

FORM NO. 21  
(See Rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYD  
CA / TA / RA / CP / MA / PT ..... 456 ..... of 199

..... A. Kaishan ..... Applicants(s)

Versus

The Secretary, M.O. E & F. Co. .... Respondent(s)

INDEX SHEET

Complex, New Delhi

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Signature of  
Dealing Hand  
(In Record Section)

Signature of S.O.

25/3/99  
Certified that the file is complete  
in all respects.

L (A)

OA no. 456/93

DATE	Office Note	ORDER
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8/11/99

List the MA no. 466/98

on 22/2/99

HBSJP  
M.C.

HBSJP  
M.C.

22/2/99

Mr. K. Sudhakara Reddy, for the applicant,  
Mr. Mc. Jacob for Mr. BN. Sharma, for Central Govt.  
alone for the State Govt.

We find that the State Govt. Counsel is not attending the Court regularly and because of that many petitions are to be adjourned. The Central Govt. has not filed the reply so far. Mr. Mc. Jacob requests 2 weeks time for filing reply.

List this MA for orders on 11.3.99. No further adjournment will be given. On that day the State Govt. Counsel should present.

Registry should indicate clearly the names of the counsels for respondent.

11/

JE/  
HBSJP  
M.C.

HBSJP  
M.C.

(C.C. Today)

DATE	Office Note.	ORDER
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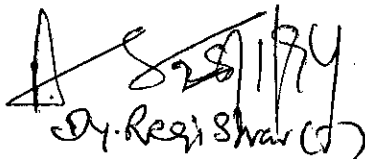
11.3.99

MA. 466/98 is  
disposed of with  
directions as cost -

✓  
HPSJP  
re (J)  
see

✓  
WBFV  
MB

OA 456/93

Date	Office Note	Orders
14-6-93		ADMIT. Post in the usual course for final hearing, for counter in the meanwhile.
		<div style="display: flex; justify-content: space-around;"> <div>   HPTT  n(A) </div> <div>   HVNRJ  VC </div> </div>
8-93	<u>Service</u>	
8-93	R-1 NSNR. R1s. 2 & 3 Served	Verify through RME for Service of notice on R-1.
	<u>Before the Registrar</u> for 60 steps	Call on 30.9.93.
		for Registrar
28.1.94	<u>Before the R. CO</u> for steps	
	Verify through RME for Service of notice on R-1. call on 11.3.94.	
	 By Registrar (S)	
12/94	verified through RMEs. Verification of Service of notice sent to through RME.	

14/16

(3) 2

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

O.A. NO. ~~LA~~ NO.

456

1993



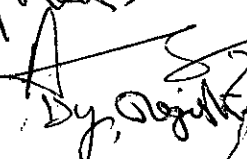
AN Kishanb

Applicant (S)

Versus

The Secretary, min. of  
Environment & Forests, New Delhi

Respondent (S)

Date	Office Note	Orders
5.5.93		<p>In the circumstances of the case delay is condoned. Register the OA if otherwise in order. List it for admission in the 1st week of vacation. OA is allowed accordingly.</p> <p style="text-align: center;">   HPTT 9(A) </p> <p style="text-align: center;">   HVNR VC. </p> <p>Post on 7-6-93.</p> <p style="text-align: center;"> HVNR VC. </p> <p>By order.</p> <p style="text-align: center;">   By Registrar </p> <p>At the request of Mr Reddy, counsel for applicant, O.A. is adjourned 16-6-93.</p>
7-5-93		
7-6-93		

T.C.R.  
(H.T.C.R.)  
M(S)

J.J. (H.P.T.T.)  
M(S)

OA 456/93

5

Date	Office Note	Orders
16-8-95.		<p>List it on 17-8-93.</p> <p>HARN HUNAR MCH 4/0 VC DRJ</p> <p><u>22-8-95</u></p> <p>List it on 30-8-95, for reply for the State Govt. in the meanwhile.</p> <p>HARN HVIRJ 7(A) VC B.O.</p> <p>✓ DRJ</p> <p>Jim on 5/6/95 not under order.</p> <p><u>HARN</u> 130 <u>DRJ</u> no VC</p> <p>Dr</p> <p><u>2-9-96.</u></p> <p>Indicate <sup>the</sup> name of the Applicant - as also the name of the Counsel for the respondents - Correct by -</p> <p>✓</p> <p>HARN BCS-J M(A) V.C. Allahabad Banda</p>

4/6/95

# Central Administrative Tribunal

HYDERABAD BENCH

O.A. No./T.A. No. 456/93 .....19

Applicant (s)  
Versus

Respondent (s)

Date	Office Note	Orders
6.3.94	<p>Before the D.R. (J) for steps</p> <p>Await reply from Rong for Service of notice on R-1. Callan 13.4.94.</p> <p>↓ Dy. Registrar (J) cc</p>	<p><u>29-3-95</u></p> <p>List it after the reply is filed.</p> <p>HABG M(A)</p> <p>By order ↓ DR (J) M</p> <p>HVNRT VC</p>
15.4.94	<p>Before Dy. Regr (J)</p> <p>Notice has been duly served on R-1 and the case is ready to be heard on 17.7.95. and 31 of CAT, Rules of Practice, 93. Add it to the ready list.</p> <p>↓ Dy. Regr (J) cc</p>	<p><u>17-7-95</u></p> <p>List it for orders on 18.7.95. Print the name of the parties for R-1 and R-2. HVNRT VC</p> <p>9/7/95 List it on 10/8/95 HVNRT VC</p> <p>DR (J) B.O.</p>
31/5/93	<p>Counter filed by Mr. M. Devaraj, Sr. Clerk on 30/5/94.</p>	

OA 456/93

DATE

OFFICE NOTE

ORDERS

14/11/96

Contd. from pre  
page

will be submitted by the State Govt.  
No reply has been filed by the  
State Govt. learned Counsel for  
the State Govt. is also not present  
inspite of adjournment in this  
case. Hence we have no alternative  
left except to summon a  
responsible officer from the  
State Govt. to argue this case.  
If there is no representation at the  
time of the next hearing either  
the case will be disposed of  
without hearing R<sub>2</sub> and R<sub>3</sub> or  
notice ~~should~~ <sup>will</sup> be issued to  
R<sub>2</sub> to be present <sup>JP 11/11/96</sup> in the  
Court to argue this case.

(C.C. today.  
to R<sub>2</sub> & R<sub>3</sub>).

List it on 28.11.96.

J  
HBSJP  
14 (J)

1  
HRRN  
14 (A)

14-11-96

Mr. IVRIL Gurty is present himself at  
1:35 pm. today when the Court was about to  
raise. He submitted that he will be present  
on the next date of hearing i.e. 28.11.96.

Jai  
HBSJP  
17 (A)

1  
HRRN  
17 (A)



OA 456/93

DATE	OFFICE NOTE	ORDERS
------	-------------	--------

11-11-96

None present. Post for  
orders tomorrow.

R  
HBSJP  
M(J)

HRRN  
M(A)

12-11-96

None present. Post for  
dismissal tomorrow.

R  
HBSJP  
M(J)

HRRN  
M(A)

14/11/96

This OA came up for hearing  
on 11-11-96 when there was no  
representation for R<sub>2</sub> and R<sub>3</sub>,  
State Government. Even today  
when the case is posted, no  
representation from the State Govt

In page-9 of the count  
filed for R-1 it is stated that  
certain information in regard to  
the claim of the official being  
considered for promotion to I.


Contd--


OA 456/93

9

18-12-96.

List it on 30.12.96 for orders at the request of Shri N.A. Dev. Maj. Standing Counsel for respondents but no further adjournment will be given thereafter.


  
HBSJP  
M(S)


  
HRAH  
M(H)

30-12-96.

None for the applicant Mr. N.R. Devanay for the respondents.

At the request of the respondents counsel, list it on 10-1-97. no further extension of time will be given and if any extension of time is asked for on that date the same will be ~~rejected~~ rejected. List it on 10-1-97 under the same head for orders.

  
HBSJP  
M(S)

  
HRAH  
M(H)

OA 456/93

8

28-11-96

Mr. K. Sudhakar Reddy for the Applicant.

Mr. IVRICK Murthy for State Govt. It is stated that the counter affidavit by R-2 and R-3 is filed only today and hence the Applicant's Counsel prays for time before hearing this case. In view of the above, list this case on 9-12-96

*R*  
HBSTP  
M(J)

*H*  
HRRV  
97(A)

9-12-96

Note for the applicant.

List it for dismissal

on 12-12-96.

*R*  
HBSTP  
M(J)

*H*  
HRRV  
M(A)

12-12-96

Mr. K. Sudhakar Reddy for Applicant.

Mr. NR Devaraj for Central Govt. Mr. IVRICK

Murthy for State Govt. & AP.

At the request ~~for~~ of Mr. N. R. Devaraj, Sr case, list on 18-12-96. No further adjournment will be given.

*R*  
HBSTP  
M(J)

*H*  
HRRV  
M(A)

DATE OFFICE NOTE

ORDER

12-3-97.

Heard Mr.K.Sbdhakar Reddy for the applicant and ~~and~~ Mr.N.R.Devaraj for the respondents.

The case was passed over as Sr.CGS was not readily available. As it is stated that this may not come up for hearing before this present session, the learned counsel for the applicant requested to adjourn this case tomorrow i.e., 13-3-97 as he has some urgent work in other Courts.

In view of the above submission list it tomorrow i.e., 13-3-97 for hearing immediately below admission. No further extension of time will be given.

The standing counsel should also come prepared for hearing this case tomorrow i.e., 13-3-97 positively.

HBSJP  
M(J)

HRRN  
M(A)

13/3/97

Mr.K.S. Suthakar Reddy  
Mr.NR Devaraj, sc gsc  
Mr.Narayan Rao

Heard. OA disposed of. Order vide separate sheets.

HBSJP  
M(J)

HRRN  
M(A)

OA 456/93

(10)

DATE

OFFICE

NOTE

ORDER

2/97

Mr. K. Sudhakar Reddy,  
for the applicant- and  
Mr. W. Satyanarayana for  
Mr. MR. Devraj, for the  
respondents.

Mr. Satyanarayana prays  
for time as his senior  
away. In view of this  
submission list it on 5/3/97  
under the same heading  
for orders. No further  
adjournment will be given.

*Jr*  
HBSJP  
M(3)

*Jr*  
HBSJP  
M(3)

10-3-97

At the request of sro. N.R.  
Devraj, standing counsel for  
respondents, list it on 12-

*Jr*  
HBSJP  
M(3)

*Jr*  
HBSJP  
M(4)

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH - HYDERABAD**

ORIGINAL APPLICATION NO. 456 OF 199

Shri A. Kishan Applicant (s)

Versus

The Secretary,


Ministry of Environment & Forests,  
New Delhi

Respondent (s)

This Application has been submitted to the Tribunal

by Mr. K. Sudhakar Reddy Advocate under section 19 of the  
Administrative Tribunals Act, 1985 and same has been scrutinised with reference to the points mentioned  
in check list in the light of the provisions contained in the Administrative Tribunal (Procedure)  
Rules, 1987.

The application has been in order and may be listed for admission on - 5 - 93

  
Scrutiny Officer.

  
Deputy Registrar (J)

## Particulars to be examined

## Endorsement as to result of examination

- |     |  |    |
|-----|--|----|
| 8.  | Has the index of documents been filed and has the paging been done properly?   | y  |
| 9.  | Have the chronological details of representations made and the outcome of such representation been indicated in the application? | nk |
| 10. | Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal?                      | y  |
| 11. | Are the application/duplicate copy/spare copies signed?  | y  |
| 12. | Are extra copies of the application with annexures filed.  |    |
|     | (a) Identical with the original  | y  |
|     | (b) Defective  |    |
|     | (c) Wanting in Annexures   | 2  |
|     | No...../Page Nos.....?   |    |
|     | d Distinctly Typed?  |    |
| 13. | Have full size envelopes bearing full address of the Respondents been filed?   | y  |
| 14. | Are the given addresses, the registered addresses?   | }  |
| 15. | Do the names of the parties started in the copies, tally with those indicated in the application?                                |    |
| 16. | Are the translations certified to be true or supported by an affidavit affirming that they are true?                             | nk |
| 17. | Are the facts for the case mentioned under item No. 6 of the application.  | y  |
|     | (a) Concise?   |    |
|     | (b) Under Distinct heads?  | 2  |
|     | (c) Numbered consecutively?  |    |
|     | (d) Typed in double space on one side of the paper?  | y  |
| 18. | Have the particulars for interim order prayed for, stated with reasons?  | y  |

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

APPLICANT (S) A. Kishan

RESPONDENT (S) Secretary, Ministry of Environment, N-Office & 200

Particulars to be examined

Endorsement as to result  
of examination

1. Is the application Competent? Y
2. (a) Is the application in the prescribed form? Y  
(b) Is the application in paper book form? Y  
(c) Have prescribed number complete sets of the application been filed? Y
3. Is the application in time? Y  
If not by how many days is it beyond time?  
His sufficient cause for not making the application in time, stated? 7
4. Has the document of authorisation / Vakalat name been filed? Y
5. Is the application accompanied by B.D./I.P.O. for Rs. 50/-? Number of B.D./I.P.O. to be recorded. Y
6. Has the copy/copies of the order (s) against which the application is made, been filed? Y
7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed? Y  
(b) Have the documents referred to in (a) above duly attested and numbered accordingly? Y  
(c) Are the documents referred to in (a) above neatly typed in double space? Y



CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

INDEX SHEET (ORIGINAL)

O.A. NO. 456 of 199

CAUSE TITLE A. Kishan,

VERSUS

The Secretary, min. of Environments  
& forests, M.D.

Sl.No.	Description of Documents	Page No.
1.	Original Application	1 to 9
2.	Material papers	1 to 9
3.	Vakalat	1
4.	Objection Sheet	1
5.	Spare Copies 3 (three)	
6.	Covers 3	
7.	counter affidavit filed -	—

IFS matter:

~~Count the reputation~~  
~~of a direction to the applicant to provide the service in the same way as~~  
~~the other officers mentioned against Item (1)~~  
~~RESERVE POST mentioned against Item (1)~~  
~~IS of I.F.S. Fixation of cadre strength~~  
~~Regulations, 1966.~~

General  
(Promotion)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL; ADDITIONAL BENCH  
AT HYDERABAD.

O.A. No. 456 of 1993



BETWEEN:

A. KISHAN, S/o Venkataiah,  
aged about 37 Years,  
Occ: DIVISIONAL FOREST OFFICER  
JANNARAM, ADILABAD DISTRICT.

AND

UNION OF INDIA,  
Rep. by its Secretary,  
Ministry of Environment & Forests,  
C.G.O Complex, Lodhi Road, New Delhi  
and Two others.

- RESPONDENTS

CHRONOLOGY  
&  
MATERIAL INDEX

S.No.	Description	Pages
1.	Original application	1 to 9
2.	IFS Cadre Strength Regulations	-10-
3.	IFS Regulation of Seniority Rules	-11-
4.	IFS Recruitment Rules	-12-
5.	Judgement Copy	-13-

Certified that the above documents are true  
copies of Originals.

HYDERABAD,

Dt.

COUNSEL FOR APPLICANT.

Received  
D. P. R. N. W.  
S. C. B. H. A.  
D. A. P.  
16/2/93  
Received  
W. S. R.  
14/2  
A. N. R. D. W.  
S. C. B. H. A.

13

APPLICATION UNDER SECTION 19 OF THE CENTRAL ADMINISTRATIVE  
TRIBUNAL

-----

Date of filing :

or

Date of receipt :

By Post :

Registration :



Signature :

Registrar

-----

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: ADDITIONAL BENCH:  
AT HYDERABAD.

O.A. No. 456 of 1992

BETWEEN

A. KISHAN, S/o Venkataiah,  
aged about 34 Years,  
Occ: DIVISIONAL FOREST OFFICER  
JANNARAM, ADILABAD DISTRICT.

- Applicant

AND

1. UNION OF INDIA,  
Rep. by its Secretary,  
Ministry of Environment & Forests  
C.G.O Complex, Lodhi Road, NEW DELHI
2. STATE OF ANDHRA PRADESH,  
Rep. by Chief Secretary,  
Secretariat, HYDERABAD.
3. PRINCIPAL CHIEF CONSERVATOR OF FORESTS,  
Department of Forests,  
Gagan Vihar, HYDERABAD

- Respondents.

DETAILS OF APPLICATION:

1. Particulars of the applicant:

- |  |   |
|--|---|
| i) Name of the applicant:                    | A. KISHAN   |
| ii) Description and office in which employed | DIVISIONAL FOREST OFFICER<br>JANNARAM, ADILABAD DIST.                               |
| iii) Office address                          | -do-  |
| iv) Address for service of all notices.      | Mr. K. SUDHAKAR REDDY,<br>Advocate<br>2-2-1132/5, New Nallakunta,<br>HYDERABAD-A.P. |

: 2 :

2. Particulars of the respondents. : As mentioned above in the Cause title.

i) Name and designation of the respondents. : -do-

ii) Office address of the respondents : -do-

iii) Address for service of all Notices : -do-

3. Particulars of the order Against which application is made :

i) Date : —

ii) Passed by : —

iii) Subject in brief : To Convert the Deputation Reserve Posts mentioned against Item '5' of DFS Cadre Strength Regulations.

4. Jurisdiction of the Tribunal

The applicant declares that the subject matter of the order against which he wants redressal is within the Jurisdiction of the Tribunal under Section 14 of the Act.

5. Limitation:

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunal Act, 1985.

6. FACTS OF THE CASE:

1. Applicant herein an officer of the State Forest Service holding cadre post substantively and completed long length of service. At present working as Divisional Forest Officer, Jannaram, Adilabad Dist. As per proviso (b) of Sub-rule 2 of Rule 4 of I.F.S

(Recruitment) Rules, 1966, the applicant herein is eligible to be considered for promotion to IFS (Appointment by promotion).

2. The applicant herein is not being appointed to IFS for want of vacancies. As per Rule '9' of the IFS Recruitment Rules, 1966, the number of persons recruited under Rule '8' (Recruitment by promotion) shall not exceed  $33\frac{1}{3}$  percent of the number of 'SENIOR DUTY POSTS' borne on the cadre of the State i.e. 31 posts. But Respondent authorities have wrongly worked out the 'Promotion Quota' as only 25 posts by excluding Item 5 Posts of IFS Cadre Strength.

The Indian Forest Service (Recruitment) Rules, 1966 is as follows:

Rule-8: Recruitment by Promotion:

- 1) The Central Government may on the recommendations of the State Government concerned and in consultation with the Commission and in accordance with such regulations as the Central Government may, after consultation with the State Governments and the Commission, from time to time, recruit to the Service persons by promotion from amongst the substantive members of the State Forest Service.
- 2) Where a vacancy occurs in a State Cadre which is to be filled under the provision of this rule the vacancy shall be filled by promotion of a member of the State Forest Service.

3) Where a vacancy occurs in a Joint cadre which is to be filled under the provision of this rule, the vacancy shall, subject to any agreement in this behalf, be filled by promotion of a member of the State Forest Service of any of the State Constituting the group.

