



REPORTABLE

CIVIL APPELLATE JURISDICTION

P. MARUTHI PRASADA RAO

...APPELLANT

VERSUS

THE STATE OF ANDHRA PRADESH & ORS.

...RESPONDENT

JUDGMENT

DIPANKAR DATTA J.

1. The High Court of Andhra Pradesh¹, *vide* its judgment and order dated 22nd December, 2023, allowed a writ petition² presented by the State of Andhra Pradesh, its Chief Secretary and the Principal Chief Conservator of Forests³ by reversing the judgment and order dated 12th April, 2022 passed by the Central Administrative Tribunal, Hyderabad Bench at Hyderabad⁴, which was under challenge. The Tribunal while allowing the appellant's original application⁵ under

¹ High Court

² W.P. No. 29304 of 2022

3 PCCF

4 Tribunal

5 OA/020/00628/2021

Section 19 of the Administrative Tribunals Act, 1985 had made certain positive directions. This appeal, by special leave, registers a challenge to the said judgment and order dated 22nd December, 2023⁶.

2. The basic facts are not in dispute. The appellant was appointed as Forest Range Officer⁷ on 6th April, 2006. He was promoted as Assistant Conservator of Forests⁸ on 30th August, 2020 and has 14 years' service left. On 11th January, 2021, the appellant addressed a representation to the PCCF urging that the FROs be considered as "State Forest Service Officers" and to consider the FROs when a list of suitable officers is prepared for appointment in the Indian Forest Service⁹ in terms of the Indian Forest Service (Appointment by Promotion) Regulations, 1966¹⁰, should officers in the categories of Deputy Conservator of Forests¹¹ and ACFs be not available in a particular year. The inaction of the PCCF to consider such representation prompted the appellant to approach the Tribunal claiming *inter alia* the following relief:

"It is therefore humbly prayed that this Hon'ble Tribunal be pleased to declare the action of the Respondents in not considering the FRO's/applicants service as FRO cadre as State Forest Service for consideration of promotion to the cadre of IFS as illegal, arbitrary and violative of Art.14 and 16 of the Constitution of India and consequentially direct the respondents to consider the FRO's / applicants service as FRO cadre as State Forest Service for consideration of promotion to the cadre of IFS and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

⁶ impugned order

⁷ FRO

⁸ ACF

⁹ IFoS

¹⁰ 1966 Regulations

¹¹ DCF

As noted above, the Tribunal allowed the appellant's original application. The operative part of the Tribunal's order reads as follows:

"By not considering the case of the applicant though he is eligible as per RR-1966 and the 1966 Regulation on par with ACF/DCF is violation of Articles 14 & 16 of the Constitution. The applicant coming under SFS, for reasons expounded in paras supra, has thus been discriminated. Therefore, the averment of the respondents that Articles 14 & 16 of the Constitution have not been violated does not have the force of logic.

In view of the aforesaid, the OA not only succeeds, but fully succeeds. Consequently, respondents are directed to treat the FROs as SFS officers and consider appointment of applicant to IFS on promotion, provided he is otherwise eligible against vacancies of the appropriate panel year. Time allowed to implement the judgment is 6 months from the date of receipt of this judgment. The time granted is 6 months since the Ld. Counsel for the applicants has submitted that the bifurcation of the posts in SFS between the States of A.P & Telangana is still being deliberated."

The impugned order has set aside the aforesaid order.

3. We have given a patient hearing to Mr. Jayant Bhushan, learned senior counsel for the appellant, Mr. Gopal Sankaranarayanan, learned senior counsel for the respondents 1 to 3 (writ petitioners before the High Court) and Ms. Aishwarya Bhati, learned Additional Solicitor General for the respondent no. 4 (Union of India).
4. The questions that arise for our decision are:
 - (i) Having regard to the provisions of the Indian Forest Service (Recruitment) Rules, 1966¹², more particularly the expression "State Forest Service" as defined in Rule 2(g),

¹² Recruitment Rules

whether any service in a State connected with forestry having members of gazetted status is required to be approved by the Central Government in consultation with the State Government or is the approval of the Central Government relatable to and required in respect of a post in the State Forest Service?

(ii) If we answer that approval is relatable to the service and not post, what relief is the appellant entitled to on facts and in the circumstances?

