

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 193/2000

R.A/C.P No.

E.P/M.A No. 105/2010

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 193/2000 OF 199

Applicant(s) Sri Gaureish Rangan Paul.

Respondent(s) Union of Inden coolies.

Advocate for Applicant(s) Mr. B.K. Sharma.
Mr. S. Sarma.

Advocate for Respondent(s) Mr. U.K. Gopwami
C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>25.9.00</p> <p>3/10/00 Notice prepared and sent to the D/S for giving the respondents No 1 to 5 vide D/No 2161 to 2166 and 10/10/2000</p> <p>31/10/00</p> <p>① Service report are still awaited.</p> <p>② No. 10/10 has been filed.</p> <p>27.11.2000</p>	<p>25.9.00</p> <p>28.11.00</p>	<p>Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.</p> <p>Heard Mr S.Sarma, learned counsel for the applicant and Mr B.C.Pathak, learned Addl.C.G.S.C for the respondents.</p> <p>Issue notice to show cause as to why this application shall not be admitted. Returnable by 28.11.2000.</p> <p>List on 28.11.2000 for filing reply to the show cause and admission.</p> <p>Vice-Chairman</p> <p>It has been pointed out by Mr B.C. Pathak, learned Addl.C.G.S.C that the copies furnished to the respondents were not legible. Mr S.Sarma, learned counsel for the applicant submitted that he shall take remedial steps by furnishing legible</p>

contd..

Notes of the Registry

Date

Order of the Tribunal

28.11.00

Office should take care in future in receiving the copies of the application and to see that only legible copies are sent to the parties.

BY ORDER

28.11.00
28/11/00

Notice duly served on R No 3

28/11/00

1 Copy received from S. Sharma and communicated to Sri B.C. Pathak, Addl. C.S.C.

29/11/00

29/11/00

29/11/00

As directed to Legible Copy sent to the Secy, Ministry of Environment & Forests, P. Bhawan, C.O. Complex, New Delhi by Regd. Ad. vide No 2911

1/12/00 *1/12/00*

Copy of order dtd 11/12/00 served to Mr. B.K. Sharma, & Mr. B.C. Pathak, Addl. C.S.C. CAT Ab Bench Ab-S

20/12/00

No. 1213 has been filed

30

11.1.2001

1.3.2001

Replies to the original application has been filed by Sri B.C. Pathak addl. C.S.C. on behalf of Respondent No. 1.

20

28.11.00

copies within 7 days from today.

List on 11.12.00 for further order.

h
 Vice-Chairman

A.K. Verma
11.12.00

11.12.00

Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman and Hon'ble Mr. M.P. Singh, Administrative Member.

Heard Mr. B.K. Sharma, learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl. Central Govt Standing Counsel for the respondents.

Application is admitted. Call for the records. Issue usual notices.

List on 12.1.2001 for written statement and further orders.

Member

Vice-Chairman

12.1.01

Further three weeks time is allowed to the respondents to file written statement on the prayer of Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents.

List on 5.2.01 for written statement and further orders.

Member (A)

Vice-Chairman

33

02 193/00

3

Notes

stry

Date

Order of the Tribunal

20

29.3.01

None appears for the State of Assam nor any return filed.

List on 10.5.01 to enable the respondents to file written statement.

ICC Sharma

Member

Vice-Chairman

pg

11.5.01

No written statement so far filed. The applicant may file rejoinder if any within 2 weeks. The respondents may also file written statement. List on 25.6.01 for orders.

ICC Sharma

Member

Vice-Chairman

lm

25.6.01

Mr. B.C. Pathak, counsel for the respondents, states that connected matter O.A. 194 of 2000 is listed on 1-8-2001 for hearing and this case may be taken on that day.

List for hearing on 1-8-2001. Pleading may complete during the period.

ICC Sharma

Member

Vice-Chairman

mb

1.8.01

Heard Mr. S. Sarma, learned counsel for the applicant.

List the matter on 6.8.2001 for hearing alongwith O.A. 194 of 2000 and it connected cases in the presence of the learned counsel for the respondents.

ICC Sharma

Member

Vice-Chairman

bb

06.08.01

Heard in part. List again on 10/8/01 for hearing.

ICC Sharma

Member

Vice-Chairman

pg

Circuit Court of Assam was dissolved & cancelled. So, this case was not within its jurisdiction.

placed before the Court for order on 29.3.01.

① Wt. filed on behalf of R.No. 1 & 2.

② No. Rejoinder has been filed.

22.6.01

W 074 193/2007

Notes of the Registry	Date	Order of the Tribunal
<p>9.8.2007</p> <p>Memorandum has been submitted to the W/S filed by the Respdt. No. 1.</p> <p>24.8.2007</p> <p>Copy of the Judgment has been sent to the Office for issuing the same to the Applicant as well as to the Add. C.S.C. for the Respondent.</p> <p>4/10/07</p> <p>As per mention in this case is listed for order on 7/10/07</p> <p>Shawdi</p>	<p>10.8.</p> <p>16.8.01</p>	<p>Heard Mr. D.K. Sharma, learned Counsel for the appellant & Mr. D.C. Patnaik, Addl. C.S.C. as well as Mr. Bue Subordinate. Hearing concluded. Judgment reserved.</p> <p>AK. Jena</p> <p>10/8/2007</p> <p>Judgement and order pronounced in the open court, kept in separate sheets. The application is dismissed. No order as to costs.</p> <p>IC. Ushay Member</p> <p>Vice-Chairman</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI:

O.A. No. 193 of 2000

Date of Decision: 27 .08. 2010

Shri Gaurish Ranjan Paul
.....

Applicant/s

Mr H.K. Das
.....

Advocates for the
Applicant/s

- Versus -

Union of India & Ors.
.....

Respondent/s

Mr M.R. Pathak for Respondent No.3
.....

Advocate for the
Respondents

CORAM :

HON'BLE MR.MUKESH KUMAR GUPTA, MEMBER (J)
HON'BLE MR.MADAN KUMAR CHATURVEDI, MEMBER (A)

1. Whether reporters of local newspapers may be allowed
to see the Judgment ?
2. Whether to be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy
of the Judgment ?

Yes/No

Yes/No

Yes/No

Judgment delivered by

MEMBER (A)

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 193 of 2000

Date of Order: This the 27th Day of August 2010.

HON'BLE MR. MUKESH KUMAR GUPTA, MEMBER (J)
HON'BLE MR. MADAN KUMAR CHATURVEDI, MEMBER (A)

Shri Gaurish Ranjan Paul, IFS
Divisional Forest Officer
Working Plan Division No. 1
Agartala, Tripura (W).

Applicant

By Advocate: Mr H.K. Das

-VS-

1. The Union of India
Represented by the Secretary
To the Government of India
Ministry of Environment & Forest
Paryabharan Bhawan, CGO Complex, New Delhi.
2. The Union Public Service Commission
Represented by its Chairman
Dholpur House, Shahjahan Road
New Delhi.
3. The State of Tripura
Represented by the Secretary
Department of Forests
Government of Tripura, Agartala.
4. The State of Manipur
Represented by the Secretary
Department of Forests
Government of Manipur, Imphal.
5. Shri Chandramani Debverma, IFS
Divisional Forest Officer
Teliamura under order of transfer as DCF
Wild Life, Agartala in the Office of the
PCCF, Tripura, Agartala.
6. Shri Subhendu Sekhar Das, IFS (Retired)
C/O Office of the P.C.C.F., Agartala, Tripura.

Respondents.

By Advocate: Mr M.R. Pathak, Govt. Advocate, State of Tripura
for respondent No. 3.

ORDER (ORAL)MR MADAN KUMAR CHATURVEDI, MEMBER(A)

Vide judgment dated 4.5.2010 Hon'ble High Court remanded the matter to the Tribunal for reconsideration on merit. Pursuant to the aforesaid directions, matter was fixed for hearing. Applicant is aggrieved by the order of promotion dated 19.10.1994 by which Shri Chandramani Debverma and Shri Subhendu Sekhar Das being respondents No.5 & 6 respectively were promoted to IFS.

2. Mr H.K.Das, learned counsel appeared on behalf of the applicant. At the outset it was contended that the aforesaid persons were junior to the applicant and they were not qualified for consideration for their appointment by promotion under the Indian Forest Service (Appointment by Promotion) Regulations 1966 (hereinafter referred to as "Regulations"). It was submitted that as per the prescription of Regulation 5, Committee is required to meet at intervals not exceeding one year and prepare a list of such members of the State Forest Service, as are found to be suitable for promotion to the service. According to learned counsel State Government could only forward the names of the suitable candidates, thereafter it is the duty of the Committee to prepare a list after considering the credentials and testimonials of the candidates.

3. Mr M.R.Pathak, learned Govt. Advocate, State of Tripura appeared for respondent No.3. None was present for other respondents. It was submitted by Mr Pathak that selection was done in just and equitable manner on the basis of relevant records and following the

rules and regulations. Selection of State Forest Service officers for promotion to the IFS are governed by Regulations. Regulation 3 provides for a Selection Committee consisting of the Chairman of the Union Public Service Commission or where Chairman is unable to attend, any other Member of the UPSC representing it and in respect of the segment of Manipur-Tripura joint cadre, the following others as Members. Chief Secretaries of Manipur and Tripura, Principal Chief Conservators of Manipur and Tripura and a nominee of the Government of India not below the rank of Joint Secretary. The meeting of the Selection Committee is presided over by either the Chairman or a Member of the UPSC. In accordance with the provisions of Regulation 5(3) A, the aforesaid Committee duly classified the eligible SFS officer included in the zone of consideration as "Outstanding", 'Very Good', 'Good' or 'Unfit' as the case may be, on an overall relative assessment of their service records. Thereafter as per the provisions of regulation 5(4) of the said Regulation, the Selection Committee prepared a list by including the required number of names first from amongst the officer finally classified as 'Outstanding' then from amongst those similarly classified as 'Very Good' and thereafter from amongst those similarly classified as 'Good' and the order of names inter se within each category is maintained in the order of their respective inter-se seniority in the State Forest Service. The ACRs of eligible officers were the basic inputs on the basis of which eligible officers were categorized as "Outstanding", 'Very Good', 'Good' or 'Unfit' in accordance with provisions of Regulation 5(3) A. The Selection

Committee was not guided merely by the overall grading that was recorded in the ACRs but in order to ensure justice, equity and fair play made its own assessment on the basis of in-depth examination of service record of eligible officers, deliberating on the quality of the officer on the basis of performance as reflected under various columns recorded by the Reporting/Reviewing officer/Accepting Authority in ACRs for different years and then finally arrived at the classifications to be assigned to each eligible officer in accordance with the provisions of Promotion Regulations. While making an overall assessment the Selection Committee took in to account orders regarding appreciation for meritorious work done by the concerned officer. Similarly, the Selection Committee also kept in view orders awarding penalties or any adverse remarks communicated to the officer, which, even after due consideration of his representation have not been completely expunged.

4. Learned counsel for respondent No.3 invited our attention to the list of eligible candidates as reflected in the minutes of the Selection Committee meeting constituted under Regulation 3 for preparation of a list of such members of the State Forest Service of Tripura as are suitable for promotion to the Indian Forest Service. The Committee were informed that the maximum number of State Forest Service Officers which can be included in the Select List could only be 3. This number has been determined in pursuance of the Provisions of Regulations 5(1). The Committee examined the records of the officers who fulfilled the conditions of eligibility, and assessed their suitability.

The Committee did not take into consideration the adverse remarks in the ACRs of the officers which were not communicated to them. The following candidates were found to be eligible for promotion to IFS.

<u>S.No.</u>	<u>Name(S/Shri)</u>	<u>Date of Birth</u>	<u>Overall relative Assessment</u>
1.	Haripada DAS (SC)	10.01.1949	Unfit
2.	Subhendu Sekhar Das	01.01.1939	Very good
3.	Gourish Rn.Paul	30.11.1954	Good
4.	Chandramani Deb Barma (ST)	17.01.1956	Very Good
5.	Prasanjit Biswas	20.01.1958	Very Good
6.	Debasish Chakraborty	05.02.1956	Very Good
7.	Prabir Bhattacharjee	12.12.1957	Very Good
8.	Pranab Kr.Das	28.02.1956	Very Good
9.	Subhendu Kr.Paul	31.01.1955	Good"

In the eligibility list applicant's name figured at the third place. His overall relative assessment was found to be good, whereas respondent No.6 was above applicant and respondent No.5 was placed just after the applicant but their overall relative assessments were very good. From the aforesaid list it appears that there are 4 more persons in the list with overall assessment as very good.

5. Mr Das, learned counsel for the applicant could not produce any cogent material to show that how the respondents No.5 & 6 were not eligible for being included in the list of eligible candidates. Our attention was invited on explanation III of Regulation 5 which reads as under :

"Explanation III - Service in post (s) included in the State Forest Service would also included service rendered in ex-cadre posts connected with forestry whether under the Government, or in -

- (i) a company, association or body of individuals whether incorporated or not, which is wholly or substantially owned or controlled by Government a municipal or a local body, and
- (ii) an international organization, an autonomus body not controlled by Government or a private body:

Provided that the State Government certified that the officer concerned would have continued to hold a post included in the State Government Services but for his deputation to such ex-cadre post."

Stress was put on the word connected with forestry. It was contended that service rendered in ex-cadre post by the respondents was not connected with forestry and they were engaged with the plantation work as such that period be not included for reckoning the competence for IFS. As per Chambers 20th Century Dictionary the 'forestry' is defined as "the art of planting, tending and managing forests." Admittedly respondents No.5 & 6 were engaged in the activities of plantation while on deputation as such it cannot be said that they were not connected with forestry. Besides High Level Committee of experts took into consideration all the factual details before adjudicating the eligibility criteria. Reliance was placed on the decision of Hon'ble Supreme Court rendered in the case of Nutan Arvind (Smt) vs Union of India & another, (1996) 2 SCC 488.

6. We have heard the rival submissions in the light of material placed before us and precedents relied upon. We have examined all the relevant details. We have also perused the minutes of the meeting and norms for deciding the eligibility criteria. It is

pertinent to note that the list of 9 (nine) eligible candidates was prepared by the Selection Committee constituted under Regulation 3. This Committee of experts after due consideration of qualifications made out the list of eligible candidates and decided suitability on the touchstone of set norms. It is evident from records that the overall relative assessment of all the selected candidates was on the higher side in comparison to the applicant. Hon'ble Supreme Court in the case of Nutan Arvind (supra) has held that when high level committee had considered the respective merits of candidates, assessed the grading and considered their cases for promotion it is not open for the Court to sit over the assessment done by the committee as an appellate authority. In view of the ratio laid down by the Hon'ble Supreme Court it is not open for the Tribunal to tinker the assessment made by the high level committee. Ex-consequenti we do not find any merit in the application as such we dismiss the same.

In the result, O.A stands dismissed.

M.P. 105/2010 is also stands disposed of.


(MADAN KUMAR CHATURVEDI)
ADMINISTRATIVE MEMBER

(MUKESH KUMAR GUPTA)
JUDICIAL MEMBER

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CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. No. 193/2000 . . . of

16.8.2001
DATE OF DECISION

Sri Gaurish Ranjan Paul

APPLICANT(S)

Mr. B.K.Shrama.

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors.


RESPONDENT(S)

Mr. B.C.Pathak, Addl.C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS.

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

THE HON'BLE MR. K.K.SHARMA, MEMBER (A).

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 ?
 5. Judgment delivered by Hon'ble Vice-Chairman..
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(6)
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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 193 of 2000.

Date of Order : This the 16th day of August, 2001.

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

Hon'ble Mr. K.K. Sharma, Member (A).

Sri Gaurish Ranjan Paul, IFS,
Divisional Forest Officer,
Working Plan Division No. I,
Agartala,
Tripura (W).

...Applicant

By Advocate Mr. B.K. Sharma.

-And-

1. The Union of India,
represented by the Secretary to the
Government of India, Ministry of
Environment & Forest,
Paryabharan Bhawan, CGO Complex,
New Delhi.
2. The Union Public Service Commission,
Represented by its Chairman, Dholpur
House, Shahjahan Road,
New Delhi.
3. The State of Tripura,
Represented by the Secretary,
Department of Forests,
Government of Tripura,
Agartala.
4. The State of Manipur,
Represented by the Secretary,
Department of Forests,
Government of Imphal.
5. Shri Chandramani Debverma, IFS,
Divisional Forest Officer,
Teliamura under order of transfer
as DCF, Wild Life, Agartala in the
office of the PCCF, Tripur, Agartala.
6. Shri Subhendu Sekhar Das, IFS, (Retd.),
C/o office of the P.C.C.F., Agartala,
Tripura

...Respondents

By Advocate Mr. B.C. Pathak, Addl. C.G.S.C.

O R D E R

CHOWDHURY J. (V.C.).

This application under Section 19 has arisen, and is directed against the order dated 14.10.1999 passed by the Government of India, Ministry of Environment and Forests and

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thereby rejecting the representation of the applicant in the following circumstances. The applicant is an officer of the Indian Forest Service recruited by way of promotion from State Forest Service in terms of India Forest Service (Recruitment Rules 1966) read with Rule 9 of the Indian Forest Service (Appointment by promotion) Regulation 1966. The applicant was promoted vide order dated 10.3.1997. Subsequently his promotion was preponed to 18.3.1996 on the strength of the order passed in O.A. No. 239 of 1996. In this proceeding the main grievance of the applicant pertains to non-selection to IFS for the year 1994. The applicant earlier moved this Bench assailing the select list of 1994 by way of an Original Application which was registered as O.A. No. 240 of 1994. In the said O.A. the applicant amongst other contended that the inclusion of name of respondent nos. 5 and 6 were illegal. The Tribunal by its order dated 17.12.1998 directed the respondents to consider the case of the applicant by a reasoned order. Pursuant thereto the respondents passed the impugned order dated 14.10.1999. Legality of which assailed in this application.

2. Before the respondent NO.1 the applicant contended that the respondent no.5 was not eligible for consideration for promotion to the IFS as he did not complete the required numbers of years in the service of State Forest Service. With the respondent nos. 5 and 6; one T. Biswas also did not have much experience in the forestry as they were mainly working on non-forestry posts prior to their promotion to IFS. It was also contended that the four officers whose names were included in the Select List in 1994 namely S/Sri Chandramani Deb Barma, Prasanjit Biswas and Debasish Chakraborty were junior to him in the SFS, as such they could not be included in the Select List. The applicant also contended before the authorities that C.D. Barma had adverse entries in his Annual Confidential

Contd....

