

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00269/2019

Jabalpur, this Thursday, the 28th day of March, 2019

**HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER**

1. Prabhat Mishra, S/o Shri R.P. Mishra, aged about 53 years, Divisional Forest Officer (D.F.O), Bhanupratappur (West), Chhattisgarh 494669.

2. K.R. Barhai, S/o Shri Rai Singh Barhai, aged about 53 years, Divisional Forest Officer (D.F.O) Sukma, Chhattisgarh 494111.

-Applicants

(By Advocate – Shri Swapnil Ganguly)

V e r s u s

1. Union of India through its Secretary, Ministry of Forest & Environment, New Delhi – 110001.

2. State of Chhattisgarh through its Principal Secretary/Secretary, Department of Forest Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh 492101.

3. Principal Chief Conservator of Forest, State of Chhattisgarh, Aranya Bhawan, Atal Nagar, Raipur (C.G.) – 492101.

4. Union Public Service Commission, Dholpura House, Shahjahan Road, New Delhi – 110069.

5. Shri Rajesh Chandele, Divisional Forest Officer (D.F.O) Manendragarh, Chhattisgarh 497442

-Respondents

(By Advocate – Shri Ajay Ojha for respondents Nos.2 & 3)

O R D E R (O R A L)**By Navin Tandon, AM.**

The applicants are I.F.S. officers, presently working as Divisional Forest Officers with the State of Chhattisgarh.

2. Learned counsel for the applicants submits that both the applicants were selected by the Public Service Commission (PSC) in 1990-91 and were sent for training on 01.04.1991, whereas Shri Rajesh Chandele (respondent No.5) was selected by the PSC in 1989-90 and sent for training on 01.07.1991.

3. The respondent department vide their order dated 27.07.2009 (Annexure A-1) have placed the respondent No.5 above the applicants.

4. Learned counsel for the applicants submits that the issue of fixation of seniority has been decided by the Hon'ble High Court of Madhya Pradesh in Writ Petition No.15577 of 2014 decided on 31.08.2018, as per which, the applicants should be placed above respondent No.5. Further, Chhattisgarh Government has sought clarification from the Madhya Pradesh Government vide their letter dated 30.08.2018 (Annexure A-4).

This has been replied to by the Madhya Pradesh Government vide their letter dated 12.10.2018 (Annexure A-5) and

06.12.2018 (Annexure A-6), which confirms that applicants Nos.1 & 2 were above respondent No.5 as of 01.10.2000, the date of bifurcation of State of Madhya Pradesh.

5. At this stage, learned counsel for the applicants submits that the applicants would be satisfied if the applicants are given opportunity to submit a detailed representation, which may be decided by the competent authority of the respondent department in a time-bound manner.

6. Learned counsel for respondents Nos.2 & 3, appearing on advance copy, has no objection if this O.A is disposed of in the above terms.

7. Accordingly, without going into the merits of the case, we dispose of this Original Application with liberty to the applicants to file their detailed representation within 15 days from today, on receipt of which, the competent authority of the respondent department shall consider and decide with a reasoned and speaking order within 60 days thereof. The same should be communicated to the applicants.

(Ramesh Singh Thakur)
Judicial Member
am/-

(Navin Tandon)
Administrative Member