

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.NO. 113 of 1997

DATE OF DECISION... 4:5:99

Assam State Forest (Class-I) Service Association (PETITIONER(S)
& Shri Purnananda Bordoloi.

Mr. B.K.Sharma, Mr. P.K.Tiwari.

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Mr. A.Deb Roy, Sr. C.G.S.C., Mr. Ms M.Das,
Junior Govt. Advocate, Assam.

ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR. JUSTICE D.N.BARUAH, VICE-CHAIRMAN.

THE HON'BLE SRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 113 of 1997.

Date of decision : This the 4th day of May, 1999.

Hon'ble Mr. Justice D.N.Brauah, Vice-Chairman.

Hon'ble Sri G.L.Sanglyine, Administrative Member.

1. Assam State Forest (Class-I) Service Association, represented by the General Secretary of the Association, C/o Office of the Principal Chief Conservator of Forests, Rehabari, Guwahati-781008.
2. Shri Purnananda Bordoloi, Divisional Forest Officer, Office of the Chief Conservator of Forest (Territorial), Assam, Guwahati.Applicants

By Advocate Mr. B.K.Sharma.

-versus-

1. Union of India, represented by the Secretary to the Government of India, Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, Phase - II, Lodi Road, New Delhi-110 003.
2. The Government of Assam, represented by the Commissioner & Secretary to the Govt. of Assam, Dispur, Guwahati-6.
3. The Government of Meghalaya, represented by the Secretary to the Government of Meghalaya, Department of Forests, Shillong-793001Respondents

By Advocates Mr. A. Deb Roy, Learned Sr. C.G.S.C. and Ms M. Das, Junior Govt. Advocate, Assam.

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O R D E R

BARUAH J. (V.C.)

The applicant is an Association of State Forest officers of State of Assam. This Association looks after the welfare and the cause of its members. It was established as far back in 1942. In the present application, the Association has challenged the action of the authorities for non-utilisation of the deputation reserve quota of the promotees to the Indian Forest Service cadre (for short IFS cadre). The Association feels that because of non-computation and non-utilisation of the deputation reserve quota as per the provisions of "the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966" the members are deprived of reasonable representation to the cadre of the promotees. The brief facts of the case for the purpose of disposal are :

The officers of the said Forest Service are appointed. The officers of the said Forest Service are appointed by promotion to the Indian Forest Service as per provision laid down in IFS (Appointment by promotion) Regulations 1966. Under the provisions of IFS (Fixation of Cadre Strength) Regulations 1966 certain deputation reserve quota are required to be computed. So far as the Assam-Meghalaya Joint Cadre is concerned it is as mentioned in the schedule of the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966. The reserve quota for Assam and Meghalaya cadre, and Joint cadre has been mentioned in item 5 and 6 of the schedule of Assam and Meghalaya Joint cadre. The

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grievance of the applicant Association is that this reserve quota has never been computed and utilised by the authority concerned upto now and therefore the applicants have prayed as follows :

9.1 declare that the Assam State Forest Service Officers are entitled to 33 1/3% of the posts specified at item No.5 of Indian Forest Service (Fixation of Cadre Strength) Regulation 1966 to be included in the total number of posts available to the Assam State Forest Service Officers for promotion to IFS Cadre under Rule 8 of the IFS (Recruitment) Rules, 1966;

9.2 direct the respondents to compute the number of posts available for promotion to the Assam State Forest Services by including the 33 1/3% of the posts at item No.5 and accordingly collecting the number of officers to be considered for promotion within the zone of consideration and accordingly consider such officers for promotion to Indian Forest Service cadre.

9.3 direct the respondents to refix the number of promotional post in the schedule to the cadre strength regulation for Assam Meghalaya by including item No.5 and item Nos. 6 and 8 to the extent of their senior duty posts in pre-1988 period and item No.5 and seniority duty post under item No.6 of the schedule in post-1988 period for computation and amend the Cadre Strength Regulation, 1966 accordingly with retrospective effect from 1982.

