

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD**

OA/020/190/2018

Date of Order : 06.03.2018

Between:

T. Narasimhulu,
S/o. T. Ramaiah,
Aged about 56 years,
Dy. Conservator of Forests &
Silviculturist, Dept. of Forests,
Government of Andhra Pradesh,
Tirupati, A.P.

... Applicant

And

1. Government of Andhra Pradesh rep. by its
Chief Secretary,
Secretariat, Velagapudi,
Guntur District.
2. Government of Andhra Pradesh rep. by its
Principal Secretary,
Environment & Forests,
Secretariat, Velagapudi,
Guntur District, A.P.
3. The Principal Chief Conservator of Forests (HoFF),
Andhra Pradesh,
Guntur District, A.P.
4. Union of India rep. by its
Secretary,
Ministry of Environment,
New Delhi.
5. The Chairman,
Union Public Service Commission,
Dholpur House,
New Delhi.

... Respondents

Counsel for the Applicant
Counsel for the Respondents

... Mr. K. Sudhaker Reddy
... Mrs. K. Rajitha, Sr. CGSC
Mr. E. Peddanna,
SC for A.P. Govt.
Mr. M. Nagaraju, SC for UPSC

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDL. MEMBER
THE HON'BLE MRS. MINNIE MATHEW, ADMN. MEMBER

ORAL ORDER

{ Per Hon'ble Mr.Justice R.Kantha Rao, Judl. Member }

Heard Mr. K. Sudhaker Reddy, learned counsel appearing for the Applicant and Mr. E. Peddanna, learned Standing Counsel for the State Government of Andhra Pradesh and Mr. M. Nagaraju, learned Standing Counsel for UPSC, who took Notice for the respective Respondents.

2. The Applicant is a Deputy Conservator of Forests. His name fell in the zone of consideration for the selection of IFS (Appointment by Promotion) for the years 2010, 2011 & 2012. However, it is submitted by the Applicant that his case is going to be taken up by the Committee on 12th March, 2018. Learned counsel appearing for the Applicant further submits that whenever the selection is made, the select list must be of the year in which the Applicant became eligible and the Service Record of preceding five years has to be taken into consideration. In the instant case, a charge sheet was issued to the Applicant on 5.1.2018 making certain imputations under G.O.Rt. No.4. The contention of the Applicant is that for the Select List of 2010, 2011 & 2012, the charge sheet issued in the year 2018 cannot be taken into consideration as the selection relates to the years 2010, 2011 & 2012. Further, so far no punishment has been imposed on the Applicant. Therefore, under law while considering the case for promotion of a candidate, mere pendency of a charge sheet cannot be taken into consideration.

3. In view of the above, the O.A. is disposed of at the stage of admission

directing the Respondents to consider the case of the Applicant as per Rules for promotion to the post of IFS for the years 2010, 2011 & 2012 respectively without taking into consideration the charge sheet issued to him on 05.01.2018 under G.O. Rt. No.4. No order as to costs.

(MINNIE MATHEW)
ADMN. MEMBER

(JUSTICE R.KANTHA RAO)
JUDL. MEMBER

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