

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.063/00026/2019

Chandigarh, this the 18th day of January, 2019

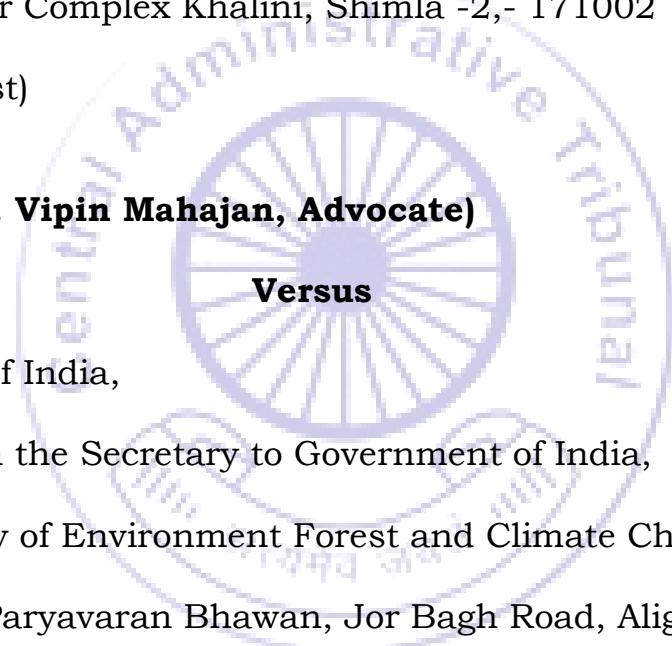
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**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

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Hemant Kumar Gupta, son of Sh. Satya Pal Gupta,
aged 57 years,
presently posted as Chief Conservator of Forest (M&E)
Office of Principal Chief Conservator of Forest (HOFF)
Mist Chamber Complex Khalini, Shimla -2,- 171002
(Group A Post)

....Applicant

(Present: Mr. Vipin Mahajan, Advocate)



1. Union of India,
through the Secretary to Government of India,
Ministry of Environment Forest and Climate Change,
Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj,
New Delhi – 110003.

2. State of Himachal Pradesh,
through its Additional Chief Secretary (Forests),
to the Govt. of Himachal Pradesh,
Shimla – 171002.

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Respondents

(Present: Mr. Sanjay Goyal, Advocate of Resp. No. 1

Mr. B.B. Sharma, Advocate, for Resp. No. 2)

ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)

1. Applicant Hemant Kumar Gupta, an IFS Officer of Himachal Pradesh Cadre is before this Court seeking issuance of a direction to the respondents for grant of benefit arising out of order passed by this Court in the case of similarly placed person, titled **G.R. Sahibi IFS Vs. Union of India and Others** (O.A. NO. 732/HP/2002 decided on 28.09.2005, wherein the respondents were directed to determine the vacancy to be filled by promotion in terms of the judgment of Jabalpur Bench in the case of **K.K. Goswami & Others Vs. Union of India** (T.A. No. 81/86 decided on 09.06.1987), upheld up to the Hon'ble Apex Court.

2. Heard learned counsel for the applicant.

3. Learned counsel submitted that one J.S. Samundri, who was also inducted into IFS, along with the applicant, moved a representation based on the decision rendered in the case of G.R. Sahibi (supra), which was rejected, but since he approached, thereafter, to this Court, for redressal of his grievance by filing O.A. NO. 555/PB/2014, which was allowed on 14.10.2014, and the respondents granted the relevant benefit to him. However, the applicant though is similarly situated like him, has not been extended the similar benefit only for the reasons that he did not approach the Court of law. Learned counsel contends that this view of the respondents in not extending the benefit of a judgment to the similarly placed persons and forcing them to approach the Court of law for similar benefits, is illegal.

4. Learned counsel very fairly submitted that before approaching this Court, based upon the judgment in the case of

G.R. Sahibi (supra), the applicant submitted a representation dated 07.11.2017 (Annexure A-12), which has not been answered by the respondents till date. Therefore, he made a statement at the Bar that the applicant will be satisfied, if a direction is issued to the respondents to decide the pending representation in view of the law laid down by this Court in the case of G.R. Sahibi (supra).

5. Issue notice to the respondents.

6. At this stage, Mr. Sanjay Goyal, Advocate, appears and accepts notice on behalf of Respondent No. 1. Mr. B.B. Sharma, Advocate, appears and accepts notice on behalf of Respondent No. 2. They do not object to the disposal of the O.A. in the above manner.

7. In view of the above, we are of the view that the case of the applicant for promotion be considered in the light of ratio laid down in the case of G.R. Sahibi (supra), as represented by him in Annexure A-12. Ordered accordingly. If upon such consideration, the applicant is found to be similarly placed like the applicant in the relied upon case, the similar benefit be granted to him, otherwise a reasoned and speaking order be passed on his claim, in accordance with law, within a period of two months from the date of receipt of a copy of this order. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 18.01.2019

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