Rule - 9: Number of persons to be recruited under Rule 8:

1) The number of persons recruited under rule 8 in any State or group of states shall not, at any time, exceed  $33\frac{1}{3}$  percent of the number of senior duty posts borne on the cadre of that State or group of States.

2) For the purpose of determining the percentage specified in Sub-rule (1) the officers of a State Forest Service, who may be appointed to any of the vacancies caused by the transfer of cadre officers to another service or by their quasi-permanent deputation to the centre shall be excluded.

The strength and composition of the Andhra Pradesh Cadre of the Indian Forest Service is as follows:

CADRE STRENGTH OF IFS IN ANDHRA PRADESH

1.	Senior posts under the State	..	64	✓
2.	Senior post under the Central Government @ 20% of above.		13	✓
			<hr/>	
			77	✓
			<hr/>	

12

3. Posts to be filled by promotion in accordance with rule 8 of the IFS Rules 1966.	25
4. Posts to be filled by DR	52
5. i) Deputation Reserve @ 15% of 4 above	8
ii) Adhoc deputation	10
6. Leave reserve @ 11% of 4 above	6
7. Junior posts @ 20% of 4 above	10
8. Training reserve @ 10% of 4 above	5
Direct recruitment posts	91
Promotion posts	25
Total authorised strength	116

25

2) Here, it is humbly submitted that as per Rule 9 of the IFS Recruitment Rules, the number of persons to be recruited by promotion shall not exceed 33 1/3 percent of the number of 'Senior Duty Posts'.

"SENIOR POST" is defined under Rule 2(g) of the IFS (Seniority) Regulations as follows:

"(g) " 'Senior Post' means a post included and specified under item 1 of the Cadre of each State in the Schedule to the Indian Forest Service (Fixation of Cadre strength) Regulations, 1966 and includes a post included in the number of posts specified in items 2 and 5 of the said cadre, when held on senior scale of pay by an Officer recruited to the Service in accordance with Sub-rule (1) of rule 4 or Rule 7 of the Recruitment Rules ".

Therefore, Senior Duty Posts clearly comprise of the following 3 categories:

- a) Senior posts in the State Government  
(Item 1 of the Cadre strength)
- b) Central Deputation quota  
(Item 2 -do- )
- c) Deputation reserve  
(Item 5 -do- )

3. Thus it has been explicitly provided in the above rule that posts under item 5 of the Schedule of IFS (Cadre Regulation) shall be treated to be part of the SENIOR DUTY POSTS.

By way of Recruitment by promotion, the number of persons to be recruited must be taken as  $33\frac{1}{3}\%$  of the item 1, 2 and 5 posts mentioned in the IFS Cadre Strength. But whereas respondent authorities herein are taking only item 1 and 2 posts; and not taking into account item 5 posts for the purpose of  $33\frac{1}{3}\%$  for the purpose of Recruitment by promotion under Rule 9 of the IFS Recruitment Rules. The respondents herein have wrongly fixed the promotion quota by taking the actual senior posts only on the basis of 77 posts i.e. 64 posts under the State (Item 1) and 13 posts of Central Government (Item 2).

4. It is humnly submitted that promotion quota should be  $33\frac{1}{3}\%$  of the total Senior duty posts i.e. 95 posts, 31 posts and not  $33\frac{1}{3}\%$  of 77 posts i.e. 25 posts. Senior duty posts mentioned in Item 5 of the Cadre strength i.e. Deputation reserve



which is 15% of 52 posts to be filled up by Direct recruitment and is equivalent to '8' posts plus and adhoc deputation posts of '10' i.e. '18' posts are clearly Seniority Duty Posts and cannot be excluded for the purpose of computation of the Promotion quota (i.e. 33.3%) under rule 9 of the IFS (Recruitment) Rules. Rule 2(g) of the IFS (Seniority) Rules 1968 has defined the Senior Duty Posts and clearly covers posts included and specified under Item 1, 2 and 5 of the Schedule to the IFS (Fixation of Cadre Strength), Regulations 1966.

5. All the Senior Duty posts mentioned in the Cadre strength must be taken into account for the purpose of promotion towards 33.3% quota, whereas respondent authorities counting only item 1 and 2 Senior posts and excluding Item 5 posts for the purpose of 33.3%, this action of the respondent authorities is clearly in violation of the rule 9 of the IFS (Recruitment) Rules 1966. Respondents cannot exclude the Senior Posts under Item 5 i.e. Deputation Reserve and adhoc deputation and cannot deprive the right of the State promotees to be considered against these vacancies. For not including these vacancies towards 33.3% a large number of State Promotees losing their chances for promotion to IFS since several years for no fault of them. Hence the action of the respondent authorities is clearly illegal, arbitrary and unconstitutional and it amounts

in violation of applicants fundamental rights guaranteed under Art. 14 and 16 of the Constitution of India.

7. RELIEF(S) SOUGHT:

MAIN PRAYER: HENCE, IN THE INTEREST OF JUSTICE it is prayed that this Hon'ble Tribunal may be pleased to direct the respondents herein,

- i) to count the Deputation Reserve Posts i.e. 10 Posts and Ad-hoc Posts i.e. 8 posts mentioned against Item '5' of I.F.S. FIXATION OF CADRE STRENGTH REGULATIONS 1966 for computing the 33.3% Promotion Quota Under Rule '9' of the IFS RECRUITMENT RULES 1966, for APPOINTMENT BY PROMOTION, and
- ii) to direct the respondents herein, that on re-fixation of the promotion quota, applicant herein should be considered for promotion with reference to the select lists prepared ~~by the respondents~~ under the IFS (PROMOTION) REGULATIONS 1966 and pass such other order or orders as deemed fit and proper in the circumstances of the case.

8. INTERIM PRAYER:

It is therefore prayed pending disposal of the main O.A this Hon'ble Tribunal may be pleased to consider ~~the name of the applicant for promotion to I.F.S against the vacancies MARCH 1992~~ and expedite the case.

9. Details of the remedies exhausted:

The applicant declares that no other alternative except to invoke the jurisdiction of this Hon'ble Tribunal.

10. Matters not pending with any other Court:

The applicant further declares that the matter regarding which this application has been made is not pending before any Court of Law and any other authority or any other Bench of the Tribunal.

11. Particulars of Postal order in respect of the application fees:

1) No. & date of Postal order:

804 64692.3  
Dated: 10.2.93.

12. Details of Index: ---

13. List of enclosures: ---

Rs. 50/-  
L.P.O. B.C. D.D. / Remove

A. Kishan

COUNSEL FOR THE APPLICANT

SIGNATURE OF APPLICANT

VERIFICATION

I, A. KISHAN, S/o S. A. Venkataiah aged about: 37  
Years, Occ: DIVISIONAL FOREST OFFICER, JANNARAM, ADILABAD  
DIST. , do hereby declare and verify that the contents  
in paras 1 to 13 are true to my knowledge and belief.

A. Kishan  
SIGNATURE OF APPLICANT

HYDERABAD;

Date:

To: The Registrar,  
Central Administrative Tribunal  
Addl. Bench, Hyderabad-A.P

## 2. THE INDIAN FOREST SERVICE (FIXATION OF CADRE STRENGTH) REGULATIONS, 1966

In pursuance of sub-rule (1) of rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Government hereby makes, in consultation with the Government of the State concerned, the following regulations, namely:—

1. **Short title and commencement.**—(1) These regulations may be called the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966.

(2) They shall be deemed to have come into force with effect from 1st October, 1966.

2. **Strength and Composition of Cadres.**—The posts borne on, and the strength and composition of the cadre of, the Indian Forest Service in each of the State shall be as specified in the Schedule to these regulations.

### SCHEDULE ANDHRA PRADESH

1. Senior Posts under the State Government	
Chief Conservator of Forests . . . . .	1
Additional Chief Conservator of Forests . . . . .	1
Additional Chief Conservator of Forests, Wild Life . . . . .	1
Conservator of Forests . . . . .	9
Conservator of Forests, State Trading Circle, Hyderabad . . . . .	1
Conservator of Forests, Research and Development Circle, Hyderabad . . . . .	1
Conservator of Forests, Wild Life Management . . . . .	1
Deputy Conservator of Forests . . . . .	32
Deputy Conservator of Forests, Soil Conservation Division . . . . .	2
Deputy Conservator of Forests, State Trading Circle, Hyderabad . . . . .	1
Deputy Conservator of Forests, Saw Mill Division, Jannaram and Rajahmundry . . . . .	2
Assistant Chief Conservator of Forests . . . . .	3
State Silviculturist . . . . .	2
Curator, Nehru Zoological Park . . . . .	1
Working Plan Officer . . . . .	3
Forest Utilization Officer . . . . .	1
Principal, Forest School, Yalandu . . . . .	1
Forests Geneticist . . . . .	1
	<hr/> 64
2. Senior posts under the Central Government @ 20% of 1 above . . . . .	13
	<hr/> 77
3. Posts to be filled by promotion in accordance with rule 8 of the Indian Forest Service (Recruitment) Rules, 1966 . . . . .	25
4. Posts to be filled by direct recruitment . . . . .	52
5. (i) Deputation Reserve @ 15% of 4 above . . . . .	8
(ii) A-1-Deputation . . . . .	10

6. Leave Reserve @11% of 4 above . . . . .	6
7. Junior Posts @ 20 % of 4 above . . . . .	10
8. Training Reserve @10 % of 4 above . . . . .	5
Direct Recruitment posts . . . . .	91
Promotion posts . . . . .	25
Total Authorised strength . . . . .	<hr/> 116

### ASSAM

1. Senior posts under the State Governments	
Chief Conservator of Forests . . . . .	1
Additional Chief Conservator of Forests . . . . .	1
Conservator of Forests . . . . .	5
Conservator of Forests, Development . . . . .	1
Conservator of Forests, Economic Circle . . . . .	1
Conservator of Forests, Head Quarters . . . . .	1
Conservator of Forests, Social Forestry . . . . .	1
Deputy Conservator of Forests . . . . .	18
Deputy Conservator of Forests, Eastern Assam and Western Assam, Wild Life Division . . . . .	2
Deputy Conservator of Forests, Assam State Zoo . . . . .	1
Working Plan Officer . . . . .	3
Forest Utilisation Officer . . . . .	1
Planning Officer . . . . .	2
Silviculturist . . . . .	1

### MEGHALAYA

Chief Conservator of Forests . . . . .	1
Conservator of Forests, Development . . . . .	1
Deputy Conservator of Forests . . . . .	3
Deputy Conservator of Forests, Training . . . . .	1
*Working Plan Officer . . . . .	1
Planning Officer . . . . .	1
Silviculturists . . . . .	1
	<hr/> 48
2. Senior posts under the Central Government @ 20% of 1 above . . . . .	10
	<hr/> 58
3. Posts to be filled by promotion in accordance with rule 8 of the Indian Forest Service (Recruitment) Rules, 1966 . . . . .	19
4. Posts to be filled by direct recruitment . . . . .	39
5. Deputation Reserve @15% of 4 above . . . . .	8*
6. Leave Reserve @11% of 4 above . . . . .	4
7. Junior posts @20% of 4 above . . . . .	8
8. Training Reserve @10% of 4 above . . . . .	4
Direct Recruitment posts . . . . .	63
Promotion Posts . . . . .	19
Total Authorised Strength . . . . .	<hr/> 82

\*Includes also an ad hoc increase of 2 for Meghalaya Wing.

## 10. THE INDIAN FOREST SERVICE (REGULATION OF SENIORITY) RULES, 1968

In exercise of the powers conferred by sub-section (1) of section 3 of the All-India Services Act, 1951<sup>2</sup> (61 of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the following rules, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Indian Forest Service (Regulations of Seniority) Rules, 1968.

(2) They shall be deemed to have come into force on the 1st July, 1966.

2. **Definitions.**—In these rules unless the context otherwise requires,—

- (a) 'cadre' means an Indian Forest Service Cadre constituted in accordance with rule 3 of the Indian Forest Service (Cadre) Rules, 1966;
- (b) 'Commission' means the Union Public Service Commission;
- (c) 'competitive examination' means the examination referred to in rule 7 of the Recruitment Rules;
- (d) 'gradation list' means a gradation list prepared under rule 5;
- (e) 'officer' means a member of the Service;
- (f) 'Recruitment Rules' means the Indian Forest Service (Recruitment) Rules, 1966;
- (g) 'Senior post' means a post included and specified under item 1 of the Cadre of each State in the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966.

and includes a post included in the number of posts specified in items 2 and 5 of the said cadre, when held on senior scale of pay, by an officer recruited to the Service in accordance with sub-rule (1) of rule 4 or rule 7 of the Recruitment Rules;

- (h) 'Service' means the Indian Forest Service;
- (i) 'State Cadre' and 'Joint Cadre' have the meanings respectively assigned to them in the Indian Forest Service (Cadre) Rules, 1966;
- (j) 'State Forest Service' shall have the meaning assigned to it in the Recruitment Rules;
- (k) 'State Government concerned' in relation to a Joint Cadre, means the Joint Cadre Authority.

(l) 'Select List' means the Select List prepared in accordance with the Indian Forest Service (Appointment by Promotion) Regulations, 1966.

3. **Assignment of year of allotment.**—(1) Every officer shall be assigned a year of allotment in accordance with provisions hereinafter contained in this rule.

(2) The year of allotment of an officer appointed to the Service shall be—

(a) where an officer is appointed to the Service on the results of a competitive examination, the year following the year in which such examination was held;

(b) where an officer is appointed to the Service at its initial constitution in accordance with sub-rule (1) of rule 4 of the Recruitment Rules, such year will be determined in accordance with the following formula:—

Year of allotment = 1966 minus (N1 plus half of N2) wherein—

N1 represents completed years of continuous service upto, 1st July, 1966 in a post equivalent to or above a senior scale post included in the State Cadre, provided that any such Service rendered during the first eight years of gazetted service of the officer shall be excluded for this purpose.

N2 represents completed years of continuous Gazetted service upto 1st July, 1966 included in N1.

In computing the period of continuous service for purposes of N1 or N2 any period during which an officer has undertaken training in a diploma course in the Forest Research Institute and College, Dehra Dun or an equivalent course in any other institution which training is approved by the Central Government for this purpose, shall not be taken into account:

\*Provided that in the case of an officer who has undertaken the training in a diploma course in forestry at Dehra Dun for a period of more than two years, the period spent by such officer for obtaining the final diploma after having obtained the preliminary diploma shall be taken into account in computing the period of service for purposes of seniority:

\*Provided further that the year of allotment of an officer so arrived at shall be limited to the year which his immediate senior in the State Forest

\*Added/Substituted w.e.f. 1-7-66 vide MHA Notification No. 2/9/66-AIS(IV), dt. 10-6-68.

# THE INDIAN FOREST SERVICE (RECRUITMENT) RULES, 1966

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†“(3) The regulations made under sub-rule (2) shall provide for the reservation, in favour of candidates belonging to the Scheduled Castes and the Scheduled Tribes to the extent prescribed by the Central Government by orders issued by it, from time to time, in consultation with the State Governments, of the number of vacancies to be filled on the results of each examination.”;

(4) Candidates belonging to the Scheduled Castes or the Scheduled Tribes declared by the Commission to be suitable for appointment to the Service with due regard to the maintenance of efficiency of administration may be appointed to the vacancies reserved for the candidates of the Scheduled Castes or the Scheduled Tribes, as the case may be, under sub-rule (3).

(5) If a sufficient number of persons referred to in sub-rule (1) of the requisite calibre is not available for filling the vacancies reserved for them, the unfilled vacancies shall be treated as unreserved and filled on the results of the competitive examination referred to in clause (a) of sub-rule (2) of rule 4, but a corresponding number of vacancies shall be carried forward to the next succeeding year or years@.

(6) The total number of vacancies reserved for the persons referred to in sub-rule (1) under this rule and for the members of the Scheduled Castes and Scheduled Tribes under any other rule or order for the time being in force in any year, shall not exceed 45 per cent of the total number of vacancies to be filled in that year through the competitive examination and selection referred to in clauses (a) and (aa) of sub-rule (2) or rule 4.

(7) If the number of persons referred to in sub-rule (1) selected for appointment in a particular year exceeds the number of vacancies reserved for them, the names of the persons in excess shall be kept on the waiting list for filling vacancies reserved for the released Emergency Commissioned or Short Service Commissioned

Officers referred to in clause (aa) of sub-rule (2) of rule 4. in the next succeeding year].

**8. Recruitment by promotion.**—(1) The Central Government may, on the recommendations of the State Government concerned and in consultation with the Commission and in accordance with such regulations as the Central Government may, after consultation with the State Governments and the Commission, from time to time, make, recruit to the Service persons by promotion from amongst the substantive members of the State Forest Service.

(2) Where a vacancy occurs in a State Cadre which is to be filled under the provision of this rule the vacancy shall be filled by promotion of a member of the State Forest Service.

(3) Where a vacancy occurs in a Joint Cadre which is to be filled under the provision of this rule, the vacancy shall, subject to any agreement in this behalf, be filled by promotion of a member of the State Forest Service of any of the State constituting the group.

**9. Number of persons to be recruited under rule 8.**—(1) The number of persons recruited under rule 8 in any State or group of States shall not, at any time, exceed 33-1/3 per cent of the number of senior duty posts borne on the cadre of that State, or group of States.

(2) For the purpose of determining the percentage specified in sub-rule (1) the officers of a State Forest Service, who may be appointed to any of the vacancies caused by the transfer of cadre officers to another service or by their quasi-permanent deputation to the Centre shall be excluded.

**10. Interpretation.**—If any question arises as to the interpretation of these rules, the same shall be decided by the Central Government.

[MHA Notification No. 2/6/64-AIS(IV) dated 1st September, 1966.]

†Substituted w.e.f. 11-9-71 vide DP Notification No. 3/6/71-(i)-AIS(IV), dated 19-7-71.

@Substituted/omitted w.e.f. 11-9-71 vide DP Notification No. 3/6/71-(i)-AIS(IV), dated 19-7-71.

CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BENCH

T.A.A 61/85

K.K. Joswani ... PETITIONER

versus

Union of India,  
State Government  
of Madhya Pradesh & another ... RESPONDENTS

Commissioner Shri S.K.S. Chib ... Vice Chairman  
Hon'ble Shri K.B. Khatke ... Member (V)

J U D G E M E N T

(Delivered this day the 8th June 1987)

\*\*\*\*\*

A writ petition dated 11.2.85 was filed before the M.P. High Court under articles 226 and 227 of the constitution of India challenging the promotion quota fixed by the respondents in the Madhya Pradesh cadre of the Indian Forest Service, herein after called the I.F.S which was transferred to this tribunal under section 29 of the Administrative Tribunals Act (1985).

2. It has been prayed that under sub-rule 2 of rule 4 of the I.F.S cadre rule 1956, vide the amended Regulations 1984 published in part 2 of Gazette of India extra-ordinary dated 11th July 1984 (Annexure-A) the total number of senior duty posts which are claimed to be 335, comprising of 226 senior duty posts under the state government, 45 posts of central deputation reserve, 44 posts of internal deputation reserve in the state and 20 posts of leave-reserve ~~and these~~ have not been counted and reckoned for calculating the 33.1/3% promotion quota of the senior duty posts under rule 9 of the I.F.S recruitment rules 1976. The central government and the state government i.e. the respondents have wrongly fixed the promotion quota by taking the actual senior duty posts only on the basis of 271 posts i.e. 226 posts under the state



-2-

Government plus 45 posts of the Central deputation reserve (226+45=271) by excluding the internal deputation reserve of 44 posts and 20 posts of leave reserve.

