

Open Court

Central Administrative Tribunal, Allahabad  
Bench  
Circuit Bench at Nainital

Contempt Petition No. 331/00076/2018 in  
Original Application No.331/00038/2015

This the 24th day of October, 2018

Hon'ble Mr. Justice Bharat Bhushan, Member (J)  
Hon'ble Mr. Gokul Chandra Pati, Member (A)

1. M.K. Joshi a/a 64 years s/o late A.D. Joshi  
r/o Om Vihar Lane 4, Ajabpurkala, Dehradun.
2. Surendra Prasad Singh a/a 64 year s/o Sri  
Banwari Singh r/o House No. 4/123, Vishesh  
Khand, Gomti Nagar, Lucknow.
3. A.K. Upadhyaya a/a 64 years s/o late M.P.  
Upadhyaya r/o House No. 123 Him City, Part I,  
Matyan Deva Road, Lucknow, U.P.

Applicant

By Advocate: Sri Naveen Tiwari

Versus

Sri C.K. Mishra presently posted as Secretary,  
Environment and Forest & Climate Change, Govt. of  
India, Indira Paryavaran Bhawan, 6<sup>th</sup> Floor, Prithavi  
Block, Jor Bagh Road, Ali Gunj, New Delhi.

Respondents

By Advocate: Sri D.S. Shukla

**ORDER**

**HON'BLE MR. JUSTICE BHARAT BHUSHAN,**  
**MEMBER (J)**

Applicants had filed Original Application (O.A.)  
no. 331/00038/2015 (M.K. Joshi and 2 others Vs.  
Union of India and others) which was decided by  
this Tribunal vide order dated 23.10.2017, wherein  
following directions were issued:-

"12. In the circumstances, the O.A. is allowed with a direction to the respondents No. 1 and 2 to examine afresh the claims of the applicants for promotion to IFS under Regulations of 1966 within eight weeks from the date of receipt of certified copy of this order in the light of the order dated 23.9.2015 of the Principal Bench of this Tribunal in O.A. No. 4533/2011. It is made clear that since the applicants have already retired from service and would not occupy any post, the respondents may not be required to disturb such candidates who have already been promoted to IFS on the basis of the select list in question. No costs."

2. It appears that the judgment was based on another judgment of Principal Bench of this Tribunal in O.A. No. 4533/2011, copy of which is also available on record wherein the following direction were issued by the Principal Bench:-

"7. In the wake the O.A. is disposed of with a direction to the respondents to examine the claim of the applicants for their appointment to IAS in terms of the aforementioned judgment of Hon'ble Supreme Court within eight weeks from the date of receipt of a copy

of this order. It is made clear that since the applicants have already retired from service and would not occupy any post, the respondents may not be required to disturb such candidates who have already been promoted to IAS on the basis of the selection list in question. Once the name of the applicants have already been included in the select list and their claim in the present O.A. is based on such inclusion, there would be no question of any review DPC. No costs."

3. In view of these direction, the respondents have filed a compliance report claiming that substantial compliance has already been made. However, learned counsel for applicant has filed objection against the compliance report claiming that all the benefits mentioned by this Tribunal have not been granted.

4. Compliance report contends that direction issued by this Tribunal have already been complied with and a notification No. 17013/11/2008-IFS-II dated 18<sup>th</sup> July, 2018 have been issued. The contents of notification is reproduced as below:-

"In exercise of the provisions conferred by Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966 , read with sub-regulations (1) of

Regulation 9 of the Indian Forest Service (Appointment by Promotion) Regulation, 1966 , the President is pleased to appoint with immediate effect the following 03 (three ) officers of the State Forest Service of Uttrakhand to the Indian Forest Service on the basis of inclusion of their name in the select list for the year 2002 & 2003 by the Selection Committee in its meeting held on 22.10.2014, and to allocate them to Uttrakhand Cadre of Indian Forest Service under sub-rule (1) of Rule 5 of the Indian Forest Service (Cadre) Rules, 1966.

	<b>Select List 2002</b>	
Sl.No.	Name of officer	Date of Birth
1	M.K. Joshi	27.5.1953
2	Surendra Prasad Singh	7.1.1954
	<b>Select List 2003</b>	
1	A.K. Upadhyay	4.8.1954

2. Names of above officers have been included in Indian Forest Service in compliance of Hon'ble CAT's order dated 23.10.2017, passed by CAT, Allahabad Bench.

Officers will be entitled to all pensionary and retirement benefits."

5. The aforesaid notification indicates that not only the applicants have been granted notional promotion but they have also been awarded all pensionary and retirement benefits. Learned counsel for applicants has failed to point out any specific benefit which has been granted by this Tribunal but the respondents have failed to provide it.

6. We have carefully perused all the material available on record. We are convinced that full and final compliance has been made. Accordingly, contempt petition is dismissed. Notices issued to the respondents stand discharged.

**(GOKUL CHANDRA PATI)**  
**BHUSHAN)**

**MEMBER (A)**

**(J)**

**HLS/-**

**(JUSTICE BHARAT**

**MEMBER**