

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/840/2019

Date of decision: 23.09.2019

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MR. A.K. BISHNOI, MEMBER (A).**

...

Sh. Harsh Kumar, I.F.S., Chief Conservator of Forests, Hills, H. No.1841,
Sector 34-D, Chandigarh, age 56 years, Group A.

... APPLICANT

VERSUS

1. Secretary, Ministry of Environment & Forests and Climatic Changes,
Indira Priyadarshani Paryavaran Bhavan, New Jor Bagh Complex,
Lodhi Road, New Delhi.
2. Chief Secretary, Government of Punjab, Main Civil Secretariat,
Chandigarh.

... RESPONDENTS

PRESENT: Sh. Harsh Kumar, applicant in person.
Sh. Sanjay Goyal, counsel for respondent No.1.
Sh. Rakesh Verma, counsel for respondent no.2 along with Sh.
D.V. Ratna Kumar, Additional Principal Chief Conservator of
Forests (Admn. & Coord.), Punjab.

ORDER (Oral)

...

SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. has been filed by the applicant for issuance of a writ of mandamus commanding respondent no.2 to hold review DPC for promotion as Principal Chief Conservator of Forests (HAG+) from 11.11.2016 and Additional Principal Chief Conservator of Forests from 1.3.2014.

2. Heard. Applicant, who is present in person, argued that in a Contempt Petition (C) No.1450-1451 of 2018 arising out of Civil Appeal No.11231-11232 titled **Harsh Kumar Sharma vs. Karan Avtar, IAS Chief Secretary, Govt. of Punjab** before the Hon'ble Supreme Court, decided vide order dated 29.10.2018, the Court has given liberty to petitioner therein (applicant herein) to move before competent Court to seek a mandamus for holding review DPC as subject matter does not fall under contempt jurisdiction. Applicant submitted that pursuant to liberty aforesaid, he approached Jurisdictional High Court by filing CWP No.29076 of 2018 but he was advised to seek redressal of his grievance before this Court in accordance with law, by order dated 5.8.2019. Therefore, he is before this Court.
3. He argued that there is a statement/undertaking by Advocate on record, dated 16.8.2017 where advocate has accepted that the applicant is due for promotion as Additional Principal Chief Conservator of Forests and as Principal Chief Conservator of Forests in higher pay scale. Subsequently legal opinion has also been given to this effect on 20.03.2018 (Annexure A-22). The applicant, therefore, submitted that let a direction be issued to the respondents to hold review DPC for grant of above promotion, to him.
4. Notice in the matter was issued on 14.8.2019, and after noticing contention of the applicant on 30.8.2019, respondent no.2 was directed to get instructions on the issue. At the first instance, Sh. Rakesh Verma, Deputy Advocate General, State of Punjab (R No.2) sought time to file reply. Later on, on instructions from Additional Secretary Govt. of Punjab in that behalf, he submitted that they will

hold review DPC on 30.10.2019 and will consider the case of the applicant in that meeting and decide the same as per law.

5. In the wake of the above noted facts that respondents themselves have come forward to hold review DPC, we dispose of this petition, in the terms that the respondents will hold review DPC on 30.10.2019 as stated on their behalf and thereafter, finalize the matter expeditiously. While deciding the same, they will also consider judgment of the Hon'ble Supreme Court, in that relevant connection.
6. The O.A. stands disposed of in the above terms.

(A.K. BISHNOI)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 23.09.2019.
Place: Chandigarh.

`KR'

