

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH**

Original Application No.180/01133/2014

Tuesday, this the 11th day of December, 2018

C O R A M :

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

V.K.Sreevalsan,
S/o.Chandukutty.V.K.,
Deputy Conservator of Forest (Retired),
Divisional Forest Officer,
Timber Sales Division, Kozhikode.
Residing at Sreemangalam House,
Iringadan Palli Road,
Ovoor, Chevayoor P.O., Kozhikode.Applicant

(By Advocate – Mr.P.V.Mohanam)

v e r s u s

1. Union of India
represented by its Secretary,
Ministry of Environmental and Forest,
Pariyavarhan Bhavan, CGO Complex,
Lodhi Road, New Delhi – 110 001.
2. State of Kerala
represented by Chief Secretary,
Government of Kerala, Thiruvananthapuram – 695 001.
3. The Principal Secretary,
Forest, Government of Kerala,
Government Secretariat, Thiruvananthapuram – 695 001.
4. Union Public Service Commission,
represented by its Secretary,
Shajahan Road, New Delhi – 110 001.
5. Selection Committee for Selection
to the Indian Forest Service,
Constituted under Regulation 3 of
IFS (Appointment by Promotion),
Regulation 1966, represented by its Chairman,
Union Public Service Commission, New Delhi – 110 001.

6. Santhosh K John,
Deputy Conservator of Forests,
Office of Additional Principal Chief Conservator of Forests,
Foresh Head Quarters, Vazhuthacaud,
Thiruvananthapuram – 695 014.
7. K.R.Sabu,
Deputy Conservator of Forests,
Office of Additional Principal Chief Conservator of Forests,
Forest Head Quarters Vazhuthacaud,
Thiruvananthapuram – 695 014. ...Respondents

**(By Advocates – Mr.Brijesh.A.S., ACGSC[R1], Mr.M.Rajeev, GP[R2-3]
& Mr.Thomas Mathew Nellimoottil, Sr.PCGC[R4-5])**

This application having been heard on 7th December 2018, the Tribunal on 11th December 2018 delivered the following :

O R D E R

Per : Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

O.A.No.180/1133/2014 is filed by Shri.V.K.Sreevalsan, Retired Deputy Conservator of Forest seeking consideration of his claim for promotion to the Indian Forest Service (IFS) vacancies for the year 2011.

The prayers contained in the O.A is as follows :

1. To direct the respondents No.1 to 5 to consider the claim of the applicant for selection and appointment to Indian Forest Service (Kerala) Cadre on promotion quota for the year 2011 taking note of the fact that the applicant is Serial No.5 in the zone of consideration and Annual Confidential Reports of five years preceding selection year and to include in the Select List for 2011 for appointment to IFS Cadre on promotion quota.
2. To direct the Selection Committee for selection to Indian Forest Service to consider the claim of the applicant with reference to Service Records and ACRs excluding Annexure A-13 and Annexure A-14 proceedings and to include the name of the applicant unconditionally in the Select List for the year 2011 and to select and appoint the applicant to IFS (Kerala) cadre on promotion quota for the year 2011 with all consequential benefits.
3. To direct the second respondent, Chief Secretary, State of Kerala to forward the Integrity Certificate of the applicant to the Selection Committee, if it is not forwarded to the Selection Committee, forthwith enabling the Selection Committee to consider the claim of the applicant for selection and appointment for the year 2011 in IFS Cadre.

4. Any other appropriate order or direction as this Hon'ble Tribunal deem fit in the interest of justice.

5. To call for the records leading Annexure A-15 and Annexure A-17 and set aside the same in so far as it does not include the name of the applicant in the Select List for appointment to IFS Cadre on promotion for the year 2011.

6. To set aside Annexure A-15 and Annexure A-17 in so far as it selects additional respondent No.6 Shri.Santhosh K John and additional respondent No.7 Shri.K.R.Sabu respectively and included in the Select List to IFS (Kerala) Cadre for the year 2011.

7. To declare that the applicant is deemed selected to IFS Kerala Cadre (Promotion quota) for the year 2011 in preference to respondent No6 and 7 Shri.Santhosh K John and Shri.K.R.Sabu.

2. The applicant is a retired officer of Kerala Forest Department who joined service as Range Officer on 1.11.1983. He was confirmed in the category of Assistant Conservator of Forests with effect from 1.5.2008. He had completed eight years of officiating and confirmed service in the category of Assistant Conservator of Forests and was eligible for consideration for selection and appointment to the Indian Forest Service (Kerala Cadre) on promotion quota. He claims that he had outstanding Annual Confidential Records and possessed several 'Good Service' entries.

