



भारतीय वन्यजीव संस्थान  
Wildlife Institute of India

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No. A/2-1/2007-WII (Vol. IX: 2015-16)

Dated 10<sup>th</sup> July 2015

To,

Smt. T.K. Ahuja  
Assistant Grade-II  
Wildlife Institute of India  
Chandrabani, Dehradun

Sub.: Information under Right to Information Act, 2005- reg.

Ref.: Your RTI Application dated 9.07.2015

Sir,

Please refer to your RTI application cited above regarding the information asked by you under RTI Act, 2005. In this connection, the required information as asked under your above RTI application has been collected from the concerned officer of the Institute and is attached herewith in 10 pages.

In case you are not satisfied with this reply and want to appeal as per the provisions of RTI Act, 2005, the address of Appellate Authority is being given as follows:

Dr. V.B. Mathur, Director & Appellate Authority, Wildlife Institute of India,  
Chandrabani, Dehradun – 248 001, Ph.: 0135-2640910.

Thanking you,

Yours faithfully,

Encl.: As above (10 pages).

(Aseem Shrivastava)  
CPIO

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10.7.15

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File No. WII/ADM/2011-12/017 (Part)

Dated: 6<sup>th</sup> July, 2015

Sub: Recommendation for Implementation of Decision of Hon'ble High Court of Uttarakhand in Writ Petition No. 1580 of 2011 (S/S) in case of M.D. Gupta V/s Wildlife Institute of India & Others – reg.

Ref: Office Memorandum No. WII/ADM/2011-12/017 (Part) dated: 5th June, 2015 (Annexure-1).

The implementation/compliance of decision/order of the Hon'ble High Court of Uttarakhand at Nainital dated 26<sup>th</sup> May, 2015 in Writ Petition No. 1580 of 2011 (S/S) in case of M.D. Gupta V/s WII & Others (Annexure-2) require following actions:-

- (i) To prepare and finalize the seniority list of all the Class III employees working in the Institute, on different posts giving the notional promotion to the petitioner from the date on which he became entitled on the post of his next gradation and so on.
- (ii) The provision of the present incumbent on the post of Hindi Translator remaining in the feeder channel for promotion to the post of Section Officer has been quashed. It implies that Smt. Baljeet Kaur require to be reverted back to her previous position. This action is also required because inter alia the order has also held her promotion to this post de hors the rules.
- (iii) It has been ordered to take appropriate steps to revert back those respondents who have got illegal promotions de hors the Rules.

Pursuant to and in compliance of the Order of the Hon'ble Court, the record required to be examined was from year 1985 to till date. The Committee perused and examined the record and recommends as under –

- (1) Notional promotion to the petitioner from the date on which he became entitled on the post of his next gradation and so on.

That Shri M.D. Gupta was recruited as Lower Division Clerk in year 1985 on Direct Recruitment basis. The Recruitment and Promotion Rules of the Institute vide which his service conditions were governed placed him at the level of O(1) and prescribed qualifying length of service of five years for promotion from Level O(1) to Level O(2). Further, the Rules require service length of five years from Level O(2) to O(3), of eight years from the Level O(3) to O(4), of five years from the Level O(4) to O(5). A copy of the old Recruitment Rules of 1986 is placed at Annexure-3.



  
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Thus, Shri M.D. Gupta becomes entitled to promotions on the above levels as under:

Sl. No.	Promotion to Level	Date and Year in which Shri M.D. Gupta completes qualifying length of service for promotion to next grade.
1	O (2)	25.01.1990
2	O (3)	25.01.1995
3	O (4)	25.01.2003
4	O (5)	25.01.2008

The Order of the Hon'ble Court mandate notional promotion to Shri M.D. Gupta from the date on which he became entitled on the post of his next gradation and so on. Presently, Shri M.D. Gupta is positioned at level O-2. As shown in above Table he attains the O-5 level on 25-01-2008. However, the Academic Officer position was filled up by Shri Ashutosh Sharma. The incumbent (Shri Ashutosh Sharma) superannuated on 31.12.2009 and the post of Academic Officer was vacant and Shri M.D. Gupta attains entitlement on this post on 01.01.2010. The recruitment rules of the Administrative cadre were amended in year 2007 (**Annexure-4**) and further amendment in the pay scales of Administrative Officer/Academic Officer and Assistant Grade I were made vide Institute's Circular No. A/1-3/XLVII/GB/WII dated 19.11.2009 (**Annexure-5**). As a result, this level is now in three hierarchical sub gradations namely of (i) Finance Officer (PB 2: GP 4600), (ii) Academic Officer (PB 2 : GP 4800) and (iii) Administrative Officer (PB 2 : GP 5400). The rules do not provide for any residency on these three sub gradations for promotions and thus promotion from Finance Officer to Academic Officer to Administrative Officer is only vacancy based. The position of Administrative Officer is held by, Shri P.K. Aggarwal. Therefore, pursuant to and in compliance of Order of the Hon'ble Court, the notional upward movement of Shri M.D. Gupta can take place upto the position of Academic Officer. Accordingly, it is recommended to issue promotion orders on notional basis in respect of Shri M.D. Gupta to level of Assistant- I (earlier level of O-3), Section Officer (earlier level of O-4), Finance Officer (earlier level of O-5) and on regular basis to the Post of Academic Officer (earlier level of O-5) with immediate effect.