It has been further prayed by the petitioners that on re-fixation of the promotion quota, they are also entitled to be considered for promotion, for which appropriate direction should be given to the respondents with reference to the select list prepared in November 1984 under the IFS (Promotion) Regulations 1966.

3. According to the petitioners the promotion quota should be 33.1/3 per cent of the total senior duty posts i.e. 335 posts i.e. 111 posts and not 33.1/3 percent of 271 posts i.e. 90 posts as notified by the respondents vide Govt. of India's notification G.S.R. 505(E) dated 11.7.84. According to item 5 of the aforesaid notification i.e. deputation reserve which is 15 per cent of 181 posts filled by direct recruitment and is equivalent to 27 posts plus ad-hoc increase of 17 posts under the State Forest Development Corporation i.e. 44 posts are clearly senior duty posts and cannot be excluded for the purpose of computation of the promotion quota under rule 9 of I.F.S. (Recruitment) Rules. It is also claimed that leave reserve, which is 11 percent of the posts filled by direct recruitment i.e. 11 percent of 181 posts equal to 20 posts are also posts usually filled by senior scale officers and therefore should also be reckoned. It has also been argued that rule 2(g) of the I.F.S. (Seniority) Rules 1968 has defined the senior duty posts and clearly covers posts included and specified under item 4 and items 2 and 5 of the Schedule to the I.F.S. (Fixation of cadre strength) Regulations 1966. It is however, to be observed that leave reserves i.e. item 6 equivalent to 20 posts under the aforesaid schedule (Annexure-A) is not covered



Under Rule

by the definition 2(g) of the I.F.S (Seniority) Rules 1958 cited by the petitioners themselves. It has also not been cogently clarified on behalf of the petitioners that leave reserve cannot also include posts on the junior scale of the Service.

4. In the note of written submissions filed by the learned counsel of the petitioner dated 12th December 1986 it has been further claimed that the actual percentage of the promotion of I.F.S cadre of Madhya Pradesh works out to 20 percent as against 40 percent of the I.A.S and I.P.S cadre of Madhya Pradesh which is discriminatory and arbitrary. Now these percentages have been worked out has not been elucidated. However, in the original petition the petitioners have referred to 335 senior duty posts while in the aforesaid written note of submission dated 12.12.1986 the figure has been revised to 389 posts 33.1/3 percent of which works out to 130 posts although in para 9 of the same note the claim made is still for 111 posts as prayed in the original petition dated 11.2.1985. The notification indicating the authorised cadre strength of I.F.S in Madhya Pradesh, dated 11.7.84 (Annexure-A) <sup>which is equivalent to the authorised cadre strength</sup> gives a total number of 389 posts but obviously these are not all senior duty posts. There is no such thing as total state cadre strength of senior posts only as referred to by the petitioners in para 2 of their written sub-mission dated 12.12.1986.

5. In the return filed by the Respondent-1, Union Government, the Schedule under the IFS Cadre Rules indicating the total authorised strength in the Madhya Pradesh cadre of I.F.S (Annexure-A) is admitted. However, it has been contended that the internal deputation reserve i.e. item 5 of the aforesaid schedule equivalent to 11 posts are not admissible senior duty posts for the purpose and item 6 of leave reserve comprising of 20 posts are not senior duty posts, and in any case both these <sup>items</sup> cannot be taken into account for calculating 33.1/3 percent quota of promotion posts in terms of rule 9(1) of the



cadre strength regulation and rule 4(2) (b) of the Recruitment Rules of I.F.S. It is claimed that the figure of 90, i.e. 33.1/3 percent of 271 posts (226+45 i.e. under items 1 and 2 of the schedule) has been correctly worked out.

On the question of promotion of state service officers of I.F.S. the figure of 5 per cent of senior duty posts referred to in para 5 and 6 of the Return with reference to rule 5 of the I.F.S. (promotion) Rules 1966 appears to have been wrongly cited instead of 10 percent envisaged in the aforesaid rule. It is claimed that the petitioners figured at S.Nos 43 and 49 respectively in the select list prepared on 21st November 1984 which comprised of 48 names i.e. twice the number of 24 vacancies anticipated during the year and were not covered by the actual available number of vacancies in the promotion quota of Madhya Pradesh although it is conceded in part V of the Return of the respondents that the petitioners names have been included in the select list of that year.

It has to be observed in this context that the figure of 10 percent as envisaged in rule 5 of the I.F.S. promotion rules 1966 is with reference to items 1 and 2 of the cadre strength schedule (Annexure A) i.e. 10 percent of 271 posts which comes to 27 posts and double of this figure comes to 54 posts for which the select list ought to have been prepared instead of double the figures of 24 anticipated vacancies i.e. 48 posts as the greater of the two figures has to be taken into consideration for preparing the select list under rule 5 of the promotion rules 1966.

It has also been pointed out in Respondent's Return that the amendment to the cadre strength schedule was done on 11.7.1984 and not on 10.7.84.

6. No separate return has been filed by the respondent state government. An application by intervenor Shri R.N. Mishra was also filed praying for common hearing of this application with OR 85/85 (R.R.S. Chauhan and others vs Union of India & others) and also opposing this petition. The prayer for

common hearing was not accepted. The points raised by the Intervener opposing the petition are being taken into consideration on merits.

It has been stated by the Intervener that the respondents have correctly worked out the promotion quota and that the cadre strength regulations are similar to those of I.A.S and I.P.S Regulations and the quota prescribed is the maximum.

In rejoinder to the return filed by the Union of India, the petitioners have further stressed the significance of rule 2(j) of the I.F.S (Seniority) Rules 1968 and also cited Govt of India's instruction contained in Department of Personnel & Administrative Reforms letter No.4/12/70-AIS(IFS) dated 26.5.71 which instructions are reproduced on page 446 of the All India Services Manual edited by R.N.Mishra (11th edition) according to which senior duty posts also comprise of the internal deputation reserve within the state Govt apart from the central deputation quota in addition to the senior cadre posts under the state Government.

7. We have considered the contentions of the petitioners and the respondents. The sole point for determination is what is the meaning and scope of the 'senior duty posts' with reference to rule 9 of the I.F.S (Recruitment) rules 1955. The state Govt in response to our directions have also filed a statement of officers in position on senior duty posts in the state. It is, however, not necessary to go into the detailed position of posting of officers on cadre or ex-cadre posts within the state. Item 5 of Annexure-A which is Govt of India's notification dated 11th July 1984 indicates 44 posts as internal deputation reserve including ad-hoc increase of 17 posts under the state Forest Development Corporation. It is open to the Govt of India and the state Govt to periodically review the cadre strength of the I.F.S within the state under rule 4 of the I.F.S(Cadre Rules) 1966 as is also done in the case of I.A.S and I.P.S. Once an ad-hoc increase is notified under the Schedule to the I.F.S Cadre Strength regulations as in Annexure-A that



becomes part of the authorised cadre strength.

It has not been seriously disputed, on point of fact, by the respondents that the internal deputation reserve comprising ~~the~~ 44 posts listed as item 5 of the schedule (Annexure-A) does not comprise of senior duty posts.

Moreover rule 2(3) of the I.P.S (Regulation of seniority) Rules 1968 clearly states as follows:-

"2. Definitions- In these rules, unless the context otherwise requires--

(g) 'Senior post' means a post included and specified under item 1 of the cadre of each state in the schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations 1966

and includes a post included in the number of posts specified in items 2 and 5 of the said cadre ~~and~~ when held on senior scale of pay, by an officer recruited to the service in accordance with sub-rule(1) of rule 4 or rule 7 of the Recruitment Rules."

Thus it has been explicitly provided in the above rule that posts under item 5 of the schedule I.P.S (Cadre Regulation) that is Annexure-A shall be treated to be part of the senior duty posts. This interpretation is further supported by Department of personnel's letter of 26th May 1971 referred to under the preceding paragraph and also the earlier Ministry of Home Affairs D.O. Letter No. (27.28-64-AIS) dated 24.3.56 reproduced on pages 444 to 446 of the All India Services Manual cited earlier. Therefore senior duty posts clearly comprise of the following 3 categories.

- (a) Senior posts in the state govt
- (b) Central deputation quota
- (c) Deputation reserve

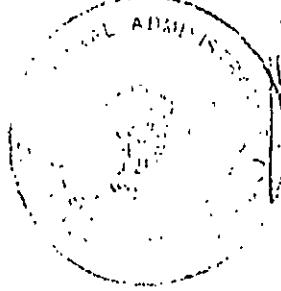
There is no dispute as regards (a) and (b) above which total 271 posts as admitted by the respondents. However, the respondents are clearly wrong in averring that the category (c) posts which mentioned above <sup>will</sup> comprise of internal deputation reserve within the state and are covered by item 5 of the schedule (Annexure-A) are to be excluded while calculating the 33 1/3% promotion quota under rule

9 of the I.P.S (Recruitment) rules.

A point that needs examination however is whether against item 5 of the schedule only 27 posts which is 15% of item 4 of 181 posts filled by direct recruitment should be counted towards the promotion quota or 17 posts which are shown in the footnote of the schedule as a ad-hoc increase under the state forest corporation should also included i.e. 27+17=44 posts as shown against item 5. rule 2(g) of the I.P.S seniority rules does not make any reference to 15% of the posts filled by direct recruitment referred to in item 5 of the schedule under cadre strength Regulation but only makes a reference to the number of posts specified under items 1, 2 & 5 of the schedule.

If the increase of 17 posts was only ad-hoc government may not have included them as part of the 44 posts shown against item 5 of the schedule. Under rule 4(2) of the I.P.S cadre (rule) 1956 the central government in consultation with state government makes a triennial review of the cadre composition of the state. Once the provisional increase of the 17 posts has been notified and incorporated in item 5 of the schedule under the cadre strength regulations, it would appear it has to be counted as part of the strength against which promotion posts have to be reckoned. In the department of personnel and Administrative reforms letter No.4/12/70-ALS(1) dated 26.5.1975 mentioned earlier vide para (iii) under item 5 of that later posts under a corporation are included in the internal deputation reserve. Therefore, the entire 44 posts and not only 27 posts have to be reckoned against item 5. If only 27 posts are counted then the total number of posts against the 33% quota which have to be counted becomes 299 that is 100 posts in all, but if all the 44 posts are counted then the total number of such posts becomes 315.

We, therefore, hold that the deputation reserve of 44 post's listed as item 5 of the schedule under the cadre strength regulations has to be included for computing the promotion quota.



8. As regards the question of counting item 6 i.e. leave reserve of 29 posts under the schedule (which is 41% of item 4 i.e. 181 posts) in our view no cogent case has been made by the petitioners for reckoning this towards promotion quota. Moreover, this item is also not covered under rule 2(g) of the seniority rules 1968 cited by petitioners themselves. As mentioned earlier it is not also necessary that leave reserve cannot comprise of junior scale posts. Therefore the contention of the respondents is correct that leave reserve cannot be counted for computing the promotion quota.

9. In the net result the promotion quota of the I.F.S cadre of Madhya Pradesh has to be allowed on the basis of 315 (271+44) senior duty posts comprising of 226 senior duty posts in the state, (item 1) 45 posts central deputation reserve (item 2) and internal deputation reserve of 44 posts (item 5) i.e. total 315 posts, 33 1/3% of which i.e. 1/3rd thereof comes to 105 posts. Thus the promotion quota of I.F.S cadre of M.P. under rule 9 of the recruitment rules has to be treated as 105 posts and not 90 posts as indicated in Govt of India notification's of 11.7.84 i.e. Schedule (Annexure-A). We accordingly direct the respondents to make the necessary correction to the said notification.

10. On the question of promotion of the petitioners we do not consider it necessary to give any direction at the present stage. It is open to the respondents to review the position of the petitioners in the context of the revised cadre strength in the light of directions in the preceding paragraph and observations contained in para 5 of this judgment in regard to the select list of 1984.

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14. In the net result this petition is partially allowed as directed and observed in paras 9 & 10 above.

In the circumstances of the case there is no order as to costs of litigation.

Sd/-  
(K.B. Khare)  
Member (J)

(S.K. Sonu)  
Vice Chairman



LUCKNOW

TRUE-COPY

*Legat. Secy*  
Deputy Registrar  
Central Administrative Tribunal  
1st Fl., Court, 1st Floor

11-6-87

34

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

6th Floor, Insurance Building  
Tilak Road, Abids, Hyderabad.

Date: 16-2-93.

O.A. Regd. No. 357/93.

To Mr K. Jadhav Reddy,  
Advocate

Sir,

I am to request you to remove the defects mentioned below in your application, within 14 days from the date of issue of this letter failing which your application will not be registered and action U/R 5 (4) will follow.

1. Chronological Statement of Events should be filed.
2. Envelops with Aem. with addressing of Board should be filed.
3. Para 3 is kept blank.
4. How the 2nd int. Policy in Para 8, will be a consequence of int. policy to the one.
5. Verdict should be filed.
6. Representation of the Applicant submitted if any, should be filed.
7. Copy of the list of assets should be furnished.
- 8.
- 9.
- 10.
- 11.



Objections Complied



Deputy Registrar (3)

8/2/93  
D.R.



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD

O.A. No. 456 of 1993

A.Kishan

Applicant

Versus

Union of India & Others

Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF ALL THE RESPONDENTS

I, A.K.Goyal S/o Sri B.R.Goyal aged about 38 years,  
Occupation : Government Service, do hereby affirm and state  
as follows :

1. I am the Deputy Secretary to the Government of India in the Ministry of Environment & Forests, Paryavaran Bhawan, New Delhi-110003 and representing the Respondent No.1 and as such I am fully acquainted with all facts of the case. I am filing this Counter Affidavit on behalf of the first Respondent as I am competent to do so. The material averments in the O.A. are denied save those that are expressly admitted herein. The applicant is put to strict proof of all such averments except those that are specifically admitted hereunder :

At the outset it is submitted that the O.A. is liable to be dismissed for the simple ground that the same is barred by limitation. As contended by the applicant, the notification revising the strength and composition of the A.P.Cadre of the Indian Forest Service and incorporating the strength and composition was issued on 6.4.1988. Amendment to the provisions to rule 9(1) of the Recruitment Rules were notified on 22.2.1989. The present strength and composition of A.P.Cadre of Indian Forest Service was notified on

Attester



Deponent

13.9.1991. Therefore the cause of action to the applicant arose on 13.9.1991, if not 6.4.1988. Since the applicant has filed the above O.A. on 16.2.1993, the same is admittedly beyond the limitation prescribed under section 21 of Administrative Tribunal Act, 1985. Therefore, the O.A. is liable to be rejected on account of the laches of the applicant.

It is further submitted that the application is liable to be rejected for non-joinder of necessary parties. If the prayer of the applicant is allowed, he may stand a chance of being promoted to the IFS and thus becoming senior to officers borne on the A.P.Cadre of the said Service to whom he would otherwise be junior in service. Having not impleaded them, the application suffers from non-joinder of necessary parties.

It is also submitted that the O.A. is liable to be dismissed as premature as the applicant has not exhausted the alternative remedies available to him in Service Rules, and has approached this Hon'ble Tribunal without exhausting the remedies.

Without prejudice to the above contentions, the respondents submit the brief facts of the case as follows :

Background of the case :

This is an application moved by an officer of the SFS of Andhra Pradesh, aspiring for promotion to the IFS, in which he has challenged the manner of determination of the number of promotion posts in the Andhra Pradesh cadre of the IFS. The petition prays for retrospective redetermination of the number of posts to be filled by the method of promotion from amongst officers of the SFS in the Andhra Pradesh cadre of the IFS. Promotion is one of the methods of recruitment to the IFS laid down in rules-4(2)(b), 8 and 9 of the IFS (Recruitment) Rules, 1966 (hereinafter referred to as 'The Recruitment Rules') and regulated in accordance with the provisions of IFS (Appointment by

Attestor

  
Deponent

Promotion) Regulations, 1966 (hereinafter referred to as 'the Promotion Regulations).

2. The present petition bears close resemblance to OA No. 213 of 1991 titled A.H. Quaraishi Vs. UOI etc. already pending before this Hon'ble Tribunal. However, the applicant herein gravely erred in the matter of his knowledge as to the provisions in the rules and regulations as on date. The errors committed by the applicant are that :

(i) The provisions of the Recruitment Rules in rule (9) which are central and material to the disputes herein, have been amended w.e.f. 22.2.1989 by the Govt. of India (Ministry of Personnel, Public Grievances and Pensions) (Department of Personnel and Training) Notification of the same date by which the following amended provisions have been substituted :

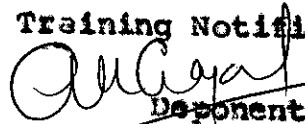
The number of persons recruited under rule 8 in any State or group of States shall not at any time exceed  $33\frac{1}{3}$  of the number of those posts as reshowed against items 1 and 2 of the cadre in relation to that State or to the group of State in the Schedule to the IPS (Fixation of Cadre Strength) Regulations, 1966".

(ii) The strength and composition of the Andhra Pradesh cadre of the IPS was notified on 13th September, 1991 and the notified strength was as follows :

1. Senior posts under the State Govt.	80
2. Central Deputation Reserve & 20% of 1 above	16
3. Posts to be filled by promotion in accordance with rule 8 of the IPS (Cadre) Rules, 1966	32
4. Posts to be filled by direct recruitment	64
5. Deputation Reserve @ 25% of 1 above	20
6. Leave Reserve, Junior posts and Training Reserve @ 30% of 1 above	24
<hr/>	
Direct Recruitment posts	
Promotion posts	108
Total Authorised Strength	32
<hr/>	
	240
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Prior to the above notification the strength and composition existed as follows having been so notified by the Department of Personnel and Training Notification

Attestor

  
Deponent

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368

No.16016/07/88-AIS(II)-A dated 6.4.1988 :

1. Senior posts under the State Govt.	64
Principal Chief Conservator of Forests	01
Addl. Chief Conservator of Forests (Wildlife)	01
Conservator of Forests	09
Conservator of Forests, State Trading Circle	01
Conservator of Forests, Wildlife Management	01
Dy. Conservator of Forests	32
Soil Conservation Division	02
Dy. Conservator of Forests, State Trading Circle	01
Dy. Conservator of Forests, Saw Mill Division, Janaram & Rajahmundry	02
Assistant Conservator of Forests	03
State Silviculturist	02
Curator, Nehru Zoological Park	01
Working Plan Officer	03
Principal, Forest School, Yelandu	01
Forest Geneticist	02

64

2. Senior posts under the Central Govt. @ 20% of 1 above	13
---	----

77

3. Posts to be filled by promotion in accordance with rule 8 of the IFS (Recruitment) Rules, 1966	25
4. Posts to be filled by direct recruitment	52
5. Deputation Reserve @ 25% of 1 above	18
6. Leave Reserve, Junior posts and Training Reserve @ 30% of item 1 above	22

Direct Recruitment Posts 98

Promotion Posts 28

Total Authorised strength 126

Attestor

*[Signature]*  
Deponent

It is the strength and composition notified on 6th April, 1988 which has been made the object of challenge by the applicant in the present application. Incidentally, in case the applicant's grievance was in relation to the strength and composition as notified on 6th April, 1988 the present application has been filed by him hopelessly time barred.

