



भारतीय वन्यजीव संस्थान
Wildlife Institute of India

SPEED POST

No. A/2-1/2007-WII (Vol. X: 2016-17/Part-IV)

Dated 17.01.2017

To,

Shri N.S.Saun,
Advocate,
Uttarakhand High Court, Nainital,
450-Balliwala, Kanwali Road,
Dehradun - 248 001
Uttarakhand

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

Ref.: Your RTI Application No. Nil, dated 20.11.2016, received on 23.11.2016

Sir,

Please refer to your application cited above under RTI Act, 2005. In this response, you were requested to deposit an amount of Rs. 44/- as photocopy charges for providing the information sought by you vide our letter no. A/2-1/2007-WII (Vol. X: 2016-17/Part-III) dated 16.12.2016.

After receiving an amount of Rs. 44/- (vide receipt no. 5388 dt. 09.01.2017), the ^{vide your letter dt 16.12.17} information received from concerned authority of the Institute are contained in 22 pages which are attached herewith.

If you are not satisfied with the aforesaid reply, you may file an appeal before the First Appellate Authority i.e. "Dr. V.B.Mathur, Director, Wildlife Institute of India, P.B.18, Chandrabani, Dehradun - 248 001, Ph. 0135-2640910" within a period of one month.

Thanking you,

Yours faithfully,

(Ajay Srivastava)

CPIO

Encl: as above.

[Signature]
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Wildlife Institute of India
Chandrabani, Dehradun

No: A/2-31/2005-WII

Dated: 15th December 2016

Sub: Information under R.T.I. Act-2005

Ref: CPIO note dated 24.11.2016 providing information on the application of Shri N.S. Saun, Advocate Dehradun.

A Certified Copy of the recommendations of the WII's Departmental Promotion Committee (DPC) held on 13th July 2015 (covered in 22 pages) are attached herewith.

Rajiv Mehta
(Rajiv Mehta)
Section Officer

A.O.

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Ref.

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CPIO

ATTESTED

[Signature]
CPIO, Wild Life Institute of India, Dehradun

Recommendations of Departmental Promotion Committee (DPC) for consideration of suitability of employees for promotion to the level of Assistant-I from Assistant II and Assistant-III from Assistant II of the Administrative Cadre.

Date of Meeting: 13th July, 2015

The above said meeting of the Departmental Promotion Committee (DPC) was held on 13.07.2015 at 1430 hrs in the Board Room of the Institute.

The following were present: -

(i)	Shri Suresh Dalal, Registrar	-	Chairman
(ii)	Dr. K. Sankar, Scientist-G	-	Member
(iii)	Shri Ajay Shrivastava, Scientist-F	-	Member
(iv)	Shri G.S. Rawat, Asst. Director, FSI	-	Member
(v)	Shri P.K. Aggarwal, Admn. Officer	-	Member-Secretary

At the onset it was briefed by the Registrar that this Department Promotion Committee was meeting for assessing the suitability of employees of administrative cadre for their promotion to the next level of Assistant II and Assistant III consequent upon implementation of Order of Hon'ble High Court of Uttarakhand dated 26th May, 2015 in CWP No. 1580 of 2011 (Annexure-1) whereby issuance of Office Order No. WIIADM/2011-12/017 dated 7th July, 2015 led to reversion of employees from higher levels (Annexure-2).

Since the select list panel(s) to be prepared by this Committee will be utilized for making promotions alternating with the promotions to the level of Section Officer and above on the recommendations of the DPC chaired by the Dean, FWS. Therefore, the zone of consideration includes all employees at level of Assistant III and Assistant II who have completed their eligibility length of service.

The Committee noted that all employees as mentioned above are to be assessed has the approval of Director, WII in noting of file No. WII/ADM/2011-12/14 'DPC-2015'.

With this background information, the Committee assessed the employees for their suitability for promotion to the next higher grade in accordance with the provisions of Recruitment and Promotion Rules 2007 for Assistant Grade I and Grade II.

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The assessment require evaluation of the Annual Performance Appraisal Reports of the previous five years. Further, the DoPT guidelines issued vide OM No.22011/5/91-Estt.D dated 27th March, 1997 prescribes that the bench mark for suitability for promotion would be 'Good' and the DPC would grade the employees as 'Good', 'Average' and 'Unfit' only. Only those employees who obtain the grading of 'Good' will be included in the panel in the order of their seniority in the lower grade (Annexure-3).

The Administrative Services (Recruitment & Promotion) Rules 2007 of the Institute are silent regarding procedure to be adopted by the DPC and therefore, the DPC itself had to decide on the procedure to be followed. It was decided to assess the suitability of employees based on Annual Performance Appraisal Reports of the previous five years as this is the generally followed procedure in government departments as per DoPT guidelines.