(2) The promotions that were impugned in CWP No. 1580 of 2011 (S/S) and in respect of which the order of Hon'ble High Court is sought to be implemented on basis of these recommendations involve scrutiny of the erstwhile recommendations of the Departmental Promotion Committees of the Institute held on 17.11.1993, 29.06.1994, 17.08.1999 and 03.10.2000 **Annexure 6 colly.**

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The deficiencies observed in recommendations of various DPCs and actions taken there upon are given in below Table -

Sl. No	Date of DPC	Deficiencies observed in recommendation of DPC	Promotion Order issued based on recommendation of DPC (Annexure-7 colly)	Employee Promoted Sarav Sh./Smt.	Promoted	
					From	To
1	17/11/93	(i) Prescribed Competitive Examination was not conducted. (ii) Rules prescribed promotion from one level to another ignoring which the promotion order was issued on specific posts of Level O(3). (iii) By incorrectly recommending to promote employees on specific posts, it was also incorrectly presumed that the posts were isolated and based on which it was concluded by the DPC that the posts were unreserved and reservation policy was flouted.	DPC/93-WII dated 15/12/93	V Gopalacharulu	O-2	O-3
2	29/06/94	(i) The DPC pre-poned the effective date of promotion of the employees earlier promoted vide DPC held on 17/11/93. Since the DPC held on 17/11/93 was itself flawed, the recommendations of this DPC also become in fructuous and the ante dating promotion order dated 21/7/94 is required to be withdrawn.	DPC/WII/94 dated 21/7/94	V Gopalacharulu M. Suryanarayan	O-2	O-3
3	17/08/99	(i) This DPC recorded that 'no specific qualifications have been prescribed for the post of Hindi Translator as per existing Recruitment Rules'. This observation of DPC is misrepresentation of fact because the qualification required for the post of Hindi Translator were approved by the Governing Body in its 12 <sup>th</sup> Meeting held on 17.11.1988 which were analogous to the recruitment rules of Hindi Official Language.	DPC/99-WII dated 23.09.1999	A.K. Dubey	O-3 Hindi Translator - Non Ministerial	O-4 Ministerial

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Sl. No	Date of DPC	Deficiencies observed in recommendation of DPC	Promotion Order issued based on recommendation of DPC (Annexure-7 colly)	Employee Promoted Sarav Sh./Smt.	Promoted	
					From	To
		<p>(Rajbhasha) of DoPT. As per these rules the post of Hindi Translator is under Classification of Non-ministerial cadre (Annexure-8).</p> <p>(ii) Further, the DPC considered and treated the post of Hindi Translator (non-ministerial) in line of promotion of the ministerial posts of the Institute. This decision of DPC and consequent promotion of Hindi Translator to the post of Accountant and of Smt. Bajjit Kaur from O-2 of ministerial cadre to the post of Hindi Translator (non-ministerial) was contested by the petitioner in the Writ Petition before Hon'ble High Court on the grounds that : The post of Hindi Translator was a direct recruitment isolated post and that the rules do not permit lateral movement of Hindi Translator to the ministerial cadre for promotion purpose and vice-versa, the personnel from ministerial cadre can't get promotion to the Post of Hindi Translator, it being a direct recruitment isolated post.</p> <p>The sense contained in the Order of Hon'ble High Court which is under implementation is also conveying the isolated nature of the post of Hindi Translator.</p> <p>(iii) It is obtaining from record that the direct recruitment of Shri A.K. Dubey to the post of Hindi Translator was made from the reserve pool of successful candidates of exam advertised by the Staff Selection Commission for filling up of posts of Hindi Translators in all departments of Government of India under the recruitment rules of Official Language, (Rajbhasha) Recruitment Rules. This exam</p>	DPC/99-VII dated 23.09.1999	Baljeet Kaur	O-2 Ministerial	O-3 Hindi Translator Non-Ministerial

