

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.
O.A.NO.158ef 1996.

Between

DATED: 9.2.1996.

Dr. E.Narasimhulu

....

Applicant

And

1. Union of India rep. by its Secretary to Government, Department of Environment, Forests, Paryavaran Bhavan, CGO Complex, Lodhi road, New Delhi.
2. Union Public Service Commission, rep. by its Secretary, Dholpur House, New Delhi.
3. The Selection Committee constituted under Rule 3 of the Indian Forest Service (Appointment by Promotion) Regulations 1966, represented by its Chairman, Secretariat Buildings, Hyd.
4. The State of A.P. Represented by its Chief Secretary to Government, Secretariat Buildings, Hyderabad.
5. The Principal Secretary to Government, Forests and Environment Department, Government of Andhra Pradesh, Secretariat, Hyd.
6. The Principal Chief Conservator of Forests, Government of Andhra Pradesh, Aranya Bhavan, Saifabad, Hyd.

...

Respondents

Counsel for the Applicant : Sri. S.Satyan Reddy

Counsel for the Respondents : Sri. N.R.Devaraj, Sr. CGSC.

: Sri. I.V.R.K.Murthy, SC for A.P.

CORAM:

Hon'ble Mr. Justice V.Neeladri Rao, Vice Chairman

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:...2/-

OA 158/96.

Dt. of Order: 9-2-96.

(Order passed by Hon'ble Shri R.Rangarajan,
Member (A)).

- - -

The applicant in this O.A. was appointed as a Directly Recruited Asst.Conservator of Forests in the State Forest Service, Andhra Pradesh and joined the same on 28-2-1980 and he was made a full member of the service from the same date. There were lot of complaints in regard to fixing of interse seniority of the direct recruits vis-a-vis the promotess. The seniority disputes were agitated in the Andhra Pradesh Administrative Tribunal by filing OA 5534/92, which was disposed of on 17-4-95 giving certain directions for preparing the seniority list of direct recruits vis-a-vis promotee officer's of the State Forest Service. The SLP filed against this judgement was also reported to have been dismissed.

2. In pursuance of the judgement a seniority list was prepared vide proceedings No.17540/95/M dt.7-12-95 (Annexure-IV to the OA). An Assistant Conservator of Forest having 8 years of service in that capacity and made a full Member of the Service is eligible for appointment by promotion to the IFS cadre. As the applicant had served as Assistant Conservator of Forests right from 1980 and was also confirmed, he became eligible from 1-1-1989 for consideration for promotion by appointment to IFS cadre. But in

(21)

view of the dispute of the seniority which was finally settled by issuance of the proceedings dt.7-12-1995, some of the juniors to the applicant were reported to have been promoted to the cadre of IFS overlooking the applicant. The applicant had quoted that one Sri B.Venkat Reddy, who was junior to him was appointed to IFS earlier to him. The selection committee for appointment by promotion to the IFS after 1-1-1989 met some time in 1990. The applicant submitted that he should have been considered by the Select Committee for appointment by promotion to IFS, which met after 1-1-1989.

3. This O.A. is filed for a direction to the respondents to hold a review Select Committee meeting for selection for the year 1988 onwards and consider his case for appointment and promotion to IFS based upon his seniority as per proceedings dt.7-12-1995 of Respondent No.6 and for a consequential direction to the respondents to appoint the applicant to IFS from the date his junior Sri B.Venkat Reddy was appointed to IFS with all consequential benefits.

4. There is no doubt that the applicant had qualified for consideration for appointment by promotion to IFS cadre on or after 1-1-1989 in view of the proceedings dt.7-12-1995. Hence he should also be considered by the Select Committee, which met after 1-1-1989 if his junior as per that proceedings dt.7-12-1995 was considered for appointment by promotion to the IFS cadre. The applicant is also eligible for all consequential benefits on par

D

To

1. The Secretary to Govt., Dept. of Environment, Forests, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi.
2. The Secretary, Dholpur House, Union Public Service Commission, New Delhi.
3. The Chairman, The Selection Committee Constituted under Rule 3 of the Indian Forest Service (Appointment by Promotion, Regulations 1966, Secretariat Buildings, Hyderabad.
4. The Chief Secretary to Govt., The State of A.P., Secretariat Buildings, Hyderabad.
5. The Principal Secretary to Government, Forest and Environment Department, Govt. of Andhra Pradesh, Secretariat, Hyderabad.
6. The Principal Chief Conservator of Forests, Govt. of Andhra Pradesh, Aranya Bhavan, Saifabad, Hyderabad.
7. One copy to Mr. S. Satyam Reddy, Advocate, Flat No.8-A, A.P.H.B.Complex, Adj.to Raghavendra Swamy Temple, Barkatpura, Hyderabad - 500 027.
8. One copy to Mr. N.R. Devraj, Sr.CGSC, CAT, Hyderabad.
9. One copy to Mr. I.W.R.K. Murthy, SC for A.P., CAT, Hyderabad.
10. One copy to Library, CAT, Hyderabad.
11. One spare copy.

YLKR

(22)

with his junior who has been promoted on the basis of the Select Committee proceedings if he is selected. If he is not found fit in the first instance for appointment by promotion to IFS cadre, he should also be considered for the subsequent selection and if any of his juniors in these selection had been appointed to IFS, the applicant should also be appointed to IFS if he is found fit and consequential benefits granted to him on par with his junior in that select list.

5. The Original Application is ordered accordingly at the admission stage itself. No order as to costs.

6. Respondents to comply with the above directions within four months from the date of receipt of a copy of this order. //

R. Rangarajan
(R. RANGARAJAN)
Member (A)

V. Neeladri Rao
(V. NEELADRI RAO)
Vice-Chairman

Dated: 9th February, 1996.
Dictated in Open Court.

av1/

Amma
DEPUTY REGISTRAR (J)

Copy to:

1. Secretary to Government, Department of Environment, Forests, Paryavaran Bhavan, Government of India, CGO Complex, Lodhi Road, New Delhi.
2. Secretary, Union Public Service Commission, Dholpur House, New Delhi.
3. The Selection Committee constituted under Rule 3 of the Indian Forest Service (Appointment by promotion) regulations, 1966, rep. by its Chairman, Secretariat Buildings, Hyd.
4. The Chief Secretary to Government of A.P. rep. Secretariat Buildings, Hyderabad.
5. One copy to the Principal Secretary to Government, Forests and Environment, Department, Government of Andhra Pradesh, Secretariat, Hyd.
6. The Principal Chief Conservator of Forests, Government of Andhra Pradesh, Aranya Bhavan, Saifabad, Hyd.

OF : N8/86

16/2/96 I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

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

Dated: 22-2-1996

ORDER/JUDGMENT

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

in

O.A.No. N8/86

T.A.No.

(W.P.No.)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Seal (copy)

01/b

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
मुद्रण/DESPATCH

22 FEB 1996

हृदयनाम्यायपीठ
HYDERABAD BENCH