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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.331/96.

Dt. of Decision : 29-12-97.

A.Sudhakar

.. Applicant.

Vs

1. The Union of India, rep. by Secretary, to Government, Dept.of Environment, Science & Technology Department, C.G.P.Complex, Lodhi Road, New Delhi.
2. The Union Public Service Commission, Rep. by its Secretary, Dholapur House, New Delhi.
3. The Selection Committee, Constituted under Regulation 3 of the Indian Forest Service (Appointment by promotion), Regulation 1966 rep. by its Chairman-cum-Chief Secretary, Govt. of A.P. Hyderabad.
4. The State of A.P. rep. by its Principal Secretary to government, Energy, Forest, Environment, Science & Technology Department, Secretariat Buildings, Hyderabad.
5. The Principal Chief Conservator of Forests, Govt. of A.P., Saifabad, Hyderabad. .. Respondents.

Counsel for the applicant : Mr.M.P.Chandra Mouli

Counsel for the respondents : Mr.V.Bhimanna, Addl.CGSC.

: Mr.P.Naveen Rao for State of A.P.

CORAM:-

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

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

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

Heard Mr.M.P.Chandra Mouli, learned counsel for the applicant, Mr.V.Bhimanna, learned counsel for the Central Government and Mr.Phaneraj for Mr.P.Naveen Rao, learned counsel for the State of A.P.

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2. The applicant in this OA ~~is~~ ^{W.M} recruited as Assistant Conservator of Forests ~~in~~ of the State service.

3. This OA is filed praying for a direction to the respondents to consider the name of the applicant by holding a review selection committee for inclusion of his name in the select list of 1991 and onwards for appointment to IFS UNDER THE IFS (Appointment by promotion), Regulation, 1966 and consequently direct the respondents to appoint him to IFS in the event of he being placed in the select list of any year from the dates on which his juniors in the select list were appointed to the IFS with all consequential benefits such as promotion, seniority, salary etc.

4. The OA was taken up for hearing in view of the letter of the learned counsel for the applicant dated 22-12-97. The learned counsel for the State of A.P. submitted that this OA is covered by the orders in OA.136/96 dated 4-2-96 and similar orders were passed in other OAs subsequently. He also submitted that their cases are also under review for the inclusion in the I.F.S. cadre. In view of the above he submitted that the OA may be allowed as was done in the earlier case.

5. In view of the above, the following direction is given:-

The applicant should be considered for appointment by promotion to the cadre of IFS from the year in which his immediate junior as per the seniority list dated 7-12-95 was considered. If he is selected he should be deemed to have been promoted to that cadre from the date his immediate junior in that list was appointed and he is entitled for fixation of pay on par with his junior and consequential benefits such as arrears of

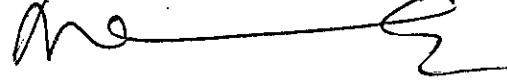
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pay, seniority etc. If he is not found fit for promotion to the cadre of IFS in the first instance his name should be considered in the subsequent selection also till he is selected for promotion by appointment to the cadre of IFS and on that basis he is entitled for all consequential benefits.

6. As the review is now taking place we do not think any necessity to give any time limit at this stage.
7. The OA is ordered accordingly. No costs.


(B.S.JAI PARAMESHWAR)
MEMBER(JUDL.)


29.12.97
Dated : The 29th Dec. 1997.
(Dictated in the Open Court)

(R. RANGARAJAN)
MEMBER(ADMN.)


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Copy to:

1. The Secretary to Govt., Dept. of Environment, Science and Technology Dept., CGP Complex, Lodhi Road, New Delhi.
2. The Secretary, Union Public Service Commission, Dholpur House, New Delhi.
3. The Chairman cum Chief Secretary, Govt. of A.P., Secretariat Buildings, Saifabad, Hyderabad.
4. The Principal Secretary to Govt. Energy, Forest & Environment, Science & Technology Department, Secretariat Buildings, Hyderabad.
5. The Principal Chief Conservator of Forests, Govt. of A.P., Saifabad, Hyderabad.
6. One copy to Mr. M. P. Chandramouli, Advocate, CAT, Hyderabad.
7. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hyderabad.
8. One copy to Mr. P. Naveen Rao, for State of A.P., CAT, Hyderabad.
9. One copy to D.R(A), CAT, Hyderabad.
10. One duplicate copy.

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12/11/98
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COMPARED BY

checked by
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

AND
R. Rangarajan
THE HON'BLE MR. H. RAJENDRA PRASAD, M.A.
And

The Hon'ble Mr. Justice Parameshwar
DATED: 29-12-1997 H(J)

ORDER/JUDGMENT:

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

in
O.A. No. 331/96

T.A. No.

(W.R.)

Admitted and Interim directions
issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

p.v.m.

