 applicant and R-6 were given promotion to the post of
 Chief Conservator of Forests on one and the same day, no
 prejudice was caused to the applicant even though he is
 at serial No.2 while the serial No.R-6, his junior is at
 No.1. As such we are not considering the said contention
 for disposal of this OA.

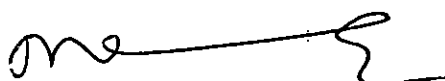
7. Heard Sri S. Satyam Reddy, learned counsel for the
 applicant and Sri N.R. Devaraj, learned counsel for the
 respondents.

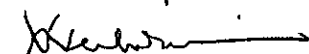
✓ 8. This OA is closed by observing that it is immaterial
 as to whether the applicant is at serial No.1 or 2, for
 both the officers at serial No.1 & 2 got promotions to the
 post of Chief Conservator of Forests on the same day, and
 as per Rule, ^{existing} R-6 cannot be considered for promotion to the
 next higher post of Principal Chief Conservator of Forests

W. P. J.

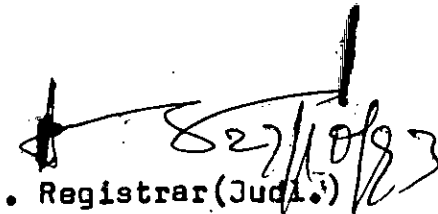
without considering the case of the applicant as he is senior to R-6 as per the initial seniority list.

9. OA is ordered accordingly. No costs.


(R. Rangarajan)
Member (Admn)


(V. Neeladri Rao)
Vice-Chairman

Dated : October 21, 1993
Dictated in the Open Court


Dy. Registrar (Judicial)

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Copy to:-

1. Secretary to Government, Ministry of Forests and Environment, Ministry of Forests and Environment, New Delhi.
2. Chief Secretary to Government, State of A.P. Secretariat, Hyderabad.
3. Chairman, Union Public Service Commission, Dholpur House, New Delhi.
4. The Screening Committee for promotion of I.F.S. Officers, General Administration Department, A.P. Secretariat, Hyd.
5. The Principal Chief Conservator of Forests, Aranya Bhavan, Saifabad, Hyderabad.
6. One copy to Sri. S. Satyam Reddy, advocate, No. 10, APHB Complex, Barkatpura, Hyd.
7. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
8. One copy to Sri. D. Panduranga Reddy, Spl. counsel for A.P.
9. One copy to Library, CAT, Hyd.
10. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN.

AND

THE HON'BLE MR. *R. Ranga Rao* ~~CHARTERED MEMBER (A)~~

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM: M(A)

Dated: 21/10/ -1993

ORDER/JUDGMENT: ☒

~~M.A./R.A./C.A.No.~~

in

O.A.No.

723/95.

T.A.No.

(W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

Central Administrative Tribunal
DESPATCH

4 NOV 1993

HYDERABAD BENCH.