5. We note that the High Court upon its understanding of Rule 2(g)(i) of the Recruitment Rules as well as on consideration of the decision of this Court in **Gopal Singh vs. State Cadre Forest Officer's Association**¹³ and a decision of a Division Bench of the High Court for the State of Telangana in **K. Shailendra Moses vs. The State of Telangana**¹⁴ was of the view that the posts included in the State Forest Services have to be approved under Rule 2(g)(i) of the Recruitment Rules and that the post of FRO is not a service approved by the Central Government for the purposes of the Recruitment Rules or the 1966 Regulations for appointment by promotion to IFoS. Accordingly, it was concluded by the High Court that:

"(1) the Forest Range Officer service, is not a 'State Forest Service' within the meaning of Rule 2(g)(i) of the Indian Forest Service (Recruitment) Rules 1966; as the same has not been approved by the Central Government, in consultation with the State

¹³ (2007) 9 SCC 369

¹⁴ W.P.No.23856 of 2016, decided on 6th January, 2021

Government for the purposes of the Indian Forest Service (Recruitment) Rules 1966, which approval is must;
(2) the Forest Range Officer of Andhra Pradesh Forest Service do not fall in the zone of consideration for promotion to the post of Indian Forest Service under the Indian Forest Service (Recruitment) Rules 1966 and the Regulation 1966;
(3) the impugned judgment of the Central Administrative Tribunal cannot legally be sustained.”

6. Since we are concerned in this appeal with the meaning of “State Forest Service” as defined by Rule 2(g) of the Recruitment Rules, it is considered apt to reproduce the same hereinbelow together with Rules 3 and 4 providing for ‘Constitution of the Service’ and the ‘Method of Recruitment to such Service’. The same read thus:

2. Definitions.

(g) “State Forest Service” means

(i) any such service in a State, being a service connected with forestry and the members thereof having gazetted status, as the Central Government may, in consultation with the State Government, approve for the purpose of these rules:

or

(ii) Omitted.

3. Constitution of the Service. - (1) The Service shall consist of the persons recruited to the Service in accordance with the provisions of these rules.

4. Method of recruitment to the Service. - (1) Omitted.

4(2) [] Recruitment to the service shall be by the following methods, namely

(a) by a competitive examination:

(aa) Omitted.

(b) by promotion of substantive members of the State Forest Service,

7. Parties are *ad idem* that **Gopal Singh** (supra) had interpreted Rule 2(g)(ii) of the Recruitment Rules, which does not fall for consideration here. Even otherwise, clause (ii) of Rule 2(g) has since been omitted. Hence, we do not consider it necessary to

refer to such decision for the purpose of ascertaining the meaning of "State Forest Service".

8. What appears on a plain reading of Rule 2(g) [after omission of clause (ii)] is that any service in a State, which is connected with forestry and the members whereof have gazetted status, would constitute the 'State Forest Service' subject to approval by the Central Government in consultation with the State Government for the purpose of 'these rules', i.e., the Recruitment Rules.
9. Our attention has been drawn by Mr. Jayant Bhushan to the Andhra Pradesh Forest Service Rules, 1997¹⁵. In terms of Rule 2 thereof, the Andhra Pradesh Forest Service consists of multiple categories of posts forming part of Classes A, B and C. Class A is comprised of categories 1, 2 and 3 and we find, *inter alia*, the post of ACF and Range Officer to be included in categories 2 and 3, respectively. It has not been disputed before us that those included in Class A, Categories 1, 2 and 3, are having gazetted status.
10. Juxtaposing the APFS Rules with the Recruitment Rules, the conclusion is irresistible that the post of FRO is included in the Andhra Pradesh Forest Service and members of such service having gazetted status would count as members of the State Forest Service, i.e., the Andhra Pradesh Forest Service, provided such service has been approved by the Central Government in

¹⁵ APFS Rules

consultation with the State Government for the purpose of the Recruitment Rules.

11. We record, Ms. Bhati did not dispute that approval of the Central Government which is referred to in Rule 2(g) relates to service and not post.
12. No document had been produced before us either by the appellant or the respondents 1 to 3 to show that the Andhra Pradesh Forest Service, which is undoubtedly connected with forestry and have members of gazetted status in such service belonging to Class A, has been approved by the Central Government in consultation with the State Government. We turned to Ms. Bhati to throw light on this aspect. Her submission has been that no specific approval could be found but having regard to the turn of events over the years, an implied approval of the service may be inferred.
13. This being the position, both factual and legal, we answer the first question formulated in paragraph 4 by declaring that members of Class A of the Andhra Pradesh Forest Service, including those in categories 2 and 3, are members of the State Forest Service if they have been substantively appointed. As a sequitur, we hold that they are eligible for promotion to the IFoS in accordance with the Recruitment Rules.
14. We now move on to answer the second question.

