

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 866 of 2002

Jabalpur, this the 22nd day of March, 2004

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

Shri M.L. Dixit, Son of Shri
Bandideen Dixit, Aged about 57
years, Assistant Conservator of
Forest, Harda, Resident of Village
Amhera, District Dhar, M.P.

... Applicant

(By Advocate - Shri Harshwardhan Singh Rajput on behalf of
Shri Vipin Yadav)

V e r s u s

1. Union of India, Through
Secretary, Ministry of Forest
and Environment Department,
New Delhi.
2. Union Public Service Commission,
through Secretary, Dholpur House,
New Delhi.
3. The State of Madhya Pradesh,
through Secretary, Ministry of
Forest and Environment Department,
Vallabh Bhawan, Bhopal, Madhya
Pradesh.
4. R.P. Shukla, IFS, Dy. C.F.
5. A.K. Baronia, IFS, Dy. C.F.
6. Mohammad Sayeed Khan, IFS, Dy. C.F.
7. K.S. Netam, IFS, Dy. C.F.
8. V.K. Saxena, IFS, Dy. C.F.
9. D.V. Kapil, IFS, Dy. C.F.
10. Anup Singh Rajput, IFS, Dy. C.F.
11. J.S. Tomar, IFS, Dy. C.F.
12. Narendra Singh, IFS, Dy. C.F.

Respondent Nos. 4 to 12 represented
through their Secretary, Department of
Forest and Environment, Vallabh Bhawan,
Bhopal, M.P.

... Respondents

(By Advocate - Shri Om Namdeo for the official respondents
Nos. 1 to 3 and none for private respondents
Nos. 4 to 12)

W.P.

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

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

"ii) to issue a writ in the nature of mandamus record relating to the promotion of the respondent No. 4 to 12 may kindly be produced for perusal and reference.

iii) to issue a writ in the nature of certiorari order dated 15.3.2001 and 12.4.2001 may kindly be quashed.

iv) to issue a writ in the nature of mandamus respondent No. 1 to 3 may kindly be directed to consider the case of the applicant on the post of Indian Forest Service with all consequential benefits."

2. The brief facts of the case are that the applicant is a State Forest Service officer. He was due for consideration for induction into the Indian Forest Service under the provisions of Indian Forest Service (Appointment by Promotion) Regulations, 1966. A selection committee was constituted by the Union Public Service Commission to consider the State Forest Service officers of Government of Madhya Pradesh and to prepare a select list of these officers of Madhya Pradesh cadre for induction into the Indian Forest Service. The selection committee held the meeting on 20th October, 2000, to consider the nine vacancies in the promotion quota of the state cadre as determined by the Central Government in terms of Rule 4(3)(b) of the Indian Forest Service (Recruitment) Rule, 1966 read with Regulation 5(1) of the Indian Forest Service (Appointment by Promotion) Regulations, 1966. On the basis of the confidential reports, for the nine vacancies the selection committee considered the names of 28 State Forest Service officers of Madhya Pradesh cadre. The selection committee assessed the suitability on the basis of confidential reports of the officers. The applicant was at



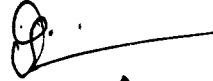
serial No. 4 in the eligibility list for consideration for induction into the Indian Forest Service from Madhya Pradesh cadre. The learned counsel for the respondents has produced the selection committee proceedings before us for our perusal. We have perused the selection committee proceedings held on 20th October, 2000. We find that for appointment to Indian Forest Service by promotion requires that the selection committee will classify the officers in the category of 'outstanding', 'very good', 'good' and 'unfit'. As per the assessment made by the selection committee the applicant was graded as 'good', whereas the other ^{nine} officers were graded as 'very good'. Since the officers of higher grading were available, the applicant could not be selected by the selection committee due to the lower grading. Hence the applicant could not be included in the select list prepared ⁱⁿ by the selection committee meeting held on 20th October, 2000. Accordingly, the respondents have passed the order inducting nine officers in the Indian Forest Service from Madhya Pradesh cadre. Seven officers junior to the applicant have also been inducted. We also find that the selection has been made by ^{Committee of} ~~a~~ ^{the} highest level, and ^{as} per the law laid down by the Hon'ble Supreme Court the Tribunal or Court cannot substitute themselves to be a selection committee and make selection.

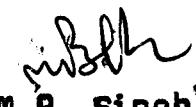
3. In view of the aforesaid legal position and in view of the fact that the applicant has been given lower grading, we find that there is no ground to interfere with the orders dated 15th March, 2001 (Annexure A-7) and 12th April, 2001 (Annexure A-8), passed by the respondents.

4. For the reasons recorded above the Original Application

[Signature]

is bereft of any merit and is accordingly, dismissed. No costs.

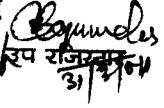

(Madan Mohan)
Judicial Member

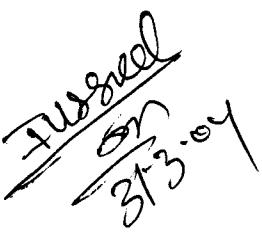

(M.P. Singh)
Vice Chairman

"SA"

कृठांकन सं ओ/व्या.....जबलपुर, दि.....
प्रतिलिपि अच्युतिः—

- (1) राधिच, उच्च व्यायालय वार एसोसिएशन, जबलपुर
- (2) आदेश श्री/श्रीती/चु.....के काउंसल
- (3) प्रत्यनी श्री/श्रीती/चु.....के काउंसल
- (4) चंद्रलल, लोधी, जबलपुर व्यायापीठ
सूचना एवं आवश्यक कार्यवाही देतु


B. S. Yadav
राधिच
3/3/04


Madan Mohan
3/3/04