Reports and he was wrongly selected. The respondent authority rejected the contention about the validity of the select list and found that the meeting was attended by more than half of the members. In addressing to the forestry experience to the State Forest Service Officers mentioned above the respondents held the selection Committee acted on the basis of materials furnished by the Government of Tripura. The State Government forwarded the necessary information to the Selection Committee in support of the 13 other State Forest Service Officers of Tripura who were eligible for promotion to the IFS and accordingly the contention of the applicant was thus rejected. As regards the contention of the applicant to the effect that juniors were selected in the 1994, the respondent authority held that selection were made strictly in terms of promotion Regulation. Selection was made based on merits and accordingly question of supersession did not arise.

3. Mr. B.K.Sharma, learned counsel appearing on behalf of the applicant mainly focussed the argument on the eligibility criteria of respondent nos. 5 and 6. Mr. B.K.Sharma, learned Sr. counsel strenuously contended that these two respondents did not render the required service in the State Forest Service and therefore their inclusion in the Select list was unjustified. The learned Sr. counsel referring to the rejoinder to the written statement filed in the application contended that the aforementioned respondents did not serve with the required service in the State Forest Service. Mr. B.K.Sharma, learned Sr. counsel further submitted that the respondent nos. 5 Sri Deb Barma was on deputation to TTAADC with effect from 5.7.1984 and initially went for deputation for a normal period of three years. He continued on deputation for a long time and ultimately the Forest Department Tripura had to ask him for return to his parent department for gaining required experience for selection to IFS. In spite of that he was not relieved by the TTAADC and he continued


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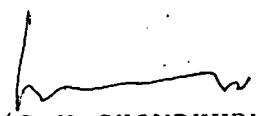
there till 17.8.1994 outside the Forest department. Similarly, Mr. Sharma contended that Sri P.Biswas also did not render the required service in the State Forest Service.

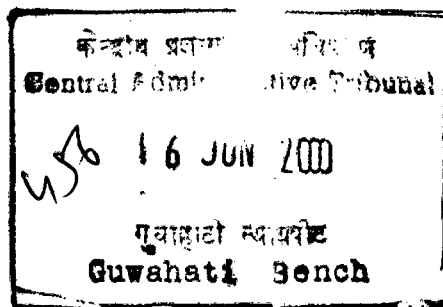
4. On the face of the material on record it is difficult for the Tribunal in its exercise of power under section 19 of the Administrative Tribunals Act to hold that the respondent nos. 5 and 6 did not render the minimum service as required in the State Forest Service. The concerned State forwarded the names of these persons as eligible candidates to the Selection Committee. The Selection Committee assessed the suitability on the basis of the materials on record. The respondent no.1 on its assessment as to their eligibility found the respondent nos. 5 and 6 was eligible for consideration.

5. For the foregoing reasons stated it is difficult for us to hold that the respondent nos. 5 and 6 were not eligible for consideration ~~of~~ promotion based on the materials on record. As regards the contention of Mr. Sharma, learned counsel for the applicant as to the supersession of the applicant by the respondent nos. 5 and 6, the Selection Committee made those assessment on the basis of the classification of the officers on the basis of merits. When merit was the criteria question of supersession in the facts and circumstances did not arise.

6. Considering all the aspects of the matter we do now find any merit in this application and accordingly the application stands rejected. There shall however, be no order as to costs.


(K.K.SHARMA)
Member(A)


(D.N.CHOWDHURY)
Vice-Chairman



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case :

OA No. 193 / 2000

BETWEEN

Shri Gaurish Ranjan Paul.

... Applicants

- versus -

Union of India & Ors.

... Respondents

I N D E X

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Filed by :

Anupama

Advocate

Filed by
the Applicant
through
V.K. Goswami
Advocate
16/6/2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

O.A. No. 193 of 1999

BETWEEN

Shri Gaurish Ranjan Paul, IFS,
Divisional Forest Officer, Working Plan
Division No.1, Agartala, Tripura (W),

... Applicant

AND

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Environment & Forest, Paryabharan Bhawan, CGO Complex, New Delhi.
2. The Union Public Service Commission, represented by its Chairman, Dholpur House, Shahjahan Road, New Delhi.
3. The State of Tripura, represented by the Secretary, Department of Forests, Government of Tripura, Agartala.
4. The State of Manipur, represented by the Secretary, Department of Forests, Government of Manipur, Imphal.
5. Shri Chandramani Debverma, IFS, Divisional Forest Officer, Teliamura under order of transfer as DCF, Wild Life, Agartala in the office of the PCCF, Tripura, Agartala.
6. Shri Subhendu Sekhar Das, IFS (Retired), C/O office of the P.C.C.F., Agartala, Tripura.

.... Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

The O.A. is directed against the wrong exclusion of the name of the Applicant from the 1994 select list for promotion to IFS from amongst the members of the

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State Forest Service of Tripura and is directed against order dated 14.10.99 issued by the Government of India, Ministry of Environment and Forests as communicated by the Government of Tripura, office of the PCCF, Agartala vide letter dated 2.11.99 rejecting the claim of the Applicant.

2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the instant application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The applicant further declares that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicant is a citizen of India and as such, he is entitled to all the rights, protections and privileges guaranteed to a citizen under the Constitution of India and the laws framed thereunder.

4.2. That the Applicant is an M.Sc. He was appointed to Tripura Forest Service as Asstt. Conservator of Forest w.e.f. 22.11.80 on completion of two years of training for the diploma course in Forestry from the State Forest Service College, Byrnihat, Assam. The Applicant was confirmed as ACF in the State Forest Service with effect from 1.4.86.

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4.3 That ever since the entry of the Applicant in the State Forest Service as aforesaid, he has been rendering his sincere and devoted service to the satisfaction of all concerned and at no point of time, he has been communicated with any adverse remarks. He was posted to various divisions and under various capacities during his tenure in State Forest Service from which he has now been promoted to IFS. Presently, the Applicant is working as DFO, Working Plan Division No.1 at Agartala.

4.4 That the Applicant had filed O.A. No. 240/94 making a grievance against non-inclusion of his name in the select list prepared for promotion to IFS in the year 1994. It will be pertinent to mention here that as per the seniority list of State Forest Service officers circulated vide No. F. 2(43)/For/Estt-84/12771-822 dated 23.4.94, the Applicant's position was at Sl. No. 3 and that of the Respondent No. 5 at Sl. No. 4. Thus the said Respondent was junior to the Applicant. In the O.A., it was the case of the Applicant that the persons whose names were included in the select list including that of the Respondents No. 5 and 6 were not eligible to be promoted to IFS. From the said select list, only the Respondents No. 5 and 6 were promoted to IFS and the other selected candidates could not be accommodated in absence of any vacancy. In the said select list, two more names were included viz. that of Shri Prasenjit Biswas and Shri Debashish Chakraborty who were juniors to the Applicant in the State Forest Service. Similarly the Respondent No. 5 was also junior to the

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Applicant in the State Forest Service. However, ignoring the case of the Applicant, they were included in the said select list, more particularly, the Respondents No. 5 and 6. As stated above, pursuant to the said select list, only the Respondents No. 5 and 6 could be promoted and hence the other persons who were not promoted have not been arrayed as party Respondents in this proceeding. The other two persons have been promoted to IFS after the promotion of the Applicant to IFS. The Applicant craves leave of the Hon'ble Tribunal for a direction to the Respondents to produce a copy of the 1994 select list since the same has not been provided to the Applicant. However, a copy of the notification dated 2.2.95 promoting the Respondents No. 5 and 6 to the IFS pursuant to 1994 select list is annexed as ANNEXURE-A.

4.5 That the Applicant states that he was continuously holding IFS cadre post with effect from 17.2.92 and prior to that he was holding the post wherein duties involved were connected with the Forestry. As per the provisions of the relevant rules holding the field, the Applicant was eligible to be promoted to IFS. In this connection, IFS (Appointment by Promotion) Regulation, 1966 may be referred to. Under the said Regulation "State Government" means in relation to a group of States in respect of which a joint cadre of service is constituted, the Joint Cadre Authority. Thus the States of Manipur and Tripura being a joint cadre, the "State Government" in relation to these two States is the joint cadre authority. Regulation 3 of the said

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Regulations provides for constitution of the Committee to make selection for IFS from amongst the eligible State Forest Service officers. Regulations 5, 6 and 7 of the said Regulations provide for methodology of selection and preparation of select list. Regulations 8 and 9 of the Regulations provide for appointment to cadre posts from the select list and appointment to the service from the select list. In terms of Regulation 9, appointment of the members of the State Forest Service to the IFS shall be made by the Central Government. Similarly Rule 8 of the IFS (Recruitment) Rules, 1966 provides for recruitment by promotion to IFS. Under Rule 9 of the IFS (Cadre) Rules, 1966, a cadre post in a State may be filled up by a non-cadre officer, if the State Government is satisfied that the vacancy will not likely last for more than three months or that there is no suitable cadre officer available to fill up the vacancy.

4.6 That the Applicant was fully eligible to be appointed to IFS on promotion even before 1994 but for the inaction on the part of the Respondents in not utilising the promotion quota considering 33.33% of the State deputation reserve and training reserve in addition to the senior duty post and Central deputation reserve of IFS as reflected in the IFS (Fixation of Cadre Strength) Regulations, 1966 for which the Applicant has filed another O.A. before this Hon'ble Tribunal. Be that as it may, considering the facts situation involved in the case, the Applicant was at least entitled to be promoted in the year 1994, but his

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name was not included in the select list of 1994 in a most illegal and arbitrary manner and the names of the ineligible persons including that of the Respondent No. 5 were included.

4.7 That the Applicant states that the different postings in different capacities of the Applicant were all invariably connected with "Forestry" and thus he having attained all the eligible criteria as required under the Rules was expecting his promotion to IFS in 1994. On the other hand as already stated above, the persons including the Respondent No. 5 who were not at all eligible to be considered and/or included in the 1994 select list were so included and in the process the claim of the Applicant was superseded. Pursuant to such selection, the Respondent No. 5 has been promoted to IFS.

4.8 That the Applicant states that the persons whose names were included in the 1994 select list including that of the Respondent No. 5 were mostly posted on deputation in Corporations/Autonomous bodies which were not at all connected with Forestry. They had to perform easy duty of routine nature and were never exposed to any hazardous duty of a Forest Officer in the Forest Department. In terms of the aforesaid Regulations, the selection committee is not to consider the case of the members of the State Forest Service unless on the first day of January of the year in which it meets he has completed not less than 8 years of service whether officiating or substantive in the present post included in the State Forest Service. The said Regulations

further provide as to how the period of continuous service for the purpose of the Regulations shall be included under which services rendered in ex-cadre posts connected with Forestry shall also be included, meaning thereby that such services should invariably be connected with Forestry. Otherwise an officer of the State Forest Service shall not be eligible to be considered for promotion to IFS.

4.9 That the Applicant states that his case was fully covered by the aforesaid Regulations so far as the eligibility criteria is concerned and there was no impediment against his name being included in the select list of 1994. On the other hand, Shri S.S. Das was promoted to the post of ACF with effect from 9.2.80 and worked against ex-cadre post during the period 9.2.80 to 5.2.89 having no nexus with the Forestry. Similarly Shri D. Chakraborty was also posted against ex-cadre post with effect from 14.8.89 and having been continuing as such when his case was considered for 1994 select list. The post so held by him was no way connected with Forestry. Shri P. Biswas was also posted against ex-cadre post with effect from 31.5.90 to 19.5.93 and he also held a post no way connected with Forestry. He was placed under suspension with effect from 28.8.93 and was charge-sheeted. In spite of these, all these three persons were made eligible to be considered for promotion to IFS on the basis of the recommendation made by the State of Tripura and eventually their names were included in the 1994 select list. The Central Government and the UPSC were not

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aware of the fact that these persons were not eligible to be considered for promotion to IFS and heavily relied upon the certificate of eligibility given by the State Government but for which things would have been different and to the exclusion of the said persons, the Applicant would have been included in the 1994 select list and consequently promoted to IFS. It is another thing that two out of the 4 select list officers were not promoted to IFS pursuant to the 1994 select list, but there cannot be any denial that because of the inclusion of their names in the 1994 select list in an illegal manner, the chance of inclusion and promotion to IFS of the Applicant was obliterated.

4.10 That the Respondent No. 5 was also posted against ex-cadre post with effect from 5.7.84 to 17.1.94 and he never held the charge of any Forest Division till 24.1.94. In this connection, it will be pertinent to mention here that the Respondent No. 6 was relieved from the said ex-cadre post by a notification dated 12.11.90 but he never handed over charge of the ex-cadre post having no nexus with the Forestry although it was observed by the Government of Tripura vide letter No. F.2(76)For/Estt-84/759-60 dated 31.1.91 that his return to the Forest Department (parent Department) would help him gain necessary departmental experience for selection to the IFS Cadre post.

4.11 That from the aforesaid factual position, it will be clear that the Applicant was always posted in the posts included in the state forest service & connected

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with Forestry, whereas the Respondent No. 5 & 6. served against the posts not connected with any Forestry and was mostly connected with non-forestry post having no nexus with Forestry. They all along performed easy nature of jobs not involved with any arduous nature of duties like that of the Applicant. Thus there cannot be any comparison so far as the performance of the Applicant vis-a-vis the Respondent No. 5 & 6 is concerned. The Applicant being essentially connected with the Forestry and the Respondent No. 5 & 6 being not connected with Forestry, standardisation of performance reflected in the ACRs was required to be done and the same yardstick cannot be applied in between the Applicant and the Respondent No. 5 & 6. Otherwise, there will be mechanical approach in selection resulting in great injustice to the deserving candidate.

4.12 That in the aforesaid backdrop, the Applicant was surprised to find his name not included in the 1994 select list and accordingly, he had submitted a detailed representation on 28.10.94, but the same having not been disposed of and the illegalities committed in the process of selection having been perpetuated, the Applicant had no option than to approach this Hon'ble Tribunal by filing O.A. No. 240/94. The Respondents including the Union of India and the UPSC entered appearance in the case and their only defence in respect of eligibility criteria of the Respondent No. 5 and others was that they relied upon the certificate of eligibility issued by the State

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Government clearly depicting that they did not have any materials of their own as regards the eligibility of the said Respondents.

4.13 That the Hon'ble Tribunal was pleased to dispose of the OA vide order dated 17.12.98 remitting the matter back to the Respondents No.1, 2 and 3 with a direction to those Respondents to consider the case of the Applicant and to pass a resounded order. Liberty was granted to the Applicant to file a fresh representation taking all the points. Direction was also issued for giving personal hearing to the Applicant and the Respondent No. 5. Pursuant to such a direction, the Applicant submitted a detailed representation urging all the points. Now by the impugned order dated 14.10.99 issued by the Government of India, Ministry of Environment and Forests and as communicated vide letter dated 2.11.99 issued by the Government of Tripura in the office of the PCCF, Tripura, Agartala, the representation of the Applicant has been rejected. Hence this O.A. making a grievance against the same.

Copies of the orders dated 17.12.98 passed in O.A. No. 240/94, representation dated 26.2.99 and the impugned order dated 14.10.99 forwarded under letter dated 2.11.99 are annexed as ANNEXURES-1, 2 and 3 respectively..

4.14 That the Applicant in his representation discussed in detail 19 paras the illegalities committed in the matter of selection in 1994. However, in the impugned

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order, 12 of those points have not been dealt with. Various documents in support of the contentions raised in the representation were submitted during the personal hearing given to the Applicant and the Respondent No. 5, but the said documents were not at all considered which resulted in passing of a superfluous order. The Applicant was not allowed to discuss over the documents. At the time of hearing, the Applicant handed over a write up to the Joint Secretary highlighting the salient points consisting of six pages including one copy of the notification No. F.14(5)-GA/93 dated 4.11.93 of the Government of Tripura, Appointment and Services Department. The Joint Secretary received the write up from the Applicant, but did not discuss over the issues inspite of request made by the Applicant. It is now transpired from the impugned order that nothing was taken into consideration while passing the impugned order.

Copies of the write up and the notification dated 4.11.93 are annexed as ANNEXURES-4 and 5 respectively.

4.15 That the Applicant held physically the post of DFO, Working Plant Division No. II since 17.2.92 to 19.11.94 which was created by the Government of Tripura in August 1985 and the same was encadred as IFS cadre post of DCF on 22.11.90 vide notification dated 22.11.90. The said post of DFO is an IFS cadre post of DCF with effect from 22.11.90. Thereafter the Applicant was continuously holding the post of DFO, Training Division, DFO, Kanchanpur and DFO, Working Plant

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Division-I till date which are all IFS cadre post and encadred on or before 22.11.90. Thus the Applicant is holding physically the IFS cadre post of DCF continuously with effect from 17.2.92 and at least about two years earlier than all the 1994 select list officers (page 10 of Annexure-2). As the Applicant was assigned the duties of holding IFS cadre post of DCF at least about two years earlier than all the 1994 select list officers, it transpires that the State Government found the Applicant more efficient and meritorious than all the 1994 select list officer and the service career of all the 1994 select list officers are by far inferior to the Applicant. As per the IFS (Regulation of Seniority) Rules, 1968, Section 3, Explanation 2, the Applicant is due to have the benefit of officiation in cadre post and the entire period of officiation in the cadre post since 17.2.92 will have to be counted towards seniority and fixation of year of allotment.

A copy of the notification dated 22.11.90 is annexed as ANNEXURE-6.

4.16 That the Respondent No. 5 whose name appeared at Sl. No. 2 in the select list of 1994 was on deputation to TTAADC with effect from 5.7.84 and initially went there on deputation for a normal period of three years. However, he managed to continue there for a long period and ultimately, the Forest Department, Tripura vide letter dated 31.1.91 observed that his return to the Forest Department would help him gain required departmental experience for selection to IFS. In spite

of this, the said Respondent was not relieved and thus he continued there till 17.1.94 outside the Forest Department. It is thus clear that although the said Respondent had no departmental experience required for the purpose of attaining eligibility and promotion to IFS, his name was recommended by the State Government illegally for promotion to IFS and with such an illegal recommendation, the select list of 1994 was prepared. The State Government never intimated to the selection committee that the Respondent No. 5 did not have experience in Forestry as required under the Rules. Thus there has been violation of Regulation 5 of IFS (Appointment by Promotion) Regulation, 1966 towards inclusion of the Respondent No. 5 in the select list of 1994.

