



भारतीय वन्यजीव संस्थान
Wildlife Institute of India

WII/RTI/2020-21

Dated: 29.10.2020

To,

Shri Umakant Sharma,
3/3, Dashmesh Vihar,
P.O Raipur,
Dehradun – 248 001

Sub: Information under RTI Act 2005 – reg.

Ref: Application dated 05.10.2020 of Shri Umakant Sharma under RTI Act 2005.

Sir,

With reference to the RTI application dated 05.10.2020, the required information under RTI Act 2005 is attached herewith.

In case you want to go for an appeal in connection with the information provided, you may appeal to the Appellate Authority indicated below within thirty days from the date of receipt of this letter.

Director, WII
FAA & Director
Address: Wildlife Institute of India, Chandrabani,
Dehradun.
Phone No. 0135 2640910

Yours faithfully,

NO, CPD, WII

Encl: As above

by Hand

Recd.

21/11/20

RTI
Dispute
of.

07/21/2020

INFORMATION PROVIDED
UNDER RTI

पत्रपेटी सं. 18, चन्द्रबनी, देहरादून-248 001, उत्तराखण्ड, भारत
Post Box No. 18, Chandrabani, Dehradun - 248 001, Uttarakhand, INDIA
ई.पी.ए.बी.एक्स : +91-135-2640100, 2640114, 2640115, फ़ैक्स : 0135-2640117
EPABX : +91-135-2640100, 2640114, 2640115, फ़ैक्स : 0135-2640117
ई-मेल/E-mail : wii@wii.gov.in, वेब/Website : www.wii.gov.in

Dated: 29 October, 2020

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

Sub: Information under Right to Information Act-2005

Ref: CPIO Note dated 12.10.2020 providing information on the RTI application of Shri Umakant Sharma, 3/3 Dashmesh Vihar, Raipur, Dehradun- reg.

Information required: - The information under RTI Act 2005 on the above quoted reference is furnished below :-

Point No	Point-wise information sought	Reply of WII						
1	On the date 09.11.2019 when Shri M.D.Gupta got engaged on contract basis as Section Officer through M/s Industirial Security and Man Power Services (Regd), information regarding vacancy position of section officer may kindly provided. The sanctioned and posted strength giving name of all section officer whether regular or contract basis.	Vacancy Position and Sanctioned and posted Strength of Section Officer as on date 09.11.2019						
			Admin Section	Finance/Account Section	Store Section	Estate	F.T.O. Section	Remarks
		Total Sanctioned Post of Section Officer in WII	05	01	02	01	01	
	Posted Strength with name as on dated 09.11.2019	05	01 Vacant	02 i) Shri Kharak Singh, Section Officer, regular ii) Smt Shakuntala Devi Uniyal, Section Officer, regular	01 i) Shri A.S.Rawat Section Officer, regular	01 i) Smt. Anita Pahwa, Section Officer, Maintenance Section, regular	i) Smt. T.K. Ahuja, F.T.O. Section regular	Considering the requirement of FTO Office and to look after duties of F.T.O. i.e. Maintenance/ deployment of Vehicles, development of Campus and deployment of Labour, Smt T.K.Ahuja, Section Officer transferred vide Institute Office Order No. A/11-15/WII-94 (PartII) dated 05.04.2019 from Administration Section to F.T.O. Office.

INFORMATION PROVIDED
UNDER RTI

.....continue on page no 2

Point No	Point-wise information sought	Reply of WII
2	Mr. M.D. Gupta worked in institute as Finance Officer w.e.f. 25.01.2003 to 06.07.2015 as he mentioned in application form given for the post of Account Officer for NMCG project phase 2 kindly provide the copy of vouchers, cash book, cheque register, receipt book or any other relevant document (single page of each) where Sh. Gupta signed as F.O.	In implementation of Judgement of Hon'ble High Court of Uttarakhand dated 26.05.2015 in Writ Petition No. 1580 of 2011 (S/S), Shri M.D. Gupta, was 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 from 07.07.2015 vide Institute Office Order No. WII/ADM/ 2011-12/017 (Part) dated 07 th July 2015. A Copy of the Institute Office Order is enclosed herewith as Annexure No. - 1

(P.S. Dhamanda)
29/11/2022
(P.S. Dhamanda)
Assistant Grade II

Section Officer (on leave)

Deputy Registrar

(Signature)
C11D
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(Signature)
(S.N. Bahuguna)
Admin. Asstt. On Contract

**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.

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by
J. V. Choudhary
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(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

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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 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

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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

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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/VII 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

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(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

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6 UNDER RTI

(V.B. Mathur)
Director