



भारतीय वन्यजीव संस्थान
Wildlife Institute of India

BY HAND

No. WII/RTI/CPIO/2017-18 (Qtr-III)/19

Dated 12.10.2017

To,

Shri A.K.Dubey,
AD (OL),
Wildlife Institute of India,
P.B.18, Chandrabani,
Dehradun

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

Ref.: (i) Your RTI Request dated 13.09.2017.
(ii) CPIO letter No. WII/RTI/CPIO/2017-18(Qtr.-III)/19 dated 11.10.2017.

Sir,

Please refer to your RTI Request cited above under RTI Act, 2005. Since the information sought by you, was contained in 20 pages, you were requested to deposit an additional amount of Rs. 40/- as per Rule 5 of the RTI Act, 2005 for providing the same.

After receiving an additional amount of Rs. 40/- vide receipt no. 7717 dated 12.10.2017, reply of the information is being enclosed herewith in a single page (back to back) along with Annexure-1, 2, 3, 4 & 5 (20 pages).

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. 0135-2646102, 2640910" within a period of one month.

Thanking you,

Yours faithfully,

(Dr. Anju Baroth)
CPIO & NO. RTI

Encl: as above.

पत्रपेटी सं० 18, चन्द्रबनी, देहरादून - 248 001, भारत
Post Box No. 18, Chandrabani, Dehra Dun - 248001. INDIA
ई.पी.ए.बी.एक्स : + 91-135-2640111 से 2640115 फ़ैक्स : 0135-2640117, तार : WILDLIFE
EPABX : + 91-135-2640111 to 2640115; Fax : 0135-2640117; GRAM : WILDLIFE
ई-मेल / E-mail : wii@wii.gov.in

WILDLIFE INSTITUTE OF INDIA
CHANDRABANI, DEHRADUN

No. A/2-31/2005-WII (Vol.-IV)

Dated 9th October, 2017

Sub: Supply of information under RTI Act 2005 – reg.

Ref: Application of Shri A.K. Dubey, AD (OL), WII dated 13.09.2017 under
RTI Information Act received from CPIO, WII.

The reply of above RTI application is as under:-

1. Provide a copy of action taken report of Agenda Item No. 8 of 44th Governing Body Meeting held on 01.11.2003?

Reply: A copy of the Agenda Item No. 8 and minutes of the Governing Body meeting held on 01.11.2003 is enclosed as **Annexure-1**. One of the employee of WII from administrative ministerial cadre had represented against the promotions made by the Institute in violation of the approved Recruitment Rules. The Ministry of Environment and Forests, Government of India vide letter F.No. 22-5/2002-WLI dated 09.01.2004 had directed 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 taken against those found guilty by following the prescribed rules and procedure (**Annexure-2**).

Subsequently, the concerned employee Shri M.D. Gupta (then UDC) had filed a Writ Petition No. 1580/2011 (S/S) before the Hon'ble High Court of Uttarakhand, Nainital during the year 2011 on the promotions made in violation of the Recruitment Rules of the Institute. The Hon'ble High Court of Uttarakhand had passed judgment vide its Order dated 26.05.2015. A copy of the judgment of the Hon'ble High Court of Uttarakhand dated 26.5.2015 is attached as **Annexure-3**. On the recommendations of the Committee (constituted for facilitation of compliance of the order/judgment in Writ Petition No. 1580/2011), the Institute had issued an Office Order No. WII/ADM/2011-12/017 (Part) dated 07.07.2015 and implemented the orders of the Hon'ble High Court (**Annexure-4**).

After implementation of the judgment/order dated 26.5.2015 of the Hon'ble High Court, some of the employees had a filed a special appeal No. 348/2015 (filed by Smt. T.K. Ahuja & others) and 338/2015 (filed by Shri A.K. Dubey). The decision of the Hon'ble High Court of Uttarakhand (Double Bench) came up on 28.11.2016. Shri A.K. Dubey, Hindi Translator filed a Review Application before the Double Bench of Hon'ble High Court of Uttarakhand on 11.12.2016 and the Review Application filed by Shri A.K. Dubey was dismissed by the Hon'ble High Court (Double Bench) vide its judgment dated 10.01.2017. It has been directed by the Hon'ble High Court that the process of filling up the

ATTESTED

Wild Life Institute of India, Dehradun

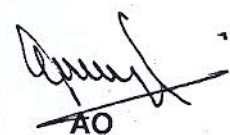
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Wild Life Institute of India, Dehradun

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vacancies be undertaking strictly as per the decisions taken in the years 1986, 1988 and 2007. Therefore, the actions are being taken in accordance with the aforesaid judgment of the Hon'ble High Court of Uttarakhand. It is to be made clear that any decision taken by the Institute/Governing Body which is in contrary to the Recruitment Rules which are not in line with the judgments of the Hon'ble High Court have become redundant and in-fructuous keeping in view the above stated judgments of the Hon'ble High Court of Uttarakhand.

