

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT INDORE

Original Application No. 1097 of 2004

Jabalpur, this the 29th day of September, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Ashok Bhatia, S/o. Shri Chunnilal
Bhatia, aged about 48 years, Working
as Divisional Forest Officer,
Mandsor (MP).

.... Applicant

(By Advocate – None)

Versus

1. The Union of India, through the Secretary,
Department of Environment and Forest,
Govt. of India, CGO Complex, Lodhi Road,
New Delhi.
2. The Principal Secretary,
Department of Forest, Govt. of Madhya Pradesh,
Vallabh Bhawan, Bhopal (MP).
3. Shri Vinay Kumar Varman, Conservator of Forest,
Administration (Gazetted), O/o. P.C.C.F., Satpura
Bhawan, Bhopal (MP).
4. Shri H.K. Jha, Conservator of Forest,
State Forest Research Institute,
Jabalpur (MP).

.... Respondents

(By Advocate – Shri P.R. Raghavan on behalf of Miss Rekha Shrivastava
for respondent No. 2)

ORDER

By M.P. Singh, Vice Chairman –

By filing this Original Application the applicant has claimed the
following main reliefs :

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“(i) direct the respondent No. 2 to consider and issue the order of appointment in Selection Grade from the date earlier than the respondent No. 3 and consequent promotion and posting of the applicant on the post of Conservator of Forest with effect from 7th April, 2003, with all consequential benefits of pay and seniority,

(ii) to call for entire record of departmental promotion committee or screening committee to adjudge whether it has considered the downgraded annual confidential report's of the applicant.”

2. The brief facts of the case are that the applicant is an Indian Forest Service (in short IFS) officer of Madhya Pradesh cadre of 1984 batch. According to the applicant he is eligible for appointment to the selection grade of Indian Forest Service but has not been appointed to that grade and instead several juniors to the applicant including the respondents Nos. 3 & 4 being the next juniors to him of 1984 and 1987 batch respectively have been granted the appointment in selection grade of IFS and have also been consequently promoted to the post of Conservator of Forest. The applicant has not been served with any adverse communication till date and also no disciplinary proceedings are pending against him. He has made representation for promoting him to the aforesaid post but the same has been rejected mechanically vide impugned order at Annexure A-1. Hence, this Original Application is filed.

3. The respondent No. 2 in their reply have stated that the private respondent No. 3 and 4 have been promoted to the higher post because there was no vigilance case pending against them and they were having better record of service as compared to the applicant. The selection committee which convened on 10th May, 2001 to consider the officers of IFS for promotion to the selection grade could not consider the case of the applicant as his CRs were not available. Thereafter another meeting of the selection committee was convened on 29.4.2002 to review the proceedings of the selection committee held on 10th May, 2001 and in which the case of the applicant was considered but he was not found fit for promotion on the basis of the record. Another meeting of the selection

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committee for selection of the candidates for promotion to the post of Conservator of Forest was held on 17th February, 2003. Although the name of the applicant was included ^{in the zone 2} but as he was not appointed in the selection grade his name was not considered. According to the respondents the applicant has been appointed to the selection grade with effect from 6th July, 2004 vide order dated 7th December, 2004. Hence, this Original Application has no merit and is liable to be dismissed.

4. None is present for the applicant. Since it is a case of 2004, we proceed to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondent No. 2. On our direction the respondents have also produced the copies of DPC proceedings and copies of ACRs for the relevant years.

5. We find that by filing this Original Application the applicant is claiming the relief that he should be appointed to the selection grade as well as on the post of Conservator of Forest from the date his juniors have been appointed to the said posts. According to him no adverse CRs have been communicated to him and also no disciplinary proceedings are pending against him. His representation has been rejected mechanically. We have gone through the selection committee proceedings and we find that the selection committee which was convened on 10th May, 2001 to consider the officers of IFS for promotion to the selection grade could not consider the case of the applicant as his CRs were not available. Thereafter another meeting of the selection committee was convened on 29.4.2002 to review the proceedings of the selection committee held on 10th May, 2001. The bench mark for promotion to the selection grade was 'very good', and on considering the case of the applicant the selection committee found that in the ACRs of the applicant for the years 1996, 1997 and 1999 grading 'Ga' is granted. However, on careful consideration by the selection committee, it upgraded the ^{ACR 2} grading of the applicant from

'Ga' to 'Kha' for the year 1997 but as the grading for the other two years i.e. 1996 and 1999 were 'Ga' this time the selection committee found the applicant unfit for promotion to the selection grade as the bench mark was very good and the applicant was not having the required bench mark. In another meeting of the selection committee held on 17.2.2003 for selection of the candidates for promotion to the post of Conservator of Forest, the name of the applicant was not considered for promotion to the post of Conservator of Forest on the ground that he was not granted the selection grade. We have gone through the copies of ACRs of the applicant for the relevant period and we find that all the CRs except one CR are average/good and are not upto the bench mark of 'very good'. We, therefore, do not find any infirmity in the assessment made by the selection committee in its meeting held on 29.4.2003 and declaring him unfit for promotion to the post of selection grade. We also find that the applicant has rightly not been considered for the promotion to the post of Conservator of Forest as he was not holding the post in the selection grade on 17.2.2003.

6. For the reasons mentioned above, the Original Application is bereft of merit and is accordingly dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

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पृष्ठोंकन से ओ/न्या.....जबलपुर, दि.....
प्रतिनिधि उपस्थित:-

- (1) सचिव, उपाय न्यायिक न्याय एग्रेसिवेशन, जबलपुर
- (2) आवेदन से/प्रतिनिधि.....के काउंसल
- (3) प्रत्यक्षी श्री/प्रतिनिधि.....के काउंसल
- (4) कार्यपालक, उपाय न्यायिक न्याय एग्रेसिवेशन, जबलपुर

सूचना एवं आवश्यक कार्यवाही हेतु
उप सचिव

Hemant Shrivastava
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on hand 2008
Rukha Shrivastava
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