With the above observations, the recommendations of DPC are as under:

(1) **Assessment for suitability from Assistant-II (PB-1 Grade Pay 2400) to Assistant I (PB-2 Grade Pay 4200).** The employees fulfilling the qualifying length of service of five years as Assistant Grade II in order of their inter-se seniority is as under:

Sl. No.	Name of employee
1	Shri M. Suryanarayana
2	Smt. Baljeet Kaur
3	Smt. T.K. Ahuja
4	Shri Rajiv Mehta
5	Shri A.S. Rawat
6	Shri Suresh Kumar
7	Smt. Shakuntala Devi
8	Smt. Anita Pahwa
9	Shri Kharak Singh
10	Shri P.K. Mukherjee

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The summary of APARs of the employees is given under:

Name of Official	ACR Period	Grading	Assessed Grading
Shri M. Suryanarayana	2014-15	Good	Good
	2013-14	Very Good	
	2012-13	Good	
	2011-12	Not Available	
	2010-11	Good	
Smt. Baljeet Kaur	2014-15	Very Good	Good
	2013-14	Very Good	
	2012-13	Very Good	
	2011-12	Outstanding	
	2010-11	Very Good	
Smt. T.K. Ahuja	2014-15	Outstanding	Good
	2013-14	Very Good	
	2012-13	Very Good	
	2011-12	Outstanding	
	2010-11	Outstanding	
Shri Rajiv Kumar Mehta	2014-15	Very Good	Good
	2013-14	Outstanding	
	2012-13	Very Good	
	2011-12	Very Good	
	2010-11	Very Good	
Shri A.S. Rawat	2014-15	Very Good	Good
	2013-14	Very Good	
	2012-13	Very Good	
	2011-12	Very Good	
	2010-11	Very Good	
Shri Suresh Kumar	2014-15	Very Good	Good
	2013-14	Very Good	
	2012-13	Very Good	
	2011-12	Very Good	
	2010-11	Very Good	
Smt. Shakuntala Devi	2014-15	Very Good	Good
	2013-14	Very Good	
	2012-13	Very Good	
	2011-12	Very Good	
	2010-11	Very Good	
Smt. Anita Pahwa	2014-15	Very Good	Good
	2013-14	Very Good	
	2012-13	Very Good	
	2011-12	Good	
	2010-11	Good	
Shri Kharak Singh Bhainsora	2014-15	Very Good	Good
	2013-14	Very Good	
	2012-13	Very Good	
	2011-12	Very Good	
	2010-11	Very Good	
Shri P.K. Mukherjee	2014-15	Very Good	Good
	2013-14	Very Good	
	2012-13	Very Good	
	2011-12	Very Good	
	2010-11	Good	

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Based on the above table, all 10 employees are graded 'Good' and are suitable for promotion to the next higher Grade as Assistant I depending on the vacancy in the grade. Accordingly, promotions are recommended in order of seniority, availability of vacancy and in accordance with the Reservation Roster Point. There are two employees belonging to Scheduled Caste (SC) category namely (i) Shri Suresh Kumar and (ii) Smt. Anita Pahwa figuring at serial number 6 and 8 in the inter-se-seniority between the assessed employees. The Roster Promotion Point for promotion of SC category employee is the seventh vacancy. First in consideration will be Shri Suresh Kumar and in the event of him getting promoted prior to the seventh vacancy, the Roster Point will remain unutilized and will be available for promotion to Smt. Anita Pahwa. In nutshell the promotions will follow as under:

Sl. No.	Name of employee in order of seniority	Category of employee	Roster Point for	Remarks
1	Shri M. Suryanarayana	UR	1. UR	Shri Suresh Kumar gets promoted on his own turn on the sixth vacancy and is not utilizing the Roster Point of reservation at seventh vacancy. Therefore, Smt. Anita Pahwa will get promotion on the seventh vacancy followed by Smt. Shakuntala Devi on eighth vacancy and so on.
2	Smt. Baljeet Kaur	UR	2. UR	
3	Smt. T.K. Ahuja	UR	3. UR	
4	Shri Rajiv Mehta	UR	4. UR	
5	Shri A.S. Rawat	UR	5. UR	
6	Shri Suresh Kumar	SC	6. UR	
7	Smt. Shakuntala Devi	UR	7. SC	
8	Smt. Anita Pahwa	SC	8. UR	
9	Shri Kharak Singh	UR	9. UR	
10	Shri P.K. Mukherjee	UR	10. UR	

There is no employee from the Scheduled Tribe category and therefore, the roster for ST category will not apply.