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Sl. No	Date of DPC	Deficiencies observed in recommendation of DPC	Promotion Order issued based on recommendation of DPC (Annexure-7 colly)	Employee Promoted Sarav Sh./Smt.	Promoted	
					From	To
		<p>was announced by the Staff Selection Commission vide their Advertisement F.No. 2/37/87-P&amp;P (Vol.II) (Annexure-9) and Shri A.K. Dubey appeared in the exam and the result placed him in reserve pool.</p> <p>Thus, the selection of Shri A.K Dubey was not made within the ambit of the Recruitment Rules of the ministerial cadre of the Institute. If it were to be the post within the ministerial cadre at level O-3, the recruitment would have taken place with a candidate from the reserved category of Scheduled Caste.</p> <p>This is obtaining from the letter of the Institute letter No. A/3-2/86-WII dated 11.10.1988 written to the Director General, Surplus Cell, DoPT (Annexure-10). The Surplus Cell intimated that there is no employee with them and issued NOC.</p> <p>Thereafter, the Institute requested the Staff Selection Commission for recruitment of personnel for the Institute. In response, the Staff Selection Commission vide their letter dated 28.2.1989 intimated that recruitment of candidate by advertising the post in autonomous institution is not under the purview of the Commission (Annexure-11). The conditions were accepted by the Institute. Subsequently, the Institute requested for providing a suitable person from the reserve panel of candidates available with them as communicated vide Institute's letter No. A/3-2/86-WII dated 28.3.1989 (Annexure-12).</p>				

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Sl. No	Date of DPC	Deficiencies observed in recommendation of DPC	Promotion Order issued based on recommendation of DPC (Annexure-7 copy)	Employee Promoted Sarav Sh./Smt.	Promoted	
					From	To
		<p>This requisition from the Institute did not ask for a person from Scheduled Caste category. The requisition from General Category was possible only when this post was treated as isolated. The Commission agreed to provide personnel from its wait list panel on certain conditions.</p> <p>The candidate offered (general category) by the Staff Selection Commission, <i>interalia</i>, included a condition that the Institute will not subject the person selected by them to any other selection/exam. This condition was accepted by the Institute vide letter No.A/3-2/86-WII dated 28.03.1989 (Annexure-12) and subsequently Shri A.K. Dubey was appointed to the post of Hindi Translator (Annexure-13).</p> <p>The isolated posts are governed by ACP (now MACP) scheme which involve only non functional up-gradation of pay scales on completion of prescribed length of service. Therefore, the Departmental Promotion Committee erred in recommending lateral and functional promotion from non ministerial isolated post to the higher post of ministerial cadre.</p> <p>(iii) The DPC further erred in recommending promotion of Smt. Baljeet Kaur from ministerial cadre Level O-2 to the non-ministerial isolated post of Hindi Translator because this post was required to be filled up on Direct Recruitment basis as decided by the Governing Body in its 12<sup>th</sup> Meeting held on 17.11.1988.</p>				

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Sl. No	Date of DPC	Deficiencies observed in recommendation of DPC	Promotion Order issued based on recommendation of DPC (Annexure-7 colly)	Employee Promoted Sarav Sh./Smt.	Promoted	
					From	To
4	03/10/2K	<p>(iv) It is further obtaining that the incumbents on the post of Hindi Translator are receiving or have received salary at the higher level of O-4. The benefit of higher pay scale under Official Language Rules of DoPT was given to Shri A.K. Dubey on his own application (Annexure-14). No official can be given service benefits under two sets of rules. Therefore, there is no basis for treating this post at the O-3 level in the ministerial cadre for the benefit of ingress or egress into or out of the ministerial cadre.</p> <p>The DPC did not hold the prescribed competitive examination and therefore, its recommendations for promotion of Shri V. Gopalacharyulu, Shri M. Suryanarayana, Smt. T.K. Ahuja and Shri Rajiv Mehta was vitiated.</p> <p>The DPC also erred in concluding that the ministerial posts at the same level have different sets of promotion rules. The DPC adopted flawed scheme of promotions to specific posts of Accountant and Office Superintendent whereas the promotions was required to be made from Level of O-3 to O-4 and thereafter the occupancy on the posts of Accountant or of Office Superintendent was a matter of posting and transfer.</p>	DPC/2000 dated 23.11.2000	V Gopalacharyulu M. Suryanarayan T.K. Ahuja Rajiv Mehta	O-3 O-3 O-2 O-2	O-4 O-4 O-3 O-3

It is obtaining from the above that all promotions flowing from the DPCs held on 17/11/1993, 29/06/1994, 17/08/1999 and 03/10/2000 were vitiated because the mandatory competitive examination and/or interview were not conducted or employees not in line of promotions were recommended for promotion.