A copy of the letter dated 31.1.91 is annexed as ANNEXURE-7.

4.17 That in the TTAADC (Tripura Tribal Areas Autonomous District Council), the Respondent No. 5 had to do only normal and easy routine work where he had spent about 10 years and was never exposed to any hazards unlike the Applicant who all along remained in the Forest Department and his duties were all along connected with the Forestry. The Tripura Forest Development and Plantation Corporation (TFDPC) is raising only rubber plantation as is evident from their annual budget for 1994-95 (Annexure-8) and letter No. F4-56/Gen/TFDPC-98/5879 dated 21.9.99 of the Managing Director, TFDPC Ltd. (Annexure-9). In 1976, TFDPC Ltd. was created for raising rubber plantation and in view

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of Forest Conservation Act, 1980 (Annexure-10), the TFDPC has become non-forestry organisation, because rubber is a plantation crop and not a forestry crop. The TFDPC has recently started raising Dioscorea Plantation which is also a non-forestry crop. Rubber is a plantation crop and is dealt under Plantation Labour Act and not at all under Indian Forest Act. Thus the post of Divisional Manager in the said Corporation held by the Respondent No. 6 during the period from 9.2.80 to 5.10.89 and Shri D. Chakraborty whose name appeared in the 1994 select list for the period 14.8.89 to October 1997 has got no nexus with the Forestry or in no way connected with Forestry. Similarly, Shri P. Biswas whose name appeared in the 1994 select list was also posted against ex-cadre post as General Manager in SC/ST Corporation, a Government of Tripura undertaking with effect from 31.5.90 to 19.5.93. This post in the said Corporation is in no way connected with Forestry. The fact that the post of General Manager, SC/ST Corporation, Tripura is in no way connected with Forestry is evident from a note on Tripura Scheduled Castes Co-Operative Development Ltd. by the General Manager, Tripura SC/ST Ltd. dated 26.10.94 (Annexure-11) and also from page No. 5 and 7 of the reply submitted to the Hon'ble Tribunal by Shri P. Biswas in O.A. 240/94 (Annexure-12). The fact that the said post thus not have any nexus with Forestry is also evident from the fact that the said post was always held by officers of Tripura Civil Service Cadre prior to the aforesaid period from 31.5.90 to 19.5.93 and even after

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the period till now. Thus their ACRs for the period of service in TFDPC Ltd., SC/ST Corporation can not be taken into account for assessment by the Selection Committee for their consideration for inclusion in the select list 1994, but unfortunately those ACR were considered by the selection committee only on the basis of the recommendation made by the State Government.

4.18 That the Applicant states that he was promoted to IFS with effect from March 1997 vide notification No. 17013/12/96-IFS-II dated 10.3.97. His name was also included in the 1995 select list but was not promoted to IFS making a grievance against which he had filed O.A. No. 239/96 before this Hon'ble Tribunal. The said O.A. was allowed and accordingly by a notification dated 7.4.99, his promotion to IFS has been propound to 18.3.96.

A copy of the said notification dated 7.4.99 is annexed as ANNEXURE-13.

The Applicant was included in the 1995 select list pursuant to which he ought to have been promoted to IFS. However, when he was not so promoted, he had to file O.A. No. 239/96 which was allowed in favour of the Applicant and accordingly, his promotion to IFS had to be propound. The Government of Tripura, by a notification dated 6.2.96 had appointed the Applicant in the IFS cadre post of DCF for a period of three months and the Applicant assumed the charge of the cadre post of DCF, Kanchanpur on 6.2.96, but in reality

the Applicant was physically holding the post of DCF, Kanchanpur with effect from 24.2.95 and was physically holding the IFS cadre post of DCF continuously with effect from 17.2.92 in pursuance of Forest Department, Government of Tripura's notification No. F.2(27)/For/Estt-85/6773-817 dated 25.11.91. The Applicant is entitled to get the benefit of officiation in IFS cadre post in terms of IFS (Regulation of Seniority) Rules, 1968 (Section 3). The Applicant craves leave of the Hon'ble Tribunal to produce the copies of the aforesaid notifications at the time of hearing of the OA and/or if and when required.

4.19 That the Applicant states that the Hon'ble Tribunal had passed the aforesaid order directing the Respondents No. 1, 2 and 3 to consider the case of the Applicant in the light of the observations made in the order. However, it is the Respondent No.1 which alone considered the case of the Applicant and in the decision making process, the Respondent No. 2 and 3 was never associated and thus there has been violation of the order of this Hon'ble Tribunal. In the Annexure-2 representation dated 24.2.99 submitted by the Applicant, he had urged all the points relevant to the issues involved, but in the impugned order, most of the points have not been taken into consideration and thus the same is liable to be set aside and quashed. Instead of repeating the contentions raised in the representation, the Applicant craves leave of the Hon'ble Tribunal to refer and rely upon the said representations and the contentions raised therein may

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be treated as the contentions raised in the O.A.

4.20 That from the impugned order, it is amply evident that the Respondents have relied upon the recommendations made by the State Government in respect of eligibility of the State Forest Service officer including that of the Respondent No. 5 whose names were included in the 1994 select list without making any endeavor to find out the real state of affairs and thus there was improper consideration and illegal exclusion of the Applicant from the 1994 select list. The impugned order has been passed in a most mechanical and arbitrary manner and the same does not contain any valid reason towards rejection of the representation submitted by the Applicant. Accordingly, the same is liable to be set aside and quashed.

4.21 That the Respondent i.e. the Joint Secretary committed a serious mistake by defining a stating the eligibility of State Forest Service Officer under regulation 5(1) of the promotion regulation while issuing the impugned order dated 14.10.99. Actually the eligibility criteria is define under regulation 5(2) of the said regulation and hence the entire interpretation made in the said impugned order dated 14.10.99 is illegal and arbitrary.

4.22 That pursuant to the 1994 select list, two persons were promoted viz. Shri S.S. Das, retired in 1997 and the Respondent No. 5. Other two persons as mentioned above, did not get appointment for want of vacancies. However, all the illegal considerations excluded the Applicant from the select list of 1994. The very fact

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that after 1994, the name of the Applicant has all along been included in the subsequent select list is a pointer to the fact that the case of the Applicant was not properly considered in 1994 due to the illegal consideration given to the others included in the select list but for which the Applicant would have been included in the 1994 select list.

4.23 That the Applicant submits that the Respondents while preparing the 1994 select list no waitage was given to the seniority whereas maximum waitage was given to the seniority point while preparing 1994 select list. The aforesaid position is clear from the fact that at the time of preparation of 1996 select list the ACRs of the Applicant as well as Sri H.P. Das were considered which is an admitted fact as reveals while hearing in connection with O.A. No. 239/96 held before Hon'ble Central Administrative Tribunal which given as below :

Year	ACRs of the Applicant (G.R. Puol)	ACRs of Sri H.P Das (Respondent No.5 in the case OA 239/96)
1988-89	Good	Satisfactory with adverse remarks
1989-90	Good	Good
1990-91	Good	Satisfactory
1991-92	Very good	Good, with adverse remarks
1992-93	Very good	Very good
1993-94	Outstanding	Very good, with adverse remarks irritant at times
1994-95	Outstanding	Very good

As per Section 3a of Regulation 5 of IFS (appointment by promotion) Regulation 1996 Sri H.P. Das should not have been included in the select list of 1996, however he being senior to the Applicant was

placed at serial No. 1 of the 1976 select list whereas the name of the Applicant appeared at serial No. 2 of the said list. From the above it is crystal clear that by virtue of seniority in the State for a service Sri H.P. Das could be placed at serial No. 1. In fact as per the comparison of ACRs the name of the Applicant should have been at serial No. 1 but the Respondents gave maximum waitage to the seniority points. This factual position proves the fact that the 1974 select list was fully biased against the Applicant and therefore the Applicant through this application prays for setting aside of the select list of 1974 and to include his name in the said list and to fix seniority of the Applicant above his junior Sri C.M. Devburma.

4.24 That the Applicant submits that the post of Divisional Manager his subordinate to Project Manager of TFDPC organisation. The post of Project Manager in TFDPC is the intermediate post between Divisional Manager and Managing Director and the post of Project Manager is higher in rank than the post of Divisional Manager. This Project Manager post in TFDPC is not an IFS cadre post nor equivalent to IFS cadre post of Deputy Conservator of forest. However the Respondents without taking into consideration that aspect of the matter prepared the said select list and on this score alone the entire select list is liable to be set aside and quashed.

4.25 That the Applicant submits that the Respondents have committed serious illegalities and irregularities in

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preparing the 1994 select list. Where preparing the 1994 select list the Respondent considered the case of one Sri P. Biswas who was under suspension with effect from 28.8.93 and the said suspension was continued for about 2 and half years. Subsequently said Mr. Biswas was chargesheeted and the charges leveled against him was truth and by an order dated 8.10.96 penalty of withholding three annual increments without any cumulative effect was imposed on him. Hence the Respondent have acted illegally including his name in the 1994 select list.

4.26 That the Applicant submits that the service carrier of the Applicant is far better than that of the Respondent No.5 Sri Devburma. In the year 1990 by an order dated 12.11.90 said Respondent No. 5 who was reverted to the post of Assistant Conservator of Forest from TTAADC and posted as wild life warden, Trisna which is not a IFS cadre post. Thereafter he did not joined the said post and by an order dated 22.9.93 he was posted as Attached Officer in the Office of the DFO Sadar which is also not a cadre post. From this it is clear that the Government of Tripura did not find Sri Devburma Respondent No. 5 fit to hold the cadre post whereas the Applicant was holding the cadre post.

4.27 That the Applicant begs to state that the members of the selection committee were bears against the Applicants while preparing the 1994 select list in total violation of natural justice and the IFS (Regulation of seniority) 1968 (Section 3 explanation 2). The select committee members namely Sri

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M. Sarkar IFS, the then PCCF (T) and the secretary forest who was also the Chief Secretary Tripura knew the service of all the eligible officers including the Applicant. Said Mr. Sarkar knew the fact that some of the officers were not fit to be included in the select list but knowing fully well the aforesaid facts the select list has been prepared excluding the name of the Applicant whose service carrier was far better than that of those selected officers. It is pertinent to mention here that in the said select list there were atleast three in-eligible officers namely Sri S.S. Das who was working in non-forestry organisation, Sri P. Biswas who was under suspension and against whom departmental proceeding was pending and finally order of penalty was issued against him, and Sri C.M. Devburma who in-comparison to Applicant has got inferior service carrier and hence the Applicant prays for setting aside of 1994 select list.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

- 5.1 For that prima facie impugned. action/order is illegal and not sustainable under the law.
 - 5.2. For that there being violation of the rules and regulations holding the field for promotion to IFS, the applicant should be deemed to be included in the reviewed select list of 1994 & the existing 1994 select list be set aside and quashed.
 - 5.3 For that the yardstick that was applied for violation of performance of the Applicant vis-a-vis the
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Respondent No. 5 cannot be the same having regard to the fact that the service of the Applicant was all along connected with "Forestry" as against the services of the Respondent No. 5 & 6 having no nexus with the "Forestry"

5.4 For that had the Applicant been posted to ex-cadre post having easy nature of jobs, he would have been better performance appraisal, if that has been made the criteria for selection to IFS. By such discriminatory application of yardstick, injustice has resulted and accordingly, the 1994 select list of IFS in the Manipur-Tripura cadre is not sustainable and liable to be set aside and quashed.

5.5 For that there being no denial of the fact that the Applicant being connected with "Forestry" has rendered most arduous nature of jobs than that of any of the private Respondents which is an admitted position from all concerns, the Applicant could not have been excluded from the select list of 1994.

5.6 For that the performance of the Applicant vis-a-vis the Respondent No. 5 would not have been waived with the same measuring rod without any standardisation having regard to the nature of jobs they have performed.

5.7 For that the inclusion of the name of the Respondent No. 7 of OA 240/94 who was admittedly under suspension and undergoing a departmental proceeding ex-facie illegal does not stand to any reason and on this score alone, the impugned select list is not

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sustainable.

5.8 For that the impugned order at Annexure-3 is not at all sustainable inasmuch as a mechanical approach has been adopted towards passing of the same when dealing with the case of the Applicant.

5.9 For that the Respondents ought to have dealt with the question as to whether the Respondents No. 5 and 6 was eligible to be included in the 1994 select list in view of the fact that the duties and responsibilities performed by them in the ex-cadre post had no nexus with forestry.

5.10 For that in the name of personal hearing, there was a farcical hearing towards disposal of the case of the Applicant and the points raised by the Applicant having not been dealt with, the impugned order is not sustainable and liable to be set aside.

5.11. For that in any view of the matter, the impugned order and action towards preparation of the select list of 1994 is not sustainable and liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED :

That the Applicant states that he has got no other efficacious remedy than to approach this Hon'ble Tribunal.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The Applicant further declares that he has not filed any application, writ petition or suit in respect

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of the subject matter of the instant application before any other Court, authority or any other Bench of this Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances of the case, the Applicant prays that this application be admitted, Records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted ; and on perusal of the Records and after hearing the parties on the causes that may be shown, the following reliefs be granted :

- 8.1 To set aside and quash the impugned order dated 14.10.99 and as communicated by letter dated 2.11.99 (Annexure-3)
 - 8.2 To direct the Respondents to reconsider the case of the Applicant by way of review selection to include his name in the 1994 select list and/or alternatively to relate back the promotion of the Applicant to IFS to 1994 pursuant to his selection in the subsequent select list with all consequential benefits.
 - 8.3 To set aside and quash the 1994 select list and the Annexure-A notification dated 2.2.95 promoting the Respondents No. 5 and 6 to IFS.
 - 8.4 Cost of the application
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8.5 Any other relief or reliefs to which the Applicant is entitled and as may be deemed fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR :

No interim order is prayed for at this stage.

10.

The Application is filed through Advocate

11. PARTICULARS OF THE I.P.O. :

(i) I.P.O. No. : 06 497489
(ii) Date : 16/6/200
(iii) Payable at : Guwahati

12. LIST OF ENCLOSURES :

As stated in the Index.

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VERIFICATION

I, Shri Gaurish Ranjan Paul, IFS, aged about 45 years, son of Late G.D. Paul, at present working as Divisional Forest Officer, Working Plant Division-I, Agartala (W), Tripura, do hereby solemnly affirms and verify that the statements made in the accompanying application in paragraphs 41, 42, 43, 45 to 412, 419 to 427 are true to my knowledge and those made in paragraph 44, 413 to 418 are true as per legal advice. I have not suppressed any material facts.

And I sign this verification on this the 16th day of ~~December 1999~~ JUNE 2000

Gaurish Ranjan Paul

ANNEXURE-A

ANNEXURE-A

F. NO. 17013/12/94-IFS-II
Government of India
Ministry of Environment and Forests

Paryavaran Bhavan,
CGO Complex, Lodhi Rd.
New Delhi-110003

Dated the 2nd February, 1995

NOTIFICATION

In exercise of the powers conferred in Sub-rule (1) of rule 8 of the India Forest Service (Recruitment) Rules, 1996 read with Sub-regulation (1) (Appointment by Promotion) Regulations, 1966, the President is pleased to appoint the undermentioned officers of the State Forest Service of Tripura State to the India Forest Service against the existing Manipur-Tripura Jt. cadre of the India Forest Service under sub-rule (1) of rule 5 of the India Forest Service (Cadre) Rules, 1966.

S. No.	Name of the officer	Date of Birth
1.	Sh. Subhendu Sekhar Das	1.1.1939
2.	Sh. Chandramani Deb Banna	17.1.1956

Sd/-

(R. Sanchwal)

Under Secretary to the Govt. of India

To

The Manager,
Govt. of India Press
Faridabad (Haryana)

Distribution:

1. The Chief Secretary, Government of Manipur, Imphal.
2. The Chief Secretary, Govt. of Tripura, Agartala.
3. The Secretary, Deptt. of Personnel & Adm. Reforms, Govt. of Manipur, Imphal.
4. The Secretary, Appointment and Service Department, Govt. of Tripura, Agartala.
5. The Principal Chief Conservator of Forests, Manipur, Imphal.
6. The Principal Chief Conservator of Forests, Tripura, Agartala.
7. The Accountant General, Manipur, Imphal.
8. The Accountant General, Tripura, Agartala.
9. Guard file/Spare copies.

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ANNEXURE-K

Annexure-1

No.F3(33)/For/Estt-80/P/15,737-38
Government of Tripura
Office of the Principal Chief Conservator of Forests
Tripura : Agartala

Dated, Agartala 2.11.99.

To

Shri C.M. Debbarma, IFS,
Divisional Forest Officer,
Teliamura.

Shri G.R. Paul, IFS
Divisional Forest Officer,
Working Plan, Divn. No.I,
Agartala.

Subject : O.A. NO. 240/94: Sri G.R. Paul Vs. Union of
India and others : CAT- Guwahati Bench.

Please find enclosed herewith an order issued by the
Joint Secretary. Government of India, Ministry of
Environment & Forests dated 14.10.1999 passed in
implementation of Hon'ble CAT Guwahati Bench order
dated 17th December, 1988 issued O.A. No. 240/94.

This is for information and action as deems
necessary.

Encls : As stated
above

Sd/-
Chief Conservator of Forests
Tripura.

Ministry of Environment and Forests

Paryavaran Bhavan,
CGO Complex, Lodi Road,
New Delhi - 110003

Dated, the 14th October, 1999

O R D E R

Shri G.R. paul, a State Forest Service Officer (SFS) of Tripura, filed CA NO. 240/94 before the Hon'ble Central Administrative Tribunal - Guwahati Bench challenging the Select List prepared by the Selection Committee in the meeting held on 30.3.94 as his name had not been included therein. Shri paul prayed, inter-alia for a direction to the Respondents to include his name in the Select List for promotion to the India Forest Service (IFS) in the Manipur - Tripura joint cadre for the year 1994 and to promote him to the IFS with retrospective effect and also to set aside and quash the said Select List of 1994. The Hon'ble Tribunal disposed of the application on 17.12.98 with the direction to the Respondents to consider the case of the Applicant and pass reasoned order. The Hon'ble Tribunal also gave Applicant the liberty to file a fresh representation taking all the points which according to him are necessary for taking a decision. The Hon'ble Tribunal also directed to grant the Applicant and the Respondent No. 6, i.e. Shri Chandramani Debbarma, a personal hearing before disposing of the said representation.