15. Mr. Sankarnarayanan, though conceded before us that there is no legal bar for consideration of the candidature of the appellant for promotion to the IFoS, it was asserted that the appellant certainly did not / does not have any legal entitlement to be considered for promotion in respect of the processes that have been undertaken till now.
16. Mr. Sankarnarayanan submitted that presently in the State of Andhra Pradesh, there are 295 FROs, 62 ACFs and 33 DCFs and the number of vacancies under consideration of the Union Public Service Commission¹⁶ for recruitment is only 11. Referring to the 1966 Regulations, he submitted that those members having completed not less than 8 years of continuous service would be considered for inclusion in the list in terms of Rule 5(2) reading as follows:

5(2) The Committee shall consider for inclusion to the said list, the cases of members of the State Forest Services in the order of seniority in that service of a number which is equal to three times the number referred in sub-regulation (1).

Provided that ***;

Provided further that ***;

Provided also that the Committee shall not consider the case of a member of the State Forest Service unless on the first day of January of the year for which the Select List is prepared, he is substantive in the State Forest Service and has completed not less than eight years of continuous service (whether officiating or substantive) in post(s) included in the State Forest Service.

EXPLANATION 1: ***

Provided also that ***.

¹⁶ UPSC

According to Mr. Sankarnarayanan, the appellant is admittedly positioned at serial no. 8 of the list of FROs; hence, officers senior to him being there, the appellant does not enter the zone of consideration for promotion to the IFoS and deserve a look in ahead of such senior officers.

17. Mr. Bhushan responded by submitting that a bare reading of the UPSC's affidavit would make it clear that since 2015, vacancies could not be filled up in the absence of suitable candidates. According to him, since the appellant has been erroneously excluded from the list of eligible candidates owing to a clear misinterpretation of Rule 2(g)(i), direction ought to follow to facilitate consideration of the appellant's candidature even in respect of the vacancies that remain unfilled since 2015.
18. Mr. Sankaranarayanan reacted by submitting that although the appellant had completed 8 years of service as FRO in 2014, he woke up from his slumber and submitted a representation voicing his grievance for the first time in January 2021. According to him, the appellant should not be permitted to steal a march over his seniors.
19. This reminds us of the decision in ***P.S. Sadasivaswamy v. State of T.N.***¹⁷, where this Court sounded caution in the following words:

¹⁷ (1975) 1 SCC 152

"2. *** A person aggrieved by an order of promoting a junior over his head should approach the Court at least within six months or at the most a year of such promotion. It is not that there is any period of limitation for the Courts to exercise their powers under Article 226 nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time. But it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extraordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters. ... "

20. Although, before us, the appellant does not complain of any of his juniors having been promoted ahead of him, we find sufficient justification in the contention advanced by Mr. Sankarnarayanan that 7 officers being senior to the appellant, his case does not stand apart for being considered side-stepping his seniors only because he is successful in obtaining the requisite declaration from this Court on the interpretation of 2(g) of the Recruitment Rules. Cause of action for the appellant to be considered for promotion arose after completion of continuous substantive appointment for eight years. Having not ventilated his grievance before the PCCF any time before January, 2021 and having taken time to approach the Tribunal, the appellant cannot be granted any relief in respect of past exercises undertaken for promotion. As rightly apprehended by Mr. Bhushan, the appellant succeeds insofar as the legal issue is concerned but without any real relief of promotion at least at this stage.

21. We are, therefore, inclined to grant limited relief to the appellant flowing from our answer to the first question. We, accordingly, direct that as and when the exercise for filling up vacancies in the IFoS is initiated afresh, the respondents would be bound to follow all the rules relating to recruitment and consider the FROs eligible for appointment by promotion treating the Andhra Pradesh Forest Service as 'State Forest Service' as defined in Rule 2(g) of the Recruitment Rules.
22. What remains is to set aside the impugned order. We order accordingly.
23. The appeal is disposed of on the aforesaid terms without any order for costs.

.....J.
(DIPANKAR DATTA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI.
August 22, 2025.