

S.L. SONI
v.
STATE OF M.P. AND ANR.

MAY 8, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

Service Law :

M.P. Forest Service (Recruitment) Rules, 1977:

Promotion—Claim for—Objective consideration by High Power Committee—Committee's finding that candidate was unfit for promotion on merits—Held not a fit case for interference by Supreme Court.

A High Level Committee considered the claim of all eligible persons for promotion as Assistant Conservator of Forest in accordance with the criteria prescribed by M.P. Forest Service (Recruitment) Rules, 1977 and rejected the appellant's claim on the ground that he was not fit for promotion. The M.P. Administrative Tribunal directed that the appellant's case be considered without taking into consideration the uncommunicated adverse remarks against the appellant. Accordingly the Committee reconsidered the matter but found the appellant not eligible for promotion.

In appeal to this Court on the question whether the appellant's claim for promotion was considered in accordance with Rules:

Dismissing the appeal, this Court

HELD : A high level committee objectively considered the claim and found that the appellant was not fit for promotion on merits. On perusal of the proceedings of the Committee, the Court is satisfied about this. Therefore, it is not a case warranting this Court's interference. [43-D]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 5656 of 1995.

From the Judgment and Order dated 5.3.93 of the Madhya Pradesh Administrative Tribunal, Bhopal in T.A.No. 1794 of 1988.

L.K. Pandey for the Appellant.

A Sakesh Kumar, Gautam Bose and Mr. S.K. Agnihotri for the Respondents.

The following Order of the Court was delivered :

Leave granted.

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This appeal arises against the order of the M.P. Admn. Tribunal, Bhopal Bench in Transferred Application No. 1794/88 dated 5.3.1993. The only question in this appeal is whether the claim for promotion as Assistant Forest Conservator was considered in accordance with Rules. We have called for and perused the record. A High Level Committee, consisting of a Member of the Public Service Commission as Chairman, Secretary to the Government, Forest Department and Principal Chief Conservator of Forests as members, was constituted to consider the claims of all eligible persons for promotion as Assistant/Conservator of Forest. The criteria adopted by the Committee was in accordance with the M.P. Forest Service (Recruitment) Rules, 1977, (for short, 'the Rules'). The zone of consideration was five times the number of vacancies. Thereby there was wide chances for many to be considered. Only officers with a minimum of 8 years of service and confirmed in the cadre of Ranger were considered. The selection was based on merits with due regard to seniority. The merit was assessed on the basis of recorded annual confidential reports of the officers for the previous five years to the year of consideration. The yardstick of merit adopted was that average assessment of last five years C.Rs. should be above "good". Integrity should be beyond doubt. In the case of officer against whom departmental enquiry was in progress, assessment was made without prejudice to the result of the said enquiry which was placed in a sealed cover to be opened after the departmental enquiry proceedings are completed.

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Based thereon, the claims were considered and initially the appellant was not found fit for promotion and was rejected. The Tribunal, after examination of the matter, gave the following direction:

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"We conclude that the D.P.C. has erred in taking into consideration, the uncommunicated adverse remarks for the period ending March, 1978 while considering the applicant's fitness for promotion to the post of Asstt. Conservator of Forests. We accordingly direct that a fresh D.P.C. be constituted for evaluating

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applicant's claim for promotion with retrospective effect. The D.P.C. shall not take into consideration the adverse remarks for the year ending March, 1978, otherwise, it may follow the same criteria for adjudging applicant's suitability for promotion as has been followed by the D.P.C. held in 1982. The applicant, if found fit, will be entitled retrospective notional promotion and seniority from the date his juniors were promoted. For the reasons recovered in para 3 above, the applicant will not be, however, entitled to any consequential cash benefits."

Pursuant thereto, excluding the adverse comments made for the year ending with March, 1978, the Committee reconsidered the matter and found the appellant not eligible for promotion. Though Sri Pandey sought to canvass the claim on merits, we cannot evaluate ourselves the relative merits. A high level committee objectively considered the claim and found the appellant was not fit for promotion on merits. We are satisfied about this on perusal of the proceedings of the Committee.

In view of the above, we think that it is not a case warranting our interference. The appeal is accordingly dismissed. No costs.

T.N.A.

Appeal dismissed.