2. The fresh representation of Shri G.R. paul was received in the Ministry of Environment and Forests on 14.7.99. In pursuance of the direction given by the

Hon'ble Tribunal. Shri Paul and Shri Chandramani Deb Barma were advised to appear before the undersigned on 28.9.99 to make submissions regarding their case. both the officers appeared before the undersigned on the stipulated date. Shri Paul made the following

submissions :-

- i) The meeting of the Selection Committee was in itself illegal as it was not represented by all the members as stipulated in the Promotion Regulations.
- ii) Shri S.S. Das was not even eligible for consideration for promotion to the IFS as he had not yet completed the required number of years in service in the SFS.
- iii) S/Shri S.S. Das, C.D. Barma and P. Biswas did not have much experience in forestry as they were mostly working on non-forestry posts prior to their promotion to the IFS.
- iv) Of the 4 Officers whose names were included in the Select List prepared in 1994 namely, S/Shri Subhendu Sekhar Das, Chandramani Deb Barma, Prasenjit Biswas and Debasish Chakraborty, the last three were junior to him in the SFS as such, should not have been included in the said Select List.
- v) Shri C.D. Barma had adverse entries in his Annual Confidential Reports.

Shri Barma intimated that his promotion had been correctly done and there was no force in the argument of Shri Paul.

3. Submissions made by Shri Paul have been examined. As per the regulation 3(1) of the IFS

(Appointment by Promotion) Regulations, 1966, the Selection committee consists of the Chairman/Member of the UPSC and the following other persons in respect of a Joint Cadre :-

- i) Chief Secretaries of the Government of constituent State :
- ii) Principal Chief Conservators of Forests of the constituent States : and
- iii) A nominee of the Government of India not below the rank of Joint Secretary.. In terms of regulation 3(3) , the absence of a member other than the Chairman or member of the Commission shall not invalidate the proceedings of the Committee if more than half of the members of the committee had attended its meeting. Since the meeting in question was attended by more than half of the members, the contention of Shri Paul that the proceedings were illegal, does not hold good. ✓

4. Regarding the other contention that Shri S.S. Das was not even eligible for promotion to the IFS and the other three officers did not have enough forestry experience, it is to be stated that in terms of regulation 5(1) of the Promotion regulations, an SFS Officer becomes eligible for promotion to the IFS if he is substantive in the SFS and has completed not less than 8 years of continuous service (whether officiating or substantive). The information whether a member of the SFS is eligible for consideration for Government concerned to the Selection Committee. As per the information furnished by the Government of Tripura in

30.3.94

the present case, Shri S.S. Das joined the SFS on 9.2.1980, and as such was eligible for promotion to the IFS when the meeting of the Selection Committee was held. The State Government (forwarded) the necessary information to the Selection Committee in support of 13 other SFS officers of Tripura who were eligible for promotion to the IFS. The contention of Shri Paul that Shri Das and others were not eligible for promotion to the IFS is, therefore, without any basis.

5. As regards his contention that the names of his juniors were included in the Select List of 1994, it is stated that selection from SFS to the IFS is strictly on merit. In terms of the Promotion Regulations, an officer is graded on the basis of assessment of his performance in the SFS. In the process of selection, a junior may supersede a senior and may rank even the top. In the present case, the Selection Committee graded Shri Paul as 'Good' whereas three of his juniors were graded as 'Very Good'. The result was that his juniors were able to make the grade whereas he, despite being senior to them, could not get a place in the Select List.

6. In view of the position explained above, the representation of Shri G.R. Paul is without any merit and is hereby rejected.

Sd/-

(Mira Mehrishi)

Joint Secretary to the Govt. of India
Ministry of Environment & Forests
New Delhi.

ANNEXURE-2

- 7 -

Annexure-2

To

The Secretary,
Ministry of Environment and Forests,
Paryavaran Bhavan,
CGO Complex, Lodhi Road,
New Delhi - 110003

Through the Principal Chief Conservator
of forests, Tripura, Agartala.

Subject : Appeal for setting aside and quash the
Select List 1994 prepared for Tripura State
Forest Service for promotion to the post of
IFS and fixation of seniority of Shri B.R.
Paul, IFS above Sri Chandramani Debbarma,
IFS(MT-1990).

Reference : Direction of the Hon'ble Central
Administrative Tribunal, Guwahati issued in
the Case No. OA 240/1994 on 17.12.1998.

Sir,

In continuation to my application dated 31.12.1998
submitted from Chennai (on LTC), I have the honour to
lay before your judicious self the following few lines
for favour of your kind and sympathetic consideration :

1. That after successful completion of 2 years training
for the Diploma Course in Forestry from the State
Forest Service College, Burnihat, Assam I was appointed
in the State Forest Service as Asstt. Conservator of
Forests w.e.f. 22.11.1980 vide Notification No. F.2-
17/Estt/For-80/40353-66 dated 22.11.1980 of Forest
Deptt. Govt. of Tripura. I was also confirmed as ACF in
the State Forest Service w.e.f. 01.4.1986 vide
Notification No. F.2(19)/For/Estt-80/14536-43 dated
17.12.1990 of the Forest department, Govt. of tripura.
Since my appointment as ACF I was posted in various
capacities as indicated below:-

- i) 22.11.80 to 14.2.83 - Asstt. Conservator of
Forests in the office of
DFO, Manu, Tripura.
- ii) 15.2.83 to 31.3.86 - DFO, Resettlement Forest
Division, Jatanbari, Tripura.
- iii) 01.4.86 to 22.2.90 - Dy. Director, Tribal
Rehabilitation Division in
tribal Rehabilitation in
Plantation & Primitive Group
Programme of State Govt.,
Jatanbari, Tripura.
- iv) 23.2.90 to 16.1.91 - Asstt. Conservator of
Forests in the O/O
Conservator of Forests,
Northern Circle, Kumarghat.
- v) 17.1.91 to 17.2.92 - Principal Officer (Forest),
Tripura tribal Areas
Autonomous District Council,

- Tripura, Agartala:
- vi) 17.2.92 to 19.11.94 - DFO, Working Plan Division No. II Agartala, Tripura.
 - vii) 04.11.94 to 23.2.95, - DFO, Training Division & Wild Life Warden, Sepahijala; tripura.
 - viii) 24.2.95 to 19.10.98- DFO, Kanchanpur Forest Division, tripura.
 - ix) 20.10.98 to contd. - DFO, Working Plan Division-I Agartala, Tripura.

During the above posting also held additional charge of many other Territorial Forest Divisions from time to time. I was, therefore, eligible for consideration for appointment to, the Indian Forest Service Cadre Post of Dy. Conservator of Forests on promotion in 1994.

2. That the Seniority List of State Forest Service Officers Tripura was circulated vide No.F.2(43)/For/Estt-84/12771-822 dated 23.4.1994 of Forest Department, Govt. of Tripura. A copy of the Seniority List is enclosed (Annexure-1). As per the Seniority List I stand at serial No. 3 and above Sri Chandramani Debbarma (sl. 4), Sri Prasenjit Biswas (U/S) (Sl.5) & Sri Debasish Chakraborty (sl.6) and below Sri Haripada Das & Sri Subhendu Sekhar Das.

3. I am shocked to find that Sri Subhendu Sekhar Das and Sri Chandramani Debbarma have been promoted vide Notification No. F.17013/12/94-IFS-II dated 02.2.1995 of Govt. of India, Ministry of Environment & Forests (a copy enclosed as Annexure-2) to IFS cadre post Dy. Conservator of Forests, having been included in the approved Select List 1994. I have also come to know that Sri Prasenjit Biswas, ACF & Sri Debasish Chakraborty, ACF have also been included in the approved Select List, 1994, but my name surprisingly does not appeared in the said select list, although 3 out of the 4 Officers, included in the Select List 1994 are junior to me in State Forest Service & that I was eligible for promotion to the said IFS cadre post.

4. That the Indian Forest Service (Appointment by promotion) Regulations 1966 Section 5(2) provides that the Select Committee shall not consider the case of a member of the State Forest Service, unless, on the first day of January of that year in which it meets, he is substantive in the State Forest Service and has completed not less than eight years of continuous service in posts(s) included in the State Forest Service including that of 2 years training for Diploma Course in the Forestry.

Explanation (iii) of the aforesaid Sub-Section further provides in regard to eligibility of State Forest Service officers as reproduced below:-

"Service in post(s) included in the State Forest Service would also include Service rendered in ex-cadre posts connected with Forestry whether under the Govt.

or in a Company, Association or body of individuals whether incorporated or not, which is wholly or substantially owned or controlled by Govt. a municipal or local body".

It may be mentioned that Sri Subhendu Sekhar Das, who was promoted to the post of ACF w.e.f. 09.2.1980 (from the post of Senior Forest Ranger) worked against ex-cadre post of Divisional Manager, Tripura Forest Development and Plantation Corporation Ltd., on deputation basis and continued in that post till 05.10.1989. The Corporation (TFDPC Ltd.) is raising only rubber plantation which is not a forestry crop. Rubber is a plantation crop and is dealt under Plantation Labour Act (& not at all under Indian Forest Act). The same post of Divisional Manager, TFDPC was held by Sri S.S. Das, ACF as Senior Forest Ranger (Subordinate in rank of ACF) before his promotion to ACF for a long time. Besides many other Forest Officer of the rank Senior Forest Ranger (SFR) at least held once almost all the posts of Divisional Manager of TFDPC Ltd. Again one non forest & non technical officer, Sri Rabindra Mohan Paul, Deputy Collector of Tripura Civil Service cadre held the post of Divisional Manager, TFDPC for a long time during the period 1980 to 1982.

That TFDPC is raising only rubber since 1976-77 is evident from their Annual Budget for 1994-95 (a copy enclosed as Annexure-3). In 1977 TFDPC was created for raising rubber plantation and in view of Forest Conservator Act 1980, the TFDPC has become Non-Forestry Organisation because rubber is a Plantation crop and not a forestry crop. TFDPC has recently started raising Dioscorea plantation which is also a Non-Forestry crop.

Thus, the post of Divisional Manager in the said Forest Corporation and held by Sri Subhendu Sekhar Das during the period from 09.2.1980 to 05.10.1989, is in no way connected with forestry. Sri S.S. Das held post included in the State Forest Service only for 4 years 3 months and 26 days as on 01.1.1994 (w.e.f. 05.10.1989 to 01.1.1994) as against the requisite 8(eight) years of continuous service. he has also not undergo 2 years training for Diploma Course in Forestry. Thus Sri S.S. Das whose name appeared at sl. No. 1 in the Select List of IFS 1994 and promoted to IFS as stated above is not at all eligible for consideration for appointment to IFS cadre post of Dy. Conservator of Forests, for the service rendered by him in the State Forest Service.

5. That as already elucidated, the TFDPC Ltd. is a non-Forestry organisation and the post of Divisional Manager TFDPC is no way connected with forestry. Sri Debasish Chakraborty, ACF whose name appeared in the Select List 1994 is posted in the aforesaid Corporation (TFDPC Ltd.) w.e.f. 14.08.1989 to October 1997 against ex-cadre post of Divisional Manager i.e. the post not connected with Forestry. As such the period of service rendered in the Forest Corporation by Sri Debasish Chakraborty can not be counted towards the State Forest

Service for the the purpose of eligibility. His ACRs for the period of the service rendered in the TFDPC Ltd. cannot be taken into account for assessment by the Select Committees for his consideration for inclusion in the Select List 1994.

6. That, Sri Prasenjit Biswas, ACF whose name appeared in the Select List 1994 was also posted against ex-cadre post as General Manager in Schedule Caste & Schedule Tribe Corpn., A Govt. of Tripura undertaking w.e.f. 31.5.90 to 19.5.93. This post in the said corporation is in no way connected with forestry activity. The only job/duty of the post of General Manager, SC & ST Corpn., Tripura is to arrange finance for economic resettlement of SC & ST population, who live below the poverty line is 100% a non-Forestry work. That the post of General Manager, SC & ST Corpn., Tripura is in no way connected with Forestry is evident from (1) A NOTE OF TRIPURA SCHEDULED CASTES COOP. DEVELOPMENT CORPORATION LTD. BY THE General Manager, tripura Scheduled Caste Co-op. Development Corporation Ltd., Agartala dated 26.10.94, a copy is enclosed herewith as Annexure-4. (2) From the reply submitted by Sri Prasenjit Biswas as Respondent No. 7 to the case No. DA 240/94 of the CAT, Guwahati. His reply consisted of 10 pages and copy of page No. 5 & 7 signed by Sri P. Biswas is enclosed herewith as Annex-5.

The work of arranging finance may be a good banking work, but not at all a forestry work and it is having no nexus with forestry. Again it is crystal like clear that the said post is having no nexus with forestry from the fact that the same post was always held by officers of Tripura Civil Service (TCS) cadre prior to the period 31.5.90 to 19.5.93 and even after that period till now. Sri Biswas is the only Forest Officer who held that post during the period 31.5.90 to 19.5.93. The period of service rendered in the said SC & ST corporation, Tripura by Sri Prasenjit Biswas, ACF can not be counted towards the State Forest Service for the purpose of eligibility. His ACRs for the period of service in the SC & ST Corporation can not be taken into account for assessment by the Select Committee for his consideration for inclusion in the Select List 1994. It may also be mentioned that Sri Prasenjit Biswas, ACF was under suspension w.e.f. 28.8.93 to 05.12.95 and charge sheeted on corruption charges. The charges levelled against him was proved and penalty of withholding 3 increments without any cumulative effect was imposed on him by the Govt. of Tripura vide No. F.11(96)-ARD/93(P-VI) dated 08.10.1996 of Administrative Reforms Deptt.

7. The eligibility criteria was fixed by the statutory rules-IFS (Appointment by promotion) Regulation, Rules, 1966, Section 5(2) of the Govt. of India and the Govt. of tripura has no power to change the eligibility criteria by way of issuing any certificate what-so-ever in favour of any officer(s), who is holding a post having no nexus with forestry.

8. Sri Chandramani Debbarma, ACF whose name appeared at Sl. No. 2 in the Select List, 1994 who was promoted to IFS cadre post of Dy. CF was posted against ex-cadre post in the Tripura Tribal Areas Autonomous District Council (TTAADC) w.e.f. 05.7.1984 to 17.1.1994 never held the charge of any Forest Division till 24.1.94. He was transferred to the Forest Deptt. on repatriation vide Notification No. F.2(76)/For/Estt-85/49220-28 dt. 12.11.90 (copy is enclosed as Annexure-6).

Similarly the Applicant was deputed to TTAADC as Principal Officer (Forest) vide Notification No.F.2(76)For/Estt-85/49229-39 dt. 12.11.90 of the Forest Deptt., Govt. of Tripura (a copy is enclosed as Annexure-7) and to relieve Sri Chandramani Debbarma, ACF (now IFS). In accordance with the above deputation order the Applicant was relieved from the post of Divisional Forest Officer, Kanchanpur and joined in the TTAADC on 16.1.91, but Sri Chandramani Debbarma did not hand over the charge of the Principal Officer (Forest) to me, although it was observed by the Govt. of Tripura, vide letter No. F.2(76)/For/Estt-85/759-60 dt. 31.1.1991 (a copy enclosed as Annexure-8) of the Deputy Secretary, Forest Deptt. that is return to the Forest deptt. (parent deptt.) will help him gain required departmental experience for selection to IFS. In spite of this Sri Chandramani Debbarma was not relieved by the TTAADC and thus he continued there. As a result of such situation the Applicant had to sit in TTAADC without any substantial work and waiting for getting the formal charge of the post of Principal Officer (Forest). Thus had I been given the charge of the post of Principal Officer (Forest) I could have shown my worth therein TTAADC and received better grading in my Annual Confidential Report for that year. Thus for no fault on my part why should I suffer?

In the TTAADC Sri Chandramani Debbarma had to do only easy work of routine nature for about 10 years and were never exposed to any hazards unlike that of me remaining in the Forest Department. In the TTAADC Sri Debbarma did only raising of plantation and nursery work but no protection of Forests, no revenue collection work, no confrontation with forest offenders, encroachers, poachers which I did remaining in the Forest deptt.

Thus the ACRs of Sri Chandramani debbarma for the period 05.7.84 to 17.1.94 outside the Forest deptt. in ex-cadre post of IFS can not be at all compared with that of me, mostly holding cadre post of IFS.

Sri Chandramani debbarma, ACF (now IFS, (MT-1990) which name appeared at sl. no. 2 in the Select List 1994, received adverse ACR while he was in the Forest deptt. during 22.11.1980 to 05.7.1984 and on the other hand I have not received any adverse ACR or any communication from any authority which may debar me from getting promotion to IFS till date.

Shri Chandramani debbarma (Respondent No. 6) is a

B.Sc. but the Applicant is M.Sc. The Applicant was placed above the Respondent No. 6 by Tripura Public Service Commission while selection was made on merit basis for sending list to Indian Forest College, Burnihat, Assam in 1978 and again the Applicant was placed in 1980 above in the list prepared by S.F.S. College Burnihat on merit basis. The Applicant passed B.Sc. 3 years earlier to the Respondent No. 6 from the same College. The Applicant is senior in age compared to the Respondent No. 6. Thus it is observed that the Applicant is senior/superior to Shri Chandramani Debbarma (Respondent No. 6) in all respect.

Shri Chandramani Debbarma (Respondent No. 6) was Principal Officer (Forest) in Tripura Tribal Areas Autonomous District Council (TTAADC) for about 10 years from 1984-1994. For many years he had no working hand (infrastructure) in TTAADC and his work (P.O. Forest) was done by DFO's of Tripura Forest department including the Applicant. The Respondent No. 6 arranged placement of fund to the Applicant and other DFO's of the Forest department who worked for him in addition to their own assignment. Shri Debbarma's only work was to place fund to the DFO's including the Applicant and then at the end of the financial year we used to send the utilisation certificate to him for his onward transmission to his higher authority in TTAADC. This being the fact how Shri Debbarma (Respondent No. 6) could manage to have better grading in his ACR than the Applicant.

