

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 044/00057/2019

Date of Order: This, the 5<sup>th</sup> Day of March, 2021

**THE HON'BLE SMT. MANJULA DAS, MEMBER (J)**

**THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)**



1. **MIZORAM FOREST SERVICE ASSOCIATION**  
(Recognized by the Government of Mizoram vide Notification No.11013/1/95-P&AR(GSW) Dated 15.9.2004) Having, its office at Aizawl District-Aizawl, Mizoram,  
Represented by its President Sri Lallianzuala.
2. **Sri Lallianzuala,**  
Son of C.Lalhluna  
Resident of Chaltlang, Aizawl/Mizoram

**... Applicants**

- Versus -

1. **The Union of India.**  
Represented by the Secretary  
To the Government of India,  
Ministry of Environment, Forests and  
Climate Change, Indira Paryavaran Bhavan,  
Jor Bagh Road, New Delhi-110003.
2. **The Director General of Forests & Special Secretary,**  
Ministry of Environment, Forests and  
Climate Change, Indira Paryavaran Bhavan,  
Jor Bagh Road, New Delhi-110003.

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3. **The Joint Cadre Authority (JCA) of Joint AGMUT Cadre of IFS**  
Represented by the Joint Secretary  
(In-Charge of Indian Forest  
Service Cadre Management),  
Ministry of Environment, Forests  
and Climate Change, Indira Paryavaran Bhavan,  
Jor Bagh Road, New Delhi-110003.
4. **The State of Mizoram,**  
Represented by the Chief Secretary to the  
Government of Mizoram at Aizawl, Mizoram.
5. **The Secretary to the Government of Mizoram,**  
Department of Environment,  
Forests and Climate Change, Aizawl.
6. **The Principal Chief Conservator of Forests,**  
Mizoram, P.O.-Aizawl, Mizoram.



### **...Respondents.**

- For the Applicant : Sri P.K. Tiwari, Sr. Advocate,  
Sri H.K. Das, Sri U. Pathak,  
Sri A.R. Gogoi & D.J. Das
- For the Respondents : Sri S.K. Ghosh, Addl. CGSC  
Sri T. Chakraborty, GA,  
Mizoram.

**Date of Hearing: 05.02.2021**

**Date of Order: 05.03.2021**

### **ORDER**

**NEKKHOMANG NEHSIAL, MEMBER (A):-**

This is second round of litigation. In this O.A., the  
applicants are asking for the following reliefs:-

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"8.1 To quash and set aside the impugned order dated 11.10.2018(Annexure A/1) and direct the respondents to give retrospective effect to the temporary allocated 6(six) posts to Mizoram segment of AGMUT cadre as of the year 2015 forthwith and grant all consequential benefits.

8.2 To direct the respondents to declare the temporary allocated 6(six) posts as Vacancies of 2015 forthwith and prepare the select list as "Select List of 2015" considering the eligible SFS officers for induction to IFS in accordance with their seniority position with all consequential benefits.

8.3. Cost of the application.

8.4 Pass any such order/orders as Your Lordships may deem fit and proper."



2. Counter affidavit was filed on 17<sup>th</sup> June 2019 on behalf of respondent Nos. 1, 2 & 3 and on behalf of respondent Nos. 4, 5 & 6, it was filed on 5<sup>th</sup> August 2019. In the previous O.A. No. 040/00201/2015, this Tribunal has observed as under:-

"17. Respondent no. 1 cannot be a silent spectator to the historical aberration which has come about in the AGMUT cadre because of non promotion to IFS of the eligible State Forest Service officers of the then Mizoram Union Territory. The correspondence made by the State of Mizoram at different levels needs serious consideration. Representation dated 08.07.2013 and the DO letter No. CMO. 45/2012/WED dated 15.05.2013 clearly highlights the wide gap in the seniority of

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officers who got promoted amongst the participating segments of the Joint ADMUT cadre. As per the letter dated 08.07.2013 of the General Secretary of the Mizoram Forest Service Association, the Goa segment of the Joint AGMUT cadre, upto 2000 batch State Forest Service Officers have been promoted to IFS, in Andaman & Nicobar Islands officers upto 1997 batch and in Arunachal Pradesh officers upto 1986 batch have been promoted to IFS while in Mizoram officers of only 1981 batch have been promoted to IFS. The respondent no. 1 submitted that they are seized with the matter and in the cadre review the above anomaly will be addressed. The respondent no. 1 has not given any time frame as to the date when the cadre review will be completed. Naturally if it takes long time, as the applicants apprehend, the State Forest Service officers of Mizoram who are already stagnating will be superannuated, and therefore, will be suffering irreparable loss."