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(2) Assessment for suitability from Assistant-III (PB-1 Grade Pay 1900) to Assistant II (PB-2 Grade Pay 2400): The employees fulfilling the qualifying length of service of five years as Assistant Grade II in order of their inter-se seniority is as under:

Sl. No.	Name of employee
1	Shri Yogesh Bhatt
2	Shri Sanjay Bharti
3	Smt. Sadhna Verma
4	Smt. Padma Rani
5	Shri P.S. Dhamanda

The summary of APARs of the above employees is given under:

Name of the Official	ACR Period	Grading	Assessed Grading
Shri Yogesh Bhatt	2014-15	Good	Good
	2013-14	Very Good	
	2012-13	Very Good	
	2011-12	Very Good	
	2010-11	Very Good	
Shri Sanjay Bharti	2014-15	Very Good	Good
	2013-14	Very Good	
	2012-13	Very Good	
	2011-12	Very Good	
	2010-11	Outstanding	
Smt. Sadhna Verma	2014-15	Very Good	Good
	2013-14	Very Good	
	2012-13	Very Good	
	2011-12	Outstanding	
	2010-11	Outstanding	
Smt. Padma Rani	2014-15	Very Good	Good
	2013-14	Very Good	
	2012-13	Very Good	
	2011-12	Very Good	
	2010-11	Very Good	
Shri P.S. Dhamanda	2014-15	Very Good	Good
	2013-14	Very Good	
	2012-13	Very Good	
	2011-12	Very Good	
	2010-11	Very Good	

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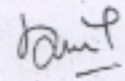
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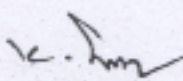
Based on the above table, all 05 employees are graded 'Good' and are suitable for promotion to the next higher Grade as Assistant II depending on the vacancy in the grade. Accordingly, promotions are recommended in order of seniority, availability of vacancy and in accordance with the Reservation Roster Point.

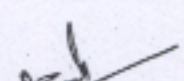
There is only one employees belonging to Scheduled Caste (SC) category namely, Shri Sanjay Bharti figuring at serial number 2 in the inter-se-seniority between the assessed employees. The Roster Promotion Point for promotion of SC category employee is the seventh vacancy. Shri Sanjay Bharti gets promoted to the Grade of Assistant II on the 2nd vacancy and therefore, the reservation point (SC) will remain unutilized to be filled up by promotion in future at the seventh roster point. In nutshell the promotions will follow as under:

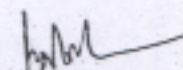
Sl. No.	Name of employee in order of seniority	Category of employee	Roster Point for	Remarks
1	Shri Yogesh Bhatt	UR	1. UR	Shri Sanjay Bharti gets promoted to the Grade of Assistant II on the 2 nd vacancy and therefore, the reservation point (SC) will remain unutilized to be filled up by promotion in future at the seventh roster point
2	Shri Sanjay Bharti	SC	2. UR	
3	Smt. Sadhna Verma	UR	3. UR	
4	Smt. Padma Rani	UR	4. UR	
5	Shri P.S. Dhamanda	UR	5. UR	

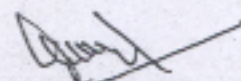
There is no employee from the Scheduled Tribe category and therefore, the roster for ST category will not apply.


(Suresh Dalal)


(Dr. K. Sankar)


(Ajay Shrivastava)


(G.S. Rawat)


(P.K. Aggarwal)

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IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (S/S) No.1580 of 2011

M.D. Gupta

..... Petitioner

Versus

Wild Life Institute of India & others

..... Respondents

*Mr. M.C. Pant, Advocate for the petitioner.**Ms. Anjali Bhargava, Standing Counsel for the Union of India/ respondent nos.1 & 2.**Ms. Mamta Bisht, Advocate for respondent no.3.**Mr. D. Barthwal, Advocate for respondent nos.4 & 6 to 11.***Hon'ble Servesh Kumar Gupta, J.**

Having heard learned counsel for all the parties, it transpires that innumerable illegalities and irregularities have been done by the Directors of this Wild Life Institute (an autonomous body working under the Ministry of Forest and Environment, Union of India), the outcome whereof is the illegal appointments and promotions on the whims and caprices of Directors of this Institute, *de hors* all the recruitment and promotion rules, for the reasons best known to them. By such whimsical and arbitrary action on the part of directors, from time to time, respondent nos.4 to 11 were favoured in the manner of appointment or promotion. If the appointments were made on a particular post, then those were without publication of any advertisement, at any time, rendering an equal opportunity to the competent persons and likewise, the promotions were made by such officer *de hors* the rules favouring persons of their choice. Such an action on the part of responsible officers, inasmuch as holding the rank of Director, made the petitioner victim. So, he moved to the Government of India. Furthermore, one of the Directors Mr. S. Singsit, when noticed these irregularities and

illegalities, he wrote a letter to the Government of India entailing the clause as under: -

"Since the procedure for promotions made were not in confirmation to the Recruitment Rules approved by the Governing Body and because of which eligible candidates could not get opportunity to be considered for promotion, it is proposed that the promotions in question should be done afresh and all eligible candidates should be given opportunity to appear in the competitive examination as stipulated in the Recruitment Rules."

