

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

O.A. Nos. 421, 447, 541, 557, 574, and 576 of 1997

Jabalpur, this the 6th day of January, 2003

Hon'ble Mr. Justice N.N. Singh - Vice Chairman
Hon'ble Mr. R.K. Upadhyaya - Member (Administrative)

(1) O.A. No. 421 of 1997

1. K.P.S. Bhadoria, S/o. Shri Gopal Singh Bhadoria, aged about 54 years, Occupation-Service, Presently posted as Sub Divisional Officer (Forest), Raisen Territorial, Raisen.
2. R.C. Gupta, S/o. Shri P.D. Gupta, aged about 54 years, Occupation Service, presently posted as Sub Divisional Officer (Forest), South Seoni (Production), District - Seoni.

... Applicants

(By Advocate - Shri Manoj Sharma)

VERSUS

1. Union of India,
Through : Secretary,
Van & Environment Department,
New Delhi.
2. Union Public Service Commission,
Through : Secretary, Dholpur House,
New Delhi.
3. State of Madhya Pradesh, Through :
Secretary, Van & Environment Department,
Vallabh Bhavan, Bhopal.
4. K.C. Nagar, Assistant Conservator of Forest.
5. (Deleted)
6. K.A. Rizvi, Assistant Conservator of Forest.
7. Indra Nath Singh, Assistant Conservator of Forest.
8. Rameshwar Dayal Sharma,
Assistant Conservator of Forest.
9. Jagdish Chandra, Assistant Conservator of Forest.
10. Shravan Kumar Chadhar, Asstt.
Conservator of Forest.
11. G.D. Dwivedi, Assistant Conservator of Forest.

Contd... 2/-

12. Rakesh Kumar Pathak, Assistant Conservator of Forest.

Respondents No. 4 to 12 represented through their Secretary, Department of Van & Environment, Vallabh Bhawan, Bhopal.

... Respondents

(By Advocate - Shri P. Shankran for respondents Nos. 1 & 2.
None for other respondents)

(2) O.A. No. 447 of 1997

Shri D.P. Sharma, S/o. Shri Umashankar Sharma, aged about 54 years, Sub-Divisional Officer, (Production), Bagali Sub-Division, Dewas Production Division, Dewas (M.P.).

... Applicant

(By Advocate - Shri Manoj Sharma)

VERSUS

1. Union of India, through : Secretary, Van & Environment Department, New Delhi.
2. Union Public Service Commission, through : Secretary, Dholpur House, New Delhi.
3. State of Madhya Pradesh, Through : Secretary, Van & Environment Department, Vallabh Bhawan, Bhopal.
4. K.C. Nagar, Assistant Conservator of Forest.
5. K.A. Rizvi, Assistant Conservator of Forest.
6. Indra Nath Singh, Assistant Conservator of Forest.
7. Rameshwar Dayal Sharma, Assistant Conservator of Forest.
8. Jagdish Chandra, Assistant Conservator of Forest.
9. Shravan Kumar Chadhar, Assistant Conservator of Forest.
10. G.D. Dwivedi, Assistant Conservator of Forest.
11. Rakesh Kumar Pathak, Assistant Conservator of Forest.

Respondents No. 4 to 11 are represented through their Secretary, Department of Van & Environment, Vallabh Bhawan, Bhopal.

... Respondents

(By Advocate-Shri P. Shankran for respondents 1& 2
none for other respondents). Contd.....3/-

(3) O.A. No. 541 of 1997

1. Amol Singh Chandel,
S/o. Shri Prem Singh Chandel,
Age 54 years, Assistant
Conservator of Forests,
Conservator of Forests Office,
Chhindwara (MP).
2. Gajendra Singh Solanki,
S/o. Shri Devi Singh Solanki,
Age 54 years, Assistant Conservator
of Forests, South Seoni (Production)
Division, Seoni (MP).

... Applicants

(By Advocate - Shri R.C. Tiwari)

VERSUS

1. Union of India,
Through Secretary, Forest Department,
Ministry of Environment and Forests,
Paryavaran Bhawan, CGO Complex,
Lodhi Estate, New Delhi 110 003.
2. Union Public Service Commission,
Through Secretary, Union Public
Service Commission, Dholpa House,
New Delhi.
3. The State of Madhya Pradesh,
Through Secretary, Forest
Department, Vallabh Bhawan,
Bhopal (MP).
4. The Principal Chief Conservator of
Forests, Madhya Pradesh, Satpura
Bhawan, Bhopal (MP).
5. Shri G D Dwivedi, Assistant
Conservator of Forests, Gomarda
Sanctuary, Distt Raigarh (MP).
6. Shri Rakesh Kumar Pathak,
Assistant Conservator of Forests,
Shahdol (MP).