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For this reason, the promotions of employees based on the recommendations of these DPCs are hit by the Order dated 26.05.2015 of Hon'ble High Court in the said Writ Petition and are rendered null and void *ab-initio*. The promotion orders detailed as under are required to be withdrawn and the employees reverted back to their previous position(s) with immediate effect -

Sl. No	Name of Employee Sarav Sh./Smt.	Promotion		Promotion Order required to be withdrawn	Position of Employee on Reversion
		From	To		
1	V. Gopalacharyulu	O-2 O-3	O-3 O-4	The employee has superannuated on 30/06/2013. DPC/WII/94 dated 21/7/1994 DPC/2000 dated 23.11.2000	N.A. Assistant-II as per existing designations of revised RRs of 2007 which is equivalent to O-2 level of rules of 1986.
2	M. Suryanaryana	O-2 O-3	O-3 O-4	DPC/99-WII dated 23.09.1999	Hindi Translator as per existing designations of revised RRs of 2007 which is equivalent to O-4 level of rules of 1986.
3	A.K. Dubey	Hindi Translator O-3 (now O-4)	O-4	DPC/99-WII dated 23.09.1999	Assistant-II as per existing designations of revised RRs of 2007 which is equivalent to O-2 level of rules of 1986.
4	Baljeet Kaur	O-2	Hindi Translator	DPC/99-WII dated 23.09.1999	Assistant-II as per existing designations of revised RRs of 2007 which is equivalent to O-2 level of rules of 1986.
5	T.K. Ahuja	O-2	O-3	DPC/2000 dated 23.11.2000	-do-
6	Rajeev Mehta	O-2	O-3	DPC/2000 dated 23.11.2000	-do-

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(3) In view of para (1) and (2) above of these recommendations, the seniority list of cadre based ministerial staff after implementation of Hon'ble High Court Order is obtaining as under:

Hierarchy Level	No. of posts	Pay Band & Grade Pay of the Post	Seniority position	Name of Employee			
Administrative Officer	01	PB-3 (Grade Pay 5400)	1	Shri P.K. Aggarwal			
Academic Officer	01	PB-2(Grade Pay 4800)	2	Shri M.D. Gupta			
Finance Officer	01	PB-2(Grade Pay 4600)	-	Vacant			
Section Officer	05	PB-2(Grade Pay 4200)	-	Vacant			
			-	Vacant			
			-	Vacant			
			-	Vacant			
			-	Vacant			
Assistant - I	02	PB-2 (Grade Pay 4200)	-	Vacant			
			-	Vacant			
Assistant-II	10	PB-1 (Grade Pay 2400)	3	Shri M. Suryanarayana			
			4	Smt. Baljeet Kaur			
			5	Smt. T.K. Ahuja			
			6	Shri Rajiv Mehta			
			7	Shri A.S. Rawat			
			8	Shri Suresh Kumar			
			9	Smt. Shakuntala Devi			
			10	Smt. Anita Pahwa			
			11	Shri Kharak Singh			
			12	Shri P.K. Mukherjee			
			Assistant-III	07	PB-1 (Grade Pay 1900)	13	Yogesh Bhatt
						14	Shri Sanjay Bharti
15	Smt. Sadhna Verma						
16	Shri Naveen Kr. Singhal						
17	Smt. Padma Rani						
18	Shri P.S. Dhamanda						
19	Shri Vijay Prasad						

(4) In the event of implementation of above recommendations in compliance of Order of Hon'ble High Court , certain further actions will be required on immediate basis -

- (i) The reversion of employees will leave vacancies in the upper levels of cadre and for smooth functioning of the Institute, the DPCs for filling up of vacancies will have to be convened at an early date. Since the reversions will take place with effect from the issue of Orders in this regard, the promotions henceforth will take place following the Recruitment Rules of 2007 and as amended from time to time.
- (ii) It is obtaining that Shri A.K. Dubey will revert back to the post of Hindi Translator which presently is an isolated post. Presently, career progression of such posts is governed under MACP Scheme. However,

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the Institute may consider development of a cadre under Official Language Policy and the stipulations therein because this Institute is located in A zone ('Ka' kshetra) and the workload of the Institute for discharging responsibilities of Official Language Policy require an extended cadre of Rajbhasha. The Institute may consider to place a proposal before the Governing Body of the Institute.

*P.K. Mathur*  
6/7/2015  
(P.K. Mathur)

*Ajay Shrivastava*  
6/7/15  
(Ajay Shrivastava)

*Suresh Dalal*  
06/07/15  
(Suresh Dalal)

*P.K. Aggarwal*  
(P.K. Aggarwal)