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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No.....110..... of 1998

DATE OF DECISION...15.12.2000...

Subimal Roy Choudhury

PETITIONER(S)

Mr.B.K. Sharma & Mr.S. Sarma,

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors

RESPONDENT(S)

Mr.B.G. Pathak, Addl.C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

THE HON'BLE MR. JUSTICE D.N. CHOWDHURY, VICE-CHAIRMAN

THE HON'BLE MR. M.P. SINGH, ADMINISTRATIVE MEMBER

DATE OF DECISION.....

1. Whether Reporters of local papers may be allowed to see the judgment ? PETITIONER(S)

2. To be referred to the Reporter or not ?

3. Whether their Lordships wish to see the fair copy of the judgment ?

4. Whether the Judgment is to be circulated to the other Benches ? ADVOCATE FOR THE

Judgment delivered by Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

RESPONDENT(S)

ADVOCATE FOR THE
RESPONDENT(S)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION NO.110 OF 1998

Date of decision - December 15, 2000.

THE HON'BLE MR. JUSTICE D.N. CHOWDHURY, VICE-CHAIRMAN.

THE HON'BLE MR. M.P. SINGH, ADMINISTRATIVE MEMBER.

Shri Subimal Roy Choudhuri, I.F.S.
(Retired), resident of F.U. Ali Ahmed
Lane, Panjabari Road, P.O. Khanapara,
Guwahati-781022.

- APPLICANT

By Advocates Mr. B.K. Sharma & Mr. S. Sarma.

- Versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Environment & Forest, New Delhi.
2. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati-6.
3. The State of Meghalaya, represented by the Chief Secretary, Shillong.
4. The Secretary to the Government of Assam, Department of Forests, Dispur, Guwahati-6.

- RESPONDENTS

By Advocate Mr. B.C. Pathak, Addl. C.G.S.C.

JUDGMENT AND ORDER
(ORAL)

CHOWDHURY, J. (V.G.)-

This application is directed against the order dated 28th May, 1997 passed by the Joint Secretary to the

Govt ...

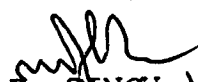
Government of Assam, Forest Department, Dispur denying the prayer for promotion with retrospective effect to the super-time scale of pay of Conservator of Forests.

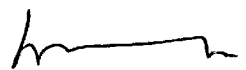
2. The applicant has retired as Conservator of Forests. By order dated 30th October, 1989, the Government of India in exercise of the powers conferred under Rule 3 (2) (c) of the Indian Forest Service (Regulation of Seniority) Rules, 1966 disposed of the representations submitted by the State Government ~~for~~ⁱⁿ determining the question of seniority and year of allotment of the applicant and other officers. Accordingly, the years of allotment of these officers have been worked out on the basis of the deemed promotion of Shri M.K. Sinha with effect from 30.11.1981 and the year of allotment of the applicant with other officers was shown as 1977. Aggrieved persons challenged the aforesaid order before this Tribunal and the Tribunal by order dated 28.2.94 passed in O.A.184/89, the aforementioned Government order was quashed. In terms of the order, the applicant along with other officers were appointed temporarily to selection grade of Indian Forest Service under Rule 3 of the Indian Forest Service (Regulation of Seniority) Rules, 1966 with effect from 1.3.1994. The applicant represented before the authority for quashing the aforesaid communication and for giving him due seniority against the vacancy under the Rules including supertime scale. The respondent authority by impugned letter dated 28.5.1997 declined to consider the same and informed that the prayer of the applicant cannot be considered in view of the orders of the Tribunal dated 28.2.94 passed in O.A. 184/89.

3. We have heard learned counsel for the parties and perused the records.

4. Considering the facts and circumstances of the case, we do not find any justification for rejecting the representation of the applicant on the ground that ^{by} the order of the Tribunal ^{it} set aside the Government decision vide No. FRE.74/89/149 dated 30.9.1992 by order dated 28.3.1994 passed in O.A. 184/89 as mentioned in Para 35 of the judgment and directed the respondents to pass an order according to the rank held by them earlier to 30.11.1992 w.e.f. 1.3.1994. In our considered opinion, there is no impediment on the respondents to consider the grievances of the applicant as such. In the circumstances, we set aside the impugned order dated 28.5.1997 and direct the respondents to consider the case of the applicant afresh in accordance with law. The applicant may also file a fresh representation to the authority along with certified copy of this order within a month from today and on receipt of such representation, the respondents shall dispose of the representation as far as possible preferably within 2 (two) months.

5. Application disposed of. No order as to costs.


(M.P. SINGH)
MEMBER (ADMN.)


(D.N. CHONDHURY)
VICE-CHAIRMAN