3. In addition to what has been stated above, it is submitted that the disputes on the lines raised in the present application follow from a judgement rendered by the CAT - Jabalpur Bench on 9th June, 1987 in TA No.81/86. The present application can be appreciated in all its aspect, if the genesis of the application, which lies in the judgement of the CAT, Jabalpur is gone into. The brief background is stated herein.

4. In T.A.No.81/86 above mentioned, the Hon'ble Tribunal pronounced their judgement on 9.6.1987 and the operative part of the judgement read as under :

"9. In the net result the promotion quota of the IFS cadre of Madhya Pradesh has to be allowed on the basis of 315 (271+44) senior duty posts comprising of 226 senior duty posts in the State (Item 1), 45 posts central deputation reserve (Item No.2), and internal deputation reserve of 44 posts (Item 5) i.e., total 315 posts, 33 1/3% of which i.e. 1/3rd comes to 105 posts. Thus the promotion quota of IFS cadre of M.P. under rule-9 of the Recruitment Rules has to be treated as 105 posts and not 90 posts as indicated in Govt. of India notification of 11.7.84... We accordingly direct the respondents to make the necessary correction to the said notification.

10. On the question of promotion of the petitioner we do not consider it necessary to give any directions at the present stage. It is open to the Respondents to review the position of the petitioners in the context of the revised cadre strength in the light of direction in the preceding paragraph and observations contained in para 5 of this judgement in regard to the Select List of 1984."

The above judgement was appealed against in the Supreme Court of India, who dismissed the appeal at the admission stage itself, on the 18th April, 1988.

5. Before going into the details regarding the above case, it would be necessary to examine the cadre structure of the

Attestor

  
Deponent

Indian Forest Service. The strength and composition of the IPS Cadres in all cadres consists of various components, consisting of :

1. Senior duty posts under the State Govt.
2. Central deputation posts
3. State deputation reserve
4. Leave reserve
5. Training reserve
6. Junior posts reserve

I. Direct recruitment posts

II. Promotion posts

I + II = (1) to (6) = Total Authorised Strength

6. The deducing the promotion posts, the modality adopted that 1/3rd of the posts at (1) and (2) above were worked out. The authority to do so was the provision of rule 9(1) of the IPS (Recruitment) Rules, 1966 which reads as under :

"9. Number of persons to be recruited under rule-8(1)

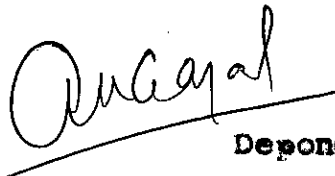
(1) The number of persons recruited under rule-8 in any state or group of States shall not at any time, exceed  $33\frac{1}{3}\%$  of the number of senior duty posts, borne on the cadre of that State, or group of States."

Therefore on receipt of the judgement the possible repercussions in the other two All India Services were examined in consultation with the Department of Personnel and Training. It transpired that even in the IAS, and the IPS, the provisions in the statutory rules relating to appointment-computation of the promotion posts were the same as in the IPS. However, in the IAS/IPS, the rules were amended by a notification dated 28.6.1966, and the following provisions brought in :

"9(2) The number of persons recruited under sub-rule(1) in any state or group of States shall not at any time exceed  $33\frac{1}{3}\%$  of the number of these posts as re-shown against item 1 and 2 of the cadre in relation to that State or to the group of States in the Schedule to the IPS (Fixation of Cadre Strength) Regulations, 1966".

7. In the context of the above amendments carried out

Attester

  
Deponent

in the IAS/IPS Rules, it is of essence to our present considerations to note that :

- (1) even before the amendment was notified on 28.6.1966, the actual manner of computation of the posts available for promotion as the same, viz. item '1' and '2' of the Cadre Schedule being divided @ 1/3rd;
- (2) The IFS having been constituted w.e.f. 1.7.1966 the amendment in the IAS/IPS could not be carried out in the IFS owing to a clerical omission, as the IFS Rules were then in an advanced draft, or printing stage.

8. Going by the advice of the Department of Personnel and Training, it was decided to amend the Rules for the IFS to be at par with those in the IAS and IPS, and also, to ensure that the provisions in the rules reflected, succinctly, the intention in division of posts in the promotion and the direct recruitment segment. Even as the petitioners in the M.P. cadre of the IFS had approached the CAT - Jabalpur Bench in a Contempt Petition the following amendments to the rules/regulations were notified on 22.2.89 :

- (1) an amendment to the Recruitment Rules, bringing the provisions at par with the IAS and the IPS ;
- (2) amending the Cadre Schedule retrospectively w.e.f. 11.7.1984 in terms of the CAT - Jabalpur judgement and thereafter, reverting to the position obtaining originally w.e.f. 22.2.1989, consequent to amendment of the rules.

9. It is submitted that, as will be clear from the above submissions, it has now here been the intention of the Union of India to fill by the method of promotion of officers of the State Forest Service, any posts over and above a number greater than 1/3rd of the posts figuring in items 1 & 2 of the Schedule to the Indian Forest Service

Attestor

  
Deponent

(43)

(Fixation of Cadre Strength) Regulations 1967 (hereinafter referred to as the Fixation of Cadre Strength Regulations). Even after the amendments in the M.P. cadre of the IFS in terms of the judgement dated 9.6.1987 were effected by notification dated 22.2.1989, it has been held by the answering respondents that the actual number of posts to be filled by the method of promotion cannot exceed 1/3rd of the posts under items 1 & 2 as aforesaid. In terms of provisions of rule 9 of the Recruitment Rules, it will be seen that the maximum number of posts that could be filled by promotion has only been laid down and it is not incumbent on the Central Govt. to fill each of the available posts, necessarily, by the stipulated method. While it is not denied that there have to be cogent reasons for declining to fill any of the posts that could be filled by the method of promotion in terms of rule 9 of the Recruitment Rules, the apparent error in framing and notifying the Recruitment Rules, which is evident from the above submissions was the basis for not filling up the posts in excess of the intended figures.

10. Therefore, for argument's sake, even if the Fixation of Cadre Strength Regulations in the Andhra Pradesh cadre of the IFS were to be amended including under the head 'Promotion posts' 1/3rd of the State Deputation Reserve in addition to the duty posts under the Central Government and the State Govt., there can be no obligation to necessarily fill all these posts as the posts that are required to be filled by promotion are only an upper limit.

11. In any case such amendment cannot have validity after 22.2.1989, the date on which the provisions of rule 9 of the IFS (Recruitment) Rules, 1966 have been amended to specifically provide for computation of the posts to be filled by promotion taking into account the Senior duty posts under the State and those under the Central Govt. and deducing the posts to be filled by promotion.

Attestor

  
Deponent



In reply to para 6 of the O.A. the respondents submit the reply as follows :

As far as the position of the applicant in the State Forest Service of A.P. are concerned, respondent No.2 is competent to give detailed reply. However, in relation to eligibility for consideration for promotion to the IPS it is submitted that the relevant provisions are contained in the Recruitment Rules and the Promotion Regulation. The respondent No.2 will reply the averments of the applicant as far as his claim of being eligible to be considered for promotion to the IPS. However, the mere fulfilment of the conditions of eligibility laid down in the provisions of the above rules and regulations are not good and sufficient for consideration for promotion as in addition to fulfilling the conditions, the aspirants from the SFS have also to meet the requirement of being within the zone of consideration to be considered by the Selection Committee.

12. It is submitted that in the meeting of the Selection Committee conducted on 16th March, 1992 for consideration of officers of the SFS of Andhra Pradesh for promotion to the IPS, a total of 26 officers were considered but the name of the applicant was not included therein. (An Officer by the name Shri A.Kishan Reddy was however in the list of officers considered). Therefore the contention that the applicant is not being promoted to the IPS for want of vacancies is not sustainable.

13. It is submitted that the provisions of the Recruitment Rules, reproduced in the averments in this paragraph reflect the position as it obtained prior to amendment of the said rules w.e.f. 22.2.1989. By the said amendment, the provisions of rule-9(2) of the said rules stand amended and the provisions as they presently exist read as under :

"9. The number of persons recruited under rule 8 in any State or Group of States shall not at any time exceed  $33\frac{1}{3}\%$  if the number of those posts are reshowed against items 1 and 2 of the cadre in relation to that State or to the group of States in the Schedule to the IPS (Fixation of Cadre Strength) Regulations, 1966."

The strength and composition of the Andhra Pradesh

Attestor

*Deponent*

Deponent

cadre of the IFS as mentioned in the averments in this paragraph are also not correct. The said position, as it stands revised by the notification dated 13.9.1991 aforementioned is as under :

1. Senior posts under the State Government	80
2. Central Deputation Reserve @ 20% of 1 above	16
3. Posts to be filled by promotion in accordance with rule-8 of the IFS(Cadre) Rules, 1966	32
4. Posts to be filled by direct recruitment	64
5. Deputation Reserve @ 25% of 1 above	20
6. Leave Reserve, Junior posts and Training Reserve @ 30% of 1 above	24
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Direct Recruitment Posts	108
Promotion posts	32
Total authorised strength	140

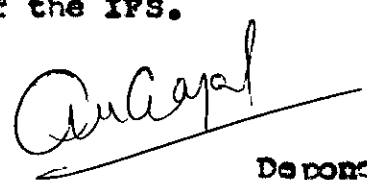
The total authorised strength stands at 140 in which the component of promotion posts stands at 32.

14. In view <sup>of</sup> the changed position in respect of the provisions of rule 9(1) of the Recruitment Rules, the identification of senior posts for the purpose of computation of the total of promotion posts appears to be unnecessary.

15. It is submitted that with the amendment of provisions of rule 9(1) of the Recruitment Rules w.e.f. 22.2.1989, the position in respect of the computation of promotion posts has become explicit and it is only item Nos. 1 & 2 in the strength and composition of the State cadre which are now relevant.

16. The posts at Item Nos. 1 & 2 of the strength and composition of the Andhra Pradesh cadre of the IFS are presently 80 and 16 respectively. Deriving therefrom, the maximum number of promotion posts has correctly been computed as 32. The position indicated in the averments on the part of the applicant takes into account not only the incorrect assumptions as to the provisions of the Recruitment Rules but also an incorrect position in regard to the strength and composition of the Andhra Pradesh Cadre of the IFS.

Attestor



Deponent

In

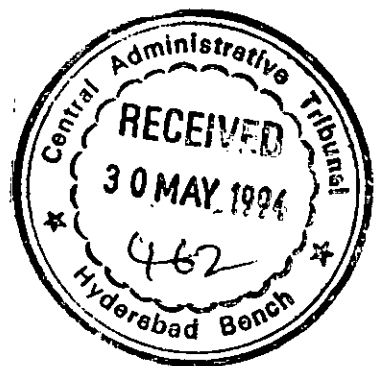
C.A.T  
Bench

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C

ter Affidavit



and by

R. DEVARAJ

Advocate &

for Counsel for Railways,

8, Lallabazar,

Junai, Coimbatore.

HYDERABAD-500 044

17. The computation of the limit on the number of promotion posts by reckoning only Item No. 1 & 2 of the Cadre Schedule is in terms of the provisions as they exist now, in the Recruitment Rules. The applicant in these averments taken into account not only the pre 22.2.1989 provisions in the Recruitment Rules but also the position in relation to the strength and composition of the Andhra Pradesh cadre as it existed prior to its revision on 13.9.1991.

18. For the reasons stated above, the applicant has not made out any case either on facts or on law and there is no merit in the O.A. It is, therefore, prayed that this Honourable Court may be pleased to dismiss the O.A. with costs and pass such further and other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

  
DEPONENT

Solemnly and sincerely affirmed  
this        day of April, 1994 and  
signed his name in my presence.

Before me

ATTESTOR

472

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD

O.A. No. 456 of 1993

Between:

A. Kishan

Applicant

And

1. The Union of India, represented by its Secretary, Ministry of Environment and Forests, CGO Complex, Lodhi Road, New Delhi.
2. State of Andhra Pradesh represented by Chief Secretary to Government, A.P. Secretariat, Hyderabad.
3. Principal Chief Conservator of Forests, Department of Forests, Gagan Vihar, Hyderabad.

Respondents

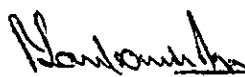
COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS NO. 2 & 3

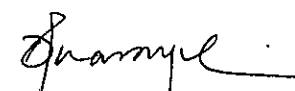
I, A.L. Narayana, son of Late Sri A. Annappa aged about 51 years, residing at Hyderabad do hereby solemnly affirm and sincerely state as follows:

2. I am the Deputy Secretary to Government (All India Services) in General Administration Department and I am authorised to file this counter affidavit on behalf of respondents Nos. (2) and (3). I am well acquainted with the facts of the case.

3. I have gone through the original application as well as the counter affidavit filed on behalf of respondent No. 1.

1st page  
No. of Corrections

  
ATTESTOR  
Section Officer (S.C.)  
General Administration (I.F.S.) Dept.  
Secretariat, Hyderabad - 500 022.

  
DEPONENT  
Dy. Secretary to Govt. (A.I.S.)  
G.A.D. A.P. Secretariat, Hy.

I deny the averments made in the original application save those which are specifically admitted herein.

4. In reply to para 6(1) of the application, it is respectfully submitted that the applicant was selected by the Andhra Pradesh Public Service Commission for appointment to category IV of A.P. Forest Service Rules viz., Assistant Conservator of Forests and accordingly he was appointed as such in G.O.s.No.636, Forests and Rural Development Department, dated 28.9.1979. On appointment, he joined the State Forest Service College, Coimbatore for training for a period of two years commencing on 1.11.1979. He has completed 8 years of service on 31.10.1987.

5. In order to consider a State Forest Service Officer for appointment to Indian Forest Service, he should fulfil the conditions stipulated in the IFS (Appointment by Promotion) Regulations, 1966. The conditions in brief are (1) that he should have completed 8 years of service in State Forest Service; (2) that he should have been a substantive holder of a post in State Forest Service and (3) that he should not have completed 54 years of age as on the qualifying date.

6. I submit further that the third respondent through his proceedings No.34536/31-M1, dated 21.7.1989 appointed the applicant as a full member of service with effect from 1.11.1983 and placed him below Sri P.Adivappa, a direct recruit

2nd page  
No. of Corrections

*[Signature]*  
ATTESTOR  
Section Officer (S.C.)  
General Administration (I.F.S.) Dept.  
Secretariat, Hyderabad - 500 022.

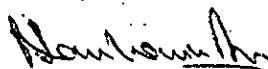
*[Signature]*  
DEPARTMENT  
Dy. Secretary to Govt. (A.I.S.)  
G.A.D. A.P. Secretariat, Hyd.

Assistant Conservator of Forests and above Sri K.Eswarchand.

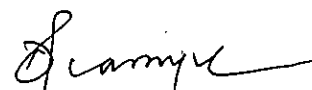
7. I submit further that the applicant having been appointed as full member of the service with effect from 1.11.1983 through the proceedings dated 21.7.1989 issued by the third respondent became eligible for consideration for inclusion in the Select Lists provided he is within the zone of consideration.

8. I respectfully submit that three select lists were prepared for the years 1988, 1989 and 1991 after the applicant completed 8 years of service in State Forest Service. There was no select list for 1990. The Select List for the year 1988 was prepared on 27.12.1988. The qualifying date by which an officer is required to fulfil the conditions for consideration for appointment was 1.1.1988. The size of the Select List for 1988 was four. The number of State Forest Service Officers to be considered for preparing the select list was 12 as per the zone of consideration stipulated in the Regulations. The applicant was neither eligible for consideration in as much as the proceedings appointing him as full member of the service was issued only on 21.7.1989 nor was he within the zone of consideration. All the 12 Officers considered by the Committee were seniors to the applicant. As such, the question of considering his name for inclusion in the said list does not arise.

3rd page  
No. of Corrections

  
ATTESTOR

Section Officer (S.C.)  
General Administration (I.E.S.) Dept.  
Secretariat, Hyderabad. 500 082

  
DEPONENT  
Dy. Secretary to Govt. (A.I.S.)  
G.A.D. A.P. Secretariat, Hyderabad

contd....

9. I also submit that the select list for the year 1989 was prepared on 25.2.1990. The size of the select list was eight. The number of State Forest Service Officers to be considered for preparing the said select list was 24 as per the zone of consideration. The qualifying date by which the applicant is required to fulfil the condition stipulated for consideration was 1.1.1989. The proceedings appointing him as full member of service were issued on 21.7.1989 i.e., beyond the said qualifying date, the applicant was not eligible for consideration. He was also not within the zone of consideration. All the 24 Officers within the zone of consideration and considered by the Selection Committee were seniors to applicant as per the seniority list then in force.

10. It is submitted further that the select list of 1991 was prepared on 16.3.1992. The qualifying date is 1.1.1991. The size of the select list was 9. The number of State Forest Service Officers to be considered for preparing the said list was 27. The third respondent having issued proceedings on 21.7.1989 appointing the applicant as a full member of service, he became eligible for consideration for inclusion in the said select list. He was, however, not within

4th page  
No. of Corrections

*[Signature]*

ATTESTOR

Section Officer (S.C.)

General Administration (I.F.S.) Dept  
Secretariat, Hyderabad - 500 022.

*[Signature]*  
Dy. Secretary  
GOVT. (A.I.S.)  
G.A.D. A.P. Secretariat, Hyd.



Central  
Tribunal

Ministerial  
at Hyderabad

O.A.

56 of 1973

Counter  
on behalf

not filed  
of Res 2003.

Rep  
on

Rep

Filed

Con

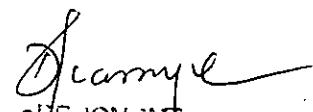
K. Murthy  
for Res 2003.

the zone of consideration as all the 27 Officers whose cases were placed before the Selection Committee at its meeting held on 16.3.1992 were seniors to the applicant.

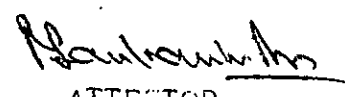
11. I crave leave of the Honourable Tribunal to read the counter affidavit filed on behalf of respondent No.1 as part and parcel of this counter affidavit.

12. For the reasons stated in this counter affidavit as well as those stated in the counter affidavit filed on behalf of respondent No.1, there are no merits in the O.A. and as such the O.A. desires to be dismissed with costs.

Solemnly and sincerely  
affirmed this the      day of  
November, 1996 and signed in my  
presence.

  
DEPONENT  
Dy. Secretary to Govt. (A.I.S.)  
G.A.D. A.P. Secretariat, Hyd.

BEFORE ME

  
ATTESTOR  
Section Officer (S.C.)  
General Administration (I.F.S.) Dept  
Secretariat, Hyderabad - 500 022.

5th page

No. of Corrections.

C 52

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.456/93

Between:

Dated : 14.11.96.