In response to that letter, the Government of India, vide letter dated 9.1.2004, issued appropriate directions which are as follows: -

"Kindly refer to your letter No.A/2-154/2003-WII dated 21.10.2003 on the above cited subject. In this regard, the undersigned is directed to convey that the appointing authority should take the decision at his level. ~~If any mistake has been committed, the same~~ has to be rectified and responsibility fixed and disciplinary action be taken against those found guilty by following the prescribed rules and procedure."

Even so, nothing happened, much less conducting any disciplinary action against the delinquents and they remained in service for quite a long time and many of them even retired. Some of them have completed more than two decades of their service.

It is pertinent to mention that in the year 2007, fresh recruitment Rules were framed. The last clause appended to those Rules seems to be indicted in order to

render special favour to the Hindi Translator who is respondent no.7- Smt. Baljeet Kaur, herein, and this lady was appointed without issuing any advertisement just on the basis of pick and choose policy by the then Director. That apart, certain persons, who were not even possessing the minimum qualification, prescribed under the Rules, got appointments at the pleasure of Director. Since all these candidates have completed more than two decades of their service and the Directors, who played such a felonious role, have also since been retired, so, perhaps, it would not be feasible to take any stringent action against those delinquents and to issue the termination orders of these persons but, at least, the petitioner should be safeguarded from injustice.

The seniority list of the petitioner has not been finalized so far. Attention of this Court was drawn to the letter dated 25.10.2011 issued by the Government of India to close up the matter. The Court do not agree with the contents of such letter and quashes the directions, whatever issued, in such letter because illegality always remains the same and that can never attain the status of legality.

Looking to the above facts, the Court has restrained itself to issue any hard and harsh order against these respondents but at the same time, orders the present Director of the Institute 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. At the same time, the Court quashes the clause '*The present incumbent*

on the post of Hindi Translator will remain in the feeder channel for promotion to the post of Section Officer. In future, the isolated post of Hindi Translator will get promotional avenues as per GoI guidelines.'

The Director of the Institute is also ordered to take appropriate steps to revert back those respondents who have got illegal promotions *de hors* the Rules.

Let the compliance of the order be made as quickly as possible but not later than within six weeks, otherwise the Court may contemplate to lodge the FIR against such delinquent officials and the office superintendent as well, who may be in conspiracy with the Director. The Court may further consider to lodge an FIR against the Director as well as the Office Superintendent besides entrusting the matter to the CBI for holding enquiry in the matter.

The petition stands disposed of accordingly.

(Serves Kumar Gupta, J.)
26.05.2015

Compared by
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District Office
Cantonment
Court of Sessions
P.O. Secunderabad

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IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

CIVIL WRIT PETITION NO. 1580 OF 2011 (SLS)

(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

(DISTRICT DEHRADUN)

M. D. Gupta, S/o Late Sri Manohar Lal Gupta, aged
R/o 8/11, Kaulagarh Road, Anand Vihar, Dehradun.

.....Petitioner

VERSUS

1. Wild Life Institute of India through its Director, Post Box No. 18, Chandrabani, Dehradun.
2. Registrar, Wild Life Institute of India, Post Box No. 18, Chandrabani, Dehradun.
3. Union of India through Secretary, Department of Environment & Forest, New Delhi
4. Sri V. Gopalacharyulu, Store-Keeper (Grade O-3(i)).
5. Sri M. Suryanarayan, Hostel Suptd. (Grade O-3(i)).
6. A.K. Dubey, Accountant, (Grade O-4(i)).
7. Smt. Baljit Kaur, Hindi Translator (Direct Post).
8. Sh R.S. Rana Internal Audit Officer - 1998 Rd.
9. Sh. Ashutosh Sharma Administrative officer - " "
10. Smt. T.K. Ahuja Store- Keeper (Grade O-3(i))
11. Sh Rajeev Mehta Hostel Supdt. (Grade O-3(i))

(Service on private respondents No. 4 to 11 through Director, Wild Life Institute of India, Post Box No. 18, Chandrabani, Dehradun)

.....Respondents

TO,

THE HON'BLE CHIEF JUSTICE AND HIS COMPANION

OTHER JUDGES OF THIS HON'BLE HIGH COURT.

