

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1140 of 1993

Between:

N. Linganna, I.F.S.
S/o Chennaiah,
Aged about 52 years,
Occ: Conservator of Forests
on deputation to APFDC
as Regional Manager,
at Nellore. A.P.

... APPLICANT

AND

1. THE SECRETARY
Ministry of Environment & Forests
Government of India,
Paryavaran Bhavan, C.G.O. Complex
Phase-II, Lodi Estate,
New Delhi-110 003.
2. The Government of Andhra Pradesh
Reptd. by its ~~Principal~~ Secretary
~~Energy Forests Environment,~~
~~Science and Technology~~ Secretariat, &
Hyderabad.
3. The Principal Chief Conservator of
Forests, A.P. Hyderabad. ... RESPONDENTS.
(Opp: RBI) Saifabas.
HYDERABAD.

DETAILS OF THE APPLICATION

1. Particulars of the Applicant:

The particulars of the applicants are as mentioned
in the cause title shown above.

The address of the Applicants for the purpose of
service of summons, notices etc. in hat of their Counsel:
Shri K. SUDHAKAR REDDY, Advocate, High Court of Andhra
Pradesh, H.NO.2-2-1132/5, OPP:S.B.I., New Mallakunta,
Hyderabad-500 044.

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2. PARTICULARS OF THE RESPONDENTS:

The particulars of the Respondents and their addresses for the purpose of service of summons and notices, etc. are the same as mentioned in the cause title above.

3. ORDERS AGAINST WHICH THIS O.A. IS FILED:

i) Orders issued By: —

ii) Dated: —

iii) Subject in brief: To allot 1972 as year of allotment to the applicant and consider him for promotion as Chief Conservator of Forests.

4. JURISDICTION:

The Applicants declare that the subject matter against which this application is made is well within the jurisdiction of the Administrative Tribunal Act, 1985, u/s 24. and invoking this Honourable Tribunal Jurisdiction for his grievance. Applicant herein is working as conservator of Forests at Nellore.

5. LIMITATION:

The Applicant further declares that the application is made well within the limitation period as prescribed under the provisions of Section 21(1) of the Administrative Tribunal Act, 1985. Applicant herein submitted several representation to the Respondent authorities but till today neither they rejected the representations of the Applicant nor passed any favourable order.

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6. THE FACTS OF THE CASE:

Applicant herein is working as conservator of Forests on deputation to "APFDC" as Regional Manager at Nellore. A.P. It is submitted that the Applicant herein was initially appointed to officiate in the Senior Scale Post of I.F.S. vide G.O.No.299, F&RD (FOR III) Department dated 6-4-1977 (extract of the G.O. in enclosed). Subsequently the Government of India were pleased to appoint the applicant to the Seniors Scale I.F.S., ~~vide their notification No.17013/16/77-AIS(IV)~~ vide their notification No.17013/16/77-AIS(IV). Ministry of Home Affairs, Department of Personnel and Administrative Reforms dated 13-10-1977 communicated in Government of Andhra Pradesh, F & RD Department Memo No.3086/ or.II/77-2, dated 28-10-1977. Applicant herein was given year of allotment as "1974" alongwith other Officers those who are appointed to Seniors Scale post of I.F.S.

Here it is humbly submitted few Officers who are appointed alongwith the applicant to Senior Scale Post of I.F.S. approached this Honourable Tribunal by filing Transfer Application No.108 of 1986 (W.P.No.5055/82), and contended that there was delay in promoting these Officers to the Senior Scale post of I.F.S. During the period between the date of approval of select list i.e. 7-2-1977 and the date of appointing these Officers to the Senior Time scale i.e. 6.4.1977, One Mr. K. Someswar Rao was promoted on 1-4-1977. While the promotions of the applicants were delayed on account of General Elections Mr. Someswara Rao was promoted during the interognum.