Further, the Governing Body of the Institute in its 65th meeting held on 6th June, 2017 considered the report of the MoEFCC's Committee for inspection of Rajbhasha implementation work vide their letter no.11014/07/2016-Raj-Bha (Office) dated 23.01.2017. The Committee recommended to create one post of Assistant Director (OL) which is in Pay Band-3 (15,600-39,100) with Grade Pay of Rs. 5,400 so that work related to official language policy may be implemented and supervised properly as well as Hindi translation work is carried out efficiently. The Governing Body approved the upgradation of existing position of Hindi Translator to the pay scale of Rs.15600-39100 in Pay Band 3 with Grade Pay of Rs. 5400 and designated it as Assistant Director (Rajbhasha). The same has been implemented in WII and the upgraded pay scale of Rs.15600-39100 with Grade Pay of Rs.5400 has been given to Shri A.K. Dubey and designated as Assistant Director (Official Language) vide Institute's Office Order No. A/2-32/2004-WII dated 17.06.2017 (Annexure-5).


AO

CPIO

ATTESTED


CPIO, Wild Life Institute of India, Dehradun

Encl: 20 pages

(Annexure - 1, 2, 3, 4, 5)

Agenda Item No. 8: Conversion of Posts: It was decided by the Governing Body that the Director, WII was competent to take a decision on this issue. However, the Governing Body took a serious note that the accounts of the Institute were not in order. The main reason for financial irregularities was lack of knowledge/experience in the accounting system by not having qualified accountants. After having detailed deliberations on the issue it was decided by the Governing Body that the Director, WII shall fix the responsibility where the promotions have been made in violation of the approved recruitment rules. The Hindi Translator who has been promoted to the post of Accountant should be sent for appropriate account's training. If the situation does not improve then the Director, WII may take necessary action as per rules in force. As regards the other Accountant who is XII pass only necessary action should be initiated to revert the official and responsibility should be fixed where the promotions have been made in violation of the approved recruitment rules.

AGENDA ITEM NO. 8

CONVERSION OF POST

8.1 As per direction of the C&AG and Income tax Act 1961 the accounts are required to be maintained at WIL. These includes: (i) Bank book, Cash book, ledger, Journal, Asset Registrar, Income & Expenditure Account, Receipt & Payment Account, Balance sheet etc. etc.

8.2 To maintain the above accounts properly, the main responsibility lies with the Finance Officer and Accountants. The Finance Officer has recently been taken on deputation from Ministry of Finance, Government of India. The Institute has two posts of Accountants in the pay scale of Rs. 5500-175-9000 and these post have been filled up by promotion from the lower feeder channel. The Recruitment Rules of the Institute were approved by the Governing Body in its meeting held on 19.3.1986. The existing Recruitment Rules for promotion to the post of Accountant is as under:

"100% by promotion from Grade O-3 (i.e. Storekeeper, Hostel Supdt., Hindi Translator with University Degree) of those whose have put in 8 years in that grade, through competitive examination and record evaluation by DPC".

8.3 One post of Accountant has been filled up by promoting Hindi Translator (Pay scale Rs.4500-7000, now upgraded by the Government to the pay scale of Rs.5000-8000) and another post of Accountant has been filled up by promoting the Storekeeper. The promotions to the post of Accountant were not made according to above recruitment rules as no competitive examination was conducted and the minimum essential required qualification for the post was not insisted. The promotions made to the post of Accountants were not according to Recruitment Rules.

8.4 It has been observed that the ledgers of the Institute have not been maintained properly. The records are in haphazard manner. The Chartered Accountant has also opined that the books of accounts maintained by the Institute cannot be deemed to be

proper or presentable for the purpose of the Income Tax proceedings or any other government audit as they lack in content. A copy of the report of Chartered Accountant is attached as **Annexure-8.1**. It is also stated that proper scrutiny of the payment has not been made by the Finance Section and a huge amount of money has been paid wrongly on account of consultancy fee, campus development works, execution of departmental civil works, forest advance etc. without observing financial rules and regulations.

8.5 The matter of financial irregularities was also discussed in the Finance Committee Meeting held on 24.3.2003 where it was decided that the responsibility should be fixed for all concerned who were responsible for authorizing the expenditure and making the payments.