3. There were five vacancies for selection and appointment to Indian Forest Service for the year 2011. The applicant was arrayed as Sl.No.5 in the zone of consideration and as per Indian Forest Service (Appointment by Promotion) Regulation 1966, a copy of which is at Annexure A-5, he was eligible for promotion.

4. As per the guidelines governing preparation of list of suitable officers for promotion to the three All India Services – IAS, IPS and IFS, the Union Public Service Commission had brought out a detailed set of regulations, a copy of which is available at Annexure A-6, as per which performance records of last five years including the vacancy year are taken into account. In the event of the officer facing punishment and currency of the said punishment is continuing during that period, he or she will be ineligible for selection.

5. The applicant contends that there were no adverse entries in his ACRs for the five years preceding the selection year and he was not under cloud as on 1.1.2011 nor was there currency of any punishment on that date.

6. On examining the case in detail and after due consideration to the pleadings made by Shri.P.V.Mohanan, learned counsel for the applicant, Shri.Brijesh.A.S., learned ACGSC for Respondent No.1, Shri.M.Rajeev, learned Government Pleader for Respondent Nos.2-3 and Shri.Thomas Mathew Nellimoottil, learned Sr.PCGC for Respondent Nos.4-5, we see that the applicant was punished with recovery of sums as a result of disciplinary action as per Annexure A-13. Further it is seen that as per Annexure A-14 the applicant was proceeded against and the loss incurred to the Government for Rs.17567/- was recovered from the applicant. The first order at Annexure A-13 is dated 15.5.2013 and the second order at Annexure A-14 is dated 12.3.2009. As the officer was seeking inclusion in the zone of consideration for 2011 the currency of punishment that was

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imposed as per Annexure A-13 is not relevant as it was issued on 15.5.2013. However, in respect of the second order at Annexure A-14, it is seen that it pertains to 2009 and falls squarely within the 'window' 2007-2011 (five years). As per the rules governing appointment by promotion to All India Service it is seen that the punishment imposed on the officer as per Annexure A-14 was current during the period under review.

7. For the above reasons, the O.A is dismissed as lacking in merit. No order as to costs.

(Dated this the 11th day of December 2018)

ASHISH KALIA
JUDICIAL MEMBER

E.K.BHARAT BHUSHAN
ADMINISTRATIVE MEMBER

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List of Annexures in O.A.No.180/01133/2014

1. **Annexure A1** – True copy of the certificate dated 20.7.2007.
2. **Annexure A2** – True copy of the certificate dated 4.8.2007.
3. **Annexure A3** – True copy of the list of achievements/contributions incurred by the applicant.
4. **Annexure A4** – True copy of the provisional seniority list of Assistant Conservator of Forests as on 1.5.2010 published on 23.5.2011.
5. **Annexure A5** – True copy of the IFS (Appointment by Promotion) Regulations, 1966.
6. **Annexure A6** – True copy of the Guidelines F.No.4/3/2005-AIS as on 27.2.2012 issued by Union Public Service Commission.
7. **Annexure A7** – True copy of the list of officers included in the zone of consideration prepared from the office of the third respondent for selection to five vacancies for the year 2011.
8. **Annexure A8** – True copies of the records showing the details of the applicant and others including the penalties imposed during the last ten (10) years for Selection Committee Meeting 2011 in the field of choice.
9. **Annexure A9** – True copy of the letter F.No.10/9/2013-AIS dated 28.11.2013.
10. **Annexure A10** - True copy of the proposal as on 7.12.2013.
11. **Annexure A11** - True copy of the Show Cause Notice No.1459/A1/12/F&WLD dated 3.7.2012.
12. **Annexure A12** - True copy of the explanation to dated 3.12.2012.
13. **Annexure A13** - True copy of the letter No.B1-13842/2005 dated 22.5.2013 along with GO (Rt.) No.178/2013/F&WLD dated 15.5.2013.
14. **Annexure A14** - True copy of the proceeding dated 12.3.2009.
15. **Annexure A14(a)** - True copy of the English translation of Annexure A-14.
16. **Annexure A15** - True copy of the notification No.17013/15/2012-IFS.II dated 21.5.2015.
17. **Annexure A16** - True copy of the proceeding No.54745/Spl.C1/2012/GAD dated 25.5.2015.

18. Annexure A17 - True copy of the notification No.17013/15/2012-IFS.II dated 27.5.2015.

19. Annexure R2 (a) - True copy of the Eligibility List for Select List 2011.

20. Annexure R2 (b) - True copy of the Integrity Certificate of Select List 2011.

21. Annexure R2 (c) - True copy of the Order No.B1-3012/2000 dated 12.3.2009 and translation of Malayalam document Annexure R2 (c).

22. Annexure R2 (d) - True copy of the G.O.(Rt.) No.178/2013/F&WLD dated 15.5.2013.