This Honourable Tribunal in T.A.No. 108 of 1986 held as follows:

"The next question for consideration is the delay in promoting the applicants after the approval of the select list by the Government of India. Shri Chandra Mouli, Special Counsel for the State Government states that the delay was due to the fact that as general elections were due to be held, promotions were postponed during the period of the General Elections. Admittedly, while the State Government had good reason for delaying the promotion of the applicants, applicants cannot be denied the benefit that would have accrued to them, had they been promoted at proper time. The delay in promotion, in public interest, cannot be allowed to have adverse effect on the applicants. It is admitted that there were vacancies for promoting all the applicants on the date when the Government of India gave their approval for the select list viz. 7-2-1977. During the period between the date of approval of select list i.e. 7.2.1977 and the date of appointing the applicants to the senior time scale i.e. 6.4.1977, the respondent No.4 was promoted on 1.4.1977. While the applicants promotion was delayed on account of General Elections, the 4th respondent's promotion was effected during the interregnum. It is seen that the applicants were entitled to be promoted on 7.2.1977 and would have been promoted on that date but for the Elections, We, therefore, hold that for the purpose of seniority, the applicants are entitled to be placed above Shri K. Someswara Rao, but below Shri K.S.Das (Who was allotted 1972 as the year of allotment)."

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Pursuant to ~~the directions~~ of this Honourable Tribunal in the above T.A.No. 108 of 1986 the Government of India, Ministry of Environment of Forests issued order No.22012-21/82, IFS II, dated 21st September, 1990. New Delhi, and the years of allotment of the 15 Officers those who are appointed to Senior Scale Post of IFS, alongwith the applicant in year 1977 is reassigned the year of allotment as 1972 instead 1974 and placed below Sri K.S.Das, who was allotted 1972 as the year of allotment.

It is humbly submitted that the applicant herein was not a party to the T.A.No.108 of 1986 even though he was appointed to Senior Scale post of IFS in the year 1977, due to some personnel reasons. After the Government of India Order No.22012-21/82, IFS-II, dated 21st September, 1990., applicant herein submitted representations to respondent authorities and requested that he may also be allotted "1972" as year of allotment which was given to the Officers those who were party to the T.A.No.108 of 1986. Even though several representations were submitted to the Respondent authorities the benefit of the judgement of this Honourable Tribunal is not being extended to the applicant herein without giving reasons whatsoever. Now Mr. S.K.Das who is allotted to "1972" is already promoted and taken charge as "Chief Conservator of Forests" on 31.8.1993 afternoon. The remaining officers filed the representation to the Government to consider their cases for promotion and ~~the entire 72 batch~~, the Analogy of I.A.S., I.P.S., where promotions were given batchwise. I understand that there representation is under active consideration.

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It is submitted that applicant case is not being considered for Higher promotion to the post of Chief Conservator of Forests on the ground that he belongs to "1974"batch. As such applicant herein must also be considered ~~for~~ promotion alongwith "1972" batchmates. If applicant herein is not considered by treating him belongs to "1972"batch as for the judgement of Honourable Tribunal the applicant herein will be put to irreparable loss and damages. The action of the respondent authorities in not giving the benefit of judgement in T.A.No.108 of 1986 is clearly illegal, arbitrary and it also amounts in voilation of the applicants fundamental rights guarantees and articles 14 and 16 of the constitution of India.

7. RELIEFS SOUGHT:

MAIN RELIEF:

HENCE, IT IS PRAYED THAT THIS HONOURABLE TRIBUNAL MAY BE PLEASED TO, direct the respondent No.1 to extend the benefit of the judgement in T.A.No.108 of 1986 ~~and~~ ^{date: 16.2.89} assign ^{ans} ~~as~~ "1972" as year of allotment to applicant and consider him for promotion to the post of "Chief Conservator of Forests" with all benefits and, pass any other order or orders as is deemed fit, proper, necessary and expedient in the circumstances of the case.

8. INTERIM RELIEF:

To expedite the O.A.

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9. REMEDIES EXHAUSTED:

The Applicant herein submitted several representation to the respondent authorities to extend the benefit of the judgement of this Honourable Tribunal in T.A.No.108 of 1986, dated 16-2-1989. And as such there is no statutory remedy available except to invoke the jurisdiction of this Honourable Tribunal.

10. MATTERS PENDING WITH ANY OTHER COURT ETC:

The applicants further declares that they had not filed any application, writ petition or suit regarding the matter in respect of which this application is made before any court or any authority or any other other bench of this Tribunal nor any such application, writ petition or suit is pending before any of them.

11. PARTICULARS OF THE POSTAL ORDER:

- i) Postal Order No.
- ii) Date:

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7.9.93

12. LIST OF ENCLOSURES:

5/6.50/- A
LP.O./B.G./D.D./Removed

13. DETAILS OF THE INDEX:

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COUNSEL FOR APPLICANTS.

APPLICANT