A.Kishan

...Applicant.

And

1. The Secretary, Min. of Environment & Forests,  
C.G.O.Complex, Lodhi Road, New Delhi.
2. The Chief Secretary, Secretariat,  
Hyderabad.
3. Principal Chief Conservator of R Forests,  
Dept. of Forests, Gaganvihar,  
Hyderabad.

Axx&n

...Respondents.

Counsel for the Applicant : Mr.K.Sudhakar Reddy

Counsel for the Respondents : Mr.N.R.Devraj, Sr.CGSC,  
Mr.I.V.R.K.Murthy

CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

This O.A.Came up for hearing on 11.11.96 when there was no representation for R2 and R3, State Government. Even today when the case is posted, no representation from the State Govt.

In page-9 of the counter filed for R-1 it is stated that certain information in regard to the claim of the official being considered for promotion to I.F.S will be submitted by the State Govt. No reply has been filed by the State Govt. Learned Counsel for the State Govt. is also not present inspite of adjournment in this case. Hence we have no alternate left except to summon a responsible officer from the State Govt. to argue this case. If there is no representation at the time of the next hearing either the case will be disposed of without hearing R-2 and R-3 or notice will be issued to R-2 to be present in the court to argue this case.

List it on 28.11.96.

14-11-96  
DEPUTY REGISTRAR(J)

contd...

..2..

O.A.NO.456/93

Copy to:

1. The Chief Secretary, Secretariat,  
Hyderabad.
2. Principal Chief Conservator of Forests,  
Dept. of Forests,  
Gagan Vihar,  
Hyderabad.
3. One copy to Mr.K.Sudhakar Reddy, Advocate,  
CAT, Hyderabad.
4. One copy to Mr.N.R.Devraj, Sr. GSC,  
CAT, Hyderabad.
5. One copy to Mr.I.V.R.K.Murthy, Advocate,  
CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One duplicate copy.

YLKR

Typed By  
Compared by

Checked By  
Approved by

THE CENTRAL  
HYDER

TRATIVE TRIBUNAL  
H HYDERABAD

THE HON'BLE

ANGARABAN: M(A)

DATED: 1/

6

ORDER/JUDGEME  
R.A/C.P./M.A.

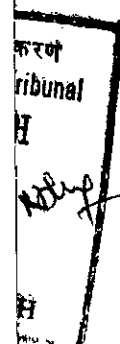
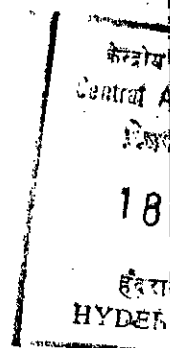
O.A.NO. 456/

ADMITTED AND I  
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II COURT



II COURT

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD  
R.A./M.A/C.A.No.

ORIGINAL APPLICATION NO. 456/93 Old petn.

CERTIFICATE

Certified that no further action is required to be taken  
and the case is fit for consignment to the Record Room(Decided).

Dated:

Counter Signed.

Court Officer/Section Officer.

YLKR

Signature of the Dealing Asst.

\* \* \* \*

54

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD.

C.A. NO. 456/93

P.A. NO.

DATE OF DECISION 13.3.97

A.Kishan

(PETITIONER (S))

Mr. K.Sudhakar Reddy

ADVOCATE FOR THE PETITIONER(S)

VERSUS

Union of India rep. by  
Secretary, M/o Environment  
and Forests,  
New Delhi & 2 others.

RESPONDENT (S)

Mr. NR Devaraj, SCGSC  
~~Mr. Naveen Rao~~

ADVOCATE FOR THE RESPON-  
DENT (S).

THE HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMINISTRATIVE)

THE HON'BLE SHRI B.S. JAI PARAMESWAR, MEMBER (JUDICIAL)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgement ?
4. Whether the Judgement is to be circulated to the other Benches ?

Judgement delivered by Hon'ble Shri R. Rangarajan, Member (A)

12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

O.A. 456/93

Date of decision: 13.3.1997

Between:

A. Kishan

.. Applicant

And

1. Union of India,  
Rep. by Secretary,  
Ministry of Environment &  
Forests,  
CGO Complex, New Delhi.

2. State of Andhra Pradesh,  
Rep. by Chief Secretary,  
Secretariat, Hyderabad.

3. Principal Chief Conservator  
of Forests,  
Department of Forests,  
Hyderabad.

.. Respondents

Mr.K.Sudhakar Reddy  
Mr. N.R.Devaraj, SCGSC  
Mr.Naveen Rao

.. Counsel for applicant  
.. Counsel for Central Govt.  
.. Counsel for State Govt. of  
Andhra Pradesh

CORAM

HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMINISTRATIVE)

HON'BLE SHRI B.S.JAI PARAMESWAR, MEMBER (JUDICIAL)

O R D E R

Oral Order (per Hon'ble Shri R. Rangarajan, Member (Admve.))

Heard Shri Sudhakar Reddy for the applicant, Shri  
N.R.Devaraj, SCGSC for the Central Government and Shri Naveen  
Rao for the State Government of Andhra Pradesh.

2. The applicant in this OA was appointed to the  
State Forest Service on 28.9.79 as Assistant Conservator of  
Forests. The applicant submits that he had become eligible  
for promotion to the I.F.S. cadre from 31.10.1987. He further  
submitted that he is aware that by promotion  
the number of persons to be recruited to the  
I.F.S. cadre under Rule 8 of the Indian Forest Service  
(Recruitment) Rules, 1966 should not at any time exceed 33-1/3%

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D



of the number of senior posts borne on the cadre of the State or group of States. He further adds that Rule 2(g) of the IFS (Seniority) Regulations gives the definition for 'Senior Post'. By that definition the 33-1/3% of vacancies has to be calculated on the cadre strength of I.F.S. in Andhra Pradesh under items 1, 2 and 5 of the said cadre. The respondents failed to take note of that rule and they have not included the number of posts under item 5 for purpose of calculating the eligible quota of 33-1/3%.

3. The applicant relies on the judgement of Jabalpur Bench of the Tribunal in TA 81/86 decided on 8th June 1987 and the judgement of the Calcutta Bench of the Tribunal reported in 1995 (29) ATC 244 (D. Kumar Basu Vs. Union of India & others) to state that item 5 of the cadre strength should also be taken into account in addition to items 1 and 2 for the purpose of determining the quota earmarked for promotion from State Cadre officers to IFS cadre. The applicant further contends that the State of Andhra Pradesh had taken the cadre strength adding only items 1 and 2 for the purpose of fixing the quota for promotion, omitting item 5, thereby the number of vacancies earmarked for promotees has been calculated erroneously.

4. This OA is filed praying for a direction to the respondents to include the deputation reserve posts i.e. 10 posts and adhoc post i.e. 5 posts under item 5 of the Regulations for computing the 33-1/3% promotion quota under Rule 9 of the IFS (Recruitment) Rules, 1966 for appointment by promotion and for a consequential direction to consider him also from the date he had become eligible for consideration for promotion to the IFS cadre.

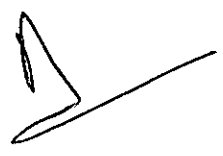
5. It has been admitted by the respondents that as per IFS Fixation of Cadre Strength Regulations, 1966, item 5 should also be included for the purpose of calculating the

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cadre strength for purpose of determining the vacancies for promotion to IFS cadre. But that rule has been amended by notification dated 22.2.89 whereby the Fixation of Cadre Strength Regulation, 1966 for purpose of promotion includes only items 1 and 2. Hence the applicant will be considered for promotion as per the old rule if in any DPC he is found eligible to be considered against the quota earmarked earlier to 22.2.89. It is further stated in the reply by the State Government that the applicant became a full member of the Service on 21.7.89 and he has become eligible for consideration only after that date. As the applicant became eligible for consideration to the IFS only on 21.7.89, i.e. after the date of amendment notification issued on 22.2.89, his case cannot be considered under the old rule. But it is also stated that the applicant was confirmed by order dated 21.7.89 with retrospective effect from 1.11.83 and he has also completed 8 years of service by 31.10.87. Hence it is to be held that the applicant had become eligible for consideration for promotion to IFS cadre after he had put in 8 years of Class-1 service in the State Cadre and he is also confirmed. He is eligible to be considered for promotion to IFS cadre subject to other conditions being fulfilled, such as, his name being in the zone of consideration and other eligibility conditions. In the result, the following direction is given:-

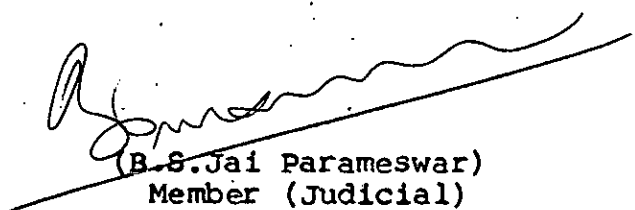
- (1) If any DPC had been conducted earlier to 22.2.89 and the applicant was found eligible to be considered in all respects by that DPC, then his case should be reviewed by constituting a fresh review Committee. If he has been found eligible for consideration to IFS cadre in all respects on or after 22.2.89, then his case should be

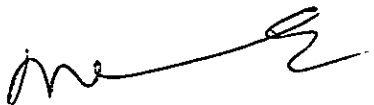


considered in accordance with the amended rule.

- (ii) A firm reply should be sent to him as per the above direction within a period of 3 months from the date of receipt of this order.

6. The O.A. is ordered accordingly. No costs.

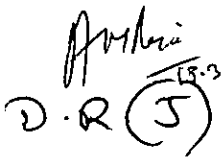
  
(B.S. Jai Parameswar)  
Member (Judicial)

  
(R. Rangarajan)  
Member (Admve.)

13/3/97

13th March, 1997  
(Dictated in Open Court)

vm

  
D.R. (J)

5.5.5

## Copy to:

1. The Secretary, Min. of Environment & Forests,  
CGO Complex, New Delhi.
2. The Chief Secretary, Secretariat, Hyderabad.
3. Principal Chief Conservator of Forests,  
Dept. of Forests, Hyderabad.
4. One copy to Mr. K. Sudhakar Reddy, Advocate, CAT, Hyderabad.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to Mr. P. Naveen Rao, Counsel for State of A.P.,
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

28/4/97  
TYPED BY  
COMPILED BY

CHECKED BY  
APPROVED BY

8 copies

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:  
M(D)

DATED:

13/3/97

ORDER/JUDGEMENT

R.A./C.P/M.A.No.

D.A.No. 456/93 in

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLIED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR



62

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

MA 466/88 DA. No.456 of 1993

Between:

Dated:22.2.1999

A.Kishan

.. Applicant

And

1. The Secretary,  
Ministry of Environment & Forests,  
C.G.O.Complex, Lodhi Road, New Delhi.
2. The Chief Secretary,  
Secretariat, State of A.P., Hyderabad.
3. The Principal Chief Conservator of  
Forests, Department of Forests,  
Gagan Vihar, Hyderabad.

.. Respondents.

Counsel for the Applicant

: Mr.K.Sudhakara Reddy

Counsel for the Respondents

: Mr.~~MxRx~~ B.N.Sharma

*Mr. P. N. Narayan Rao, Secy. to Govt.*

CORAM:

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

THE HON'BLE MR. B.S. JAI PARAMESWAR : MEMBER (J)

\* \* \*

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Mr. K.Sudhakara Reddy, for the applicant, Mr.M.C.Jacob for Mr.B.N.Sharma, for Central Govt. None for the State Govt.

We find that the State Govt. Counsel is not attending the Court regularly and because of that many petitions are to be adjourned. The Central Govt has not filed the reply so far. Mr.MC Jacob requests 2 weeks time for filing reply.

List this MA for orders on 11.3.99. No further adjournment will be given. On that day the State Govt. Counsel should present.

Registry ~~xxx~~ should indicate clearly the names of the counsels for respondents.

*[Signature]*  
Section Officer

Copy to:-

1. The Secretary, Ministry of Environment & Forests,  
C.G.O.Complex, Lodhi Road, New Delhi.
2. The Chief Secretary, Secretariat, Hyderabad.
3. The Principal Chief Conservator of Forests,  
Department of Forests, Gagan Vihar, Hyderabad.
4. One copy to Mr. K.Sudhakara Reddy, Advocate, CAT., Hyd.
5. One copy to Mr. B.N.Sharma, Sr.CGSC., CAT., Hyd.
6. One duplicate copy.

*7. one to Mr. P. N. Narayan Rao, Secy. to Govt.*  
srr

ac To-day ✓

1st and 2nd Court.

Copy to:

1. HDHND
2. HHRP M(A)
3. HDSRP M(J)
4. D.R.(A)
5. SPARE

Typed By  
Compared by

Checked by  
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:  
VICE - CHAIRMAN

THE HON'BLE H. RAJENDRA PRASAD  
MEMBER (A)

THE HON'BLE R. RANGARAJAN  
MEMBER (A)

THE HON'BLE MR. B.S. JAI PARAMESHWAR:  
MEMBER (J)

DATED: 22/2/99

ORDER/JUDGMENT

M.A./R.A/E.P.NO.

IN

O.A.NO : 456/93

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

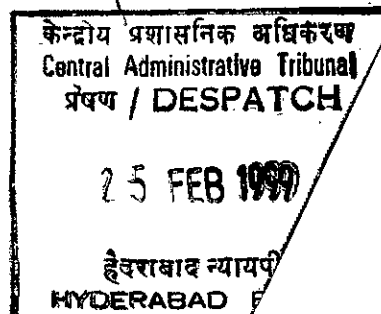
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

Wrt on  
11/3/99



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

..

M.A.No.466/98 in O.A. 456 of 1993.

-----

Date of decision: March 11, 1999.

-----

Between:

A. Kishan. .. Applicant.

And

1. Union of India represented by its Secretary, Ministry of Environment and Forests, New Delhi.
2. State of Andhra Pradesh represented by the Chief Secretary, Secretariat, Hyderabad.
3. Principal Chief Conservator of Forests, Department of Forests, Aranya Bhavan, Saifabad, Hyderabad. .. Respondents.

Counsel for the Applicant: Sri K.Sudhakar Reddy.

Counsel for the Respondents: Sri P.Naveen Rao for State Government.

*Sri B.N. Sarma; Secy*

CORAM:

Hon'ble Sri R.Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

O R D E R.

(per Hon'ble Sri R.Rangarajan, Member (A))

--

Heard Sri Sudhakar Reddy for the Applicant  
and Sri P.Naveen Rao for the State Government.

O.A.No.456/93 filed by the applicant was  
disposed of on 13.3.1997 with the following directions.

*R*

*2*



" (i) If any DPC had been conducted earlier to 22.2.1989 and the applicant was found eligible to be considered in all respects by that DPC, then his case should be reviewed by constituting a fresh review Committee. If he has been found eligible for consideration to IFS cadre in all respects on or after 22.2.1989, then his case should be considered in accordance with the amended rule.

(ii) A firm reply should be sent to him as per the above direction within a period of three months from the date of receipt of this order."

This M.A., is filed for implementing the directions given in the Judgment.

When this M.A., was taken up for hearing, the learned counsel for the Respondents produced the Memorandum No.1233/SC-IFS/93-14 dated 11th July, 1997 which was taken on record and submitted that the directions are complied with and the applicant has been informed suitably.



The learned counsel for the applicant submits that the seniority list which was available earlier to 1995, <sup>was revised</sup> due to the directions given by the Andhra Pradesh Administrative Tribunal <sup>another seniority list</sup> ~~was~~ taken into consideration and hence the implementation <sup>not</sup> was in accordance with the

2

: 3 :

judgment of this Tribunal. Had the respondents taken the revised seniority list issued in 1995, based on the judgment of Andhra Pradesh Administrative Tribunal, the applicant should have been considered in accordance with the judgment of the Tribunal in the present O.A. By not doing so, the respondents are driving the applicant repeatedly to come to this Tribunal.

The applicant may have a case. But in an implementation petition the only point to be considered is whether the reply ~~is~~ given ~~as~~ is as directed by this Tribunal in the O.A. If there is ~~lacuna~~ in the reply, the remedy available to the applicant is to challenge that ~~reply~~ for getting the proper relief. In the M.A., the points urged by the applicant cannot be gone into as it involves study of various other factors and the material available on record and also hearing of those points raised by the respondents. Hence, if the applicant is so advised, he may file a suitable O.A., challenging the reply dated 11.7.1997 given by the Respondents to the applicant. In that event, the O.A., filed by the applicant challenging the reply dated 11.7.1997 given by the respondents to the applicant will be considered and a final order will be passed based on the submissions made by both sides.



Copy to:

1. HDHND
2. HHRP M(A)
3. HASOP M(J)
4. D.R. (A)
5. SPARE

23/3/99  
1ST AND 2ND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:  
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD:  
MEMBER (A)

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

THE HON'BLE MR. B. S. JAI PARAMESWAR:  
MEMBER (J)

DATED: 11.3.99.

ORDER/ JUDGEMENT

MA./RA./CP.No. 466/98

IN

O.A. NO.

456/93.

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS  
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

(8 copies)

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

17 MAR 1999

हैदराबाद न्यायपीठ  
HYDERABAD BENCH

IN THE COURT OF THE DISTRICT JUDGE, HYDERABAD

Case No. 435/53

Case No.

Dated: 14.11.53.

Applicant

...Applicant.

And

1. The Secretary, Min. of Environment & Forests,  
3rd Floor, Lathi Road, Sec. 10, Delhi.
2. The Joint Secretary, Secretariat,  
Hyderabad.
3. Principal Joint Commissioner of Forests,  
Hyderabad.

Respondents

...Respondents.

Counsel for the Applicant : Mr. K. Sudhakar Reddy

Counsel for the Respondents : Mr. M. S. Srinivasulu Reddy,  
Mr. J. V. S. Murthy.

Read

IN THE COURT OF THE DISTRICT JUDGE, HYDERABAD (1)

IN THE COURT OF THE DISTRICT JUDGE, HYDERABAD (2)

IN THE COURT OF THE DISTRICT JUDGE, HYDERABAD

This case came up for hearing on 11.11.53 when there was no representation for R-2 and R-3, State Government. Even today when this case is posted, no representation from the State Govt.

In page-2 of the counter filed for R-1 it is stated that certain information is required to the claim of the official being concerned for operation to 1.7.3 will be submitted by the State Govt. No reply has been filed by the State Govt. Learned Counsel for the State Govt. is also with present intention of adjournment in this case. Hence we have no alternate left except to summon a responsible officer from the State Govt. to argue this case. If there is no representation at the time of the next hearing along with this case will be disposed of without hearing R-2 and R-3 and notice will be issued to R-2 to be present in the court to appear.

Order

It is on 20.11.53.

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

न्यायालय अधिकारी  
COURT OFFICER

Central Government Tribunal

HYDERABAD

COPIES DESTROYED

" (i) If any DPC had been conducted earlier to 22.2.1989 and the applicant was found eligible to be considered in all respects by that DPC, then his case should be reviewed by constituting a fresh review Committee. If he has been found eligible for consideration to IFS cadre in all respects on or after 22.2.1989, then his case should be considered in accordance with ~~the~~ amended rule.

(ii) A firm reply should be sent to him as per the above direction within a period of three months from the date of receipt of this order."

