



भारतीय वन्यजीव संस्थान
Wildlife Institute of India

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BY HAND

No. WII/RTI/CPIO/2017-18 (Qtr-II)/11

Dated 31.07.2017

To,

Smt. Tejvinder Kaur Ahuja
Section Officer (Adhoc),
Wildlife Institute of India,
P.B. 18, Chandrabani,
Dehradun – 248 001 (Uttarakhand)

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

Ref.: Your RTI Application dated 03.07.2017.

Sir,

Please refer to your application cited above under RTI Act, 2005. In this context, the information sought by you, have been collected from the concerned authority of the Institute, and are attached herewith in 8 (eight) 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. 0135-2640910*” within a period of one month.

Thanking you,

Yours faithfully.

(Dr. Anju Baroth)
CPIO & NO. RTI

Encl: eight pages only.

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**WILDLIFE INSTITUTE OF INDIA
DEHRADUN**

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

Dated 28 July, 2017

Sub: Information under Right to Information (RTI) Act, 2005 – reg.

Ref: RTI Application of Smt. Tejvinder Kaur Ahuja dated 03.07.2017.

The parawise information on the above mentioned RTI application is furnished below:-

S.No.	Information sought under RTI	Reply
1.	A copy of Office Order regarding Constitution of Committee for implementation of Hon'ble High Cour Order dated 28.11.2016 in connection with Special Appeal No. 348 and 338 of 2016	The Office order is attached as Annexure-1
2.	Certified copy of recommendations submitted by Committee constituted for implementation of Hon'ble High Court Order dated 28.11.2016 in connection with Special Appeal No. 348 and 338 of 2016 to Director.	The required information is attached as Annexure-2.

Registrar

CPIO

AOB
28/07/17

Ahuja
AO
28/07/17

(30)

Annexure-1

(76)

WILDLIFE INSTITUTE OF INDIA
CHANDRABANI, DEHRADUN

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

Dated: 03rd February, 2017

OFFICE MEMORANDUM

Sub: Constitution of Committee for facilitation of compliance of the Order/Judgment of Hon'ble High Court of Uttarakhand at Nainital dated 28.11.2016 in Special Appeal No. 348/2015 & 338/2015 and Review Application No.884/2016 – reg.

For ensuring time bound compliance of the subject quoted judgment of Hon'ble High Court, the following Committee has been constituted:-

- | | | | |
|-------|---|---|----------|
| (i) | Shri Ajay Srivastava, Scientist-G & Registrar | - | Chairman |
| (ii) | Dr. S. Sathyakumar, Scientist-G | - | Member |
| (iii) | Shri P.K. Aggarwal, Administrative Officer | - | Convener |

The brief of the Committee shall be as under:

- (i) Study the Order/Judgment of Hon'ble High Court of Uttarakhand dated 28.11.2016 in Special Appeal No. 348/2015 & 338/2015 and Review Application No.884/2016.
- (ii) Suggest follow up actions required for implementing the directions of the said order.
- (iii) Deal with the matters arising out of the said Court Order.
- (iv) The Committee may seek legal opinion, as may be required.

2. The Committee will submit its report within a period of 10 days from the issuance of this order.

This issues with the approval of Director, WII.


(Ajay Srivastava)
Registrar

Distribution:

All Members of the Committee

Copy to :

- (i) PA to Director, WII
- (ii) PA to Dean, FWS, WII
- (iii) PA to Registrar, WII
- (iv) Guard File.

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CPJO, Wild Life Institute of India, Dehradun

Dated 15th May, 2017

Sub: Recommendations for Implementing of Decision of the Order/Judgment of Hon'ble High Court of Uttarakhand at Nainital dated 28.11.2016 in Special Appeal No. 348/2015 & 338/2015 and Review Application No.884/2016 – reg.

Ref: Office Memorandum No. WII/ADM/2011-12/017 (Part) dated 03.02.2017.

