IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.1003 OF 2015

DISTRICT : NASHIK

Shri Sudhir Bhika Valvi,)
Divisional Forest Guard (Wild Life),)
Office of Additional Principal Chief Conservator)
of Forests (Wild Life), Nashik and)
Residing at Sai Niwas Apartment,)
Near Jay Bhawani Road, Nashik Road, Nashik)..Applicant

Versus

Government of Maharashtra,)
Through Secretary (Forests),)
Revenue & Forest Department,)
Mantralaya, Mumbai 400032)..Respondent

Shri M.D. Lonkar – Advocate for the Applicant
Shri A.J. Chougule – Presenting Officer for the Respondent

CORAM : Shri Rajiv Agarwal, Vice-Chairman
DATE : 2nd May, 2016

JUDGMENT

1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondent.

2. This OA has been filed by the Applicant, who belongs to Maharashtra State Forest Service and who is seeking posting in a cadre post of the Indian Forest Service.

3. Learned Counsel for the Applicant argued that the Applicant joined Government service as Assistant Conservator of Forest through Maharashtra Public Service Commission (MPSC) on 3.1.1986. He was promoted to the rank of Divisional Forest Officer (DFO) in October, 1999. He was posted as Deputy Conservator of Forest, Jawhar Forest Division, a cadre post, on 10.2.2014, but was relieved on 3.10.2015 from that post when an officer belonging to the Indian Forest Service was posted. The Applicant was posted as Divisional Forest Officer (Wild Life) at Nashik. Learned Counsel for the Applicant argued that under Rule 8(a) of the Indian Forest Service (Recruitment) Rules, 1966, the Central Government has promulgated Indian Forest Service (Appointment by Promotion) Regulations, 1966. A 'cadre officer' is defined as member of service as per Regulation No.2. The Applicant has not been promoted to the

Indian Forest Service. Now, the age limit for such promotion has been increased to 56 years. However, during the pendency of this OA, the Applicant has crossed that age limit. However, his annual confidential report (ACRs) from 2008-09 to 2010-11 were held not up to mark and he had made a representation on 5.7.2014 to review his ACRs so that he could be promoted to the Indian Forest Service. However, no action was taken. Learned Counsel for the Applicant argued that the Applicant is entitled to be given a cadre post considering his seniority in the State Forest Service.

4. Learned Presenting Officer (PO) argued on behalf of the Respondents that the Applicant has not been promoted to the Indian Forest Service. He has not been included in the 'Select List' for such promotion. He has himself admitted that upper age limit for promotion to Indian Forest Service, which is an All India Service, is 56 years and he has crossed that age. He is not eligible to be promoted to Indian Forest Service. As per Rule 9 of the Indian Forest Service (Cadre) Rules, 1966, a non-cadre officer can be appointed to a cadre post temporarily, but when a suitable cadre officer becomes available such a person is replaced by a cadre officer. The Applicant was temporarily posted to a cadre post as Deputy Conservator of Forests, Jawhar, but when a suitable cadre officer was available, he was replaced. Learned PO argued that the Applicant is not seeking any relief about his seniority in State

Forest Service and about his ACRs. He is only seeking posting on a cadre post, though he is a non-cadre officer. His prayer cannot be granted.

5. It is an admitted fact that the Applicant is a non-cadre officer and cannot be posted to a cadre post, meant for members of the Indian Forest Service, as per the Indian Forest Service (Cadre) Rules, 1966. At the most, if no suitable cadre officer is available, for a maximum period of 3 years, a non-cadre officer can be posted to a cadre post. The Applicant was given a cadre posting as Deputy Conservator of Forests, Jawhar for some time. However, under the rules, he has no claim to be posted to a cadre post.

6. The Applicant is not entitled to the reliefs sought by him in the present OA. The OA is, therefore, dismissed with no order as to costs.

Sd/-

(Rajiv Agarwal)
Vice-Chairman
2.5.2016

Date : 2nd May, 2016

Dictation taken by: S.G. Jawalkar.

E:\JAWALKAR\Judgements\2016\5 May 2016\OA.1003.15.J.5.2016-SBValvi-Posting.doc