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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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O.A.1572/97.

Dt. of Decision : 29-06-99.

1. V.Parthasarathy
2. M.V.S.Prakasa Rao

.. Applicants.

Vs

1. The Union of India rep.  
by its Secretary, Min. of  
Environment and Forests,  
CGO Complex, Lodhi Road,  
New Delhi-03.
2. The State of Andhra Pradesh,  
rep. by Chief Secretary,  
Secretariat, Hyderabad.
3. The Principal Chief Conservator  
of Forests, Deptt. of Forests,  
Saifabad, Hyderabad.

.. Respondents.

Counsel for the applicants : Mr.K.Sudhakar Reddy

Counsel for the respondents : Mr.B.N.Sharma, Sr.CGSC for R-1.

Mr.V.V.Anil Kumar, SC for A.P.  
for R-2 and 3.

CORAM:-

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

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

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and  
posts

consideration for the final seniority list as well as the  
it is therefore they submit that the

of A.P. their services were confirmed w.e.f. 31-12-72.

issued by the APAT and as per the said seniority list communicated to  
Forests from 1976 to 1992 was prepared during 1996 on the basis of  
their chances of promotional prospects. The seniority list of Assistant Com-

purpose of computing the 33 1/3% under the promotion quota and thus the  
respondents failed to take into account the above definition reserve posts

consideration for promotion to the IPS in the year 1976 itself. They submit that  
and had the above ratio been followed they could have come up within the

Further they submit that had their services been regularised immediately at  
considered whereas normal officers to be considered for promotion was 13 1/3%

submit that as on 1976 even though 12 posts were available only 24 officers were  
their cases were not considered for promotion to IPS during the year 1976. They

service as on 24-04-72, on account of the delay caused in confirmation of their services.  
Their grievance is that even though they had completed 8 years of

allotment has been fixed as 1976.

the year 1979. They were promoted to IF2 cadre w.e.f. 10-12-83. Their year of  
were confirmed in March, 1978. Their cases for promotion to IF2 were considered for

Forest Department. They completed 8 years of service as on 24-04-72. Their cases  
There are 2 applicants in this OA. They are State Forest Officers in the

Mr. V. V. Anil Kumar, learned counsel for the State Government of A.P.

Mr. B. N. Sharma, learned counsel for the respondents No. 1 and Mr. Sharma for

Heard Mr. K. S. Subbakar Reddy, learned counsel for the applicants and

ORAL ORDER (PER HON'BLE B. S. J. J. P. R. J. J. S. W. A. R. : MEMBER II (X))

ORDER

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ORDER

ORAL ORDER(PER HON.Mr.B.S.JAI PARAMESHWAR : MEMBER(JUDL.))

Heard Mr.K.Sudhakar Reddy, learned counsel for the applicants and Mr.B.N.Sharma, learned counsel for the respondents No.1 and Mr.Phaniraj for Mr.V.V.Anil Kumar, learned counsel for the State Government of A.P.

2. There are 2 applicants in this OA. They are State Forest Officers in the Forest Department. They completed 8 years of service as on 24-04-75. Their services were confirmed in March, 1978. Their cases for promotion to IFS were considered in the year 1979. They were promoted to IFS cadre w.e.f., 19-12-83. Their year of allotment has been fixed as 1976.

3. Their grievance is that even though they had completed 8 years of service as on 24-04-75, on account of the delay caused in confirmation of their services, their cases were not considered for promotion to IFS during the year 1976. They submit that as on 1976 even though 15 posts were available only 24 officers were considered whereas normal officers to be considered for promotion was 1:3 i.e., 45. Further they submit that had their services been regularised immediately after 24-04-75 and had the above ratio been followed they could have come up within the zone of consideration for promotion to the IFS in the year 1976 itself. They submit that the respondents failed to take into account the adhoc deputation reserve posts for the purpose of computing the 33 1/3% under the promotion quota and thus they deprived their chances of promotional prospects. The seniority list of Assistant Conservators Forests from 1976 to 1995 was prepared during 1996 on the basis of the directions issued by the APAT and as per the said seniority list communicated to the Government of A.P. their services were confirmed w.e.f., 31-12-75.

4. It is therefore, they submit that the Government, having taken into consideration for the final seniority list as well as the increased number of

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under the promotion quota by including the adhoc deputation reserve posts and have to take up review of the posts of IFS cadre from 1-1-86 onwards till the end of promotion to IFS cadre. That is enough for them to re-determine the allocation and probably at an early year. The respondents have not done this. They have not given the due credit for the seniority in accordance with the revised seniority list. They also complain that in the reply filed by the Central Government there is no mention that the adhoc deputation reserve posts had been taken into account while fixing the number of vacancies for promotion quota and on that basis the zone of consideration was determined to consider the State Forest Officer for promotion to the IFS cadre.

6. Hence, they have filed this OA praying for a direction to the Government authorities to conduct a review DPC for the years 1976 to 1981 and to consider the cases of the applicants herein for promotion to IFS under Rule 9 of the Recruitment Rules 1966 by taking into account the adhoc deputation reserve posts under item 2 of the schedule 2 to the IFS Cadre Regulations, 1966 for comparison of 1300 promotion quota with all consequential benefits such as seniority, promotion and arrears of salary etc.