This M.A., is filed for implementing the directions given in the Judgment.

When this M.A., was taken up for hearing, the learned counsel for the Respondents produced the Memorandum No.1233/SC-IFS/9J-14 dated 11th July, 1997 which was taken on record and submitted that the directions are complied with and the applicant has been informed suitably.

The learned counsel for the applicant submits that the seniority list which was available earlier to 1995, <sup>was revised</sup> due to the directions given by the Andhra Pradesh Administrative Tribunal <sup>another seniority list</sup> ~~was~~ <sup>was</sup> taken into consideration and hence the implementation was <sup>not</sup> in accordance with the

2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

AT HYDERABAD.

..

M.A.No.466/98 in D.A. 456 of 1993.

Date of decision: March 11, 1999.



Between:

A. Kishan. .. Applicant.

And

1. Union of India represented by its Secretary, Ministry of Environment and Forests, New Delhi.
2. State of Andhra Pradesh represented by the Chief Secretary, Secretariat, Hyderabad.
3. Principal Chief Conservator of Forests, Department of Forests, Aranya Bhavan, Saifabad, Hyderabad. .. Respondents.

Counsel for the Applicant: Sri K.Sudhakar Reddy.

Counsel for the Respondents: Sri P.Naveen Rao for State Government.  
*Sri B.N. Sarma; Secy.*

CORAM:

Hon'ble Sri R.Rangarajan, Member(A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

O R D E R.

(per Hon'ble Sri R.Rangarajan, Member (A))

--

Heard Sri Sudhakar Reddy for the Applicant  
and Sri P.Naveen Rao for the State Government.

D.A.No.456/93 filed by the applicant was  
disposed of on 13.3.1997 with the following directions.

*R*

*2*

judgment of this Tribunal. Had the respondents taken the revised seniority list issued in 1995, based on the judgment of Andhra Pradesh Administrative Tribunal, the applicant should have been considered in accordance with the judgment of the Tribunal in the present U.A. By not doing so, the respondents are driving the applicant repeatedly to come to this Tribunal.

The applicant may have a case. But in an implementation petition the only point to be considered is whether the reply ~~is~~ given ~~as~~ is as directed by this Tribunal in the U.A. If there is lacuna in the reply, the remedy available to the applicant is to challenge that reply for getting the proper relief. In the M.A., the points urged by the applicant cannot be gone into as it involves study of various other factors and the material available on record and also hearing of those points raised by the respondents. Hence, if the applicant is so advised, he may file a suitable U.A., challenging the reply dated 11.7.1997 given by the Respondents to the applicant. In that event, the U.A., filed by the applicant challenging the reply dated 11.7.1997 given by the respondents to the applicant will be considered and a final order will be passed based on the submissions made by both sides.

R

1

of the number of senior posts borne on the cadre of the of the IFS (Seniority) Regulations gives the definition for 'Senior Post'. By that definition the 33-1/3% of vacancies has to be calculated on the cadre strength of I.F.S. in Andhra Pradesh under items 1, 2 and 5 of the said cadre. The respondents failed to take note of that rule and they have not included the number of posts under item 5 for purpose of calculating the eligible quota of 33-1/3%.

3. The applicant relies on the judgement of Jabalpur Bench of the Tribunal in TA 81/86 decided on 8th June 1987 and the judgement of the Calcutta Bench of the Tribunal reported in 1995 (29) ATC 244 (D. Kumar Basu Vs. Union of India & others) to state that item 5 of the cadre strength should also be taken into account in addition to items 1 and 2 for the purpose of determining the quota earmarked for promotion from State Cadre officers to IFS cadre. The applicant further contends that the State of Andhra Pradesh had taken the cadre strength adding only items 1 and 2 for the purpose of fixing the quota for promotion, omitting item 5, thereby the number of vacancies earmarked for promotees has been calculated erroneously.

4. This OA is filed praying for a direction to the respondents to include the deputation reserve posts i.e. 10 posts and adhoc post i.e. 5 posts under item 5 of the Regulations for computing the 33-1/3% promotion quota under Rule 9 of the IFS (Recruitment) Rules, 1966 for appointment by promotion and for a consequential direction to consider him also from the date he had become eligible for consideration for promotion to the IFS cadre.

5. It has been admitted by the respondents that as per IFS Fixation of Cadre Strength Regulations, 1966, item 5 should also be included for the purpose of calculating the

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

O.A. 456/93

Date of decision: 13.3.1997

Between:

A. Kishan

.. Applicant

And

Rep. by Secretary,  
Ministry of Environment &  
Forests,  
CGO Complex, New Delhi.

2. State of Andhra Pradesh,  
Rep. by Chief Secretary,  
Secretariat, Hyderabad.

3. Principal Chief Conservator  
of Forests,  
Department of Forests,  
Hyderabad.

.. Respondents

Mr.K.Sudhakar Reddy  
Mr. N.R.Devaraj, SCGSC  
Mr.Naveen Rao

.. Counsel for applicant  
.. Counsel for Central Govt.  
.. Counsel for State Govt. of  
Andhra Pradesh

CORAM

HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMINISTRATIVE)  
HON'BLE SHRI B.S.JAI PARAMESWAR, MEMBER (JUDICIAL)

ORDER

Oral Order (per Hon'ble Shri R. Rangarajan, Member (Admve.))

Heard Shri Sudhakar Reddy for the applicant, Shri  
N.R.Devaraj, SCGSC for the Central Government and Shri Naveen  
Rao for the State Government of Andhra Pradesh.

2. The applicant in this OA was appointed to the  
State Forest Service on 28.9.79 as Assistant Conservator of  
Forests. The applicant submits that he had become eligible  
for promotion to the I.F.S. cadre from 31.10.1987. He further  
submitted that he is aware that by promotion  
the number of persons to be recruited to the  
I.F.S. cadre under Rule 8 of the Indian Forest Service  
(Recruitment) Rules, 1966 should not at any time exceed 33-1/3%



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11

4  
considered in accordance with the amended rule.

(ii) A firm reply should be sent to him as per the above direction within a period of 3 months from the date of receipt of this order.

6. The O.A. is ordered accordingly. No costs.

प्रमाणित प्रती  
CERTIFIED TO BE TRUE COPY

*Eustham*  
न्यायालय अधिकारी  
COURT OFFICER  
केन्द्राध्य प्रशासनिक अधिकारण  
Central Administrative Tribunal  
हैदराबाद न्यायापीठ  
HYDERABAD BENCH

केस नम्बर  
CASE NUMBER... 0. A456/73  
निर्णय का तारीख  
Date of Judgement... 13/3/77  
प्रति तय्यार किया गया दिन  
Copy Made Ready on... 25/3/77

अनुभाग अधिकारी (न्य बिज)  
Section Officer (I)

cadre strength for purpose of determining the vacancies for promotion to IFS cadre. But that rule has been amended by notification dated 22.2.89 whereby the Fixation of Cadre Strength Regulation, 1966 for purpose of promotion includes only items 1 and 2. Hence the applicant will be considered for promotion as per the old rule if in any DPC he is found eligible to be considered against the quota earmarked earlier to 22.2.89. It is further stated in the reply by the State Government that the applicant became a full member of the Service on 21.7.89 and he has become eligible for consideration only after that date. As the applicant became eligible for consideration to the IFS only on 21.7.89, i.e. after the date of amendment notification issued on 22.2.89, his case cannot be considered under the old rule. But it is also stated that the applicant was confirmed by order dated 21.7.89 with retrospective effect from 1.11.83 and he has also completed 8 years of service by 31.10.87. Hence it is to be held that the applicant had become eligible for consideration for promotion to IFS cadre after he had put in 8 years of Class-1 service in the State Cadre and he is also confirmed. He is eligible to be considered for promotion to IFS cadre subject to other conditions being fulfilled, such as, his name being in the zone of consideration and other eligibility conditions. In the result, the following direction is given:-

- (1) If any DPC had been conducted earlier to 22.2.89 and the applicant was found eligible to be considered in all respects by that DPC, then his case should be reviewed by constituting a fresh review Committee. If he has been found eligible for consideration to IFS cadre in all respects on or after 22.2.89, then his case should be

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ANNEXURE:  
FORM OF INDEX

List of papers in MA/~~SE/PP~~/No.

466 /98 in OA.No 456/98

Serial No. of Papers on record part.*1	Date of papers or date of filling	Description of papers.	Remarks
---	---	------------------------------	---------

17/6/98

Petition  
&  
Affidavit

3-S. copy

Counter Affidavit  
filed by Mr. P. Narasimhan  
for RR 223  
on 21/6/98

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH :: AT HYDERABAD

MA No. 466 of 1998

in

OA No. 456 of 1993

Between

A. Kishan, S/o Venkataiah,  
aged 38 years, Divisional Forest  
Officer, O/o Principal Chief  
Conservator of Forests, Aranya Bhavan,  
Saifabad, Hyderabad.

..Applicant

A N D

1. UNION OF INDIA,  
rep. by its Secretary,  
Ministry of Environment and  
Forests, New Delhi.
2. State of ANDHRA PRADESH  
rep. by Chief Secretary,  
Secretariat, Hyderabad.
3. PRINCIPAL CHIEF CONSERVATOR OF FORESTS,  
Department of Forests,  
Aranya Bhavan, Saifabad, Hyderabad.

...Respondents

MISCELLANEOUS APPLICATION FILED UNDER RULE 8<sup>24</sup>(3)

OF CAT (PROC) RULES 1987

For the reasons stated in the accompanying  
affidavit, the Hon'ble Tribunal may be pleased to direct  
the respondent authorities herein to implement the  
judgement in OA 456/93 dated 13.3.97 by taking the  
seniority of the applicant as per the new revised  
seniority list of SFS officers issued on 1.12.95 and  
pass such other orders as may be deemed fit.

Hyderabad

Dated: 15.6.98

COUNSEL FOR APPLICANT

Revised  
17/6/98  
A.N. R. Day  
12/6/98  
For P. Narayan  
SPL Counsel for State P. No.  
17/6/98

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH ::: AT HYDERABAD

MA No. 466 of 1998

in

OA No. 456 of 1993

Between:

A.Kishan ~~xxx~~

..Applicant

A N D

UNION OF INDIA,  
rep.by its Secretary,  
Ministry of Environment &  
Forests, New Delhi  
and two others .

..Respondents

A F F I D A V I T

I, A.Kishan, S/o Venkataiah, aged about 38 years, working as Divisional Forest Officer, C/o the Principal Chief Conservator of Forests, Aranya Bhavan, Saifabad, Hyderabad, do hereby solemnly and sincerely affirm and state on oath as under:

1. That I am the deponent herein and the applicant in the above OA filed before this Hon'ble Tribunal. Therefore, I am well acquainted with the facts of the case.

2. It is respectfully submitted that the applicant herein initially filed before this Hon'ble Tribunal OA 456/93 seeking relief to consider his case for promotion to Indian Forest Service by taking into account the deputation reserve posts i.e., 10 posts and adhoc posts i.e., 8 posts mentioned against item '5' of the INS Fixation of Cadre Strength

1st page

Corrections:

*A. Kishan*  
Deponent

Regulations 1966 for computing the 33.3% promotion quota under rule '9' of the IFS Recruitment Rules, 1966 for appointment by promotion and to direct the respondents herein, that on ref-fixation of the promotion quota, the applicant herein should be considered for promotion with reference to the select list prepared under the IFS (Promotion) Regulations, 1966 and this Hon'ble Tribunal was pleased to dispose of the above OA on 13.3.1997 as follows:

"If any DP C had been conducted earlier to 22.2.89 and the applicant was found eligible to be considered in all respects by that DPC, then his case should be reviewed by constituting a fresh review committee. If he has been found eligible for consideration to IFS cadre in all respects on or after 22.2.89, then his case should be considered in accordance with the amended rule.

(ii) A firm reply should be sent to him as per the above direction within a period of three months from the date of receipt of this order."

3. It is further submitted that after the above direction is given by this Hon'ble Tribunal, the respondent authorities did not conduct fresh review committee and the applicant's case is not reviewed. The applicant herein issued several notices to the respondent authorities to implement the judgement. The respondent authorities without complying with the orders of this Hon'ble Tribunal, simply issued a reply memo No.1233/SC-IFS/93-14 dated 11.7.97 in which it

2nd page

Corrections:

*A. Vishwanath*  
Deponent

is stated that the entire matter has been reviewed by the Government in pursuance of the orders of the Hon'ble Central Board of Secondary Education. It is stated that the applicant was found outside the zone of consideration as per the tentative seniority list of State Forest Service officers as on 1.1.88 either under pre-amended regulations or the amended regulations.

4. Here it is humbly submitted that this Hon'ble Tribunal has directed the respondent authorities to constitute a fresh review committee and review the case of the applicant but whereas the respondent ~~without~~ constituting a fresh review committee simply issued a reply stating that the applicant is not coming up for consideration as he was found outside the zone of consideration as per the tentative seniority list of State Forest Service Officers as on 1.1.88. It is further submitted that this Hon'ble Tribunal disposed of the above OA on 13.3.97 by that time, the new revised seniority list of State Forest Service officers was already issued on 1.12.95 as per this revised seniority list of State Forest Service officers, the applicant herein is very much in the zone of consideration. The respondent authorities are well aware that the tentative seniority list is no more existing in the year 1997 and already the new revised seniority list came into existence and as per the new revised seniority list all the earlier IFS selections were reviewed except the case of the applicant. The reply given by the respondents is contrary to the directions given by this Hon'ble Tribunal and it is a deliberate action on the part of

3rd page

Corrections:

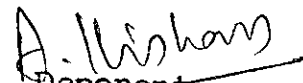
*A. Visham*  
Deponent



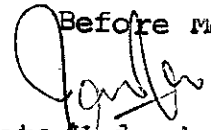
the respondents to harass the applicant herein by forcing him to file another OA and to say that the matter will be delayed further. The applicant herein is not having any other alternative remedy except to approach this Hon'ble Tribunal for redressal of his grievances.

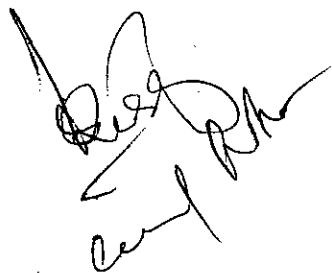
Therefore, it is prayed that the Hon'ble Tribunal may be pleased to direct the respondent authorities herein to implement the judgement in OA 456/93 dated 13.3.97 by taking the seniority of the applicant as per the new revised seniority list of SFS officers issued on 1.12.95 and pass such other and further orders as may be deemed fit.

Sworn and signed on this  
the 15th day of June, 1998  
at Hyderabad.

  
Deponent

4th & last page  
Corrections:

Before me  
  
Advocate, Hyderabad



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL; HYDERABAD BENCH  
AT HYDERABAD

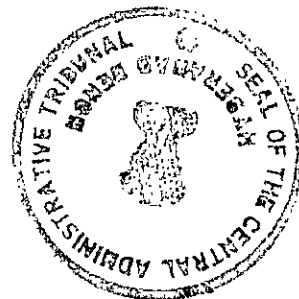
O.A. 456/93

Date of decision: 13.3.1997

Between:

And

1. Union of India,  
Rep. by Secretary,  
Ministry of Environment &  
Forests,  
CGO Complex, New Delhi.
2. State of Andhra Pradesh,  
Rep. by Chief Secretary,
3. Principal Chief Conservator  
of Forests,  
Department of Forests,  
Hyderabad.



.. Respondents

Mr.K.Sudhakar Reddy  
Mr. N.R.Devaraj, SCGSC  
Mr.Naveen Rao

.. Counsel for applicant  
.. Counsel for Central Govt.  
.. Counsel for State Govt. of  
Andhra Pradesh

CORAM

HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMINISTRATIVE)  
HON'BLE SHRI B.S.JAI PARAMESWAR, MEMBER (JUDICIAL)

O R D E R

Oral Order (per Hon'ble Shri R. Rangarajan, Member (Admve.))

Heard Shri Sudhakar Reddy for the applicant, Shri N.R.Devaraj, SCGSC for the Central Government and Shri Naveen Rao for the State Government of Andhra Pradesh.

2. The applicant in this OA was appointed to the State Forest Service on 28.9.79 as Assistant Conservator of Forests. The applicant submits that he had become eligible for promotion to the I.F.S. cadre from 31.10.1987. He further submitted that he is aware that by promotion / the number of persons to be recruited to the I.F.S. cadre under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966 should not at any time exceed 33-1/3%

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of the number of senior posts borne on the cadre of the State or group of States. He further adds that Rule 2(g) of the IFS (Seniority) Regulations gives the definition for 'Senior Post'. By that definition the 33-1/3% of vacancies has to be calculated on the cadre strength of I.F.S. in Andhra Pradesh under items 1, 2 and 5 of the said cadre. The respondents failed to take note of that rule and they have not included the number of posts under item 5 for purpose of calculating the eligible quota of 33-1/3%.

3. The applicant relies on the judgement of Jabalpur and the judgement of the Calcutta Bench of the Tribunal reported in 1995 (29) ATC 244 (D. Kumar Basu Vs. Union of India & others) to state that item 5 of the cadre strength should also be taken into account in addition to items 1 and 2 for the purpose of determining the quota earmarked for promotion from State Cadre officers to IFS cadre. The applicant further contends that the State of Andhra Pradesh had taken the cadre strength adding only items 1 and 2 for the purpose of fixing the quota for promotion, omitting item 5, thereby the number of vacancies earmarked for promotees has been calculated erroneously.

4. This OA is filed praying for a direction to the respondents to include the deputation reserve posts i.e. 10 posts and adhoc post i.e. 5 posts under item 5 of the Regulations for computing the 33-1/3% promotion quota under Rule 9 of the IFS (Recruitment) Rules, 1966 for appointment by promotion and for a consequential direction to consider him also from the date he had become eligible for consideration for promotion to the IFS cadre.

5. It has been admitted by the respondents that as per IFS Fixation of Cadre Strength Regulations, 1966, item 5 should also be included for the purpose of calculating the

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cadre strength for purpose of determining the vacancies for promotion to IFS cadre. But that rule has been amended by notification dated 22.2.89 whereby the Fixation of Cadre Strength Regulation, 1966 for purpose of promotion includes only items 1 and 2. Hence the applicant will be considered for promotion as per the old rule if in any DPC he is found eligible to be considered against the quota earmarked earlier to 22.2.89. It is further stated in the reply by the State Government that the applicant became a full member of the Service on 21.7.89 and he has become eligible for consideration only after that date. As the applicant became eligible for consideration to the IFS only on 21.7.89, i.e. after the date of amendment notification issued on 22.2.89, his case cannot be considered under the old rule. But it is also stated that the applicant was confirmed by order dated 21.7.89 with retrospective effect from 1.11.83 and he has also completed 8 years of service by 31.10.87. Hence it is to be held that the applicant had become eligible for consideration for promotion to IFS cadre after he had put in 8 years of Class-1 service in the State Cadre and he is also confirmed. He is eligible to be considered for promotion to IFS cadre subject to other conditions being fulfilled, such as, his name being in the zone of consideration and other eligibility conditions. In the result, the following direction is given:-

- (1) If any DPC had been conducted earlier to 22.2.89 and the applicant was found eligible to be considered in all respects by that DPC, then his case should be reviewed by constituting a fresh review Committee. If he has been found eligible for consideration to IFS cadre in all respects on or after 22.2.89, then his case should be

considered in accordance with the amended rule.

