

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 204 of 2004

Jabalpur, this the 10th day of February, 2005

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

Hemant Kumar Jha, S/o. Shri
Umadhar Jha, aged about 59 years,
Indian Forest Service Officer,
Deputy Conservator, SFRI Polipathar,
Jabalpur (MP).

.... Applicant

(By Advocate – None)

V e r s u s

The Union of India, through the Secretary,
Environment and Forest, CGO Complex,
Lodhi Road, New Delhi,

and 8 others.

.... Respondents

(By Advocate – Shri Om Namdeo)

O R D E R

By Madan Mohan, Judicial Member –

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

“i. to issue directions to the respondents to convene a review DPC as on 16.2.2004 (the date of impugned order Annexure A-3) and to promote the applicant on the post of Conservator of Forests,

ii. to issue directions to the respondents to fix the salary of the applicant on the post of Conservator of Forests by adding the annual increments and to pay the salary arrears to the applicant with interest @ 18%.”

2. The brief facts of the case are that the applicant is presently posted as Deputy Conservator of Forests at State Forest Research Institute, Polipathar, Jabalpur. The applicant is senior to the respondent



No. 6 and other private respondents as per the gradation list issued by the State Government in the years 2000, 2001 and 2002. The comparative service records of the applicant and respondent No. 6 and other private respondents were examined by the official respondents and based on the seniority position as per the gradation list Annexure A-1 the IFS officers were sanctioned the senior scale of pay vide order dated 3.5.2003. The name of the applicant appears at serial No. 15 and that of respondent No. 7 and 8 at serial No. 16 and 17 respectively. The name of respondent No. 6 does not find place in the order because he was not found suitable for being awarded the senior scale. All these facts show that the applicant is senior to respondent No. 6 and other private respondents. The State Government of Madhya Pradesh vide order dated 16.2.2004 has issued promotion order of the officers of Deputy Conservator cadre to the next higher post of Conservator of Forests and promoted 11 officers. The name of respondent No. 6 has been shown at serial No. 5. No promotion order was issued to the applicant. It is very much surprising that the applicant was found suitable for being given the selection grade only a few months before when respondent No. 6 was left out and now in the promotion order the name of respondent No. 6 have been included and the applicant's name has been omitted. This injustice done is on the face of record. The applicant submitted a detailed representation against the impugned order for his wrongful supersession but the respondents have not communicated any decision to the applicant. Hence, this Original Application is filed.

3. None is present of the applicant. Thus, 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 respondents and carefully perused the records and pleadings.

4. The learned counsel for the respondents argued that the applicant was initially appointed as a State Forest Service Officer, Vide gazette notification dated 24.12.1991, later on he was appointed as Indian

Forest Service Officer and was allocated Madhya Pradesh cadre. The respondents. Nos. 6 to 9 were directly recruited in the year 1987 as Indian Forest Service officers and were allocated Madhya Pradesh cadre. The name of the applicant appeared in the gradation list as on 1.4.2002 at S. No. 155 and names of respondents Nos. 6 to 9 appeared at serial Nos. 156, 157, 158 and 159 respectively. In the year 2003 the Central Government has prepared the civil list of Indian Forest Service officers and accordingly the name of the applicant was shown at the bottom of 1987 batch of Indian Forest Service Officers of Madhya Pradesh cadre. The State Government examined the gradation list of IFS officers and a fresh gradation list was prepared as on 1.4.2003 in which the name of the applicant appears at serial No. 157 and the names of the respondents Nos. 6 to 9 appeared at serial No. 145 to 148 respectively. The name of the applicant was duly considered by the DPC for further promotion to the post of Conservator of Forest and as per the vacancies available in MP the select list was prepared. Accordingly vide order dated 16.2.2004, 11 Indian Forest Service Officers were given promotion to the post of Conservator of Forests and due to non-availability of vacancies the applicant and other IFS officers of 1987 batch were not promoted. On the basis of the corrected gradation list of IFS officers of MP cadre as on 1.4.2003 no juniors to the applicant has been promoted by the impugned order dated 16.2.2004. After having examined all considerations mentioned by the applicant in his representation the official respondents rejected the same on 11.5.2004 (Annexure R-2-6).

5. After hearing the learned counsel for the respondents and on careful perusal of the pleadings and records, we find that the applicant entered in the service as State Forest Service Officer, vide gazette notification dated 24.12.1991, later on he was appointed as Indian Forest Service Officer and was allocated Madhya Pradesh cadre. We also find that the private respondents Nos. 6 to 9 were directly recruited in the year 1987 as Indian Forest Service officers and were allocated Madhya Pradesh cadre. The respondents have admitted that in the DPC held



on 17.2.2003 the name of the applicant is shown at serial No 38 while that of the private respondents Nos. 7 to 9 at serial Nos. 39, 40 and 41 respectively. The name of private respondent No. 6 is shown in its paragraph 3 and not in the aforesaid list, because of non-availability of his ACR. In the subsequent list, the applicant's name is shown at serial No. 54 and that of the private respondents are shown thereafter i.e. from serial Nos. 55 to 58 respectively. The applicant was shown as senior to the private respondents in these two lists referred above. But vide letter dated 15th January, 2004 which is the details of the proceedings of the DPC held on 20th March, 2003, it is mentioned that the promotions of the officers only of 1987 batch of Indian Forest Service will be considered. We have perused this letter and it is further mentioned in documents annexed to it that only 9 posts are available for promotion to the post of Conservator of Forest for 1987 batch of Indian Forest Service. The name of 11 officers were included for consideration. According to this list the officers who were directly appointed as Indian Forest Service of 1987 batch were only considered. The applicant was not a direct appointee. He was promoted from the State Forest Service. We have perused the civil list of 2003 in which the applicant is allotted to the cadre of Indian Forest Service on 24.12.1991 and we have also perused the list of members of the Indian Forest Service as on 1st April, 2003 in which the names of the private respondents are mentioned at serial Nos. 145 to 148. Their date of confirmation to the Indian Forest Service is shown as 6th July, 1990. The cadre of Indian Forest Service was allotted to the applicant on 24th December, 1991 while the private respondents were confirmed as Indian Forest Service on 6th July, 1990. We have perused the letter dated 11th May, 2004 in which it is mentioned by the respondents that due to some clerical mistake the name of the applicant was mentioned above the direct recruited officers of the Indian Forest Service of 1987 batch and the mistake in the seniority list was accordingly corrected. We find that the respondents have granted promotion to the eligible officers according to their seniority. The name of the applicant was below the private

respondents. Hence, he was not promoted. No illegality or irregularity has been committed by the respondents while dealing with the case of the applicant.

6. After perusal of the relevant records produced by the respondents and considering all the facts and circumstances of the case, we are of the opinion that the applicant has failed to prove his case and this Original Application is liable to be dismissed as having no merits. Accordingly, this Original Application is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

“SA”

पूठांकन सं ओ/ज्या.....जबलपुर, दि.....
पतिलिपि अवधि:-

- (1) सचिव, उच्च न्यायालय वार एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल
- (3) प्रत्यर्थी श्री/श्रीमती/कु.....के काउंसल
- (4) बंधुपाल, को.प्र.अ., जबलपुर : जयदीप
सूचना एवं आवश्यक कार्य कर लेने

R.C. Tripathi D.V. 2005
can handle photo BP

उप निदेश

Issued
On 18.2.05
BS