In 1990 vide order No.F.2(76)/For/Estt/85/49220-28 dt. 12.11.1990 (Annexure-6) Shri Debbarma was reverted from TTAADC and posted as Wild Life Warden, Trishna which is not an IFS cadre post. He did not join there. Then again vide Forest Department Notification NO.F.3(34)/For/Estt-80/3700-705 dated 23.9.93 Shri Debbarma was posted as "Attached Officer" in the office of DFO, Sadar which is also not an IFS cadre post. From the above orders it is obvious that the Govt. of Tripura did not find him suitable to run the post of DFO (IFS cadre post) even after 13/14 years of service rendered by him and on the other hand the Govt. posted the Applicant as DFO as early as on 1983 and the Applicant since then is discharging the duties and responsibilities of the post of DFO to the full satisfaction of the authority till date.

It is again clear from the Forest Department, Tripura letter No. F2(76)/For/Estt/85/759-60 dt. 31.1.1991 (a copy enclosed as Annexure-8) that though Sri Chandramani Debbarma had no Departmental experience required for him to get promotion to IFS his name was recommended for the promotion to IFS illegally by the State Govt. and on this basis the Select List 1994 was prepared wrongly/illegally. By recommending the name of Sri Debbarma ACF for promotion to IFS, the State Govt. contradicted their own letter/view, referred above.

Assessment of Forest Department, Govt. of Tripura on Shri C.M. Debbarma (Respondent No. 6) is poor as

elucidated above, even then he could manage to supersede the Applicant in getting promotion to IFS illegally.

9. Only 2 Select Committee members viz. Sri M. Sarkar, IFS the then PCCF(T) and the Secretary, Forest, Tripura who was also the Chief Secretary, Tripura knew me very well. The then PCCF(T) Mr. M. Sarkar, IFS who attended the Selection Committee meeting on 30.3.94 was fully biased against me because of professional reasons. Had Mr. M. Sarkar, IFS the then PCCF(T) were unbiased towards me, he would have certainly pointed out in the meeting about the intelligibility of Sri Subhendu Sekhar Das, working for many years in Non-Forestry organisation by Sri Prasenjit Biswas & Sri Debasish Chakraborty and as well the ill treatment metted to me by Sri Chandramani Debbarma & TTAADC authority during 1991-92 as elucidated in foregoing para. He could have also pointed out that the Forestry is a technical & Specialised subject but the ACR of Sri Chandramani Debbarma & Sri Prasenjit Biswas in the TTAADC & SC & ST Corpn., Tripura were written by Non-Forest and Non-Technical T.C.S/IAS Officers, which can not be directly compared with the ACRs of me but for his biasedness he did not pointed out these facts in the meeting.

The other Select Committee member Mr. M. Damodaran, IAS, Chief Secretary and also holding then the post of Secretary, Forest, Tripura who knew me well was not present in the meeting on 30.3.94. Therefore, justice was not metted to me by the Selection Committee.

10. Though TFDPC Ltd. is a commercial organisation and was running at a loss continuously since 1983 to 1993, when Sri S.S. Das and Sri Debasish Chakraborty worked as Divisional Manager there, as observed from the document placed herewith as Annexure-3, Sri S.S. Das and Sri Debasish Chakraborty were graded very good/outstanding illegality.

11. The Applicant worked as Dy. Director in the Department of TRP & PGP during the period 01.4.86 to 22.2.90. The office of DFO, Resettlement Forest Division, Jatanabari which I opened on 15.2.1983 within Forest Dept. continued upto 31.3.1986 and as per Government order the same Division merged to the new Department of Tribal Rehabilitation in plantation and Primitive Group Programme with all infrastructure, office articles, staff including the DFO (the Applicant) and the nature of work which the Applicant did as DFO, resettlement Forest Division also Government for better monitoring and implementation of the Forestry works within R.F. The entire activity of the Department of TRP & PGP are confined with R.F. and raising of Forestry Plantation, Soil Conservation works etc. The beneficiaries under the department will be given right in the form of participatory Forest Management Scheme in such a way that they will get 90% share of Forest plantation produces and the rest 10% will go to the Forest Deptt. tripura. This is evident

from the brief writing received by the Applicant from the Director, TRP & PGP vide his NO. F.15(23)/TRP & PGP/FCC/10767 dt. 14.3.95 enclosed herewith as Annexure-10. Again it is evident from the note No.9, 10, 11 signed by the Director and Secretary, Tripura communicated by the Director TRP & PGP, tripura vide his No. f.18-1/TRP & PGP(Vol-1)/86/11228-93 dt.9.11.88, a copy of which is enclosed as Annexure-11, that the deptt. of TRP & PGP is maintaining the assets created by the erstwhile Forest Re-settlement Division of the Forest Deptt., Tripura and whether works were done by the erstwhile re-settlement Forest Division within R.F. area till 31.3.1986 are being done by the deptt. of TRP & PGP since 01.4.1986. Thus the Applicant held the post during 01.4.86 to 22.2.90 purely connected with Forestry.

12. In TFDPC Ltd. SC & ST Corporation, Tripura and as well in TTAADC, the officers Sri Debasish Chakraborty did not deal with Forest Rules, Laws. Forest Conservation Acts were not followed by them. They did not deal with Forest land, encroachment etc. as was dealt by the Applicant remaining in Forestry activity in Forest Deptt./Deptt. of TRP & PGP, Tripura. As such ACR's of the Applicant can not be compared with the ACRs of those aforesaid 4 officers whose name appeared in the 1994 Select List of Tripura Forest Service for promotion to IFS cadre post of Dy. Conservator of Forests. From the aforesaid factual position, it will be clear that as against the posting of the Applicant connected with 'Forestry', the Respondents were mostly posted connected with Non-Forestry posting having no nexus with Forestry. They all along performed easy nature of jobs being not involved in arduous nature of jobs like that of the Applicant. Thus, there can not be any comparison so far as the performance of the Applicant vis-a-vis the Respondent number 5 to 8 is concerned. The Applicant being essentially connected with the 'Forestry' and the Respondents are being not concerned with 'Forestry' mostly, standardisation of performance of ACRs is invariably required to be done and the same yardstick can not be applied to them i.e. the Respondents No. 5 to 8 without any standardisation, otherwise there will be mechanical application of process of selection resulting in great injustice to the most deserving candidate (the Applicant).

13. The continuous period of holding IFS cadre post of Dy. Conservator of Forests by the Applicant and the 1994 Select List Officers are shown as below :-

- i) Sri Subhendu Sekhar Das - From 19.10.94 to 31.3.97 (Date of retirement from service)
- ii) Sri G.R. Paul (Applicant) - From 17.2.92 to contd.
- iii) Sri Chandramani debbarma - From 24.1.94 to contd.
- iv) Sri Prasenjit Biswas - From 08.10.97 to contd.
- v) Sri Debasish Chakraborty - From 08.12.97 to contd.

That the posts of DFO, of the Forest Division, Working Plan Division No.II, Agartala, Forest training Division, Sepahijala, Kanchanpur Forest Division, Kanchanpur and Working Plan Division No.I, Agartala which were run/being run by the Applicant as DFO, successfully and continuously from 17.2.92 are IFS (M.T) cadre post is evident from the notification No.F10(5)-GA/93 dt. 06.12.94 of Government of Tripura, Appointment & Services Deptt., a copy of which enclosed herewith as Annexure-12.

Again the India Forest Service (Regulation of Seniority) Rules, 1968, Section-3, explanation 2 states that "An officer shall be deemed to have officiated continuously in a senior post from a certain date if during the period from that date to the date of his confirmation in the senior grade, he continuous to hold without any break or reversion a senior post otherwise than as a purely temporary or local arrangement". The Applicant is holding physically the IFS cadre post of Dy. Conservator of Forest continuously w.e.f. 17.2.92 and at least about 2 years earlier than all of the 1994 Select List officers. As the Applicant was assigned the duty of holding IFS cadre post of Dy. Conservator of Forests at least about 2 years earlier than all the 1994 Select List Officers, it transpires that the State Government found the Applicant to be more efficient than all the 1994, Select List officers are by far inferior to the Applicant as indicated above. As per rule the Applicant is due to have the benefit of officiating in cadre post. His entire period of officiation in cadre post (since 17.2.92) will have to be counted towards seniority and fixation of year of allotment.

14. The Applicant filed another case in the CAT, Guwahati in 1996 for not promoting him to IFS on the basis of 1995 Select List & the case bears NO. OA 239 of 1996. In that case an affidavit filed by the UPSC i.e. Respondent No. 2. In paragraph 11(2) of the said affidavit the UPSC stated besides other as "The Applicant was assessed as 'very good' on the basis of overall relative assessment of his ACRs and was included in the list at Sl. No. 1". As last 5 years ACR is considered for preparation of a Select List, 4 years ACR of the Applicant is the same which was considered in preparation of the Select List 1994 and 1995. When the Applicant stand at Sl. No. 1 of the 1995 Select List besides on over all relative assessment of his ACRs, how it may happened that Applicants name could not occupy at all place on the Select List, 1994. This could happened as the Select Committee for preparation of 1994 Select List was not in full shape, as per norm fixed by Government of India & consisted of some unauthorised person and biased person, who succeeded in illegal exclusion of the name of the Applicant from the Select List 1994.

15. By recommending the name of Sri Subhendu Sekhar Das, in 1994 who is not at all eligible for promotion

to IFS and by considering the period of service for long years by Sri Prasenjit Biswas and Sri Debasish Chakraborty in purely non-Forestry posts, the IFS (Appointment by promotion) Regulations 1966, has been violated by the Selection Committee and the State Government. Thereby justice was not metted to the Applicant by the Selection Committee.

16. As per the norms fixed by the Govt. of India for constitution of the Selection Committee, the following member are to attend meeting for preparation of a Select List.

1. Chairman/Member, UPSC
2. Chief Secretary
3. Secretary to Forest deptt.
4. Chief Conservator of Forests
5. A nominee of the Govt. of India not below the rank of Joint Secretary. But the Select List, 1994 was prepared by the following members.

1. Member, UPSC
2. Chief Secretary, Govt. of Manipur.
3. Principal Secretary, Deptt. of ICAT, Agriculture & R.D., Govt. of Tripura.
4. The Principal Chief Conservator of Forests, tripura.
5. The Principal Chief Conservator of Forests, Manipur.

It is observed that the members as enumerated in the schedule of IFS (appointment by promotion) Regulations were not present. Even the Chief Secretary, tripura was not present in the Selection Committee meeting. India Forest Service (appointment by promotion) Regulation 1966- regulation 3, framed for constitution of the committee to make selection was violated and the Select List 1994 prepared by unauthorised and incomplete Selection Committee is not acceptable to law.

17. As Sri S.S. Das (Respondent No.5) and Sri Chandramani debbarma (Respondent No. 6) were appointed to IFS on the basis of 1994 illegally prepared Select List, their appointment to IFS were automatically illegal and liable to be set aside.

18. Thus it is crystal like clear that the Select List 1994 of Tripura Forest Service Officers for promotion to IFS cadre post of Deputy Conservator of Forests was prepared illegally.

19. Copy of order of the Hon'ble CAT, Guwahati dated 17.12.1998 on the case No.DA240 of 1994 is enclosed herewith (Annexure-12).

In the circumstances stated above, I fervently appeal to your kindness to consider my case sympathetically and take suitable action to include me in the Reviewed Select List, 1994 and fix my seniority above Sri Chandramani debbarma IFS MT-1990) at your earliest and in view of the order issued by Hon'ble CAT, Guwahati dated 17.12.98 for which act of your kindness, I shall ever remain grateful to you.

Yours faithfully.

Enclo : 26 sheets as
stated above.

(Gouri Ranjan Paul, IFS)
Divisional Forest Officer
Working Plan Division No.1
Tripura, Agartala.

Dated, Agartala,
the 26th Feb '99

Advance copy to :

The Secretary, Ministry of Environment & Forests,
Government of India, Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi - 110003.

Annexure-3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application NO. 240 of 1994.

Date of Order : This the 17th day of December, 1998.

Hon'ble Mr. Justice D.N. Baruah, Vice Chairman.

Hon'ble Shri G.L. Sanglyni, Administrative Member.

Shri Gourish Ranjan Paul, DFO, at present working as Wild Life Warden, Sepahijala, West Tripura, in addition to his earlier assigned as D.F.O., Working Plan Division NO.II, Tripura, Agartala.

By Advocate Mr. B.K. Sharma.

- versus -

1. Union of India, represented by Secretary to the Environment & Forests, Paryavaran Bhavan, CGO Complex, New Delhi.
2. Union Public Service Commission, represented by the Chairman, U.P.S.C., Dholpur House, Shahjahan Road, New Delhi.
3. The State of Manipur, represented by the Secretary, Deptt. of Forest, Govt. of Manipur, Imphal.
4. The State of Tripura, represented by the Secretary, Deptt. of Forest, Govt. of Tripura, Agartala.
5. Shri Subhendu Sekhar Das, D.C.F., Vigilance, Office of the P.C.C.F., Tripura, Agartala.
6. Shri Chandramani Debbarma, D.F.O., Jatanbari, South Tripura.
7. Shri Prasenjit Biswas, under suspension (Office of the P.C.C.F.), Tripura, Agartala.
8. Shri Debasish Chakraborty, Divl. Manager Tripura Forest Development & Plantation Corporation, Kumarghat, North Tripura.

Respondents

Advocate Mr. G. Sarma, Addl., C.G.S.C.

ORDER

Advocate
Mr. B.K. Sharma

2. Heard Mr. B.K. Sharma, learned counsel appearing on behalf of the Applicant, Mr. G. Sarma, learned Addl. C.G.S.C. appearing on behalf of the Respondent NOs. 1 & 2 and Mr. B.P. Katak, learned Govt. Advocate, Tripura appearing on behalf of the Respondent No. 6.

3. Mr. B.K. Sharma submits that the Applicant was unreasonably overlooked. He ought to have been appointment by promotion. Further submission of the learned counsel for the Applicant is that the Respondent Nos. 5, 6, 7 and 8 were not eligible for consideration for promotion under the rules. Besides, there were certain irregularities in the matter of selection. However, counsel for the Respondents have refuted that any irregularities had occurred. The application also does not disclose some material facts.

4. Mr. B.P. Katak, Mr. G. Sarma dispute the submission of Mr. B.K. Sharma. They have also controverted the statements of the Applicant by the filing written statement.

5. In the circumstances we feel that it will be expedient and proper if the matter is sent back to the Respondent Nos. 1 to 3 for their decision after considering the case of the Applicant. Therefore we dispose of this application with a direction to those Respondents to consider the case of the Applicant and pass a reasoned order. The Applicant may file a fresh representation taking all the points which according to him are necessary taking a decision. If such

Handwritten signature/initials

- 20 -

representation is filed within three weeks to the Secretary to the Ministry of Environment & Forests, through proper channel, from the date of receipt of the copy of the order, the Secretary shall dispose of the said representation as early as possible at any rate within a period 3 months from the date of receipt of the representation of the Applicant. Counsel for the Applicant as well as Respondent NO. 6 make further prayer that at the time of disposal of the said representation they should be given a personal hearing by giving a prior notice. Hearing as prayed for may be given.

6. With the observations made above, the application is disposed of. Considering the facts and circumstances of the case, we, however, make no order as to costs.

Sd/- VICE CHAIRMAN
Sd/- MEMBER (ADMN)

*Attended
Luni
Advocate.*

Annexure-4

O.A. No. 240/94 of CAT Guwahati
G.R. Paul Vs Union of India & Others, Salient points.

1. Sri S.S. Das whose name appeared at Sl. No. 1 in the select list of TFS, 1994 and promoted to IFS is not at all eligible for consideration for appointment to IFS cadre post of Dy. Conservator of Forests as Sri Das held post included in the State Forest Service only 4 years 2 months and 26 days as on 1.1.94 (w.e.f. 6.10.1989 to 1.1.1994) as against the requisite 8 (eight) years of continuous service connected with forestry.

The eligibility criteria was fixed by the statutory Rules-IFS (appointment by promotion) regulation rules 1966, Section 5(2) of the Govt. of India and the Govt. of Tripura has no power to change the eligibility criteria by way of issuing any certificate what so ever in favour of any officer(s), who is holding a post having no nexus with forestry.

The Supreme Court of India in the civil appeal no. 3982 of 1989 between Sri Bindeswari Ram (Applicant).

Versus

The State of Bihar and others (Respondents) related to Bihar Forest Service, delivered the Judgment on 19.9.89 as "Administrative order can not supersede statutory Rules. It is settled law that the provisions of statutory rules can not be modified or altered by Executive orders/Instructions and it is only in their absence of statutory Rules that Executive instructions have relevance". By recommending the name of Sri S.S. Das for promotion to IFS, the Govt. of Tripura, the Govt. of India and the select committee violated the regulation 5 of IFS (appointment by promotion) regulation 1966.

2. The Applicant held physically the post of DFO working plan-II was created by the Govt. of Tripura on August 1985 and the same was encadred as IFS cadre post of Dy. Conservator of Forests on 22.11.1990 vide D.P. and TR notification dated 22.11.1990. Thus the post of DFO Working Plan-II is an IFS cadre post of Dy. Conservator of Forests w.e.f. 22.11.1990. Thereafter the Applicant is continuously holding the posts of DFO, Training Division, DFO, Kanchanpur and DFO Working Plan Division-I till date which are all IFS cadre post and encadred on or before 22.11.1990. Thus the Applicant is holding physical all the IFS cadre post of Dy. CF continuously w.e.f. 17.2.92 and at least about 2(two) years earlier than all of the 1994 select list officers. As the Applicant was assigned the duty of holding IFS cadre post of Dy. CF at least about 2 years earlier than all 1994 select list officers, it transpires that the State Govt. found

the Applicant to be more efficient than all the 1994 Select list officers and the service carrier of all the 1994 select list officers are by far inferior to the Applicant. As per the IFS (Regulation of seniority) Rules 1968, section 3, explanation 2, the Applicant is due to have the benefit of officiating in cadre post and the entire period of officiation in cadre post (since 17.2.92) will have to be counted towards seniority and fixation of year of allotment.

3. Sri C.M. Debbarma whose name appeared at Sl. No.2 in the select list 1994 was on deputation to TTAADC w.e.f. 5.7.84 and initially went there on deputation for normal period of 3 years. He managed to continue there for long period and ultimately the Forest department, tripura vide letter No. F.2(76)/For/Estt/85/759-60 dated 31.1.91 observed that his (Sri Debbarma) return to the Forest department (parent Department) will help gain required departmental experience for selection to IFS. In spite of this Sri Debbarma was not relieved by the TTAADC and thus he continued there till 17.1.94 out side the Forest Department. It is thus clear that though Sri Debbarma had had no departmental experience required for him to get promotion to IFS, his name was recommended by the State Govt. illegally for promotion to IFS and on this illegal recommendation by the State Government the select list 1994 was prepared. As Sri Debbarma had no departmental experience required for him to get promotion to IFS, he was not at all suitable for having been included in the select list 1994 for ultimate promotion to IFS. Thus the select committee violated the regulation 5 of IFS (appointment by promotion) Regulation 1966, by including Sri Debbarma in the select list 1994.

