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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, Lodi 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.)

*See*

OR/DR

ORAL ORDER LETTER HON'BLE S. V. RAMAIAH: MEMBER (I) (C)

Having Mr. K. Srinivasan Reddy, learned counsel for the petitioner and

Mr. B. V. Srinivasan learned counsel for the respondent No. 1 and

Mr. B. V. Srinivasan learned counsel for the State Government of A.P.

in the office of the State Publicity in the C.A. T. for the State Forest Office in the

Forest Department. They completed 8 years of service as on 31-12-1973. I per. order.

After consulting in the year 1978. Expertise for promotion to the next higher post

in the year 1978. They were promoted to the cadre of I.C. 19-12-83. From 1978

they have been living in T.S.P.

After absence of first year they had completed 8 years to

service as on 31-12-73. on account of the early career in connection to their work

in the year 1978. They were promoted to the cadre of I.C. 1978. From 1978

they have been promoted to the cadre of I.C. 1978. Now they are in the same

consideration for promotion to the cadre of I.C. 1978. Now they are in the same

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consideration for promotion to the cadre of I.C. 1978. Now they are in the same

due

posts

to A.P. State Service was constituted on 31-12-73. to

which they are entitled under Article 11 of the Constitution of India.

It is the opinion of the learned counsel for the petitioner that

UP

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.Phani Raj 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 of 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

consideration for the final seniority list as well as the increased number of

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### Section 2: All sort of notifications

### Notes on pigeons long

The above panel to be submitted by the B-5  
the applications in the A.R. State Police Service and their qualifications etc. shall be  
5 The Legislative Assembly of the Legislative Assembly of the State of Bihar.

the same place to be augmented by the R-5

• **Questa è una delle poche cose che non ti permette di fare a tua insorgenza.**

Section 1 of this part of the Code may be only by the Canadian Government. Part 1B

the great task of gridlining the vibrii for each lymphatic, the same as you

metacarpi et in metacarpido. ut. videtur. non et. Absque metacarpis.

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 reverse 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.

*T*

However, the following areas merit consideration in this legislation:

1. The scope of the Bill is limited (Annexure-3, dated 20-11-1981).

The legislation should be broadened to cover the following areas:

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3. The legislation should be broadened to cover the following areas:

4. The legislation should be broadened to cover the following areas:

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19. The legislation should be broadened to cover the following areas:

20. The legislation should be broadened to cover the following areas:

MEMBER(S)  
NAME

(B.S.TV1/PARVATHI/AR)  
MEMBER(UDI)

1998  
Dated: The 26<sup>th</sup> June 1998  
(Signature in the Open Court)

SPR

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.

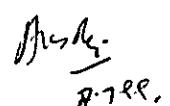
  
(B.S.JALPARAMESHWAR)  
MEMBER(JUDL.)

29.6.99

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

SPR

  
(R.RANGARAJAN)  
MEMBER(ADMN.)

  
8.7.99.

277  
1st AND 2nd COURT.

COPY TO:-

1. H.D.H.N.J

TYPED BY  
CHECKED BY  
COMPARED BY

APPROVED BY

2. H.H.R.P.M.(A)

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, HYDERABAD.

3. H.H.S.O.P.M.(J)

4. D.R. (A)

5. SPARE

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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