

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22813 of 2013

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The Principal Secretary Environment and Forest Department, Sinchai
Bhawan, Patna – 800 015. Petitioner

Versus

1. Satyendra Kumar Singh Son of Late Kashi Nath Singh at the time of
filing of O.P. No. 746/2010 posted as Regional Chief Conservator of
Forest, Bhagalpur Region, Sundarban, Barari Road, Bhagalpur, Bihar,
presently posted as Chief Conservator of Forest-Cum-Director Hariyali
Mission, Bihar, Patna

2. The Union of India through Secretary, Ministry of Environment and
Forest, Lodhi Road, New Delhi. Respondents

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Appearance :

For the Petitioner : Mr. P.N. Shahi, A.A.G.10
Mr. Mritunjay Kumar, Advocate
For the Respondents no.1: Mr. Rajesh Kumar Singh, Advocate
Mr. Rampratap Singh, Advocate
For the respondent no. 2: Mr. Rajesh Kumar Verma, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
And
HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 04-08-2015

We have heard Sri P.N. Shahi, learned A.A.G.10,
Sri Rajesh Kumar Singh, learned counsel for the contesting
respondent at length and Sri Rajesh Kumar Verma, learned
counsel for the Union of India, and with their consent this
application is being disposed of at this stage itself.



2. In our view, having heard the counsels and having perused the record, the dispute is in a very small arena. The contesting respondent, who was the applicant before the Central Administrative Tribunal (in short the “Tribunal”), by the impugned order dated 28.01.2006, was granted the pay of Conservator of Forest w.e.f. 06.12.2000, this continued year to year, when ultimately, he was granted the first increment in the year 2005, the dispute is with regard to entitlement of early increment.

3. The stand of the State is that the contesting respondent had moved the Tribunal on an earlier occasion by O.A. No. 345/2004, in which the Tribunal held that as the contesting respondent, who was applicant there, was working on the post of Conservator of Forest or equivalent since 2000, he would be entitled to the scale of Conservator of Forest from the day he assumed charge till he remains there (paragraph 22 of the order of the Tribunal). He was given the pay scale of Conservator of Forest as he was posted on the post of Director, Balmiki Tiger Project, Bettiah. It is only when subsequently D.P.C. cleared the contesting respondent and when his seniors were cleared for promotion he was granted the pay scale.

4. Mr. Rajesh Kumar Singh, on the other hand,



submits that the post of Director, Balmiki Tiger Project, was a cadre post, as mentioned in schedule B of Indian Forest Service (Pay) Rules, 1968, therefore, is not wrong in submitting that he was posted on that post, he would not get regular pay scale. He was, otherwise, competent to be granted promotion, and considering this aspect, he was posted as Director. Once, he was granted the pay for being the Director, Balmiki Tiger Project, and being competent to be posted as Conservator of Forest, he could not be denied the pay scale.

5. It is not the case of the State that ever he was reverted to his original substantive post, rather, from there he was further promoted and straightway made the Chief Conservator of Forest , thus there being a vertical movement.

6. Hence, as submitted by the contesting respondent, the Tribunal by its judgment under challenge being judgment and order dated 22nd May, 2013 passed in O.A.No. 746/2010 did not err in ordering that the contesting respondent ought to be granted the pay scales and not merely pay.

7. We have considered the matter at length, the post of Director, Balmiki Tiger Project, not being ex-cadre post, the contesting respondent, being due for promotion and

being competent to get the promotion having been posted on that post, was entitled to, not only to pay, but, also pay scale attached to the same post.

8. We, thus, find no error in the order of the Tribunal. This writ application is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/N.A.F.R.

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