4. In the TTAADC Sri Debbarma had to do only easy work of routine nature for about 10 years and was never exposed to any hazards unlike that of me remaining in the Forest Department. In the TTAADC Sri Debbarma did only raising of plantations and nursery work but no protection of Forests, no revenue collection work, no confrontation with forest offenders, encroachers, poachers which I did remaining in the Forest department.

The TFDPC Ltd. is raising only rubber plantation which is not a forestry crop. Rubber is a plantation crop and is dealt under plantation labour Act, (& not at all under India forestry Act.) The post of Divisional Manager, TFDPC having no nexus with forestry was held by S.S. Das for about 10 years (9.2.80 to 5.10.89) and by Sri D. Chakraborty whose name appeared in the select list, for the period 14.8.87 to October 1997.

Sri P. Biswas whose name appeared in the select list 1994 was also posted against ex-cadre post as General Manager in the S.C. & S.T Corporation w.e.f.

31.5.90 to 19.5.93. This post in the said corporation is no way connected with forestry activity. The corporation is registered under Co-operative Societies Act (& not at all under IFA). The only job/duty of the post of General Manager, S.C. & S.T Corporation is to arrange finance for economic resettlement of S.C & S.T population who live below the poverty line which is 100% a non-forestry work.

Thus the ACR's of the Applicant cannot be compared with the ACR's of those aforesaid 4 officers whose name appeared in the 1994 select list of TFS, specially when promotion from subordinate state Forest Service (SFS) to superior Forest Service (IFS) is considered and none of them was Forest Officer during those period as per section 2 of the India Forest Act, 1927.

5. The date of my promotion to IFS prepared to 18.3.96 by the Ministry of Environment and Forests vide their notification No.F.17013/12/95-IFS-II dated 7.4.99 on the basis of 1995 select list. But Govt. of Tripura vide notification No. F.2(28)-GA/94 dated 6.2.96 of the Appointment & Services Department having marked a copy of the notification to the Secretary to the Govt. of India, Ministry of Environment & Forests, appointed me in the IFS cadre post of Deputy Conservator of Forests for a period of 3 month. The Applicant assumed the charge of IFS cadre post of Dy. CF Kanchanpur on 6.2.96 in pursuance of the aforesaid order, but in reality I was physically holding the IFS cadre post of Dy. CF continuously w.e.f. 17.2.92. The period from 6.2.96 to 18.3.96 is about 1.5 months. As per the IFS (regulation of seniority) Rules 1968, section 3, the Applicant is due to have the benefit of officiating in cadre post.
6. The ACR's obtained by the Applicant from the Forest Officers of the Forest Department Tripura are superior to that of Sri C.M. Debbarma obtained by him from the Forest Officers of the Forest Department, tripura till date or till 1993-94.
7. Immediately after illegal preparation of Select list 1994, the Applicant submitted a detailed representation to the Chief Secretary, Govt. of Tripura dated 28.10.1994 for including my name in the select list without hampering my seniority which is yet to be disposed off. In reality the Govt. of Tripura committed serious mistake by recommending the same of defendants at Sl. No. 5, 6, 7 and 8 for promotion to IFS as elucidated above for which the Govt. of Tripura has nothing to say against my representation submitted on 23.10.94 and this is the only reason for non disposal of y. representation till date.
8. In 1990 vide order No.2(76)/For/Estt/85/49220-28 dated 12.11.90 of the Forest department tripura Sri

C.M. Debbarma was reverted from TTAADC and posted as Wildlife Warden Trishna which is not an IFS cadre post. He did join there and continued as PO, Forest TTAADC. Then again vide Forest Department notification NO. F3(34)/For/Estt-80/3700-705 dated 22.9.93 Sri Debbarma was posted as "Attached Officer" in the office of DFO Sadar which is also not an IFS cadre post. Whereas during the period many IFS officers, junior to Sri Debbarma ACF was holding the IFS cadre post of Dt. CF due to the shortage of IFS officers present in the state. From the above orders/position it is crystal like clear that the Govt. of Tripura did not find him (Sri Debbarma) suitable to run the post of DFO (IFS cadre post) even after 13/14 years of service rendered by him, & on the other hand the Govt. posted the Applicant as DFO as early as on 1983 and the Applicant since then is discharging the duties and responsibilities of the post of DFO to the full satisfaction of the authority till date.

9. Besides the Chairman/Member UPSC the other select committee members for making select list are :

- i. Chief Secretary, tripura.
- ii) PCCF, Tripura.
- iii) A Nominee of the G.O.I not below the rank of Joint Secretary.

But it is observed that the Chief Secretary, tripura and the nominee of the GOI did not attend the selection committee meeting which prepared 1994 select list of Tripura Forest Service Officers. As the members as enumerated in the schedule of IFS (Appointment by promotion) Regulations were not present in the selection committee meeting. IFS (Appointment by Promotion) Regulation 1966- regulation 3 framed for constitution of the committee to make selection was violated and the select list 1994 is not acceptable to law.

10. As per the request of the Executive Member TTAADC, the Forest Deptt. Tripura placed the services of the Applicant at the disposal of TTAADC. Before joining in TTAADC on 17.1.91 as P.O. (Forest), the Applicant was holding the charge of DFO, Kanchanpur (an IFS cadre post of Dy. CF). Had the services of mine not placed at the council, my continuous officiation in IFS cadre of Dy. CF would have been from 14.9.90 instead of present 17.2.92. By not releasing Sri Debbarma from the post of P.O. (Forest) even after my joining there & instead of vigorous persuasion by the Forest Deptt. the TTAADC authority & Sri C.M. Debbarma made a clear conspiracy against the Applicant so that the position of ACR of Sri Debbarma remain higher than that of the Applicant (G.R. Paul).

Submitted by Gourish Ranjan Paul, DFO, 28.9.99.

11. Shri J.S. Lalhal IFS (MT-79) joined in TTAADC as PO (Forest) on 6.11.93 as per the order of the appointment and services Deptt. Tripura, No. F 14(5)-GA/93 dt. 4.11.93 and only to enable TTAADC to disburse the pay of IFS to the IFS officer Mr. Lalhal, the notification No. F 14(5)-GA/93 dt. 4.11.93 (a copy enclosed herewith) was issued. Sri C.M. Debbarma has no relation link with the notification. This order has no strength for equating the post of P.O. (Forest) of TTAADC with the IFS cadre post of Dy. Conservator of Forests, nor the Govt. of Tripura had any intention to do that and again the state Govt. has no power to do so. Has the state Govt. any intention to do that they would have approached Govt. of India for the same and the Department Personnel and Training, GOI would have issued notification under the India Forest Service (Fixation of Cadre strength) Regulation 1966. Sri Lalhal IFS was in TTAADC for about one year only and even after his joining in TTAADC, he was also not appointed as Forest officer u/s 2 of Indian Forest Act and was not given the Powers of Forest Officer u/s 72 of Indian Forest Act. The post of P.O. (forest) in TTAADC was created in 1981 and since then except for one year period of Mr. Lalhal IFS, till date 3 state service officers were posted and all were very junior state service officers including Sri C.M. Debbarma while they took over the charge, whereas normally only IFS officer and rarely senior state forest service officers are posted as D.F.O. in the Forest Department, Tripura as the posts of D.F.O. are IFS Cadre Post.

Thus the post of P.O. (Forest) TTAADC is not an IFS cadre post and was never equivalent also in the status and responsibilities to the IFS cadre post of Dy. CF except for one year period (1993, 1994) only and that too in respect of pay only when Mr. J.S. Lalhal IFS was posted there.

Enclo : one sheet.

Submitted by
Gourish Ranjan Paul
28.9.99
DFO, Camp-New Delhi

Annexure-5

No.F.14(5)-GA/93
GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

DATED, Agartala the 4th November, 1993.

NOTIFICATION

In public interest, Governor of Tripura is pleased to declare under Rule 9(1) of the India Forest Service (Pay) Rules, 1968 that the post of Principal Officer (Forest) Tripura Tribal Areas Autonomous District Council is equivalent in status and responsibilities to the India Forest Service Cadre post of Deputy Conservator of Forests (Manipur-Tripura Cadre).

By Order of the Governor,
Sd/- (A.B. Deb Barma)
Deputy Secretary to the
Government of Tripura.

Copy to :

1. Chief Secretary, Tripura, Agartala.
2. Chief Secretary, Manipur, Imphal.
3. Secretary to the Governor, Raj Bhavan, Tripura, Agartala.
4. Joint Secretary to the Chief Minister, Tripura Agartala.
5. Office of all Ministers/Minister of States, Tripura, Agartala.
6. Secretary to the Govt. of India, Ministry of Environment & Forests Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi.
7. Principal Secretary/Commissioners/Secretaries, Tripura, Agartala.
8. Chief Executive Officer, (Forest), Tripura, Tribal Areas Autonomous District Council, Khumlong Jirania, West Tripura.
10. Accountant General, (A & E), Tripura, Agartala.
11. Finance Deptt. (Estt. Branch) Civil Sectt., Tripura.
12. Principal Chief Conservator of Forest, Tripura, Agartala.
13. Forest Department, Tripura, Agartala.
14. Treasury Officer, Agartala Treasury No. 1 & 2.
15. Shri J.S. Lalhal, IFS (MT-79), Deputy Conservator of Forests, Tripura, Agartala.
16. Personal file,

Sd/- (A. B. Debbarma)
Deputy Secretary to the Govt. of Tripura.

Annexure-6

(TO BE PUBLISHED IN THE GAZETTE OF INDIA PART II
SECTION 3(i))

No.16016/6/90-AIS(II)-A

Government of India

Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 22.11.90

NOTIFICATION

GSR NO. _____ In exercise of the powers conferred by sub-section (i) of Section 3 of the All India Services Act, 1951 (61 of Rules,) 1966, the Central Government, in hereby makes following regulations further to amend the Indian Forest Service (Fixation of Cadre Strength) regulations, 1966, namely :

1. (1) These regulations may be called the Indian Forest Service (Fixation of Cadre Strength) Fourth Amendment Regulations, 1990.
(2) They shall come into force on the date their publication in the official Gazette..

2. In the Schedule to the Indian Forest Service (Fixation of cadre Strength) Regulations, 1966, for the heading "Manipur-Tripura" and the entries occurring thereunder the following shall be substituted, namely :

MANIPUR - TRIPURA

1. Senior Duty posts in the State Government (Manipur)

Principal Chief Conservator of Forests	1
Chief Conservator of Forests (Wildlife)	1
Chief Conservator of Forests (General)	1
Conservator of Forests	3
Deputy Conservator of Forests	7
Deputy Conservator of Forests (Resource Survey Division)	1
Deputy Conservator of Forests (Wildlife)	1
Deputy Conservator of Forests (Working Plan)	2
Deputy Conservator of Forests (Social Forestry)	1
Deputy Conservator of Forests (Soil Conservation)	2
Deputy Conservator of Forests (Headquarters)	1
Deputy Conservator of Forests	

78

(Research, Silviculture & Training) 1

Deputy Conservator of Forests (Rubber) 1

Senior Duty posts under the State Government (Tripura)

Principal Chief Conservator of Forests 1

Chief Conservator of Forests 1

Conservator of Forests 3

Deputy Conservator of Forests 9

Deputy Conservator of Forests (Wildlife) 1

Deputy Conservator of Forests (Working Plan) 2

Deputy Conservator of Forests (Headquarters) 1

Deputy Conservator of Forests (Research) 1

Deputy Conservator of Forests (Training) 1

Deputy Conservator of Forests (Planning & Development) 1

Deputy Conservator of Forests (Planning & Social Forestry) 1

Total senior duty posts of Manipur & Tripura Cadre: 46

2. Central Deputation Reserve @ 20% of 1 above 9

3. Posts to be filled by promotion in accordance with rule 8 of the Indian Forests Service (Recruitment) Rules, 1966 18

4. Posts to be filled by direct recruitment 37

5. Deputation Reserve @ 25% of 1 above 11

6. Junior POs, Leave Reserve & Training Reserve 14

Direct recruitment Posts 62

Promotion Posts 18

Total Authorised Strength 80

Sd/-
(CHANDRA PRAKASH)
DESK OFFICER

NOTE

The Principal regulations were notified vide Notification No. 6/1/66-AIS(IV) dated 31.10.1966 as GSR NO. 1672 in the Gazette of India-Extraordinary of 31.10.1966 and Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966 has been amended vide Notifications given below :-

S.No.	Notification No.	Date of Notifica- tion	GSR No.	Date of publicat- ion
1.	2.	3.	4.	5.
1.	6/1/66-AIS(IV)	31.10.66	1673	31.10.67
2.	6/1/66-AIS(IV)	27.12.66	17	7.1.67
3.	6/1/66-AIS(IV)	27.4.67	653	6.5.67
4.	6/2/66-AIS(IV)	1.5.67	654	6.5.67
5.	6/2/66-AIS(IV)	5.5.67	689	13.6.67
6.	6/6/68-AIS(IV)	31.5.68	1693	8.6.68
7.	6/1/68-AIS(IV)	31.7.69	1887	9.8.68
8.	6/1/69-AIS(IV)	8.1.70	80	17.1.70
9.	6/1/69-AIS(IV)	9.3.70	485	21.3.70
10.	6/11/70-AIS(IV)	24.3.70	545	4.4.70
11.	6/6/70-AIS(IV)	30.9.70	1802	24.10.70
12.	6/1/71-AIS(IV)	23.1.71	135	24.1.71
13.	6/1/71-AIS(IV) (ii)	23.1.71	136	24.1.71
14.	6/36.70-AIS(IV)	26.4.71	665	8.5.71
15.	6/41/71-AIS(IV)-A	20.1.72	45(E)	20.1.72
16.	6/41/71-AIS(IV)-C	21.1.72	47(E)	20.1.72
17.	6/41/71-AIS(IV)-D	20.1.72	48(E)	20.1.72
18.	6/36/72-AIS(IV)	30.11.72	478(E)	4.12.72
19.	6/48/72-AIS(IV)	2.4.73	192(E)	2.4.73
20.	6/59/72-AIS(IV)	23.6.73	321(E)	27.6.73
21.	6/59/72-AIS(IV)	10.8.73	391(E)	10.8.73
22.	6/59/72-AIS(IV)	3.1.74	142	9.2.74
23.	6/59/72-AIS(IV)	2.2.74	28 (E)	2.2.74
24.	6/59/72-AIS(IV)	17.6.74	273(E)	17.6.74
25.	6/59/72-AIS(IV)	5.7.74	300(E)	5.7.74
26.	6/59/72-AIS(IV)	20.7.74	812	3.8.74

Annexure-7

No. 2(76)/For/Estt-85/759-60
Government of Tripura
Forest department

Dated, Agartala, the 31.1.1991

To
The deputy Chief Executive Officer,
Tripura tribal Area Autonomous District Council,
Sweet Mahal, Agartala.

Subject : Proposal for revocation of transfer order of
Sri Chandramani Deb Barma, ACF deputed to ADC
as Principal Officer (Forests).

Sir,

I am directed to refer to your letter No. 7-2(12)/ADC/Estt/84/16247-51 dated 6.11.90 on the subject cited above and to state that Sri Chandramani Debbarma, ACF is on deputation to TTAADC w.e.f. 5.7.04. He has been thus on deputation for the last 6 2 years against normal deputation period of 3 years. His repatriation to the Department was considered as per Government policy. Since Sri C.M. Deb Barma has in the meanwhile become a senior State Forest Service Officer, his immediate repatriation was considered necessary to give him necessary departmental experience which will eventually help him in promotion to IFS/Selection Grade in due course. Further his substitute Sri G.R. Paul, ACF has already joined in TTAADC. In view of this Sri Chandramani Deb Barma, ACF may please be released to join his place of posting immediately.

Yours faithfully

Deputy Secretary
Govt. of Tripura

Copy to :

- 1). The Secretary to the Govt. of Tripura tribal Welfare Deptt., tripura, Agartala.

- 1 -

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TRIPURA FOREST DEVELOPMENT
AND
PLANTATION CORPORATION LIMITED
(A GOVT. OF TRIPURA UNDERTAKING)

Tel. No. 4763

ANNUAL BUDGET FOR 1994-95

<u>A. PROJECT SCHEMES</u>		<u>C. NEC SCHEMES</u>	
Scheme No.1.1st Project Plantations:	:	Scheme No.11. Dioscorea Project	:
	:	(Plantation and factory)	:
Scheme No.2.2nd Project Plantations:	:	Scheme No.14. Development of 2nd	:
	:	phase Rubber Processing	:
	:	Factory and Setting up	:
	:	of a Crump Rubber Factor	:
	:	(Proposed)	:
Scheme No.3.Development of Human	:		:
Resources.	:		:
Scheme No.4.Research & Development.	:		:
	:		:
Scheme No.5.Trapping & Processing.	:		:
(Sepahijala)	:		:
Scheme No.6.Bio-Deversity Scheme.	:	Scheme No.15. Exp.Cultivation of	:
	:	Aromatic, Essential oil	:
Scheme No.10. Rubber Processing	:	edible oil & high value	:
Factory Scheme at	:	medicinal plant	:
Takmacherra.	:	(Proposed)	:
<u>B. RESTABLISHMENT SCHEMES</u>		<u>d. WORLD BANK PROJECT</u>	
Scheme No.7.A. Restablishment of ST:	:	Scheme No.16. Raising of Rubber	:
Families with Tribal	:	Plantation under world	:
welfare fund	:	Bank Scheme.	:
7.B. Resettlement of ST	:		:
Families under Mini	:		:
Water Shed Project.	:		:
7.C. Restablishment of ST:	:		:
Families with TTAADC	:		:
fund.	:		:
Scheme No.8.Resettlement of SC	:		:
families.	:		:
Scheme No.9.Resettlement at Warrengbari	:		:
Scheme No.12. Plantation of Fuel wood	:		:
and renewable energy.	:		:

Scheme No.17. Replanting of older :
plantation after disposal
of old rubber trees.