Accordingly, this Tribunal also directed as under:-

"18 In view of the above, it is found in the interest of justice as well as to avoid cascading litigation that this court gives the respondent no. 1 opportunity to settle the issue at the cadre reviewing authority level as promised by the respondent no. 1. However, till the time cadre review is completed, officers of State Forest Service from any other participating States who are junior to the State Forest Service officers of Mizoram and are in que for promotion, will not be promoted to IFS. This court is fully aware that cadre review process will dispassionately go into the claims and counter claims of various participating States Forest Service cadres and ensure that no participating State cadre feels neglected because of historical acts of omission and commissions on the part of the respondents."

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3. The facts of the case was that – in 1972, the Joint Cadre Authority (JCA in short) in terms of All India Services (Joint Cadre) Rules, 1972 distributed 55 promotion quota posts amongst various segments of the AGMUT cadre. The State of Mizoram was allotted – 10. In 2010, the Joint Cadre Authority in its meeting dated 19.05.2010, diverted 4 posts of promotion quota of Mizoram to other segments of AGMUT cadre namely 3 posts to Arunachal Pradesh and 1 post to Goa. In 1912, in its meeting on 15.02.2012, JCA recommended 4 posts which were diverted from the State of Mizoram to be given back to them. This recommendation of 15.02.2012 has not been implemented by the respondent authorities particularly respondent Nos. 1 & 2. Accordingly, O.A. No. 201/2015 was filed in this Tribunal and directions, as above were given.



4. In response to the representation of the applicants dated 15<sup>th</sup> September 2016 as well as in compliance of the order of this Tribunal, the respondent No. 1 issued a letter No. F. No. 18011/5/2015-IFS-

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I(AGMUT) dated 28<sup>th</sup> August, 2017 intimating to the Addl. CGSC as follows:-



"It is also submitted that the order of appointment of the State Forest Service (SFS) officer of A&N Island into the Indian Forest Service (IFS) on the basis of select list of 2012 and 2013 and their induction into the AGMUT Cadre of the IFS issued under the notification dated 27.4.2016 has been kept in abeyance vide Notification dated 03.6.2016 (Copy enclosed) with immediate effect and until further orders in compliance of the order dated 18.3.2016 passed by the Hon'ble CAT, Guwahati Bench in the matter of O.A. No. 201/2015.

Hence technically, as per the direction of CAT order dated 18.3.2016 in O.A. No. 201/2015 no SFS officer of Mizoram was promoted by the Ministry. The direction of the CAT, Guwahati Bench has been followed by the Ministry."

5. As brought out in the relief sought by the applicants, the issue under examination and consideration is whether the 4 posts promotion quota allocated to State of Mizoram in 1972, diverted to Arunachal Pradesh and Goa in 2010 and reverted back as per recommendation of the JCA in 1912 is available with the State of Mizoram from that date or from the date in which the applicants have been seeking utilization of said promotion quota w.e.f. 2015 and whether the other prayer of the applicants that the

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additional quota of 2 being allocated in 2018 vide Ministry's letter dated 04.07.2018 should have been available to the State of Mizoram w.e.f. 2015 by adjusting retrospectively w.e.f. 2015.



6. It is observed that the respondent Nos. 4, 5 & 6 however, at para 5 stated that 4 promotional quota posts which was previously diverted from the State of Mizoram to State of Arunachal Pradesh and Goa, have been given back to the State of Mizoram as resultant vacancies due to retirement/superannuation of those officers who had occupied these 4 promotional quota. The respondent Nos. 1, 2 & 3 are however, silent on the recommendation of JCA for returning of the 4 promoted quota to the State of Mizoram from 2012 to 2015. They also have not stated as to whether total number of 55 posts for promotion quota has been reduced or modified. The submissions made by them are relating to allocation and adjustment of vacancies after 2017 & 2018 whereas the applicants are claiming the availability of 4 promotion quota w.e.f. 2015 on the basis of recommendation of JCA in 2012.

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7. After examining and considering the submissions and counter submissions of the parties, it is clear that 04 quotas which were initially diverted from the State of Mizoram was definitely available unoccupied w.e.f. 2012 particularly more so w.e.f. 2015. Keeping in view of this, we hereby declare that –



(a) 4 promotional quotas were available to the State of Mizoram as on 2015;

(b) 2 more promotional quotas have been made available to the State of Mizoram w.e.f. 2018 vide order of Ministry of Environment, Forests and Climate Change No. 32019/1/2013-IFS-I(AGMUT) dated 4<sup>th</sup> July 2018.

8. Accordingly, the respondents particularly respondent Nos. 1 & 2 in consultation with respondent No. 4 are hereby directed to process the case for considering the promotion of eligible State Forest Service officers of Mizoram to Indian Forest Service, if

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available, within a period of three months from the date of receipt a copy of this order.

9. O.A. is allowed to the above extent and disposed of.

10. No order as to costs.



**PB**

**(NEKKHOMANG NEIHSIAL)  
MEMBER (A)**

**(MANJULA DAS)  
MEMBER (J)**

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