9.4 direct the respondents to redraw select list as on January, 1992 and subsequent years so that eligible members of the applicant association may be included and the select list on the basis of the revised promotion quota and consider the case of the members of the applicant association according to the vacancy position and if selected, appoint the selected members of the association to the IFS and confer consequential benefits of the said service to them.

9.5 Pass such further or other order(s) as may be deemed fit and proper by this Hon'ble Tribunal in the facts and circumstances of the case."

So far as the Assam-Meghalaya Joint cadre is concerned as per item No.5 of the schedule of Indian

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Forest Service (Fixation of Cadre Strength) Regulations 1966 deputation reserve quota should be fixed at the rate of 25% that is 16. In the leave reserve as mentioned in item 6 junior posts and training reserve is at the rate of 30% which is 19. In all it will be 35. This quota had never been computed and utilised depriving members of the applicant Association due representation.

Being aggrieved the applicant Association submitted 3 representations namely, Annexure-15 representation dated 27.11.95, Annexure-16 representation dated 6.2.96 and Annexure-17 representation dated 27.11.96 respectively. However those representations were not disposed of. Situated thus the applicant Association has approached this Tribunal by filing this present application.

2. We have heard Mr. B.K.Sharma, learned counsel appearing on behalf of the applicant Association and Mr. A.Deb Roy, learned counsel on behalf of respondent No.1 and Ms. M.Das, Junior Govt. Advocate, Assam on behalf of respondent No.2. Mr. Sharma submits that as per the IFS (Fixation of Cadre Strength) Regulations 1966 deputation reserve quota and leave reserve are to be computed and utilised for the purpose of proper representation of the promotees. Non-utilisation of these quatas has adversely affected the interest of the members of the applicant Association. The members of the Association feel that authorities have unreasonably denied proper representation of these promotees. In this connection Mr. Sharma has drawn our attention to the decision of the Jabalpur Bench of this Tribunal passed on 9.6.1987 in T.A. No. 81/96 and also to the decision of Calcutta

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Bench dated 27.6.1994 passed in O.A. No. 994/90, following the judgement of Jablapur Bench (Supra). This Tribunal also had the occasion to consider a similar matter in O.A. No. 15/95. This Tribunal also passed similar order. Mr. Sharma also has drawn our attention to the fact that the respondents preferred Special Leave Petition against the judgement of the said Jabalpur Bench (Special Leave to Appeal (Civil) No. 110225/87). The said SLP was dismissed by the Apex Court by order dated 18.4.1988. Mr. Sharma further submits that the respondents of the O.A. No. 994/90 of the Calcutta Bench also filed SLP before the Apex Court which was also dismissed. Considering these Mr. Sharma submits that it is the duty of the respondents to take into consideration of the deputation reserve quota for the purpose of proper representation. This was denied by the respondents for the several years past. Mr. Deb Roy, learned Sr. C.G.S.C. and Ms. Das learned Jr. Govt. Advocate, Assam on the other hand submit that in the fitness of things it will be expedient if a direction is given by this Tribunal to the respondents to dispose of the representations which are pending. Mr. Sharma does not object to the submission of the learned counsel of the respondents. However, Mr. Sharma submits that he may be permitted to submit a fresh representation within a period of one month from today. This is not opposed by the learned counsel for the respondents.

3. Considering the entire facts of the case we dispose of this application with direction that if the applicant Association files yet another representation giving details of its grievances within one month from today the authority shall also consider and dispose of

the said representation by a reasoned order. This must be done as early as possible at any rate within a period of three months from the date of receipt of the representation.

4. With the above directions the application is disposed of.

5. Considering the facts and circumstances of the case, we, however make no order as to costs.


(G.L.SANGLYINE)

Administrative Member


(D.N.BARUAH)
Vice-Chairman

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