

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI-5

O.A. No. 240 of 1994

(At Agartala)

Date of decision 17.12.98

Sri Gaurish Ranjan Paul, DFO

PETITIONER(S)

Mr. B.K.Sharma

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr. G.Sarma, Addl.C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

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

THE HON'BLE SHRI G.L. SANGLYINE, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether the Judgement is to be circulated to the other Benches?

Judgement delivered by Hon'ble Vice-Chairman.



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 240 of 1994.

Date of Order : This the 17th day of December, 1998.

Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman.

Hon'ble Shri G.L. Sanglyine, Administrative Member.

Shri Gaurish Ranjan Paul, DFO,
at present working as
Wild Life Warden, Sepahijala,
West Tripura, in addition to
his earlier assigned as D.F.O.,
Working Plan Division No. II,
Tripura, Agartala.

Applicant.

By Advocate Mr. B.K. Sharma.

-versus-

1. Union of India, represented by
Secretary to the Govt. of India,
Ministry of Environment & Forests,
Parivaran Bhavan,
CGO Complex, New Delhi.
2. Union Public Service Commission,
represented by the Chairman, U.P.S.C.,
Dholpur House, Shahjahan Road,
New Delhi.
3. The State of Manipur, represented by
the Secretary, Deptt. of Forest,
Govt. of Manipur, Imphal.
4. The State of Tripura, represented
by the Secretary, Department of
Forest, Govt. of Tripura,
Agartala.
5. Shri Subhendu Sekhar Das, D.C.F.,
Vigilance, Office of the P.C.C.F.,
Tripura, Agartala.
6. Shri Chandramani Dev Barma, D.F.O.,
Jatanbari, South Tripura,
7. Shri Prasenjit Biswas, under
suspension (Office of the P.C.C.F.),
Tripura, Agartala.

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8. Shri Debasish Chakraborty, Divl. Manager,
Tripura Forest Development & Plantation
Corporation, Kumarghat, North Tripura

Respondents

By Advocate Mr. G. Sarma, Addl. C.G.S.C.

O R D E R

BARUAH J (V.C.).

This application has been filed by the applicant seeking certain directions as mentioned in paragraph 8 in relief column and has prayed for an order to set aside the impugned order of promotion dt. 19.10.94 and also not to promote any of the respondents to IFS cadre. Facts of the case as stated by the applicant are :

The applicant was appointed Assistant Conservator of Forests in the Forest Department and as per Rule 9 he was eligible for consideration for promotion (Appointment by promotion) Regulation 1966 (for short "the Regulation 1966") to the IFS cadre as per the provision of IFS Regulation, 1966. However he was not selected, on the other hand some officers viz. the respondent Nos. 5, 6, 7, 8 had been selected and appointed. According to the applicant those Respondents were not eligible for promotion under the rules. Therefore their appointments are liable to be set aside. The applicant however has not been able to elaborate how the respondent's were illegally appointed.

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2. Heard Mr. B.K.Sharma, learned counsel appearing on behalf of the applicant, Mr. G.Sarma, learned Addl. C.G.S.C. appearing on behalf of the respondent Nos. 1 & 2 and Mr. B.P.Kataki, learned Govt. Advocate, Tripura appearing on behalf of the respondent No.6.

3. Mr. B.K.Sharma submits that the applicant was unreasonably overlooked. He ought to have been appointed by promotion. Further submission of the learned counsel for the applicant is that the respondent Nos. 5,6,7, 8 were not eligible for consideration for promotion under the rules. Besides, there were certain irregularities in the matter of selection. However, ~~counsel for the respondents~~ have refuted that any irregularities had occurred. The application also does not disclose some material facts.

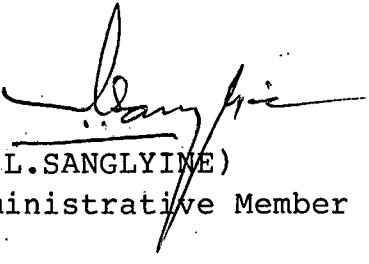
4. Mr. B.P.Kataki, Mr. G.Sarma dispute the submission of Mr. B.K. Sharma. They have also controverted the statements of the applicant by filing written statement.

5. In the circumstances we feel that it will be expedient and proper if the matter is sent back to the Respondent Nos. 1 to 3 for their decision after considering the case of the applicant. Therefore we dispose of this application with a direction to those respondents to consider the case of the applicant and pass a reasoned order. The applicant may file a fresh representa-

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tion taking all the points which according to him are necessary taking a decision. If such representation is filed within three weeks to the Secretary to the Ministry of Environment & Forests, through proper channel, from the date of receipt of the copy of the order, the Secretary shall dispose of the said representation as early as possible at any rate within a period of 3 months from the date of receipt of the representation of the applicant. Counsel for the applicant as well as respondent No. 6 make further prayer that at the time of disposal of the said representation they should be given a personal hearing by giving a prior notice. Hearing as prayed for may be given.

6. With the observations made above, the application is disposed of. Considering the facts and circumstances of the case, we, however, make no order as to costs.


(G.L.SANGLYIME)
Administrative Member


(D.N.BARUAH)
Vice-Chairman

trd