(ii) A firm reply should be sent to him as per the above direction within a period of 3 months from the date of receipt of this order.

6. The O.A. is ordered accordingly. No costs.

प्रमाणित प्रती  
CERTIFIED TO BE TRUE COPY

न्यायालय अधिकारी  
COURT OFFICER  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH

केस नम्बर	CASE NUMBER	DA 456/93
निर्णय का तारीख	Date of judgement	13/3/97
प्रति तैयार किया गया दिन	Copy Made Ready on	25/3/97
अनुभाग अधिकारी (न्य विक्) Section Officer (J)		

*[Handwritten signature]*

GOVERNMENT OF ANDHRA PRADESH  
GENERAL ADMINISTRATION (SC.IFS) DEPARTMENT.

Memorandum No.1231/SC-IFS/93-14, Dated the 11th July, 1997

Sub:- All India Services - IFS - O.A.No.456/93 filed  
Sri A.Kishan, Assistant Conservator of Forests -  
Judgement of the Central Administrative Tribunal  
dated 13.3.1997 - Reply to the applicant as  
directed by the Central Administrative Tribunal -  
Forwarded.

Ref:-1. Central Administrative Tribunal, Judgement  
dated 13.3.1997 in O.A.No.456/93.  
2. From the Principal Chief Conservator of Forests,  
Letter no.25984/93/M, Dt. 13.5.1997.

The attention of Sri A.Kishan, Assistant Conservator  
of Forests is invited to the reference first cited which were  
received by the Government on 10.4.1997.

2. In pursuance of the orders of the Central Administrative  
Tribunal, dated 13.3.1997, the following reply is forwarded to  
Sri A.Kishan, Assistant Conservator of Forests.

3. Sri A.Kishan, Assistant Conservator of Forests a  
directrecruitee Assistant Conservator of Forests (w.e.f.1.11.1979)  
was confirmed by order dated 21.7.1989 with retrospective  
effect i.e., from 1.11.1983 and the officer has completed  
eight years of service by 31.10.1987. As such, the officer has  
become eligible for consideration for promotion to IFS cadre  
subject to fulfilment of other conditions.

4. Whereas, Select Committee meeting (i.e., 1988 Select  
List) was held during the period in between 31.10.1987(i.e., the  
date on which the applicant become eligible for promotion  
to IFS) and 22.2.1989 (i.e., the date on which an amendment was  
issued to rule 9 of the IFS (Recruitment) Rules, 1977. For  
determining the vacancies for promotion to IFS cadre in the 1988  
Select List item 1 (Senior Posts) and item 2 (Central  
Deputation) of the cadre schedule as per the IFS (Fixation of  
Cadre Strength) Regulations, 1966 were taken into consideration.  
Item 5 (State Deputation reserve) of the Cadre schedule was not  
taken into consideration. If item 5 (State Deputation  
reserve) of the cadre schedule is taken into consideration as  
per the direction of the Central Administrative Tribunal, the size  
of the Select List for the year 1988 will be (5) as detailed  
below:

(according to regulation 5(1) of the promotion  
Regulations, the number of SFS Officers to be included  
in the Select List shall not be more than twice the  
number of substantive vacancies anticipated in the  
course of the period of 12 months commencing from the  
date of preparation ~~month~~ of the Select List or 5%  
of the Senior Posts)

No. of vacancies as on 1.1.1988 &	0	
anticipated vacancies in the course of	0	Nil
12 months from 1.1.1988.	0	

5 % of the senior posts i.e.,  $\frac{104 \times 5}{100}$  = 5.2. or 5.

:: 2 ::

Item 1 Senior Posts	= 72 posts
Item 2 (Central Deputation)	= 14 Posts
Item 5 State Deputation reserve	= 18 Posts
	<hr/> 104 posts <hr/>

No. of SFS Officers to be considered for Selection.  $5 \times 3 = 15$ .

5. The Select Committee has actually considered the names of 24 Officers instead of 15 Officers (as shown above). The name of Sri A.Kishan did not figure in the list of 24 Officers who are within the zone of consideration as he was far below in the then existing seniority list of SFS Officers. Hence, he was not found eligible for the Select List of 1988 though item 5 (State deputation reserve) of the cadre schedule is included for the purpose of calculating the vacancy position for promotion to IFS cadre.

6. The Select List for the year 1989 was considered by the Selection Committee at its meeting held on the 24th and 25th February, 1990. The zone of consideration of officers for consideration to selection has been reduced in view of the amendment issued to Regulation 5(1) of IFS (Appointment by Promotion) Regulations, 1966 deleting State Deputation Reserve for arriving at the number of persons to be considered. The size of the Select List has been determined as eight (8). The zone of consideration was 24 ( $8 \times 3$ ). The name of Sri A.Kishan, is not within the zone of consideration as per the tentative seniority list of SFS Officers as on 1.1.1988.

7. The Select List for the year 1991 was prepared on 16.3.1992. The crucial date for determining the eligibility was taken as 1.4.1991. As per the amended Regulation 5(1) of IFS (Appointment by Promotion) Regulations, 1966, the size of the Select List was determined as 10. The number of SFS Officers to be considered are 30 ( $10 \times 3$ ). Before the Selection Committee could meet on 16.3.1992, Sri Mir Masood Ali Khan, a Select List Officer who had figured in the Select List for the year 1989, was appointed to IFS in the vacancy caused due to the retirement of Sri M.P.Mathur, IFS in the normal course. Hence, the size of the Select List was reduced from 10 to 9. The Select Committee held its meeting on 16.3.1992 and considered names of 26 SFS Officers only (as the name of Sri P. Narayana Reddy was considered as not eligible). Sri A.Kishan, Assistant Conservator of Forests had figured at Sl.No.34. The names of S/Sri D.V.Jayaram Prasad, K.S.Bhargava, and P.Subramanyam, Assistant Conservators of Forests figuring at Sl.Nos. 28, 29 and 30 were found not eligible for consideration to IFS as on 1.4.1991 as they were not confirmed in SFS cadre by that date. Hence, their names were deleted. The subsequent senior Assistant Conservators of Forests Officers S/Sri S.M.Selvaraj, P.Bhaskar Reddy, and P. Adivappa who were found eligible for inclusion in the zone of consideration and who were seniors to Sri A.Kishan also did not come up for consideration as the size of the Select List has been reduced to 9 instead of 10. Sri A.Kishan who is figuring far below Sri P.Adivappa did not come up for consideration. Hence, his request for review of the Select List for the year 1990-91 is not possible.

Sri A.Kishan, Assistant Conservator of Forests, is, therefore,

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informed that the Government have reviewed the entire matter in pursuance of the orders of Central Administrative Tribunal dated 13.3.1997 issued in O.A.No.456 of 1993 and found that his claims for consideration of Selection in the Select List prepared during the period between 31.10.1987 and 16.3.1992 cannot be accepted as he did not come up for consideration, as he was found outside the zone of consideration either under pre amended regulations or under amended regulations.

P.K.RASTOGI,  
SECRETARY TO GOVERNMENT (POLL.)

✓ To

Sri A.Kishan, Assistant Conservator of Forests (Law), O/o.  
the Principal Chief Conservator of Forests, Hyderabad.

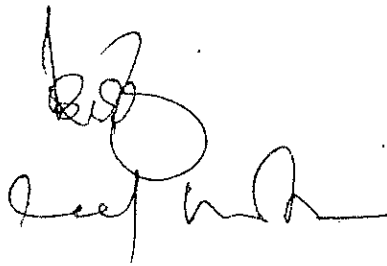
Copy to:

The Scrutiny Cell of Law Department.  
The Principal Chief Conservator of Forests, Hyderabad.

// FORWARDED :: BY ORDER //

  
SECTION OFFICER (SC)







COPY OF:-

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

All India Services - I.F.S. - Appointment of certain STS Officers to the IFS - Notification of the Government orders.- Republished..

-----  
GENERAL ADMINISTRATION (SC.IFS) DEPARTMENT

G.O.Rt.No. 2051/

Dated the 18th May, 1998

Read the following:-

1. State Government's Lr.No.213/SC-IFS/96-51, dated 16-4-1998.
2. From the Government of India, Ministry of Environment and Forests, New Delhi Notification F.No.17013/01/97-IFS-II, dated 15-5-1998.

\*\*\*

ORDER:-

The following Notification issued by the Government of India, Ministry of Environment and Forests shall be republished in the next issue of A.P. Gazette:-

F.No. 17013/01/97-IFS-II,  
Government of India  
Ministry of Environment and Forests

Paryavaran Bhavan,  
C.G.O. Complex, Lodhi Road,  
New Delhi - 110 003.

Dated the 15th May, 1998.

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 8 of the Indian Forest Service (Recruitment) Rules, 1966 read with sub-regulation(1) of regulation 9 of the Indian Forest Service (Appointment by Promotion) Regulations, 1966, the President is pleased to appoint the undermentioned eight officers of the State Forest Service of Andhra Pradesh to the Indian Forest Service with effect from the dates mentioned against their names and to allocate them to the Andhra Pradesh cadre of the Indian Forest Service under sub-rule (1) of rule 5 of the Indian Forest Service (Cadre) Rules, 1966:-

Sl. No.	Name of the Officer	Date of the Birth	Date of appointment
	S/Sri		
1)	S.Bala Krishna	31-08-1951	04-12-1987
2)	P.Bhaskar Reddy	21-01-1953	14-03-1991
3)	N.Shyam Prasad	16-07-1955	03-02-1993
4)	K.Bhoopal Reddy	23-01-1952	03-02-1993
5)	J.V.K.T. Prabhakar Rao	25-04-1953	03-02-1993
6)	M.Bullaiah	01-07-1952	03-02-1993
7)	A.A. Rama Rao Chowdary	10-08-1952	03-02-1993
8)	B.S. Yousuf Sharief	23-5-1953	01-04-1994

(Contd.Pg.2.)

2. These appointments are made in implementation of the orders of the Hon'ble Central Administrative Tribunal, Hyderabad bench in O.A.No. 48/96, M.K.Prasad Vs. UOI & Ors., O.A.No. 136/96 : V.Kishan Vs. UOI & Ors., O.A.No. 158/96 : E.Narasimhulu Vs. UOI & Ors. O.A.No. 159/96: P. Adivappa Vs. UOI. & Ors. O.A.No. 170/96 : N.Shyam Prasad Vs. UOI & Ors. O.A.No.203/96 : Ch.Iylaiah Vs.UOI & Ors. O.A.No. 218/96 K.Bhoopal Reddy Vs. UOI and Ors. and O.A.No.223/96 : M. Bullaiah & Others Vs.UOI and Ors.

Sd/-  
(R.Sanehwal)

Under Secretary to Govt. of India.

To  
The Manager, Govt. of India Press, Faridabad (Haryana).

Distribution:

1. The Chief Secretary, Govt. of Andhra Pradesh, Hyderabad.
2. The Secretary, Forest Department, Govt. of Andhra Pradesh, Hyderabad etc. etc..

Sd/- R.Sanehwal  
Under Secretary to Government of India.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.V.S. Prasad,  
Secretary to Government.

To  
The Commissioner of Printing, Stationery and Stores Purchases,  
Chenchalguda, Hyderabad.  
The Officers concerned through the Principal Chief Conservator of Forests, Hyderabad and etc.....

-//true copy//-

GOVERNMENT OF ANDHRA PRADESH  
FOREST DEPARTMENT

Ref.No.2328/96/M4,  
Dated: 15-5-1998.

O/O the Prl.Chief Conservator of Forests,  
Aranya Bhavan, Andhra Pradesh, Hyderabad.

Sri S.D.Mukherji, I.F.S.,  
Prl.Chief Conservator of Forests.

\*\*\*

Communicated with compliments.

Sd/- S.D. Mukherji,  
Prl. Chief Conservator of Forests.

To  
Sri S.Balakrishna, Divisional Forest Officer, Wild Life Management,  
Warangal.  
Sri P. Bhaskar Reddy, Divisional Forest Officer, Social Forestry  
Division, Nellore.  
Sri N.Shyam Prasad, State Silviculturist, Rajahmundry.  
Sri K.Bhoopal Reddy, Director, Urban Forestry, HUDA, Hyderabad.  
Sri J.V.K.T. Prabhakara Rao, Divisional Forest Officer, F.S., Eluru.  
Sri M. Bullaiah, Divisional Forest Officer., L.D., Karimpagar.  
Sri A.A. Rama Rao Chowdary, Divisional Forest Officer, Logging Division,  
Rajahmundry.  
Sri B.S. Yousuf Sharief, Asst.Chief Conservator of Forests (E),  
O/O PCCF, AP, Hyderabad.

(Contd.Pg.3.)

-(3):-

- Copy submitted to the Chief Secretary to Government, General Administration (SC.IFS) Department, AP, Hyderabad.
- Copy submitted to the Special Chief Secretary to Government, EFS&T Department, AP, Hyderabad.
- Copy to the Special Secretary to Government(Forests)EFS&T Department, AP, Hyderabad.
- Copy to the Vice Chairman and Managing Director, A.P. Forest Development Corporation Ltd., Hyderabad.
- Copy to the Vice Chairman and Managing Director, HUDA, Hyderabad.
- Copy to the District Collectors, Warangal, Nellore, & East Godavari District/Hyderabad/Ranga Reddy District/Karimnagar/West Godavari District.
- Copy to the Principal Accountant General Audit-I, AP, Hyderabad.
- Copy to the Pay and Accounts Officer, AP, Hyderabad.
- Copy to the Director, Indira Gandhi National Forest Academy, Dehra Dun.
- Copy to the Editor, Indian Forester, New Forest Post, Dehra Dun.
- Copy to the table of Prl.Chief Conservator of Forests, Hyderabad.
- Copy to the tables of all the Chief Conservators of Forests, O/O the Prl.C.C.F., Hyderabad.
- Copy to all the Conservators of Forests/Asst.Chief Conservators of Forests/Deputy Conservators of Forests/Asst.Conservators of Forests/Chief Accounts Officer./Accounts Officer-I,II,APFP/Gazetted Assistant(NT)/(T), O/O the Prl.Chief Conservator of Forests, Andhra Pradesh, Hyderabad.
- Copy to the Conservators of Forests, Wild Life Management, Hyderabad/Social Forestry circle, Vijayawada/Research and Development circle, Hyderabad/Rajahmundry/Warangal.
- Copy to the Divisional Forest Officers, Wild Life Management, Warangal/Social Forestry Division, Nellore/State Silviculturist, Rajahmundry/Flying Squad Division, Eluru/Logging Division, Karimnagar/Logging Division, Rajahmundry.
- Copy to the Director, Urban Forestry, HUDA, Hyderabad.
- Copy to the District Treasury Officers, Warangal/Nellore/East Godavari District/West Godavari District/Karimnagar.
- Copy to all the Officers in distribution list of Forest Department.
- Copy to the Manager/Head Draughtsman and all the Superintendents, O/O the Prl.Chief Conservator of Forests, AP, Hyderabad.
- Copy to the stock files of M1/M2/M3/M4/M5 seats.
- Copy to M1/M2/M3/M5 seats.
- Copy to the Superintendent Z/Z1 seat.

8  
Spare-10.

-//t.c.b.o.//-

*[Signature]*  
19/9/98  
Superintendent.  
H/13/98

*[Signature]*  
Copy for AP

6/12/97

## NOTICE

To  
The Chief Secretary to Government,  
General Administration (SC-IFS)  
Department, .....  
H Y D E R A B A D.

Sir

Sub:- All India Services - IFS - OA.No.456/93 filed by Sri A.Kishan,  
Asst.Conservator of Forests - Judgment of the Central  
Administrative Tribunal dated 13.3.1997 - Regarding

Under the instructions of my client, A.Kishan, Asst.Conservator of Forests, I am issuing this notice. It is stated that initially my client, Sri A.Kishan filed OA No.456/93 before the Hon'ble Central Administrative Tribunal, Hyderabad seeking certain directions to consider his case for promotion to IFS. The Hon'ble CAT Hyderabad, disposed off the above OA on 13.03.1997 with the following directions:

'If any DPC had been conducted earlier to 22.2.1980 and the applicant was found eligible to be considered in all respects by that DPA, then his case should be reviewed by constituting a fresh review committee. If he has been found eligible for consideration to IFS cadre in all respects on or after 22.2.1989, then his case should be considered in accordance with the amended rules.'

..... reply should be sent to him as per the above direction within a period of 3 months from the date of receipt of this order."

A reply was received by him through memo no.1233/SC-IFS/93-14, dated 11.07.1997 in which you have stated that the entire matter has been reviewed by the Government in pursuance of the orders of the Hon'ble CAT in OA 456/93 and found that my client's claim for consideration of selection in the select list prepared during the period between 31.10.1987 and 16.03.1992 cannot be accepted as he is not coming up for consideration, as he was found outside the zone of consideration as per the tentative seniority list of SFS officers as on 01.01.1988 either under pre-amended regulations or amended regulations.

It is stated that the seniority list of Asst.Conservators of Forests issued earlier i.e., tentative seniority list was disputed and a number of cases were filed before the Hon'ble A.P.Administrative Tribunal, Hyderabad challenging the same. Ultimately, the Hon'ble Tribunal directed the Government to issue a fresh revised seniority list and as per the above directions of the Hon'ble A.P.A.T. a revised final seniority list of Asst.Conservators of Forests was issued by the Government, in December, 1995. The select list, which was prepared earlier with effect from 1988 to

contd..p.2

1995 was based upon the tentative and ad-hc seniority list of ACFs, which was revised as per rules, and has been approved by Government as well as A.P.A.T. In pursuance of the revision of seniority, my client is entitled to be considered for promotion to IFS with effect from 1988 by taking his seniority as per the revised and final seniority list of ACFs, but whereas your reply dated 11.07.1997 is based on seniority list which is not in existence.

And as per the directions of the Hon'ble CAT, the reply should have been furnished to my client after constituting a fresh review committee. The reply dt: 11.07.1997 is not the outcome of deliberations of review committee, thus you have violated the directions of Hon'ble Tribunal.

And further the calculation of number of -----  
is not correct. The -----

1. Number of vacancies 4
2. of deputation reserve 7 (20/3 = 6.7)

Total vacancies for the year	-----
1989:	111
	-----

The select committee should have considered 33 names instead of 24 names as was done based on ad-hoc list. And as on 01.01.1989, as per the seniority list approved by Government, my client is at serial no.23, therefore, he is very much within the zone of consideration.

Thus, the narration given in your memo dated 11.07.1997 is totally erroneous, misleading and needs to be corrected.

The letter was issued without concurrence of Government of India, and UPSC, therefore - it is not valid. Since as per the directions of the Hon'ble CAT, review DPC has to be constituted which is not done. And as per the regulation 3 of Indian Forest Service (Appointment and Promotion) Regulations, 1966, the committee should consist of :

1. Chairman, Member of the UPSC.
2. Chief Secretary of the State.
3. Secretary to Forests of the State.
4. Prl.Chief Conservator of Forests.
5. Joint Secretary and above cadre officer from GOI.