7. The respondent No.1 has filed its reply stating that the appointment of the applicants in the A.P. State Forest Service and their confirmation are subject to the same have to be answered by the R-2.

8. The respondents No.2 and 3 have filed their reply. The State Government submits that whether the adhoc deputation reserve posts are taken into account or not has to be settled only by the Central Government. For the Government officials it does not indicate anything in that respect.

9. We do not want to further express anything as an objection to the order taken as such by the Central Government to dispose of the petition. We restrain ourselves from making any objection in this connection.

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under the promotion quota by including the adhoc deputation reserve posts, may have to take up review of the posts of IFS cadre from 1-1-86 onwards till their date of promotion to IFS cadre. That is enough for them to redetermine the year of allotment and probably at an early year. The respondents have not done. They have not given the due credit for the seniority in accordance with the revised seniority list.

5. They also complain that in the reply filed by the Central Government there is no mention that the adhoc deputation reserve posts had been taken into account while fixing the number of vacancies for promotion quota and on that basis the zone of consideration was determined to consider the State Forest Officers for promotion to the IFS cadre.

6. Hence, they have filed this OA praying for a direction to the respondent authorities to conduct a review DPC for the years 1976 to 1981 and to consider the cases of the applicants herein for promotion to IFS under Rule 9 of the IFS Recruitment Rules, 1966 by taking into account the adhoc deputation reserve posts under item 5 of the schedule 5 to the IFS Cadre Regulations, 1966 for computing 33 1/3% promotion quota with all consequential benefits such as seniority, promotion and arrears of salary etc.,

7. The respondent No.1 has filed its reply stating that the appointment of the applicants in the A.P. State Forest Service and their confirmation are concerned the same have to be answered by the R-2.

8. The respondents No.2 and 3 have filed their reply. The State Government submits that whether the adhoc deputation reserve posts were taken into account or not has to be spelt out only by the Central Government. But the Central Government affidavit does not indicate anything in that respect.

9. We do not want to further express anything as our observation may be taken as a clue by the Central Government to dispose of the representation. Hence we restrain ourselves from making any observation in this connection.

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SPR

(Dictated in the Open Court)  
(Dated: The 29<sup>th</sup> June 1999)

MEMBER (JUDGE)  
(B. S. J. PARANISHVARI)

MEMBER (JUDGE)  
(B. S. J. PARANISHVARI)

16. With the above question the OA is disposed of. No costs.

deemed fit.

15. If the applicants are going to be aggrieved by the final reply to be given to their representations they are at liberty to initiate such judicial proceedings as they deem fit.

September 1999.

representation dated 5-11-97 shall be considered and disposed of by the end of representation dated 5-11-97. If no additional representations are received, then the earliest date from the date of receipt of additional representations.

14. dispose of the same by a speaking order in accordance with law within a period of 14 days from the date of receipt of additional representations.

13. If such a detailed representations are received by the Central Government and the State Government both in consultation with each other should

order.  
applicants within a period of one month from the date of receipt of a copy of this representation dated 05-11-97. Such a representation should be submitted by the substantiate their case in addition to what they have already submitted in the earlier. The applicants if so advised, may submit a further representation to speaking order.

12. That representation should be disposed of considering all the contentions raised through a speaking order not rejecting their case by a mere non

dated 05-11-1997 (Annexure-3) which is still to be disposed of.

11. However, the applicants raised their contention in their representation

10. However, the applicants <sup>have</sup> raised their contention in their representation dated 05-11-1997 (Annexure-3) which is still to be disposed of.

11. That representation should be disposed of considering all the contentions raised through a speaking order not rejecting their case by a mere non speaking order.

12. The applicants, if so advised, may submit a further representation to substantiate their case in addition to what they have already submitted in the earlier representation dated 05-11-97. Such a representation should be submitted by the applicants within a period of one month from the date of receipt of a copy of this order.

13. If such a detailed representations are received by the Central Government and the State Government both in consultation with each other should dispose of the same by a speaking order in accordance with law within a period of 45 days from the date of receipt of additional representations.

14. If no additional representations are ~~not~~ received, then the earlier representation dated 5-11-97 shall be considered and disposed of by the end of September, 1999.

15. If the applicants are going to be aggrieved by the final reply to be given to their representations they are at liberty to initiate such judicial proceedings as they deemed fit.

16. With the above direction the OA is disposed of. No costs.

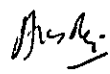
  
(B.S. JAI PARAMESHWAR)  
MEMBER(JUDL.)

29.6.99

Dated : The 29<sup>th</sup> June, 1999.  
(Dictated in the Open Court)

SPR

  
(R. RANGARAJAN)  
MEMBER(ADMN.)

  
8-7-99.

21/7  
1st AND 11th COURT.

COPY TO -

1. HDHND
2. HHRP M(A)
3. HBSOP M(J)
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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 ( ADMN )

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

THE HON'BLE MR. D.S. JAI PARAMESHWAR  
MEMBER ( JUDL )

ORDER: Date. 29/6/99

ORDER / JUDGMENT

MA./RA./CP.NO

IN

DA.NO.

1572/92

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

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