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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.879 of 1999

DATE OF JUDGMENT: 24th JULY, 2000

BETWEEN:

R.VENKATESHWARA RAO

.. APPLICANT

AND

1. The State of Andhra Pradesh rep. by
the Chief Secretary to the Govt.,
G.A.D., Secretariat,
Saifabad,
Hyderabad,

2. Union of India rep. by
The Secretary to the Govt.,
Environment and Forests,
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi,

3. The Union Public Service Commission rep. by
the Secretary, Dholpur House,
Shahajahan Road,
New Delhi.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.N.RAMA MOHANA RAO

COUNSEL FOR THE RESPONDENTS: Mr.V.RAJESWAR RAO FOR R2 & R3
Mr.V.V.Anil Kumar for R1

CORAM:

HON'BLE SHRI JUSTICE D.H.NASIR, VICE CHAIRMAN

HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGEMENT

ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.Rajashekhar for Mr.N.Ram Mohan Rao for
the applicant, Mr.V.Rajeswar Rao for the Central Government
(R-2 and R-3) and Mr.V.V.Anil Kumar for the State
Government (R-1).

2. The applicant in this OA is an Indian Forest
Service officer of 1980 batch and was appointed to the



Indian Forest Service cadre on 1.4.80. He had completed his probation period on 31.3.1983. However, his confirmation on par with the other officers of his batch was not done as a case against him was under investigation with the Anti Corruption Bureau. His batch mates were confirmed ignoring the applicant herein by the Government of India notification dated 28.10.95.

3. By the Govt. of India notification dated 15.2.88, orders were issued extending the period of probation of the applicant herein from 31.3.83 to 31.12.88 or until further orders whichever is earlier. It was further requested by the State Govt. to extend the period of probation of the applicant beyond 31.12.88 for a period upto 31.12.95 or until further orders, in view of the pendency of the disciplinary cases against the applicant as per rule 3(4A) of IFS (Probation) Rules, 1968. However in view of his long service of 15 years, Govt. of India vide letter dated 29.9.95 had advised the State Govt. to forward the confirmation proposal in respect of the applicant herein. The State Govt. in their letter dated 22.7.96 have submitted a proposal to the Govt. of India for declaration of the probation and confirmation of the applicant in the IFS cadre. The Govt. of India vide notification 21.8.98 issued orders confirming the applicant who is a direct recruit officer of IFS of 1980 batch borne on the Andhra Pradesh Cadre, in the service with effect from 1.1.89. By the memo dated 11.9.98 the State Govt. had asked the Principal Chief Conservator of Forests to send proposals along with specific remarks/recommendations for consideration of the appointment of the applicant to the



Senior Time Scale and the Junior Administrative Grade of IFS. A notification was issued by the Govt. of India confirming the applicant in service with effect from 1.1.89. A detailed proposal was sent by the Principal Chief Conservator of Forests to take a suitable decision regarding the appointment of the applicant to the Senior Time Scale of IFS either from the next date of passing the tests i.e., 20.10.84 or from the date of confirmation in the IFS i.e., 1.1.89 as the case may be, as per rules. In view of the clarification of the Govt. of India, Department of Personnel and Training letter dated 7.9.87, a Member of Service who is under suspension or against whom disciplinary proceedings are pending on the date on which he is eligible for Junior Administrative Grade, shall not be allowed the Junior Administrative Grade during the suspension and he cannot be promoted. The State Govt. examined the recommendations of the Principal Chief Conservator of Forests for appointment of the applicant to the Senior Scale, Junior Administrative Grade, Selection Grade and Super Time Scale and negatived his case in view of the pendency of the disciplinary proceedings against him and the Govt. Memo was communicated to the applicant through the Principal Chief Conservator of Forests letter dated 9.3.99. The Orders of the State Govt. negativing the promotion of the applicant to the Senior Time Scale and above were issued by the impugned memo No.779/SC.IFS/98-4, dated 11.2.99 (Annexure 11 at page 46 to the OA).

4. This OA is filed to set-aside the impugned memo No.779/SC-IFS/98-4, dated 11.2.99 and for further direction to the respondents to promote the applicant to the Senior



Scale and above.

5. It is also the grievance of the applicant that he was not given the annual grade increments and hence he prays for a direction to the respondents to release the annual grade increments in favour of the applicant in the junior time scale post as a measure of immediate relief to the applicant.

6. An interim order was issued in this OA on 30.7.99 whereby the request of the applicant i.e, the increments due to be given as no punishment has been awarded to him and charge sheet is only pending, was allowed and the respondents were directed to grant him the increment due to him within a period of one month from the date of receipt of a copy of the interim order.

7. It is now stated for the applicant that the applicnat has received the increments and no further orders are necessary in regard to the prayer for grant of increments.

8. The only prayer left is in regard to the promotion of the applicant to the senior scale and above.

9. We have asked the learned counsel for the respondents in regard to the pending charge sheets and also the present status of the charge sheets. It is evident from the reply that none of the charge sheets has been reached to the final conclusion. Hence the applicant is under the cloud due to the pendency of the charge sheets at

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present. A further reading of the reply also indicates that those charges were issued long back. In some cases even the inquiry reports as well as the defence statements of the applicant to the disciplinary authority were submitted. Inspite of such an advanced stage of the proceedings, it looks that the Govt. has not taken a decision in regard to the final disposal of the charge sheets. As the learned counsel for the respondents has not produced the present status of the disciplinary proceedings, it is not possible for us to comment in regard to the various charge sheets pending on the basis of the reply given in the reply affidavit. In any case, the charge sheets were issued long back and it is necessary that those charge sheets are disposed of quickly. Due to the pendency of the charge sheets, the applicant is not able to get promotion even to the Senior Time Scale.

10. In view of the above position existing, the following direction is given:-

(i) The charge sheets pending against the applicant should be finalised within a period of six months from the date of receipt of a copy of this order;

(ii) If the charge sheets could not be finalised within that period, then the applicant should be promoted on adhoc basis to the Senior Time Scale subject to the outcome of the final disposal of the charge sheets pending against him;

(iii) In case the charge sheets are finalised and the applicant is punished, the rules in regard to

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promotion of such officers undergoing punishment should be adhered to for promoting him to the Senior Time Scale;

(iv) As the applicant is not promoted to the Senior Time Scale, it is premature to pass any orders in regard to his further promotions above the Senior Time Scale. That issue is kept open for consideration as and when time arises.

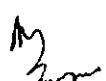
11. The OA is disposed of as above. No order as to costs.



(R.RANGARAJAN)
MEMBER (ADMN.)


(D.H.NASIR.J)
VICE CHAIRMAN

DATED: 24 JULY, 2000


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