Scheme No.13. resettlement of Dumber:
oustee Families.

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Assesed.
UKG.
Advocate

ANNUAL BUDGET FOR THE YEAR 1994-95 OF TRIPURA FOREST
DEVELOPMENT AND PLANTATION CORPORATION
LIMITED : AGARTALA

(A GOVERNMENT OF TRIPURA UNDERTAKING)

1. INTRODUCTION :

Tripura Forest Development & plantation Corporation Ltd. was registered under Companies Act on 26th March, 1976. The Corporation will enter its 18th year by 1994 with authorised capital of Rs. 10 crores and paid up capital of Rs. 758.02 lakhs (up to 31st March '93). With the maturity of some plantations raised under 1st Project and also taking into account the damages and losses caused to matured rubber plantations due to various factors there has been yet progressive increase in the yield of rubber and also towards income of the Corporation from sales proceeds which has crossed the limit of Rs. 3 Crores during 1993-94. It is, therefore, expected that during the current financial year this Corporation will be able to function mainly basing on its own resources with some marginal Government assistance. This year 1994-95 may therefore be reckoned as the pick up year for the Corporation to attain Self-sufficiency during the next 5 years or so. Apart from its project activities, this organisation has also been associated with implementation of a number of rubber linked resettlement schemes for SC and ST families and has contributed positively towards control of shifting cultivation and ecological restoration.

TFDPC has also diversified its activities in implementation of a very important phyto-chemical Project namely Cultivation of *Dioscorea floribunda* and production of Diosgenin through NEC Scheme which is in its last phase of implementation. It is likely that the factory will be commissioned within October '94. It is also contemplated to diversify more activities under medical plant sector during the current year and also to continue with the extension of rubber plantation under its own project and resettlement schemes and World Bank project. The significant achievement so far made by TFDPC is the commissioning of the Latex Centrifuging factory during 1993-94. Hon'ble Chief Minister, Tripura has kindly commissioned the Rubber Processing Unit on 25.2.94.

The 2nd Project of TFDPC for raising 10,000 ha. of rubber plantation is still pending due to non-clearance of land by the Forest department. However, since 1986-87 onward this Corporation took up raising of rubber plantations on small scale and also re-stocking of vacant areas of rubber plantations of its 1st Project areas.

BUDGET FOR THE YEAR 1994-95 OF TRIPURA FOREST
DEVELOPMENT AND PLANTATION CORPORATION
LIMITED : AGARTALA

(A GOVERNMENT OF TRIPURA UNDERTAKING)

1. INTRODUCTION :

Tripura Forest Development & Plantation Corporation was registered under Companies Act on 26th March, 1970. The Corporation will enter its 10th year by 1994 with registered capital of Rs. 10 crores and paid up capital of Rs. 108.85 lakhs (up to 31st March '93). With the maturity of the plantation raised under 1st Project and also taking into account the damage and losses caused to matured rubber plantations due to various factors there had been a progressive increase in the yield of rubber and also the income of the Corporation from sales proceeds which has exceeded the limit of Rs. 2 Crores during 1993-94. It is, therefore, expected that during the current financial year the Corporation will be able to function mainly based on its own resources with some marginal Government assistance. For the year 1994-95 may therefore be reckoned as the 10th year for the Corporation to attain self-sufficiency during the next 5 years or so. Apart from the project activities, this organisation has also been associated with implementation of a number of rubber linked restoration schemes for SC and ST families and has contributed positively towards control of shifting cultivation and ecological restoration.

TFDPC has also diversified its activities in implementation of a very important physico-chemical project namely Cultivation of Diacetyls Chlorinated and Hydrolysis of Diacetyls through NEC Scheme which is in the last phase of implementation. It is likely that the activity will be completed within October '94. It is also envisaged to diversify more activities under medical plant sector during the current year and also to continue with the execution of rubber plantation under its own project and restoration schemes and World Bank project. The significant achievement made by TFDPC is the commissioning of the 10000 sqm rubber processing factory during 1993-94. Hon'ble Chief Minister, Tripura has kindly commissioned the rubber processing unit on 28.2.94.

The 2nd Project of TFDPC for raising 10,000 ha. of rubber plantation is still pending due to non-allocation of land by the Forest Department. However, since 1988-89 onwards the Corporation took up raising of rubber plantations on small scale and also re-planting of vacant areas of rubber plantations of its 1st Project areas.

2. PHYSICAL ACHIEVEMENTS :

The details of rubber plantations raised since 1976-77 are as below :-

Year	: Area in ha : Project plantations.:	: Area in ha : resettlement: area plantations.:	Total area
1	2	3	4
1976-77	113.00	35.00	148.00
1977-78	233.00	70.00	303.00
1978-79	333.00	82.70	416.50
1979-80	499.00	167.80	666.80
1980-81	575.80	122.32	698.12
1981-82	641.80	77.60	718.60
1982-83	582.43	142.50	724.93
1983-84	449.50	66.75	516.25
1984-85	605.50	30.00	635.50
1985-86	505.00	30.96	535.96
1986-87	794.95	109.04	903.99
1987-88	766.05	137.75	903.80
1988-89	423.37	54.00	477.37
1989-90	535.90	438.03	473.93
1990-91	-	88.40	88.40
1991-92	12.00	119.50	131.50
1992-93	9.80	120.85	130.65
1993-94	8.60	82.00	95.60
	11913.65	1989.20	9103.40

Note :

In addition to ha. of rubber plantations raised by the Corporation, 451.66 ha. of rubber plantations raised by Forest Department during the period 1963 to 1975 are also under the management of TFDPC Ltd.

3. GENERATION OF INTERNAL RESCUERS :

The internal resources generated by the Corporation through the sale of rubbers, forest produces etc. are given below. The resources so generated have been ploughed back in the development programmes of the Corporation.

Year	: Rubber	: Amount in lakhs of Rupees			
	:	:			
	:	: Timber/	: Citronella	: Others	: Total
	:	: Firewood:	oil		
1	2	3	4	5	6
1976-77	0.531	3.774	0.075	0.035	4.415
1977-78	3.451	9.237	0.221	0.331	13.240
1978-79	2.652	6.058	0.346	0.120	9.176
1979-80	1.335	3.155	0.405	0.590	5.485
1980-81	8.035	3.898	0.030	0.171	12.134
1981-82	6.499	2.418	-	0.444	9.361
1982-83	0.499	2.552	0.360	6.532	9.943
1983-84	28.282	2.125	0.016	0.37	30.460
1984-85	19.286	2.830	0.047	0.032	22.195
1985-86	43.109	4.066	0.220	0.093	47.488
1986-87	34.388	2.376	0.260	0.221	37.245
1987-88	51.340	0.452	-	2.259	54.051
1988-89	56.400	0.410	-	1.120	57.930
1989-90	145.537	0.233	-	2.357	148.127
1990-91	34.849	3.590	-	1.560	40.000
1991-92	302.323	18.733	-	1.035	322.092
1992-93	218.184	0.526	-	4.947	223.657
1993-94	309.770	0.480	-	-	310.25
(up to feb '94)					
	1266.470	66.913	1.980	21.884	1357.247

4. RUBBER PRODUCTION :

The Yearwise position in rubber production is as below :-

Year	No. of block	Production in MT	Remarks
1976-77	48.00	20.204	
1977-78	58.00	28.183	
1978-79	81.00	34.885	
1979-80	104.00	39.132	
1980-81	135.00	52.123	
1981-82	208.00	84.479	
1982-83	244.00	104.000	
1983-84	268.00	132.547	
1984-85	311.00	147.473	
1985-86	361.00	164.612	
1986-87	422.00	193.996	
1987-88	578.00	305.443	
1988-89	692.00	386.389	

1989-90	982.611	611.278
1990-91	1407.00	874.537
1991-92	1258.00	800.000
1992-93	1647.00	1178.000
1993-94	1708.00	1059.000
(up to feb '94)	-----	-----

EMPLOYMENT POTENTIAL

Rubber plantation is a labour intensive crop which has helped in providing employment to large chunk of human force specially in rural areas on sustained basis. In totality it would not be any exaggeration to State that TFDPC Ltd. is the largest organisation in the State in providing employment to ST/SC workers on sustained basis round the year.

The yearwise generation of mandyas in various developmental activities of TFDPC Ltd. is tabulated below:-

<u>Year</u>	<u>Mandyas in lakhs</u>
1976-77	0.926
1977-78	1.046
1978-79	2.272
1979-80	3.848
1980-81	4.428
1981-82	4.747
1982-83	4.798
1983-84	5.384
1984-85	6.660
1985-86	6.018
1986-87	8.113
1987-88	9.096
1988-89	8.441
1989-90	9.380
1990-91	8.274
1991-92	8.280
1992-93	7.000
1993-94	6.500

6. LABOUR MANAGEMENT.

The wage rates of various categories of workers works have been revised by the Government with effect from 18.12.93 same has been implemented in the Corporation w.e.f. 1.2.94 the arrears from 18.12.93 to 31.1.94 has not yet been paid. This requires Rs. 3.50 lakhs as an additional expenditure.

In addition to the present workers, some technicals, skilled workers have been engaged from the processing work for Latex Centrifuging factory and Crepe Mill at Takmacherra.

7. ORGANISATIONAL SET UP. :

A total of 240 No. of Officers and Staff belongs to Managing Director, technical and ministerial cadres are assist the Managing Director in the various areas of administration at management.

There are 6 Corporation Divisions and 65 rubber plantations centres in this Corporation.

8. CAPITAL STRUCTURES :

The authorised capital of the Corporation is Rs. 10.00 crores and details of equity contribution so far received are furnished below. :-

Year	Equity of State Govt.	Equity of Central Government.	Total
			Rs. in lakhs
1976-77	13.00	6.50	19.50
1977-78	20.00	2.50	22.50
1978-79	21.00	-	21.00
1979-80	10.00	20.50	30.50
1980-81	5.00	-	5.00
1981-82	5.00	-	5.00
1982-83	30.52	-	30.52
1983-84	40.00	-	40.00
1984-85	85.00	-	85.00
1985-86	75.00	-	75.00
1986-87	84.00	-	84.00
1987-88	80.00	-	80.00
1988-89	75.00	-	75.00
1989-90	55.00	-	55.00
1990-91	50.00	-	50.00
1991-92	30.00	-	30.00
1992-93	50.00	-	50.00
1993-94	-	-	-
	728.52	29.50	758.02

The balance sheet of the Corporation has been made ready up to 1991-92. The statutory Audiance have completed the audit upto 1984-85 is in progress. The provisional accumulated loss upto 1992-93 is Rs. 295.43 lakhs only.

The yearwise details are as follows :-

Year	Loss	Accumulated loss (unaudited)
1983-84	8.06	22.32
1984-85	16.50	38.82

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1985-86	26.04	64.86
1986-87	29.92	94.78
1987-88	35.18	129.96
1988-89	43.82	173.78
1989-90	36.10	206.22
1990-91	39.76	245.98
1991-92	19.93	265.91
1992-93	29.52	295.43

284.83

The Corporation has taken Rs. 314.070 lakhs from the Nationalised Banks on medium term loan under NABARDS re-finance Scheme.

The Corporation has so far made repayment of loan amounting to Rs. 108.29 lakhs.

The yearwise payment was as under :-

1987-88	Rs. 10.29 lakhs
1988-89	Rs. 21.00 lakhs
1989-90	Rs. 30.00 lakhs
1990-91	---
1991-92	Rs. 30.00 lakhs
1992-93	---
1993-94	Rs. 10.00 lakhs (upto Jan '94)

	Rs. 108.29 Lakhs

The Balance-Sheet of the Corporation has been made ready upto 1991-92. The audit of accounts has been completed upto 1984-85, and the audit of 1985-86 is on verge of completion.

The provisional Balance-Sheet for 1992-93 is appended below :-

The _____ office of the Corporation as on 31.3.1993 is balance sheet as at 31.3.93

<u>Sources of Fund</u>	<u>Amount in Lakhs</u>
Share Capital	Rs. 758.02
Secured Loan	Rs. 314.07
Accured Interest	Rs. 240.90
Current Liabilities	Rs. 486.76

	Total-Rs.1799.75
 <u>Application of Fund</u>	 <u>Amount in Lakhs</u>
Fixed Assetes	Rs. 1177.50
Current Assets	Rs. 324.88
Loans & Advance	Rs. 1.94
Accumulated Loss	Rs. 295.43

	Total -- Rs. 1799.75

TRIPURA FOREST DEVELOPMENT AND PLANTATION
CORPORATION LIMITED

KUNJABAN : AGARTALA

FINANCIAL REQUIREMENT FOR 1994-95

A. PROJECT SCHEMES :

Sl. No.	Name of the scheme	Scheme No.	Amount in lakhs
01.	1st Project Plantation	Scheme No. 1	389.25
02.	2nd Project Plantation	Scheme No. 2	93.25
03.	Development of Human Resources	Scheme No. 3	0.95
04.	Research Development and Publicity	Scheme No. 4	2.75
05.	Tapping, Processing at Sepahijala	Scheme No. 5	3.97
06.	Bio-Diversity Scheme	Scheme No. 6	5.00
07.	Rubber Processing Factory at Takmacherra	Scheme No.10	75.72
08.	Re-planting of older plantation after disposal of old rubber trees	Scheme No.17	5.00
			575.89

B. GOVERNMENT SCHEMES :

09.	Re-settlement of S.T. families with tribal Welfare	Scheme No. 7A	42.67
10.	Re-settlement of S.T. Families under Mini-Water-Shed Project	Scheme No. 7B	11.13
	Resettlement of S.T. Families with TTAADC Fund	Scheme No. 7C	17.17
	resettlement of SC families	Scheme No. 8	15.61
11.	Re-settlement at Warrengbari	Scheme No. 9	2.84
12.	Plantation of Fuelwood and Energy	Scheme No. 12	15.00
13.	Resettlement of Dumber Oustee families	Scheme No. 13	3.67
			108.09

C. NEC (Proposed) SCHEME :

14.	Dioscorea Project	Scheme No. 11	32.36
15.	Development of Second phase Rubber Processing Factory and Crumb Mill	Scheme No. 14	225.25
16.	Experimental Cultivation of Aromatic essential oil edible oil, high value	Scheme No. 15	5.00

Ates. eu

Atreasta

medical plant.

262.61

D. WORLD BANK PROJECT :

17. Raising of Rubber plantation Scheme No.16	3.50
Under World Bank Scheme	-----
	3.50

TOTAL REQUIREMENT OF FUND IN 1994-95

01. Corporation own schemes	--	575.89 lakhs
02. Resettlement Scheme	--	108.09 lakhs
03. N. E. C. Schemes	--	262.61 lakhs
04. World Bank Schemes	--	3.50 lakhs

Total		950.09 Lakhs

The total requirement of fund for implementation of Corporations own schemes as would be evident from the above statement is to the tune of Rs. 575.89 lakhs. The said amount will be met from the internal generation of fund through disposal of rubber. Besides it is expected that some fund will come from Govt. by way of equity contribution.

The anticipated flow of fund for implementation of work programme of TFDPC during 1994-95 can be enumerated as below:-

01. Expected Sale Proceeds from sale Rubber	Rs. 380.00 lakhs
02. Expected sale proceeds of Latex Concentrate	Rs. 84.00 lakhs
03. State Government Equity Contribution	Rs. 50.00 lakhs
04. Subsidy from Rubber Board.	Rs. 10.00 lakhs

	Rs. 524.50 Lakhs.

The deficit is to the extent of Rs. 51.39 lakhs is to met by taking Bank loan and by reducing unproductive expenditure in various areas of the Corporation.

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ANNUAL BUDGET FOR 1994-95 OF TRIPURA FOREST
DEVELOPMENT AND PLANTATION CORPORATION LTD.
(A GOVT. OF TRIPURA UNDERTAKING)

SCHEME NO. 1 1st PROJECT PLANTATIONS

INTRODUCTION :

This is a continuing scheme for maintenance of older plantations & for tapping and processing of rubber from 1st project plantation areas.

Brief description :

Against target of 5000 hectare to be raised with rubber from 1976-77 to 1985-86, the actual physical achievement was 4534 ha. 26 rubber plantation centres were established till March, 1986 alongwith infrastructural development of roads, Water areas etc. It is necessary to mentioned here that due to reasons beyond control of the organisation such as extremists activities, destruction of plantation by the motivated persons, uncontrolled grazing, fire, due to physical harassment to supervisory staff and similar other factors 1897 hectare rubber plantation have been lost to TFDPC Ltd. during that period and reported to Board of Directors. An action programme for gradual restocking of the damaged areas has also been taken within the resources available alongwith other maintenance work.

The main object of the scheme is to maximise the production of rubber from the available older plantations under tapping alongwith improvement in the per ha field rubber by way of intensive management & control.

Physical target :

The physical target of the scheme during 1994-95 is as below :-

- i. Cost of establishment :
The major cost of establishment of the Corporation is borne under the Scheme.
- ii. Cost of administrative and office expenses.
- iii. Maintenance of 5,363.46 ha. of rubber plantations alongwith manuring, fencing and fire protection. To meet different requirements for operating 1800 number of tapping blocks for rubber production.
- iv. Providing of various amenities to plantation workers under plantation workers under Plantation Act.
- v. Construction of 2 number Smoke Houses, 2 No. of

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Processing shed, 2 No. of pucca go-down and 2 number of masonry R.C.C. Ring Well.

vi. Construction of 5 Km. of new roads and maintenance of 30 Km. of old roads.

