

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 170/96

Date of Order: 9.2.96.

Between: N. Shyam Prasad

.. Applicant

and

1. The Secretary to Government, Forests, Environment, Science and Technology Dept., Pariyavaran Bhavan, C.G.O. Complex, Lodi Road, New Delhi - 110 003.
2. The Secretary, Dholpur House, Union Public Service Commission, New Delhi.
3. The Chief Secretary to Govt., Govt. of A.P., General Administration (Forests) Department, Secretariat Buildings, Secretariat, Hyderabad.
4. The Principal Secretary to Government, Govt. of Andhra Pradesh, Environment, Forests, Science & Technology Department, Secretariat Building, Secretariat, Hyderabad.
5. The Principal Chief Conservator of Forests, Govt. of A.P., 'Aranya Bhavan', Saifabad, Hyderabad - 500004.

Respondents.

For the Applicant :- Mr. P. Naveen Rao

For the Respondents: Mr. N. R. Devraj, Sr. CGSC.

Sr./Add. CGSC

CORAM:

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

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

OA 170/96.

Dt. of Order: 9-2-96.

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

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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 1-1-1981. There were lot of complaints in regard to fixing of inter se seniority of the direct recruits vis-a-vis the promotees. 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. 7-12-1995 (Annexure-III 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 ^{had} also become ^{a ~~promotee~~ full member that is to say} eligible for consideration for promotion by appointment to IFS cadre. But in view of

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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 A.A.Rama Rao Chowdry 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.5 and for a consequential direction to the respondents to appoint the applicant to IFS from the date he became eligible for being 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

To

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Lodi Road, New Delhi - 110 003.
2. The Secretary,
Union Public Service Commission,
Dholpur House,
New Delhi.
3. The Chief Secretary to Government, Govt. of A.P.,
General Administration (Forests) Department,
Secretariat Buildings, Secretariat, Hyderabad.
4. The Principal Secretary to Government,
Govt. of Andhra Pradesh, Environment,
Forests, Science & Technology Department,
Secretariat Buildings, Secretariat,
Hyderabad.
5. The Principal Chief Conservator of Forests,
Govt. of Andhra Pradesh, 'Aranya Bhavan',
Saifabad, Hyderabad - 500 004.
6. One copy to Mr. P. Naveen Rao, Advocate, CAT, Hyderabad.
7. One copy to Mr. N.R. Devraj, Sr. CGSC, CAT, Hyderabad.
8. One copy to Library, CAT, Hyderabad.
9. One spare copy.
10. *enclosed in JV as per list, Sequester 2nd.*


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considered for appointment by promotion to the IFS cadre, *J* The applicant is also eligible for all consequential benefits on par 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 juniors 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. //



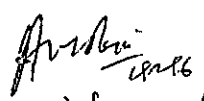
(R. RANGAK JAN)
Member (A)



(V. NEELADRI RAO)
Vice-Chairman

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

avl/


Dy. Registrar (J)

contd...