As per Orders of Director, WII vide **page 10/n** regarding re-examination of all cases/incumbents eligible for appearing in departmental competitive examination for the purpose of promotion including Shri A.K. Dubey who has made a representation were re-examined by the Committee. The modalities of conducting departmental competitive examination were also considered by the Committee so as to have the fair, competitive examination in a transparent manner.

The following representations of the employees received were also considered and examined by the Committee:

- (i) Representation of Shri A.K. Dubey dated 30.03.2017 (**page 117-105/c**).
- (ii) Representation of Shri A.K. Dubey dated 02.05.2017 (**page 132/c**).
- (iii) Representation of Smt. Baljeet Kaur dated 05.05.2017 (**page 136-134/c**).
- (iv) Representation of Shri Rajiv Mehta dated 05.05.2017 (**page 139-137/c**).
- (v) Representation of Smt. T.K. Ahuja dated 05.05.2017 (**page 142-140/c**).

It was noted by the Committee that the legal opinion from Assistant Solicitor General (ASG), High Court of Uttarakhand on implementation of Hon'ble High Court judgment dated 28.11.2016 and dated 10.01.2017 was obtained vide ASG letter dated 11.02.2017, placed at **page 80-79/c**.

It was decided by the Committee to obtain legal opinion from Mr. Ripon K. Mohan, Advocate and WII Legal Retainer on implementation of the Hon'ble High Court judgment dated 28.11.2016 and 10.01.2017 vide WII letter No. A/2-1/2007-WII dated 08.05.2017 (**page 133/c**). The same has been received vide his letter dated 15.05.2017 (**page 148-143/c**).

The Committee perused the following in detail:-

- (i) Judgment of Hon'ble High Court dated 28.11.2016 (**page 23-3/c**) and another judgment dated 10.01.2017 in Special Review Appeal No. 884/2016 wherein Review Petition of Shri A.K. Dubey, Hindi Translator was dismissed (**page 61/c**).

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- (ii) Legal Opinion of Assistant Solicitor General (ASG), High Court of Uttarakhand received vide his letter dated 11.02.2017 (page 80-79/c)
 - (iii) Legal opinion of Mr. Ripon K. Mohan, Advocate and WII Legal Retainer received vide his letter dated 15.05.2017 (page 148-143/c).
 - (iv) Recruitment Rules of Wildlife Institute of India approved by the Governing Body in 1986, 1988 and 2007.

Recommendations of the Committee: After careful examination of (i) to (iv) above, the Committee recommends as under:-

(1) The Institute has to carry out the promotional exercise for the posts in accordance with the Recruitment Rules of the Institute as approved by the Governing Body in 1986. This is besides the decision taken by the Governing Body in the year 1988 which is in modification of the 1986 Rules and further revised in the year 2007. The Court has directed that the promotion exercise will not result in deprivation of any benefit, which persons, who have served and retired, have secured or are securing.

(2) The Recruitment Rules of 1986 were modified in 1988 as per decision taken by the Governing Body in its 12th meeting held on 17.11.1988 where an amendment in the Recruitment Rules was made to fill up the post of Hindi Translator by way of Direct Recruitment. The RRs framed for the post of Hindi Translator are 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. The post of Hindi Translator is a Direct Recruitment isolated post and that the rules do not permit lateral movement of Hindi Translator to the ministerial cadre for promotion purpose and *vice-versa*, the personnel from ministerial cadre cannot get promotion to the post of Hindi Translator, it being a Direct Recruitment isolated post and the Hindi Translator cannot get promotion to the post of Accountant which is a ministerial cadre post. The direct appointment to the post of Hindi Translator was made through Staff Selection Commission from the reserve pool of successful candidates of exam advertised by the Staff Selection Commission for filling up the post of Hindi Translator under the Recruitment Rules of Official Language (Rajbhasha) of DoPT. The selection of Shri A.K. Dubey was made in accordance with the Recruitment Rules of Official Language (Rajbhasha) and was not made within the ambit of the Recruitment rules of the ministerial cadre of the Institute.