THE HUMBLE PETITION ON BEHALF OF PETITIONER MOST
RESPECTFULLY SHOWETH:

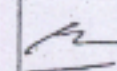
1. That the present petition is the first Writ Petition being filed by and on behalf of the petitioner before this Hon'ble High Court and no such

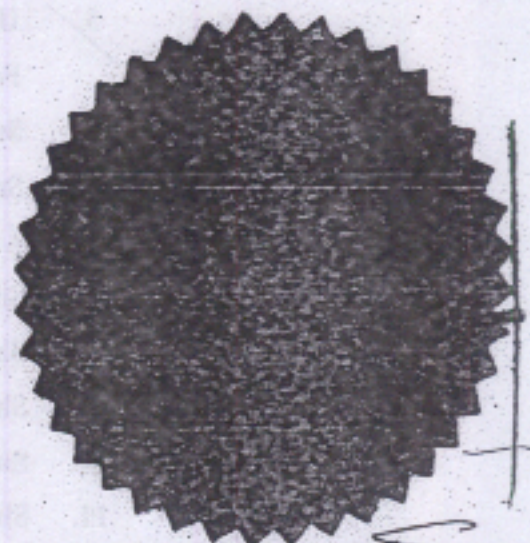


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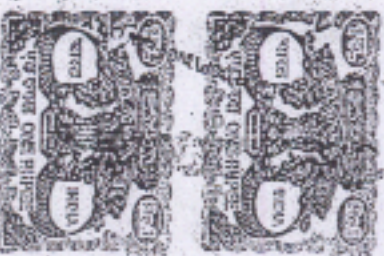
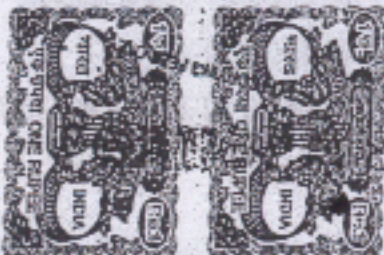
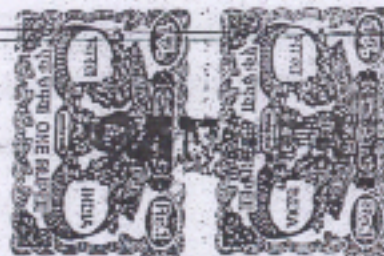
Name of Advocate:- Anjali Bhargawa
Copying fee:- 36/-

Date on which application is made for copy accompanied by the requisite stamp	Date of posting of notice on notice board	Date of delivery of copy	Signature of Officer on delivery copy
66 27/05/15	29/05/15	30/5/15	 30/5/15



Sealed in my Presence

29/05/15



WILDLIFE INSTITUTE OF INDIA
CHANDRABANI, DEHRADUN

(57)

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

Dated: 7th July, 2015

Office Order

Sub: Implementation of Decision of Hon'ble High Court of Uttarakhand dated 26th May, 2015 in Writ Petition No. 1580 of 2011 (S/S) in case of M.D. Gupta Vs Wildlife Institute of India & Others - reg.

Pursuant to and for compliance of subject quoted decision/order of the Hon'ble High Court of Uttarakhand at Nainital the following orders are passed with immediate effect:

- (1) Reversion of those respondents who have got illegal promotions de hors the Rules.

On examination of the record, it is obtaining that the recommendations of the Departmental Promotion Committees held on 17.11.1993, 29.06.1994, 17.08.1999 and 03.10.2000 made recommendations de hors the rules as given under:

(i) The DPC held on 17.11.1993 recommended promotions to Shri V. Gopalacharulu and Shri M. Suryanarayan from level O-2 to O-3 without holding prescribed competitive examination. Also, it was incorrectly recommended to promote the employees on specific posts of level O-3. On promotion the employees should have been assigned to the next higher level of hierarchy and their deployment to specific posts was a matter of posting and transfer. Further, it was also incorrectly presumed by the DPC that the posts under consideration for promotion were isolated posts. The posts were at level O-3 of the administrative cadre having well defined hierarchy. Based on this incorrect conclusion of the DPC the posts were considered for promotion under unreserved category and the reservation roster was not prepared. Therefore, recommendation was in violation of the reservation policy.

In view of the above, the promotion order No. DPC/93-WII dated 15/12/93 promoting Shri V. Gopalacharyulu and another order of even number and date promoting Shri M. Suryanarayana from UDC to Storekeeper and Hostel Superintendent respectively were de hors the rules. Shri V. Gopalacharyulu superannuated on 30.06.2013.

(ii) The DPC held on 29/06/94 preponed 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 promotion order dated 21/7/94 which ante dated the earlier promotion date is required to be withdrawn.

(iii) The DPC held on 17.08.1999 made recommendations de hors the Rules as under:

(a) 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 12th Meeting held on 17.11.1988 which were analogous to the recruitment rules of Hindi Official Language, (Rajbhasha) of DoPT. As per these rules the post of Hindi Translator is under Classification of Non-ministerial cadre.