8.6 It is found that one of the reasons for financial irregularities was lack of knowledge/experience in accounting procedure. The present accountants in the Institute have no basic knowledge of accounting system.

8.7 Because of the Recruitment Rules the Hindi Translator has been considered for the post of Accountant and in no where the Hindi Translator is considered for the said post who is not at all having the knowledge of accounting procedures. The other Accountant in the Institute is only 12th Pass. He has been promoted to the post of Accountant without having basic essential qualification of University degree.

8.8 Under the present situation the following proposal is placed for consideration of the Governing Body:

- (i) The Hindi Translator should be excluded from the promotion to the post of Accountant and his promotion may be kept in the same line such as Senior Hindi Translator (*pay scale of Rs.5500-175-9000 equivalent to Accountant*), Hindi Officer (*Rs.6500-200-10500*). One of the post of Assistant Store Officer in the pay scale of Rs.5500-175-9000 which is lying vacant and could not be filled up for want of Recruitment Rules may be converted to the post of Senior Hindi

Kundaliya & Associates
Chartered Accountants

16-B Lytton Road, Dehradun-248 001
E-mail : skundaliya@hotmail.com
Phone : 653803, 711300-500
Fax : 91-0135-711400

To,
The Director,
Wildlife Institute of India,
Chandrabani
Dehra Dun.

Sub: Maintenances and presentation of Books of Accounts

Respected Sir,

In reference to the above-mentioned subject, and as per the letter of the Income Tax hearing on the 24th of June 2003, the Institute has been asked to present its books of accounts. Though the Institution maintains some books of accounts, but the Income Tax Act necessitates proper books of accounts on the basis of which the income and expenses as declared in the return of income can be arrived at with certainty. The books of accounts maintained by the Institution cannot be deemed to be proper or presentable for the purpose of the Income Tax proceedings or any other government audit as they lack in content. The Income Tax Act 1961 requires the following books of accounts to be maintained also keeping in mind the method of accounting: -

- Cash Books ✓
- Bank Book ✓
- Ledger
- Journal
- Assets Register

Your goodself is requested to please look into the matter at the earliest so that the necessary requirements of the Income Tax department can be fulfilled and the proceedings of the Income tax case may be complied with.

Thanking You

For Kundaliya & Associates
Chartered Accountants

Sanjay Kundaliya

(Sanjay Kundaliya)
FCA.

[Signature]

Dated : 04.07.2003
Place : Dehra Dun

F-0.

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Translator and the present incumbent (Hindi Translator) who was promoted to the post of Accountant may be transferred to the post of Senior Hindi Translator in the same scale of pay.

- (ii) Consequent to transfer of Accountant to the post of Senior Hindi Translator the vacant post is proposed to be filled up for the time being on deputation basis from the Accounts Organizations such as Controller of Defence Account, Controller General of Accountant and C&ACI.

8.9 The approval of the Governing Body to the above proposal is solicited.

Dated : 11.07.2003

To,
The Director
Wildlife Institute of India
Chandrabani
Dehra Dun

Sub: Notice u/s 143(2) of the Income Tax Act 1961 for the A.Y. 2001-02

Dear Sir,

In reference to the above mentioned subject wherein the case was fixed for hearing on the 11th July 2003, we had represented the case on behalf of the WII. The case was adjourned for the 18th of July 2003 due to non availability of the books of accounts.

The case would be presented on the said date.

For Kundaliya & Associates
Chartered Accountants

Sanjay Kundaliya
(Sanjay Kundaliya)
FCA.

Sanjay
25/7

F.O.

NO. 2954
DATE 24/7/2003

F.No.22-5/2002 WL-I
Government of India
Ministry of Environment and Forests

29
Annexure - 2
Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 11 00 03.
Dated: 9.1.2004.

To
The Director
Wildlife Institute of India
P.B.No.18, Chandrabani
Dehradun.

Sub: Violation of Recruitment Rules in promotion.

Sir,

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 taken against those found guilty by following the prescribed rules and procedure.

Yours faithfully,

(ASEEM SRIVASTAV)
DEPUTY INSPECTOR GENERAL (WL)

See
16/1/04

A/D

in file.