... Respondents

(By Advocate - Shri P. Shankran for respondents Nos. 1 & 2,
none for other respondents)

(4) O.A. No. 557 of 1997

1. D.K. Singh, S/o. Dr. R.K. Singh,
Occupation service Assistant
Conservator of Forest posted in
the Conservator of Forest Rewa
Circle, Rewa.
2. S.P. Pandey, S/o. Shri Sharada
Prasad Pandey, Occupation-service
Assistant Conservator of Forest
posted as Sub Divisional Officer
(Production), Kannod Distt. Dewas.

v)

3. V.N. Pyasi, S/o. Shri Jagannath Prasad Pyasi Occupation-service Assistant Conservator of Forest presently posted as Sub Divisional Officer (Territorial) Katni Distt. Jabalpur.
4. M.S. Thakur, S/o. Thakur Occupation-service Assistant Conservator of Forest presently posted as Sub Divisional Officer (Forest) Deosar Distt. Sidhi.

... Applicants

(By Advocate - Junior to Shri K.S. Wadhwa)

VERSUS

1. Union of India,
Through ; Secretary,
Van & Environment Department,
New Delhi.
2. Union Public Service Commission,
Through : Secretary, Dholpur House
New Delhi.
3. State of Madhya Pradesh,
Through : Secretary, Van &
Environment Department, Vallabh
Bhavan, Bhopal.
4. K.C. Nagar, Assistant Conservator
of Forest.
5. K.A. Rizvi, Assistant Conservator
of Forest.
6. Indra Nath Singh, Assistant
Conservator of Forest.
7. Rameshwar Dayal Sharma,
Assistant Conservator of Forest.
8. Jagdish Chandra, Assistant
Conservator of Forest.
9. Shravan Kumar Chadhar, Assistant
Conservator of Forest.
10. G.D. Dwivedi, Assistant Conservator
of Forest.
11. Rakesh Kumar Pathak, Assistant
Conservator of Forest.

Respondents No. 4 to 11 represented
through their Secretary, Department
of Van & Environment, Vallabh Bhavan,
Bhopal.

... Respondents

(By Advocate - Shri P. Shankran for respondents Nos. 1 & 2,
none for other respondents)

Contd. 5/-

(5) O.A. No. 574 of 1997

Uma Shankar Rastogi, son of late Shri Ramji Rastogi, aged about 44 years, occupation Government Service, presently posted as Assistant Conservator of Forest, Land Management, Satpuda Bhawan, Bhopal.

... Applicant

(By Advocate - Shri Manoj Sharma)

1. Union of India, Through VERSUS
The Secretary, Van and Environment Department, New Delhi.

2. Union Public Service Commission, Through the The Secretary, Dholpur House, New Delhi.

3. The State of Madhya Pradesh, Through the Secretary, Van and Environment Department, Vallabh Bhawan, Bhopal.

4. Jagdish Chandra, Assistant Conservator of Forest.

5. S. Shrawan Kumar Chadhar, Assistant Conservator of Forest.

6. G.D. Dwivedi, Asstt. Conservator of Forest.

7. Rakesh Kumar Pathak, Asstt. Conservator of Forest.

8. R.P. Afre, Asstt. Conservator of Forest.

9. S.R. Kharate, Asstt. Conservator of Forest.

10. S.V. Majumdar, Asstt. Conservator of Forest.

11. S.N.S. Tomer, Asstt. Conservator of Forest.

12. K.C. Nagar, Asstt. Conservator of Forest.

Respondents No. 4 to 12 through -
the Secretary, Department of Forest,
Vallabh Bhawan, Bhopal.

... Respondents

(By Advocate - Shri P. Shankran for respondents Nos. 1 & 2,
none for other respondents)

O.P. Chaturvedi, S/o. Shri BP
Chaturvedi, Assistant Conservator
of Forest presently posted as Sub
Divisional Officer, Barman,
Distt. Narsinghpur (MP).