(b) 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 recommendation of DPC and consequent promotion of Hindi Translator to the post of Accountant and of Smt. Baljit Kaur from UDC of ministerial cadre to the post of Hindi Translator (non-ministerial) was erroneous because the post of Hindi Translator was a direct recruitment isolated post and the rules do not permit lateral movement of Hindi Translator to the ministerial cadre for promotion purpose nor the personnel from ministerial cadre could get promotion to the Post of Hindi Translator. 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.

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 was announced by the Staff Selection Commission vide their Advertisement F.No. 2/37/87-P&P (Vol.II). Shri A.K. Dubey appeared in the exam and the result placed him in the wait list.

Thus, the selection of Shri A.K. Dubey to the post of Hindi Translator 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. This is evident from the letter of the Institute No. A/3-2/86-WII dated 11.10.1988 written to the Director General, Surplus Cell, DoPT. 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. Subsequently, the Institute requested for providing a person from the reserve panel of candidates available with them. 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. The conditions were accepted by the Institute as communicated vide letter dated 5.12.1988. The candidate offered (general category) by the Staff Selection Commission, inter alia, 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

(15) (42)

vide letter No.A/3-2/86-WII dated 28.03.1989 and subsequently Shri A.K. Dubey was appointed to the post of Hindi Translator. 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. It is further obtaining that the pay scale of Hindi Translator was elevated to higher level under DoPT rules of Official Language Department w.e.f. 01.01.1996. Shri A.K. Dubey availed arrears of pay for the period he had served as Hindi Translator on his own application. No official can be given service benefits under two different sets of recruitment 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.

This DPC further erred in recommending promotion of Smt. Baljeet Kaur from ministerial cadre (UDC) 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 12th Meeting held on 17.11.1988.

Therefore, the promotions of Shri A.K. Dubey and Smt. Baljeet Kaur as recommended by the DPC held on 17.08.1999 and made vide Office Order No. DPC/99-WII dated 23.09.1999 are required to be reversed.

(iv) The DPC held on 03.10.2000 did not hold the prescribed competitive examination and therefore, its recommendation for promotion of Shri V. Gopalacharyulu, Shri M. Suryanarayana, Smt. T.K. Ahuja and Shri Rajiv Mehta was vitiated. The DPC also made factual error in assessing that the number of confidential reports required for assessment of promotion to the post of Accountant are different from the numbers required for assessment of promotion to the post of Office Superintendent. The two posts were at the same level in hierarchy and pay scale and were to be governed by the same set of recruitment rules.

The DPC adopted flawed scheme of promotions to specific posts of Accountant and Office Superintendent whereas the promotions were 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. Similar was the flawed recommendation in respect of promotion of Smt. T.K. Ahuja and Shri Rajiv Kumar Mehta. Therefore, the promotion order No. DPC/2000 dated 23.11.2000 promoting Shri V Gopalcharyulu and other orders of even numbers and dates promoting Shri M.Suryanarayan , Smt. T.K. Ahuja and Shri Rajiv Mehta are required to be reversed.

In view of the foregoing all promotions flowing from the DPCs held on 17/11/1993, 29/06/1994, 17/08/1999 and 03/10/2000 are hit by the Order of Hon'ble High Court because mandatory competitive examination were not conducted or employees not in line of promotions were recommended for promotion. Therefore, the promotion orders issued on recommendations of DPCs held on 17/11/1993, 29/06/1994, 17/08/1999 and 03/10/2000 are

hereby reversed and the employees are reverted back to their previous position(s) with immediate effect as under –

Sl. No	Sarav Shri/Smt.	Promotion de hors rules		Promotion Order Reversed	Position of Employee on Reversion
		From	To		
1	V. Gopelacharyulu	UDC	Storekeeper	Superannuated on 30/06/2013.	N.A
		Storekeeper	Accountant		
2	M. Suryanaryana	UDC	Hostel Superintendent	DPC/WII/94 dated 21/7/1994	Assistant-II as per existing designations of revised RRs of 2007 which is UDC in the level of O-2 of erstwhile rules of 1986.
		Hostel Superintendent	Office Superintendent	DPC/2000 dated 23.11.2000	
3	A.K. Dubey	Hindi Translator	Accountant	DPC/99-WII dated 23.09.1999	Hindi Translator
4	Baljeet Kaur	UDC	Hindi Translator	DPC/99-WII dated 23.09.1999	Assistant-II as per existing designations of revised RRs of 2007 which is UDC in the level of O-2 of erstwhile rules of 1986.
5	T.K. Ahuja	UDC	Storekeeper	DPC/2000 dated 23.11.2000	-do-
6	Rajeev Mehta	UDC	Hostel Superintendent	DPC/2000 dated 23.11.2000	-do-

(2) Notional promotion to Shri M.D. Gupta, (Petitioner in CWP 1580 of 2011) 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).