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(3) The Recruitment Rules framed in 1986 were amended in the year 1988 and then in the year 2007. On perusal of 1986 rules, it reveals that the post of Hindi Translator which was kept in O3 level and for promotion to O4 level, the Hindi Translator was kept in line of consideration for promotion. By virtue of amendment carried out in the year 1988, the post of Hindi Translator was brought outside the purview of O3 level and was solely to be filled by way of Direct Recruitment. The post of Hindi Translator was brought outside the purview of O3 level and since the post of Hindi Translator does not fall in O3 level by way of 1988 amendment in the Recruitment Rules, hence, the post of Hindi Translator was not in the zone of consideration for promotion to O4 level.

(4) Shri A.K. Dubey, Hindi Translator had requested for upgradation of the pay scale of the post of Hindi Translator, as the scale of this post was upgraded by the Government of India, Department of Official Language OM No. 12/2/97-WL (S) dated 8.11.2000 w.e.f 01.01.1996 which was sanctioned and paid and simultaneously the pay fixation was done in respect of Shri A.K. Dubey. This reveals that Shri A.K. Dubey has already availed the benefit of upgraded pay scale attached to the post of Hindi Translator which after sanction was paid and accepted by Shri A.K. Dubey.

(5) The matter of Shri A.K. Dubey has already been decided by the Honourable High Court of Uttarakhand, Nainital vide its judgment dated 28.11.2016 and the Review Application filed by Shri A.K. Dubey has also been rejected/dismissed by the Honourable High Court of Uttarakhand vide judgment dated 10.01.2017. The representations dated 30.03.2017 has no merit because any decision taken by the Institute/Governing Body which is in contrary to the Recruitment Rules or which are not in line with the judgments of the Honourable High Court [dated 28.11.2016 and 10.01.2017] have become redundant and in-fructuous keeping in view the above stated two judgments. Therefore, the representation of Shri A.K. Dubey, Hindi Translator for consideration of his case for promotion to the post of Accountant has no merit and not tenable.

(6) **Promotion Exercise to be followed:** The promotion exercise has to be made on the basis of availability of the vacancy(ies) as the promotions in the administrative cadre are vacancy based. The first promotion exercise is to be made in accordance with the Recruitment Rules of 1986 subject to availability of vacancy from O-2 level to O-3 level.

The posts of Storekeeper and Hostel Superintendant at O-3 level remained filled by Shri V. Gopalacharyulu and Shri M. Suryanarayana till 19.10.2000 as both of them were promoted to the level of O-4 on 20.10.2000. Thus, the promotion exercise on the basis of 1986 Recruitment Rules is to be made at O-3 level considering the availability of vacancies as on 20.10.2000.

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(7) Following relevant orders of DoPT on the seniority were perused by the Committee:-

- (i) DoPT Order No. 20019/2/83-Estt.D dated 10.09.1985 (Page 92-91/c).
- (ii) DoPT Order No. 35014/2/80-Estt.D dated 07.02.1986 (page 90-88/c).

The Committee recommends that the seniority list of UDCs as on 20.10.2000 may be issued and the employees (O-2 level) who are under zone of consideration for promotion to the post of Storekeeper/Hostel Superintendant (O-3 level) may be considered in accordance with the Recruitment Rules of 1986. The Recruitment Rules of 1986 for promotion from O-2 level to O-3 level are reproduced below:

"100% by promotion from Grade O-2, who have put in at least 5 years service in that grade, through competitive examination and record evaluation by DPC having University Degree".

Therefore, the employees working at the level of O-2 as on 20.10.2000 are eligible for consideration for promotion to the level of O-3 provided that they have fulfilled the eligibility criterion including of completing required length of service, in accordance with the Recruitment Rules of 1986.