... Applicant

(By Advocate - Junior to Shri K.S. Wadhwa)

VERSUS

1. Union of India,
Through : Secretary, Van &
Environment Department,
New Delhi.
2. Union Public Service Commission,
Through : Secretary, Dholpur
House, New Delhi.
3. State of Madhya Pradesh,
Through : Secretary, Van &
Environment Department,
Vallabh Bhavan, Bhopal.
4. K.C. Nagar, Assistant Conservator
of Forest.
5. K.A. Rizvi, Assistant Conservator
of Forest.
6. Indra Nath Singh, Assistant
Conservator of Forest.
7. Rameshwar Dayal Sharma,
Assistant Conservator of Forest.
8. Jagdish Chandra, Assistant
Conservator of Forest.
9. Shravan Kumar Chadhar, Assistant
Conservator of Forest.
10. G.D. Dwivedi, Assistant Conservator
of Forest.
11. Rakesh Kumar Pathak,
Assistant Conservator of Forest.

Respondents No. 4 to 11 represented
through their Secretary, Department
of Van & Environment, Vallabh Bhavan,
Bhopal, (M.P.).

... Respondents

(By Advocate - Shri P. Shankran for respondents Nos. 1 & 2,
none for other respondents)

Common Order

By R.K.Upadhyaya, Member (Admnv.)-

All these six applications are disposed of by this common order for sake of convenience as the issue involved is same and the facts are similar. The applicants have claimed that all of them have better service records than the persons selected as per select list of 21.3.1997 for promotion to the Indian Forest Service (for short 'IFS') on promotion basis from the State Forest Service officers.

2. In O.A. 421 of 1997 applicants K.P.S.Bhadoria and R.C.Gupta joined State Forest Service (for short 'SFS') in 1965. In O.A. 541 of 1997 applicants Amol Singh Chandel and Gajendra Singh Solanki joined the SFS in 1964 and 1965 respectively. The applicant in OA 447/1997 Shri D.P.Sharma also joined the SFS in 1965. D.K.Singh, S.P.Pandey and V.N.Pyasi applicants in OA 557/1997 joined SFS in 1965 whereas M.S.Thakur another applicant in OA 557/1997 joined the SFS in 1967. Applicant Uma Shankar Rastogi in OA 574/1997 claims himself to be direct recruit in the SFS with effect from 1.5.1978. O.A.576/1997 has been filed by O.P.Chaturvedi who states that he joined the SFS in 1965.

2.1 All these applicants state that their service records are better than the persons included in the select list prepared by the selection committee met for promotion to the IFS on 21.3.1997. It is also claimed that the entire panel deserves to be quashed for the following reasons amongst others - (a) the selection was for 14 vacancies and as per the information of the applicants the last ¹⁴ persons being Shri G.D.Dwivedi and Shri Rakesh Kumar Pathak did not come within the zone of consideration as they were at serial numbers 43 and 44; (b) at the time of argument, it was pointed out that the applicant Gajendra Singh Solanki in OA 541/1997 has not been considered on account of being over-aged whereas persons elder to him have been included in the panel; and (c) a person included

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in the select list - Shri S.N.S.Tomar was awarded punishment as per order dated 4.10.1995, therefore, he should not have been included in the panel.

3. On behalf of the respondents, it has been stated that there is no violation of any rules and no interference is called for by this Tribunal. In OA 541/1997, it has been stated on behalf of the respondent-UPSC that the name of applicant Gajendra Singh Solanki was not considered as the same was not included in the list to be considered by the Selection Committee.

3.1 On behalf of respondent no.3 State of Madhya Pradesh it has been stated that selection to the IFS from the SFS are made mainly on the basis of merit. The selection was done by a committee set up in accordance with Regulation 3 of Indian Forest Service (Appointment by Promotion) Regulations, 1966 (hereinafter referred to as 'the Promotion Regulations'). It is also stated that this Tribunal is not to interfere with the assessment of annual confidential reports as assessed by the Selection Committee. It has also been stated that the list of eligible candidates who fall within the zone of consideration according to Regulation 5(2) of the Promotion Regulations was duly forwarded to the Selection Committee. One candidate whose name also appeared in the select list of 1996 still remains in the same position and situation in view of the pendency of disciplinary proceedings against him. His name continued in the list provisionally.

3.2 At the time of hearing, it was stated on behalf of the respondents that the cases of all applicants except Shri Gajendra Singh Solanki were duly considered by the Selection Committee. The respondent no.3 State of M.P. in their reply have clarified that private-respondents G.D.Dwivedi and Rakesh Kumar Pathak were within the zone of consideration as their names appeared at serial

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