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

Sl. No.	Promotion to Level	Date and Year in which Shri M.D. Gupta complete 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

(53) lib

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 of erstwhile recruitment rules of 1986 and at level of Assistant Grade II of the present rules. As shown in above Table he becomes eligible for promotion to O-5 level on 25-01-2008. At present the posts of Administrative Officer, Academic Officer and Finance Officer are the posts of that level. Presently, the post of Administrative Officer is filled up and the posts of Finance Officer and Academic Officer are vacant.

The post of Finance Officer was vacated by a deputationist and is available for promotion since 30.06.2007 and the position of Academic Officer was vacated by Shri Ashutosh Sharma on his superannuation on 31.12.2009 and these posts are available for promotion of the entitled employee since 01.07.2007 and 01.01.2010 respectively. The direction of Hon'ble Court renders the date of availability of post for promotion as the date of entitlement to next gradation and so on.

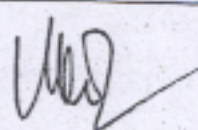
The recruitment rules of the Administrative cadre were amended in year 2007 and further amendment in the pay scales of Administrative Officer/Academic Officer and Assistant Grade I were made vide Institute's Circular No. A/1-3/XLVII/GB/WII dated 19.11.2009. As a result, this level is now in three hierarchical sub gradations namely of (i) Finance Officer (PB 2: GP 4800), (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, in compliance of order of Hon'ble Court dated 26.05.2015 Shri M.D. Gupta is hereby promoted notionally from the level of Assistant II to Assistant I w.e.f. 25.01.1995, Assistant I to Section Officer w.e.f. 25.01.2003, Section Officer to Finance Officer w.e.f. 25.01.2008 and from Finance Officer to Academic Officer on regular basis with immediate effect i.e. from the date of Issue of this order.

(3) In view of para (1) and (2) above of this order, the seniority list of Hindi Translator and cadre based ministerial staff after implementation of Order of Hon'ble High Court is decided as under:

(A) Hindi Translator

Name of the Post	No. of Posts	Pay Band & Grade Pay of the Post	Seniority Position	Name of Employee in order of seniority
Hindi Translator	01	PB-2 Grade Pay Rs.4200	1	Shri A.K. Dubey



(B) Ministerial Cadre:

Hierarchy Level	No. of posts	Pay Band & Grade Pay of the Post	Seniority position	Name of Employee
Administrative Officer	01	PB-2 (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 4800)	-	Vacant
Section Officer	05	PB-2(Grade Pay 4200)	-	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

(V.B. Mathur)
Director

Distribution:

- (1) Shri A.K. Dubey, Hindi Translator
- (2) All Employees of Ministerial Cadre of Administrative Services, WII (by name)

Copy to:

- (i) Additional Director General of Forests (WL), Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, Ali Ganj, New Delhi-110003.
- (ii) PA to Dean, FWS
- (iii) PA to Registrar, WII
- (iv) Administrative Officer/Finance Officer
- (v) Guard File

(V.B. Mathur)
Director

New Delhi, dated the 27th March, 97

/OFFICE MEMORANDUM/

Subject:-

PROCEDURE TO BE OBSERVED BY DEPARTMENTAL
PROMOTION COMMITTEES.

The undersigned is directed to refer to the instructions contained in paras 2.1.1, 2.2.2, 2.3.1(i), 2.3.2(i) (ii) & (iii) of this Department's O.M. No. 22011/5/86-Estt(D) dated 10.3.89 and to make the changes in the aforementioned paragraphs :-

I. Para 2.1.1 :

SELECTION METHOD.

The word 'selection' appearing in the first line of the above paragraph may be substituted by the word 'Selection-cum-Seniority' & 'Selection by Merit'.

II. Para 2.2.2 of O.M. dated 10.3.89 may be substituted as under :-

" In case of each officer, an overall grading should be given. The grading shall be one among (i) outstanding (ii) Very Good (iii) Good (iv) Average (v) Unfit, excepting cases covered under Para 2.3.1 (iii)".

III. (i), (ii), (iii) & (iv) of para 2.3.1 of O.M. 10.3.89 may be substituted as under:-

SELECTION-CUM-SENIORITY AND SELECTION BY MERIT

(i) Having regard to the levels of the posts to which promotions are to be made, the nature and importance of duties attached to the posts a bench mark grade would be determined for each category of posts.

For all Group-C, Group-B and Group-A posts (upto and excluding the level of Rs. 3700-5000) the bench mark would be 'Good' and will be filled by the method of Selection-cum-Seniority as indicated in sub-para (iii).

(ii) In respect of posts which are in the level of Rs. 3700-5000 and above, the bench mark grade should be 'Very Good' and will be filled by the method of Selection by Merit as indicated in sub-para (v).

contd...