(8) Two sanctioned positions at O-3 Level i.e. Storekeeper and Hostel Superintendant are available for promotion. The date of availability of these posts is 20.10.2000 as the two incumbents namely (i) Shri V. Gopalacharyulu and (ii) Shri M. Suryanarayana who were occupying the above positions till 19.10.2000 and were promoted to the post of Accountant/Office Superintendant at O-4 level on 20.10.2000. It is noted that the two employees who got promotion to O-4 Level i.e. Accountant/Office Superintendant have been superannuated on 30.06.2013 and 31.08.2015 respectively. The Hon'ble High Court vide its judgment dated 28.11.2016 made it clear that the promotion exercise will not result in deprivation of any benefit, which persons, who have served and retired, have secured or are securing. Thus, the Committee decided that this will not affect the promotion given to Shri V. Gopalacharyulu and Shri M. Suryanarayana as both of them have retired on superannuation.

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(9) In view of the above, the Committee recommends that the following employees working at the level of O-2 (UDC/ASK/AHS) as on 20.10.2000 are eligible for zone of consideration for promotion to the level of O-3 (Storekeeper/Hostel Superintendent) and have completed required length of service in accordance with the Recruitment Rules of 1986 :-

- (i) Smt. Baljeet Kaur
- (ii) Smt. T.K. Ahuja
- (iii) Shri Rajiv Mehta
- (iv) Shri A.S. Rawat
- (v) Shri Suresh Kumar
- (vi) Shri M.D. Gupta
- (vii) Smt. Shakuntala Devi
- (viii) Smt. Anita Pahwa

(10) For promotion from O-3 level (Storekeeper/Hostel Superintendent) to O-4 Level (Accountant/Office Superintendent/ Assistant Estate Officer/Store Officer), the Recruitment Rules of 1986 are reproduced below:

"100% by promotion from Grade O-3 of those who have put in 8 years in that grade, through competitive examination and record evaluation by DPC."

The promotion exercise will be carried out at a later date on the basis of above RRs, after the promotion exercise is completed from O-2 Level to O-3 level in accordance with the 1986 Rules and availability of the post at O-3 level as on 20.10.2000. Further that, the Recruitment Rules were revised/amended in 2007 as notified vide OM No. A/1-3/XLVII/GB/WII (RRs) dated 01st August, 2007 and are effective from 01.08.2007. The promotion exercise from O-3 level to O-4 level will be made after completion of minimum residency period of 8 years in O-3 level and the employees are eligible for consideration of promotion at O-4 level on 20.10.2008.

(12) **Modalities for Conducting Departmental Examination:** In accordance with Recruitment Rules of 1986, Director, WII is empowered to appoint Selection Committee/Departmental Promotion Committee in respect of above category of positions in Administrative Cadre where Director, WII is the Appointing Authority.

The promotion exercise is to be carried out first from O-2 to O-3 Level by taking the date of availability of vacancy as on 20.10.2000 and in accordance with the Recruitment Rules of 1986. The syllabus for competitive examination is required to be prepared and intimated to the concerned employees under zone of

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consideration and sufficient time shall be given for appearing in the examination. It is recommended that:-

(i) Departmental Promotion Committee (DPC) may be constituted by the Director, WII.

(ii) The syllabus for the competitive examination may be English Language/ Grammar, General Knowledge, Quantitative Aptitude, Office Procedures/Rules and Regulations, Accountancy and Auditing including Tally Software. Outside organizations such as IGNFA/FRI/IIRS/Wadia Institute/CSIR/C&AG etc. may be requested to nominate an expert for preparation of question papers on the above topics. The experts will set the papers and will send it to the Director of the Institute. The DPC (to be constituted by Director) will randomly select the questions and prepare a final question paper having all the topics. The DPC will prepare the final question paper in forenoon session and conduct the competitive examination in afternoon session on the same day. The DPC will then evaluate the answer sheets and declare the result subsequently.



(Ajay Srivastava)



(S. Sathyakumar)



(P.K. Aggarwal)

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