The memo dated 11.07.1997 does not disclose that the reply to my client is given after deliberations of the DPC constituted as above. Hence, you have deliberately violated the directions of Hon'ble CAT and you are liable for contempt proceedings. You are requested to withdraw the

contd..p.3.

: 3 :

: 3 :

memo cited and consider my client by taking revised seniority list of 1995 as per directions of the Hon'ble Central Administrative Tribunal by constituting Review DPC within six (6) weeks from the date of receipt of this notice, without further delay. Otherwise, my client will be forced to invoke the jurisdiction of the Hon'ble CAT for contempt proceedings.

Thanking you,

Yours faithfully,

  
(K. SUDKHAKAR REDDY)  
ADVOCATE

Copy to Secretary, Ministry of Environment & Forests, CGO complex, New Delhi with copy of Judgement and reply of the Government of A.P. for necessary action.

Copy to Chairman, UPSC., New Delhi for information and necessary action.

  
(K. SUDKHAKAR REDDY)



VI. LIST OF APPROVED PROBATIONERS  
(Under Rule 25 of A.P.S. and S.S. Rules.)

DIRECT RECRUITS

1. A.Sudhakar 01-02-83/12-06-87
2. M.Darsanam 08-03-83/02-01-87
3. P.V.Raja Rao 08-03-83/31-12-87

NOTE: Sri Bh. Basivi Reddy has actually completed the period of probation on 19-11-1993. Hence his name is not list during this year.

PROMOTEES

1. V.S. Raghavaiah
2. D. Vasudeva Murthy
3. A. Upender Rao
4. S.M. Rasheedullah

5. D. Harinadha Rao 21-01-87
6. L. Kameswara Rao 30-09-87
7. R. Sreeramulu 30-09-87

31-12-86

31-12-86

31-12-86

31-12-86

VI. LIST OF OFFICERS APPOINTED AS FULL MEMBERS FROM THE DATES NOTED AGAINST THEM (UNDER RULE 29 (a) and (b) OF A.P.S & S.S. RULES)

DIRECT RECRUITS		DATE OF APPOINTMENT	PROMOTEES	DATE OF APPOINTMENT
1.	A.Sudhakar	01-02-83/30-11-82	1. V.S. Raghavaiah	01-01-86
2.	M.Darsanam	08-03-83/08-12-82	2. D. Vasudeva Murthy	01-01-86
3.	P.V.Raja Rao	08-03-83/01-01-84	3. A. Upender Rao	01-01-86
			4. S.M. Rasheedullah	01-01-86
			5. D. Harinadha Rao	22-01-86
			6. L. Kameswara Rao	01-10-86
			7. R. Sreeramulu	01-10-86

1988

FINAL SENIORITY LIST AMONG THE FULL MEMBERS OF THE SERVICE (AS ON 1-1-88)  
(UNDER RULE 33(a) OF A.P. S & S.S. RULES AND SECOND PROVISIO UNDER RULE 8 OF AP FOREST SERVICE RULES)

Sl. No.	Name of the Officer	DR/P	Date of 1st appointment probation	Date of appointment on probation	Date of declaration of member	Date of apptt. as full
1.	T.V. SUBBA RAO	DR	12-11-57	12-11-57	11-11-62	30-11-62
2.	D.S. GANGAKHEDKAR	DR	15-04-65	15-04-65	17-10-69	15-10-74
3.	M.N. PRASAD	DR				

Sl. No.	Name of the Officer	DR/P	Date of 1st appointment probation	Date of appointment on probation	Date of declaration of member	Date of apptl. as full
4.	PRITHVI SINGH	DR	25-04-67	25-04-67	16-11-71	31-12-75
5.	C.RAMAKRISHNA REDDY	P	20-02-71	20-02-71	10-03-72	31-12-75
6.	C.LAXMA REDDY	P	26-02-71	26-02-71	—	13-08-78
7.	C.GURREDDY	P	11-03-71	11-03-71	19-05-72	13-08-78
8.	P.V.NARSINGA RAO	P	11-08-71	11-08-71	—	13-08-78
9.	V.P.VENKATESWARLU	P	19-08-71	19-08-71	05-09-72	01-01-79
10.	P.V.KRISHNA MURTHY	P	26-08-71	26-08-71	06-09-75	01-01-79
11.	J.V.SARMA	P	10-11-72	10-11-72	09-11-73	01-01-79
12.	P.HEMANGA RAO	P	10-11-72	10-11-72	09-11-73	01-01-81
13.	P.S.SANKAR REDDY	P	10-10-72	10-11-72	15-01-74	01-01-81
14.	V.POLI REDDY	P	10-11-72	10-11-72	09-11-73	06-01-82
15.	S.BALAKRISHNA	DR	14-05-76	14-05-76AN	14-05-80AN	14-05-76(1-5-76)
16.	B.T.RAO	DR	03-05-76	03-05-76	02-05-80	01-01-78
17.	D.SATYANARAYANA	DR	12-05-76	12-05-76	11-05-80	01-01-78
18.	B.S.YOUSUF SHARIEF	DR	03-05-76	03-05-76	02-05-80	01-03-78
19.	I.PERAIHAH	DR	05-05-76	05-05-76AN	05-05-80AN	02-03-78
20.	K.N.BENERJI	DR	03-05-76	03-05-76	02-05-80	02-03-78
21.	P.V.PADMANABHAM	DR	16-06-77	16-06-77	15-06-81	13-08-78
22.	G.PRAKASH	DR	05-06-77	05-06-77	17-06-81	13-08-78
23.	S.M.SELVARAJ	DR	06-11-78	06-11-78	05-11-82	06-11-78(13-8-78)
24.	P.BHASKAR REDDY	DR	03-11-78	03-11-78	26-11-82	03-11-78(13-8-78)
25.	P.ADIVAPPA	DR	01-11-78	01-11-78	26-11-82	01-11-78(13-8-78)
26.	M.NARASIMHA RAO	P	25-08-71	01-01-79	31-12-80	01-01-79
27.	A.KISHAN	DR	01-11-79	01-11-79	31-10-83	01-11-79(1-10-78)
28.	K.ESWAR CHAND	DR	01-11-79	01-11-79	02-11-83	01-11-79(1-7-79)
29.	E.NARASIMHULU	DR	28-02-80	28-02-80	27-02-84	28-02-80(1-1-79)
30.	A.JANAKIRAM REDDY	DR	03-03-80	03-03-80	02-03-84	03-03-80(1-1-79)
31.	V.KISHAN	DR	29-02-80	29-02-80	28-02-84	01-01-81
32.	MOHD.IBRAHIM	DR	28-02-80	28-02-80	03-04-84	01-01-81
33.	N.SHYAM PRASAD	DR	28-02-80	28-02-80	27-02-84	01-01-81
34.	K.BHOOPAL REDDY	DR	16-06-80	16-06-80	15-06-84	01-01-81
35.	J.V.K.T.PRABHAKAR RAO	DR	16-06-80	16-06-80	22-05-86	01-01-81
36.	M.BULLAIAH	DR	17-06-80	17-06-80	10-10-85	23-12-81
37.	A.A.RAMARAO CHOWDARY	DR	16-06-80	16-06-80	11-04-85	23-12-81

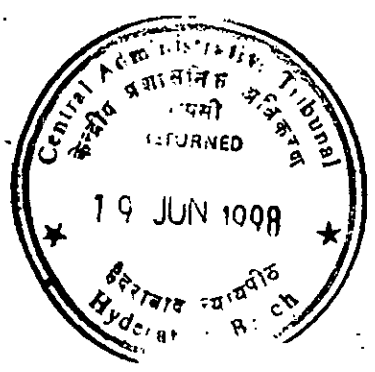
*[Handwritten Signature]*



It is this MA is made since order of when the time for implementation was already fixed by the Hon. Tribunal.

15/6/98

14 days



Replies:

Time given in the judgment for ~~per~~ implementation of the judgment is already over, hence, there is no other alternative remedy except to file this M.A.

24/6/98

for implementation  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH AT HYDERABAD

MA No. of 1998

in

OA No. 456 of 1993

Between:

A. Kishan .. APPLICANT

A N D

Union of India rep. by its Secretary, M in. of Forests and Environment, New Delhi & others.

.. Respondents

PETITION FILED FOR IMPLEMENTATION OF THE JUDGEMENT



for record - Records on 17/6/98

Filed by:

K. S. Udhakar Reddy, Advocate  
COUNSEL FOR APPLICANT

May

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH:: HYDERABAD  
M.A.No. 466/98 in O.A.No.456/93

Between:

Sri A.Kishan

Applicant

And

1. The Union of India represented by its Secretary, Ministry of Environment and Forests, CGO Complex, Lodhi Road, New Delhi.
2. State of A.P. represented by Chief Secretary, Secretariat, Hyderabad.
3. The Principal Chief Conservator of Forests, Hyderabad.

Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF RESPONDENTS 2 & 3:

I, A.L.Narayana Son of Late Sri A. Annappa aged about 52 years residing at Hyderabad do hereby solemnly and sincerely affirm and state as follows:-

(2) I am the Joint Secretary to Government (All India Services) in General Administration Department and I am authorised to file this counter affidavit on behalf of Respondents (2) and (3). I am well acquainted with the facts of the case.

(3) I have gone through the miscellaneous application filed by the Applicant. I deny the averments made in the application save those which are specifically admitted herein.

(4) In reply to paras 1 to 3 of the Application, it is

1st page  
No. of Corrections

ATTESTOR

DEPONENT

Section Officer (S.C.)  
General Administration (I.F.S.) Dept.  
Secretariat, Hyderabad - 500 022.

Jt. Secretary to Govt, (AIS)  
General Administration Dept.  
A. P. Secretariat, Hyderabad.

contd...2


respectfully submitted that on the O.A.No.456/93 filed by Sri A.Kishan, the Honourable Central Administrative Tribunal, Hyderabad Bench, had ordered on 13-3-1997 as follows:-

- (i) If any Departmental Promotion Committee had been conducted earlier to 22.2.1989 and the applicant was found eligible to be considered in all respects by that Departmental Promotion Committee, then his case should be reviewed by constituting a fresh review Committee. If he has been found eligible for consideration to IFS cadre in all respects on or after 22.2.1989, then his case should be considered in accordance with the amended rule.
- (ii) A firm reply should be sent to him as per the above direction within a period of three months.

Sri A.Kishan, Assistant Conservator of Forests, a direct recruitee Assistant Conservator of Forests (with effect from 1.11.1979) was confirmed by an order dated 21.7.1989 with retrospective effect i.e., from 1.1.1983 and he had completed eight years of service by 31.10.1987. As such, the applicant had become eligible for consideration for inclusion in the Select Lists from 31.10.1987 subject to fulfilment of other conditions. During the period between 31.10.1987 and 22.2.1989, Selection Committee meetings were held on the 14th December, 1987 and on the 27th December, 1988 and prepared the Select Lists for the years 1987 and 1988 respectively. For the former meeting, the applicant was not eligible for consideration as he had not completed 8 years of

2nd page  
No. of Corrections

  
ATTENTION

  
DEPARTMENT

Section Officer (S.C.)  
General Administration (I.F.S.) Dept.  
Secretariat, Hyderabad - 500 022.

Jt. Secretary to Govt, (AIS)  
General Administration Dept.  
A. P. Secretariat, Hyderabad.

service in State Forest Service as on 1.1.1987. For the latter meeting, the applicant was eligible for consideration for the year 1988. For determining the vacancies for promotion to IFS cadre for the year 1988 Select List, Item 1 (Senior Posts) and Item 2 (Central Deputation) of the cadre schedule as per the IFS (Fixation of Cadre Strength) Regulations, 1966 were taken into consideration. Item 5 (State Deputation Reserve) of the Cadre schedule was not taken into consideration. If item 5 (State Deputation reserve) of the cadre schedule is taken into consideration as per the direction of the Honourable Central Administrative Tribunal, the size of the Select List for the year 1988 will be (5) as detailed below:-

( according to regulation 5(1) of the promotion Regulations, the number of State Forest Service Officers to be included in the Select List shall not be more than twice the number of substantive vacancies anticipated in the course of the period of 12 months commencing from the date of preparation of the Select List or 5% of the Senior Posts shown against Items 1 and 2 of the cadre schedule)

No. of vacancies as on 1.1.1988 and anticipated  
vacancies in the course of 12 months from 1.1.1988

5% of the senior posts i.e., $\frac{104 \times 5}{100}$	= 5.2	or 5
Item 1 Senior Posts	=	72 Posts
Item 2 (Central Deputation)	=	14 Posts
Item 5 State Deputation reserve	=	18 Posts

104 Posts

No. of State Forest Service Officers to be considered for Selection  $5 \times 3$  = 15

3rd page  
No. of Corrections

ATTESTER

DEPARTMENT

Section Officer (S.C.)  
General Administration (I.F.S.) Dept.  
Secretariat, Hyderabad - 500 022.

Jt. Secretary to Govt. (AIS)  
General Administration Dept.  
A. P. Secretariat, Hyderabad.

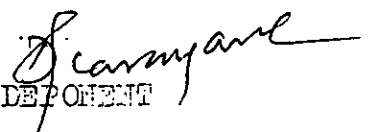
contd...4

6. The Select Committee has actually considered the names of 24 Officers instead of 15 Officers (as shown above). The name of the applicant did not figure in the list of 24 Officers, who are within the zone of consideration as he was far below in the then existing seniority list of State Forest Service Officers. Hence, he was not found eligible for the Select List of 1968 though item 5 (State Deputation Reserve) of the cadre schedule is included for the purpose of calculating the vacancy position for promotion to IFS cadre.

7. The order of Honourable Central Administrative Tribunal is that his case should be reviewed by constituting a review committee, if any Departmental Promotion Committee had been conducted earlier to 22.2.1989 and the applicant was found eligible to be considered in all respects by that Departmental Promotion Committee. In this context, it is submitted that the Honourable Central Administrative Tribunal ordered to constitute a fresh review Departmental Promotion Committee only if the applicant was found eligible to be considered in all respects. In the instant case, the applicant was falling outside the zone of consideration even after the item 5 (State Deputation Reserve) of the cadre schedule is taken into account for the purpose of calculating vacancy position for promotion to IFS Cadre. After consulting, the Law Department, the applicant was given a firm reply in

4th page  
Corrections

  
ATTESTOR

  
DEPONENT

Section Officer (S.C.)  
General Administration (I.F.S.) Dept.  
Secretariat, Hyderabad - 500 022.

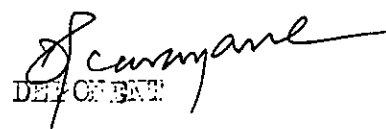
Jt. Secretary to Govt. (AIS)  
General Administration Dept.  
A. P. Secretariat, Hyderabad.

Government Memo.No.1233/SC-IFS/93-14, Dated 11.7.1997, thereby the State Government, complied with the orders of the Honourable Central Administrative Tribunal in C.A.No.456/93.

8. In reply to the para 4, wherein it is contended that the case of the applicant should have been reviewed based on the revised seniority list of State Forest Service Officers issued on 7.12.1995 and not 1.12.1995, it is respectfully submitted that in the order of the Honourable Central Administrative Tribunal, dated 13.3.1997, there is no direction to the effect that his case should be reviewed based on the seniority list of State Forest Service Officers issued on 7.12.1995. It is further submitted that in view of revised seniority list of State Forest Service Officers issued on 7.12.1995 and in view of the A.P.Administrative Tribunal Orders and Central Administrative Tribunal Orders, the Review Selection Committee, met on 8th and 9th January, 1996 at New Delhi, and again on the 4th and 5th February, 1998 at Hyderabad and reviewed all the Select Lists of IFS Officers for the years 1975 to 1991-92. With regard to the review of the Select List for the year 1988, it is respectfully submitted that for the original Select List of 1988, vacancies were determined taking into account item 1 (senior posts) and item 2(Central Deputation) of the Cadre schedule as per the IFS (Fixation of Cadre Strength) Regulations, 1956. Item 5 (State Deputation Reserve) of the

5th page  
No. of Corrections

  
ATTESTOR

  
DEPONENT

Section Officer (S.C.)  
General Administration (S.F.S.) Dept.  
Secretariat, Hyderabad - 500 022.

Jt. Secretary to Govt, (AIS)  
General Administration Dept. -  
A. P. Secretariat, Hyderabad

Postd 8/1/89 Postd on 22/1/89  
In the C.A. : Hrs

M.A. 466/88

O.A. <sup>in</sup> 456/88

~~Case~~

Counter Affidavit

*[Signature]*  
21/8/98

Recd of 21/8

Filed by



P. Naveen Rao  
Advocate

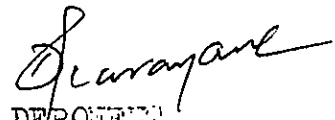
Adv. Counsel for Govt. of A.P.

*[Signature]*  
21/8/98

Cadre Schedule was not taken into consideration. While  
Reviewing the Select List of 1980, also, the same  
procedure was followed.

9. It is therefore respectfully submitted that the  
**directions** of Honourable Tribunal are implemented and  
reasoned decision was communicated to the applicant.  
The applicant cannot seek any relief which is outside  
the scope of earlier directions issued by Honourable  
Tribunal. The M.A. is devoid of merit. It is therefore  
prayed that the Honourable Tribunal may be pleased to  
dismiss the M.A. with costs.

Solemnly and sincerely  
affirmed this the 20th day of  
August, 1998 and signed in my  
presence.

  
DEPONEE

Jt. Secretary to Govt. (AIS)  
General Administration Dept.  
A. P. Secretariat, Hyderabad.

BEFORE ME

  
ATTESOR

6th page  
No. of Corrections.

Section Officer (S.C.)  
General Administration (I.P.S.) Dept  
Secretariat, Hyderabad - 500 022.



MA 466 of 98

पूरा/ORIGINAL

in  
OA 456 of 93

साधारण/GENERAL

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, HYDERABAD

Heard Shri Sudhakara Reddy for the Applicant and Shri Phani Raj for Shri Naveen Rao for the State Government. A reply to be filed to the MA within 3 weeks.

List it immediately thereafter.

M.A. No. 466 of 1998

IN

O.A. No. 456 of 1998

2-7-98

*[Signature]*  
HARP  
M(A)

Heard Mr. K. Sudhakara Reddy for the applicant and TVVS Murthy for Mr. Naveen Rao.

Learned counsel for the applicant requests a week's time to file reply.

List it on 5-8-98.

*[Signature]*  
H.R.N.  
M(A)

5-8-98

Discretion Petition

For Implementation

Mr. K. Sudhakara Reddy  
COUNSEL FOR THE APPLICANTS.  
AND

P. Phani Raj  
ADDL. STANDING COUNSEL FOR C.G. PLY.

P. Naveen Rao

*[Handwritten note:]*  
Counsel for the respondents  
the MA requests for 2 weeks  
time to file reply. Counsel  
for the applicant in the MA  
agrees for giving time.  
We list this MA on 19-8-98.

*[Signature]*  
HARP  
M(A)  
on 22/8/98

*[Signature]*  
HARP  
M(A)