(iii) Each Departmental Promotion Committee considering the suitability of officers for promotion to posts for which the bench mark has been determined as 'Good' would grade the officers as 'Good', 'Average' and 'Unfit' only. Only those officers who obtain the grading of 'Good' will be included in the panel in the order of their seniority in the lower grade subject to availability of vacancies.

(iv) Notwithstanding the provisions mentioned above, in the case of promotions made for induction to Group A posts/services from lower groups, while the bench mark would continue to be 'Good', the DPC shall grade the officers as 'Outstanding', 'Very Good', 'Good', 'Average' and 'Unfit' as the case may be and the officers will be arranged according to the grading obtained, placing the 'Outstanding' officers on top followed by those grade as 'Very Good' and so on in the select panel upto the number of vacancies, with the officers having the same grading maintaining their inter-se-seniority in the feeder grade.

SELECTION BY MERIT

(v) In respect of services/posts for which the bench mark has been determined to be 'Very Good', each DPC would grade the officers as 'Outstanding', 'Very Good', 'Good', 'Average' & 'Unfit' as the case may be. However, only those officers who are graded as 'Very Good' XXXXXXXX and above will be included in the select panel, by placing the officers graded as 'Outstanding' on top followed by those graded as 'Very Good', subject to availability of vacancies, with the officers with the same grading maintaining their inter-se-seniority in the feeder grade.

(vi) Appointments from the panel shall be made in the order of names appearing in the panel for promotion.

(vii) Where sufficient number of officers with the required bench mark grade are not available within the zone of consideration, officers with the required bench mark will be placed on the panel and for the unfilled vacancies the appointing authority should hold a fresh DPC by considering the required number of officers beyond the original zone of consideration.

IV.

Para 2.3.2(i): the word 'Selections' appearing in line 1 of the above paragraph may be substituted by the words 'Selection-cum-seniority' and 'Selection by Merit'.

Para 2.3.2(ii) & Para 2.3.2 (iii): the word 'Selection' appearing in line 1 of the above two paragraphs may be substituted by the words 'Selection-cum-Seniority'.

2. Consequently, the provisions contained in some of the paragraphs of this Department's O.M. No. 22011/5/86-Est(D) dated 10.4.1989 circulating the consolidated guidelines on DPC procedure would require a number of changes and these are indicated in the Annexure.

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3. Ministry of Finance, etc are requested to take note of the above decision and take immediate steps to amend the recruitment rules for the various posts which were hitherto filled by the method of 'Selection' and substitute the word 'Selection' in the column pertaining to method of promotion to either 'Selection-cum-Seniority' or 'Selection by Merit' as per the above revised instructions.

4. These orders shall be effective from 15th April, 1997.

K.K. Jha
(K.K. Jha)
Director (Estt)

To

All Ministries/Departments of the Government of India (Secretary by name)

copy to:-

1. Ministry of Railways, New Delhi
2. Department of Atomic Energy, New Delhi
3. Department of Electronics, New Delhi
4. Department of Space, New Delhi
5. Union Public Service Commission
Dholpur House, New Delhi. with reference to their letter No. 10/1/88-AUC dt. 5.2.1997.
6. Staff Selection Commission, New Delhi
7. Lok Sabha Secretariat, New Delhi
8. Rajya Sabha Secretariat, New Delhi
9. President's Secretariat, New Delhi
10. Comptroller & Auditor General of India, New Delhi.
11. All attached offices under the Ministry of Personnel, Public Grievances & Pensions.
12. All Officers and Sections in the Department of Personnel and Training.
13. 100 spare copies for Estt(D).

ANNEXURE.

MODIFICATIONS REQUIRED TO BE MADE IN THE PROVISIONS OF
THIS DEPARTMENT'S O.M. NO. 22011/5/86-ESTT(D) DATED
10.4.89.

1. Para I(a): the word 'Selection' may be replaced by the word 'Selection-cum-seniority' and 'Selection by Merit'.
2. Para 2.2: the word 'Selection' wherever appearing may be substituted by the word 'Selection-cum-Seniority' & 'Selection by Merit'.
3. Para 5 : the word 'Selection' appearing in line 6 of this para may be substituted by the word 'Selection-cum-seniority' & 'Selection by Merit'.
4. Para 6.1.1: the word 'Selection' appearing in line 1, may be substituted by the words 'Selection-cum-seniority' & 'Selection by Merit'.
5. Para 6.2.2: may be substituted by para-II of the main office memorandum of which this is the enclosure.
6. Para 6.3.1: may be substituted by para-III of the main office memorandum of which this is the enclosure.
7. Para 6.3.2(i):- the word 'Selections' appearing in line 1 of the above paragraph may be substituted by the words 'Selection-cum-seniority' and 'Selection by Merit'.
8. Para 6.3.2(ii) & 6.3.2(iii): the word 'Selection' appearing in line 1 of the above two paragraphs may be substituted by the words 'Selection-cum-Seniority'.