16/1/04

Rm

K. V.

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Annexure - 3

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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. Singhit, 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
Bijoy

TRUE COPY

29/05/15
Section Officer
Cantonment
Director
KARNATAKA

(24) (310)

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

CIVIL WRIT PETITION NO. 1580 OF 2011 (S/S)

(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 Red.
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:

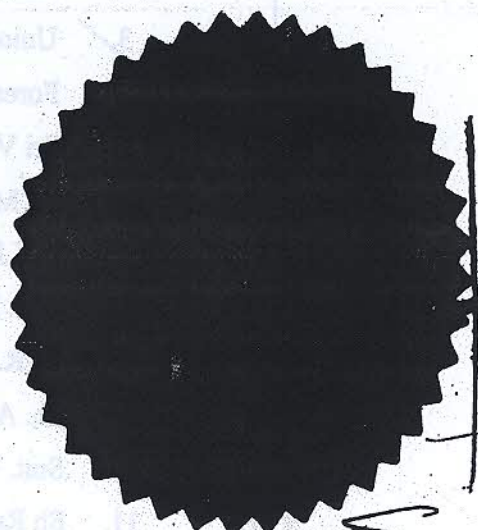
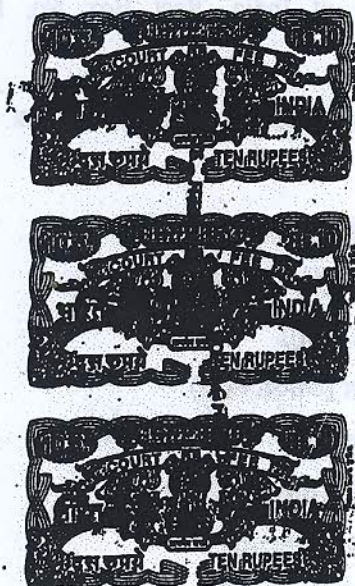
1. That the present petition is the first Writ Petition being filed by and on behalf of the petitioner before this Hon'ble High Court and no such

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Name of Advocate:- Anjali Bhargawa

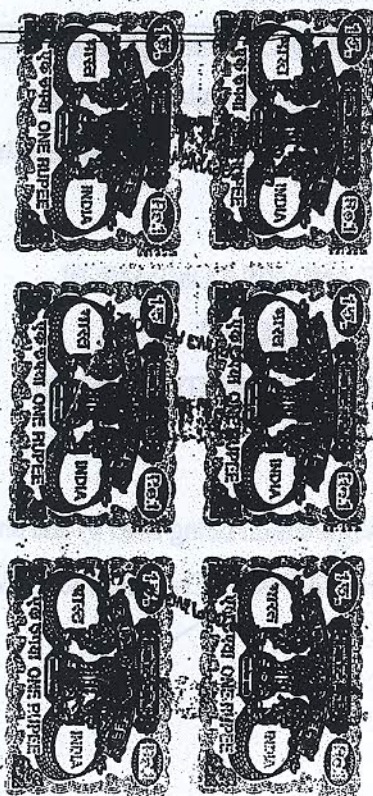
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66 27/05/15	29/05/15	30/5/15	 30/5/15



Sealed in my Presence

29/05/15



**WILDLIFE INSTITUTE OF INDIA
CHANDRABANI, DEHRADUN**

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 V/s 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, interalia, 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 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. Gopalacharyulu	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

(18) (191)

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.

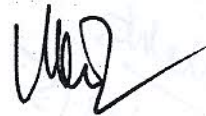
The recruitment rules of the Administrative cadre were amended in year 2007 and further amendment in the pay scales of Administrative Officer/Academic Officer and Assistant Grade I were made vide Institute's Circular No. A/1-3/XLVII/GB/WII dated 19.11.2009. As a result, this level is now in three hierarchical sub gradations namely of (i) Finance Officer (PB 2: GP 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, 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 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

(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

**WILDLIFE INSTITUTE OF INDIA
CHANDRABANI, DEHRADUN**

No. A/2-32/2004-WII

Dated 17th June 2017

OFFICE ORDER

In pursuance of decision taken by the Governing Body in its 65th meeting held on 6th June 2017, the existing post of Hindi Translator in the Pay Band-2 (Rs. 9300-34800) with Grade Pay Rs. 4200 is hereby upgraded to Pay Band-3 (15600-39100) with Grade Pay of Rs. 5400 and re-designated as Assistant Director (Official Language) in accordance with the Official Language Policy of the Central Government for attached and subordinate offices.

Further, present incumbent Shri A.K. Dubey holding the post Hindi Translator is hereby allowed the upgraded pay scale of Assistant Director (Official Language) in Pay Band-3 (15600-39100) with Grade Pay of Rs. 5400 with effect from 6th June, 2017.

The above orders will be effective from 6th June 2017 i.e. from the date of approval of the Governing Body.

This issues with the approval of the Competent Authority.



(Signature)
(Ajay Srivastava)
Registrar

Distribution:

1. P.A. to Director
2. P.A. to Dean
3. All Faculty Members
4. Finance Officer
5. Individual concerned (Shri A.K.Dubey)
6. Guard File