Financial outlay during 1994-95 : As per details below:-

Items	Cap. expdt. (Rs. in lakhs)	Rev.expdt.
<u>A. ESTABLISHMENT</u>		
1. Salaries	--	70.00
2. Wages of daily rated Workers/contractual Workers.	--	2.15
3. Overtime, Honorarium	--	0.10
4. Traveling expenses	--	2.50
5. Medical reimbursement	--	0.10
6. Contribution to employees P.P.	--	4.20
7. Contribution to family pension	--	0.20
8. Contribution to EDDI	--	3.00
9. Leave Travel concession	--	1.50
10. Training and Seminar	--	0.25
11. Bonus to employees	--	1.80
12. Rewards	--	0.10
13. Payment of gratuity	--	0.10
14. Loans and advances	--	--
a) Festival advance	0.50	
b) Misc. advance	0.15	
c) House building advance	1.00	
	1.65	86.00

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B. ADMINISTRATIVE AND OFFICE EXPENSES :

1. Furniture	0.30	--
2. Office equipment	0.50	--
3. Bicycle and maintenance	0.00	--
4. Books and journals	--	0.10
5. Printing of forms, registers and stationery.	--	1.50
6. Postage stamps	--	0.20
7. Rent for office bldg.	--	0.75
8. Audit fees	--	0.10
9. Publicity and advertisement	--	0.20
10. Legal charges and stamp duty	--	0.10
11. Inspection/charges (EOF/FPP)	--	0.05
12. Electric charges	--	0.20
13. Telephone charges	--	0.75
14. Insurance including that of rubber plants	--	2.50
15. Uniforms to employees	--	0.80
16. medicines to the workers	--	0.30
17. Entertainment expenses	--	0.25
18. Misc. office contingency	--	0.25
	0.88	8.05

C. VEHICLE :

1. Purchase of one new car for Managing Director	2.50	--
2. Repair and maintenance of vehicles	--	2.00
3. Hiring of one private vehicle for Division	--	1.00
4. Cost of P.O.L.	--	2.00

5. Insurance/Road Tax	--	0.15
	-----	-----
	2.50	5.15

D. PLANTATIONS

1. Maintenance of rubber plantations 4551.8 ha (1968 to 1985)	--	25.00
2. Cost of chemical fertilizer	10.00	--
3. Cost of PP chemicals	8.75	--
4. Cost of plant and machinery	0.80	--
5. Cost of purchase of seeds	0.10	--
6. Maintenance of terrain rubber plantations.	--	1.50
7. Wages of 70 numbers of protection squads and fire watchers.	--	5.70
8. Mtce. of orchards/coconut plantations/black pepper plantations.	--	0.20
9. Bonus to workers	--	12.00
10. Payment of leave wages/ sick leave wages/ maternity leave wages/ to the workers.	--	2.00
11. Supply of woolen jersey to the workers.	--	8.50
12. Supply of sport goods.	--	0.25
	-----	-----
	11.65	47.15

E. TAPPING AND RUBBER PRODUCTION :

1. wages of tapper for operating 2000 blocks.	--	91.00
2. wages of proceeding workers in 23 centres.	--	12.00
3. Incentive payment to tappers.	--	5.00
4. Supply of woolen jumpers/ hunting shoes/gum boots and hand gloves to processing workers	--	1.50

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5.	Wages of 35 number of tapping-cum-processing supervisors.	--	7.60
6.	Training of 100 workers tappers	--	2.27
7.	Wages of 30 DRW as Night Guards in production centre.	--	2.80
8.	Purchase of 6000 Kgs 3.00 Formic acid	3.00	-
9.	Purchase of spouts, cup, hanger, paints, chalk powder	2.80	-
10.	Purchase of 5000 no. Alu.cup and 1,00,000 No. plastic cups	3.50	-
11.	Purchase of roller machines and maintenance of old machines.	1.25	-
12.	Purchase of buckets & miscellaneous items for rubber productions.	1.50	-
13.	Carrying of rubbers, loading and unloading to Central go-down from production centres.	-	1.50
14.	Purchase of firewood for smoke houses	-	5.50
15.	Purchase of Latex from ST beneficiaries and provide growers.	-	30.00
		12.05	159.17

F. MINOR WORKS

1.	Construction of 2 No. of smoke house and 2 No. of processing shed	5.00	-
2.	Construction of 2 No. of pucca go-downs	3.00	-
3.	Construction of 2 No. of masonry RCC Ringwell.	1.00	-
4.	Mtce. of staff Qr/Go-downs/smoke house/Processing shed Labour barracks/Rest sheds.	-	5.00
5.	Construction of 5 Km. of new roads & mtce. of 25 Km. of old roads	2.00	-
6.	Effluent treatment tanks to rubber processing centres.	1.50	-

7.	Water supply to rubber processing centres	0.50	
8.	Construction of office and qtr.complex in corporations own land.		
	a) At Kunjaban	1.00	
	b) At Chandbari rubber Board complex	3.00	
		17.00	8.00

ABSTRACT OF EXPENDITURE UNDER SCHEME NO. 1

S. No.	Head of Account	Cap.expt.	Rev.expd.	Total
1.	A. establishment	1.65	86.00	87.65
2.	B. Administration	0.88	88.05	8.93
3.	C. Vehicle	2.50	5.15	7.65
4.	D. Plantations	11.65	47.15	58.80
5.	E. Rubber production	12.05	159.17	171.22
6.	F. Minor works	17.00	8.00	25.00
7.	G. Refund of Bank loan --	--	30.00	30.00
		45.73	343.52	389.25

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TRIPURA FOREST DEV. & PLANTN. CORPN. LTD
KUNJABAN : AGARTALA.

SCHEME NO. 2 2ND PROJECT PLANTATIONS.

INTRODUCTION :

Tripura has already been identified as a rubber growing State next to Kerala. But the potential on raising rubber plantation in the State has not been totally explored. Rubber Board advocates a target of 1.00 lakh ha. to be brought under rubber plantation. There are about 2.00 lakhs ha. of vacant degraded areas partly declared as forest and partly as Government land or allotted land to Tribals/SC families which are hitherto remaining un-productive and unutilised having no contribution to the State's economy. The present level of development with rubber plantations under Govt. and non Govt. sector up to 1992-93 is to the tune of 18,000 ha. approximately of which about 60% achievement has been made by TFDPC. A sizeable area of these plantations have already damaged (1897 ha.) and due to first generation of this crop with comparatively low yielding strains the average general label productivity of rubber (700 kg/ha) is still below the national average. But instances are there that certain new plantation areas are indicating productivity trend better than traditional rubber growing areas, thus clearly showing a higher potential of economic return. According to World Bank experts, Tripura can be a surplus State, if the available natural resources are brought under effective and improved production system. Therefore, the achievements so far made in the rubber plantation sector can not be considered to be an end of all, but only a beginning for a prosperity conceived second project which apart from commercial consideration will contribute effectively towards Socio-economic upliftment of the age old tribal economy and overall development of the State.

It has been therefore, conceived to launch the 2nd project of raising 10,000 hectare of rubber plantation in the State taking into consideration the failure and other short coming of the 1st Project. A beginning was already made for the 2nd Project plantation with approval of the State Government and 2542.07 ha. of plantation has been raised till enforcement of Forest Conservation Act.

The main objective of the Scheme is to start the 2nd project in full swing after revision of the Scheme with institutional finance and to carry out maintenance of the plantations so far raised.

2. BRIEF DESCRIPTION OF THE SCHEME :

The following physical achievements have been achieved from 1986-87 to 1992-93 without availing any bank loan and

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with Corporation's own resources.

1986-87	794.95 ha.
1987-88	766.05 ha.
1988-89	423.37 ha.
1989-90	535.90 ha.
1990-91	-
1991-92	12.00 ha.
1992-93	9.80 ha.

	2542.07 ha.

Besides, restocking of older plantation over 765.95 areas has also been done during 1986-87 to 1992-93.

3. PHYSICAL TARGET :

Physical target is fixed as below :

- i). Cost of establishment of staffs.
- ii). Cost of administrative expenses.
- iii). Creation of 100 ha. 1994 rubber plantation including restocking.
- iv). Raising 1,500 number of seeding nursery beds.
- v). Raising of 30,000 number of polythene nursery beds.
- vi). Construction and maintenance of staff quarters, labour barracks.
- vii). Construction of 5 km. of new roads and maintenance of 15 km. of old roads.

4. FINANCIAL OUTLAY DURING 1994-95. Rs. 88.45 lakhs as per details given below.

Items	Cap.expdt. (Rs. in lakhs)	Rev.expdt.
<u>A. ESTABLISHMENT :</u>		
1. Salaries		7.00
2. Wages of daily rated workers/parttime workers		0.50
3. Overtime/Honorarium		0.55
4. Traveling expenses		0.50
5. Medical reimbursement		0.50
6. Leave Travel Concession		0.05
7. Bonus to employees		0.70

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B. Loans and advance	
a) Festival advance	0.50
b) Misc. advance	0.05
	<hr/>
	0.55

B. ADMINISTRATIVE AND OFFICE EXPENSES :

1. Furniture	0.15
2. Office equipment	0.20
3. Bicycle	0.10
4. Books and Journals	0.10
5. Printing of Forms/ Registers/Stationery	0.50
6. Uniforms to employees	0.20
7. Rent for Office bldg.	0.25
8. Electric charges	0.05
9. Telephone	0.10
10. Medicine	0.10
11. Misc. Office contingency	0.25
	<hr/>
	2.00

VEHICLE :

1. Repair & Maintenance of vehicle.	1.00
2. Hiring charge of one vehicle for Division	0.75
3. Cost of P.O.L.	1.50
4. Road Tax/Insurance	0.15
	<hr/>
	3.40

D. PLANTATIONS :

1. Preliminary for raising 100 ha. of 1995 rubber plantations including restocking.	1.50
2. Creation & maintenance of 82.22 ha. of 1994 rubber plantations including restocking.	4.50
3. Maintenance of 3307 ha of 1986 to 1992 rubber plantations including restocked.	36.30
4. Vacancy filling with 25,000 No. of polybag plants.	1.00
5. Providing of new fencing and maintenance of old fenced areas-2000 ha.	2.00
6. Maintenance of 53.000 ha. of Budwood	

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plants.	0.60
7. Budgrafting of 3.50 number	0.90
8. Creating & maintenance of 2500 No. of 1993 rubber seeding nursery.	1.25
9. Maintenance of 3000 No. of 1992 and 91 seedling nursery.	0.60
10. Raising of 1 lakh number of 1993 polybag nursery.	2.00
11. Cost of chemical fertilizers.	7.00
12. Cost of P.P. chemicals.	0.50
13. Cost of 2 MT of polythine bags and 0.5 MT of polythene tape.	1.60
14. Cost of collection of 50 lakhs rubber seeds.	0.75
15. Wages of 30 number of protection squad & 10 No. of Night Guard.	3.30
16. Bonus to workers.	2.50
17. Payment of leave with wages/sick leave wages/maternity leave with wages to the workers.	3.00
	<hr/> 69.30

E. MINOR WORKS.

1. Construction of 4 set of staff quarters with kitchen/latrine.	3.00
2. Construction of 4 set of labour barracka.	1.00
3. Maintenance of office/Qrs/Labour barrack/rest sheds.	2.00
4. Construction of 5 km. new road and maintenance of 15 km. old road.	4.00
	<hr/> 10.00

ABSTRACT OF EXPENDITURE IN SCHEME NO. 2.

S.No.	Head of Account	Cap.expd.	Rev.expd.	Total
			(Rs. in lakhs)	

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1. A. Establishment	8.55	--	8.55
2. B. Administrative	2.00	--	2.00
3. C. Vehicle	3.40	--	3.40
4. D. Plantation	69.30	--	69.30
5. E. Minor works	10.00	--	10.00
	<hr/>		<hr/>
	93.25	-	93.25

TRIPURA FOREST DEVELOPMENT AND PLANTATION
CORPORATION LIMITED
KUNJABAN : AGARTALA

SCHEME NO. 3

Name of the Scheme : Development of Human Resources.

INTRODUCTION : Apart from the land, water, manurces, irrigation etc. considered as valuable inputs for success of any plantations project, the human resources can never be considered less and infact contributes to a major input for any project. Improvement of human resources is therefore as important as improved seeds and other inputs may be considered irrelevant without a proper technical qualified trained human resources.

03) Physical Targets for
1994-95 : During the period the following categories of personnels will be trained.

Corporation Ranger 1 No.
Corporation Forester 3 Nos.
Project Guards 2 Nos.
Ministerial Staff in
Accounts Training 2 Nos.
Divisional Managers to be sent
for training with Rubber Board
and rubber based Industries 2 Nos.

04) Financial Targets : Financial Outlay during 1994-95
(0.95 lakhs as per details below)
(Rs. in lakhs)

i) Ranger's Training 0.25
ii) Forestry's Training 0.20
iii) Project Guards Training ... 0.10
iv) Ministerial Staff Training... 0.10
v) Divisional Managers Training.. 0.15
vi) Seminars 0.10
vii) Contingent Exp. 0.05

0.95

OFFICE OF THE MANAGING DIRECTOR
TRIPURA FOREST DEVELOPMENT AND PLANTATION
CORPORATION LIMITED
KUNJABAN : AGARTALA

01) Name of the Schemes : Research Development and publicity

02) Introduction : It is said that research is the back-bone of development and is the most important indication factor to perceive and conceive the actual development levels being achieved from time to time.

No achievements through Research & Development is of any use unless made practicable and field oriented for which publicity is must. This scheme therefore is essential for any development project.

03) Financial Outlay during
1994-95

2.75 lakhs as per details below.

(Amt. in lakhs)

i)	Tools and chemical for various experiments	0.15
ii)	Field work Expenses	0.10
iii)	Books and periodical	0.10
iv)	Participation in National/State/Block level Exhibitions	0.75
v)	Installation of a Computer	0.90
vi)	Installation of a FAX	0.75
				<hr/>
				2.75

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TRIPURA FOREST DEV. & PLANT. CORPORATION LTD.
KUNJABAN : AGARTALA

SCHEME NO. 5 TAPPING AND PROCESSING AT SEPAHIJALA

BRIEF DESCRIPTION OF
THE SCHEME.

Tripura Forest Development and Plantation Corporation Limited was handed over 36 ha. of rubber plantations raised by Forest Department at Sepahijala for its management. Such plantations are under tapping for rubber production.

FINALLY OUTLAY FOR 1994-95

	(Rs. in lakhs)
1. Wages of 19 tappers for operation of 38 blocks.	1.75
2. Wages of 5 processing workers.	0.50
3. Wages of one T.C.P.S. and one D.R.W. Night Guard.	0.50
4. Incentive to tappers.	0.10
5. Bonus/leave with wages etc. to workers.	0.10
6. Cost of tapping materials.	0.10
7. Cost of fuel for smoke house.	0.12
8. Maintenance of plantations.	0.20
9. Cost of chemical fertilizers.	0.50
10. Maintenance of smoke house and processing shed.	0.25
11. Office contingency.	0.05
	<hr/>
	3.97 lakhs

TRIPURA FOREST DEV. & PLANT. CORPORATION LTD.
KUNJABAN : AGARTALA

SCHEME NO. 6 : BIODIVERSITY SCHEME.

The Scheme envisages diversification of production basing on the soil and climate factors and depending on the prevailing conditions of the availability of labour, necessity of resource mobilisation, marketing possibilities. Rubber is an example of successful bio-diversity in Tripura. Similarly, the recently introduced medicinal crope of *Dioscorea floribunda* has also been brought under the same capacity.

Tripura is endowed with beautiful climate and fertile soil and well-distribution rain-falls. A number of growing population, mainly, the workers is in need of employment and engagement and above all, the proximity of the State from consumption market. According to expert opinion, if proper and improved technology is adopted and the correct type of projects are selected for implementation, mainly, in respect of growing on the soil, the State can harvest so much resources from Eastern Region. So, there is a great scope for exploring different crops of medicinal as well as of plantations and also of plantations and also of floriculture, acquiculture etc. in the State under bio-diversification. It is intended to have trial of the following diversified crops :

1. Medicinal crop like Isabgul.
2. Intercropping of rubber plantations with Pineapple, *Dioscorea* and Banana.
3. Cultivation of black peper, cinamo etc.
4. Pisciculture with available local varieties in the water areas of rubber plantations.
5. Prawn culture in shallow water.

A token provision of Rs. 5.00 lakhs may be earmarked under the Scheme.

Tripura Forest Development And Plantation
Corporation Limited

Kunjaban - Agartala

SCHEME NO. - 7

Ø1) Name of the Scheme : Re-settlement of S.T. Families
through Rubber Plantation.

Ø2) Brief Description of
the Scheme

: The Scheme is a continuing one for resettlement of S.T. families with Rubber plantation with total financial sanction of the Government. With the success of rubber linked resettlement of the ST families at Warrengbari, Padmanagar and Karrangicherra etc. there has been greater demand for similar resettlement and more recommendation are being received by the corporation from the local leaders and village Pradhans for taking up one such rubber linked resettlement scheme in their area. So long, the tribals have been tried in a number of resettlement schemes with varying degrees of financial involvement, but for non-acceptance of those schemes by the tribals and for no root formation of those families with the soil, the schemes have been more or less, unsuccessful. The Government now even approves raising of rubber plantation over the vacant un-utilised tilla lands earlier allotted under Jhumia resettlement purpose, but bearing no successful crop pattern. The beneficial areas are intended to be closely associated with the rubber production from the beginning so that they turn out to be the expert plantation workers by the time that the nature plantations are ready for tapping. The novelty of the scheme is that not only it generates engagement for the rural masses but the post outstanding contribution is the generation of valuable intermediate resources in the form of latex being tapped from 7th year onwards. It is expended that the momentum of the scheme will gain gradually and the opening of such centres for rubber linked resettlement by the

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corporation, will also develop considerably. At present, it is intended to resettle 100 hectare.

The rubber linked re-settlement of Tribals are intended to be done after utilisation of the following department finance :-

- Ø1) Tribal Welfare Department.
- Ø2) Horticulture Department.
- Ø3) Tripura Tribal Autonomous District Council (TTAADC)

The physical and financial target for 1994-95 under the three category of schemes are as below :-

A. Scheme No. 7(A) Tribal Welfare Department

Physical and financial outlay for 1994-95 of resettlement scheme of ST families based on rubber plantations out of fund to be provided by Tribal Welfare Department.

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| 1. Preliminaries for raising 100 hec of 1995 rubber plantation. | (Rs. in lakhs)
2.50 |
| 2. Creation and maintenance of 50 hec of 1994 rubber plantation. | 3.78 |
| 3. Maintenance of 880 hec. of older rubber plantations with weeding, fertilisers application, firelines, vacancy filling, fencing etc. | 16.50 |
| 4. Raising of 500 beds of 1994 nursery maintenance of 1000 beds of old nursery, maintenance of 20,000 no of budwood mother plants and 1.00 lakh number of bud-grafting. | .75 |
| 5. Raising of 50,000 number of polybag nursery plants including cost of polybags. | 1.89 |
| 6. Wages of 25 number of Protection squads and 5 number of Night Gaurds | 2.77 |
| 7. Wages of 3 number of Tapping-cum-processing Supervisor to held ST Beneficiaries at Tapper. | .45 |
| 8. Wages for training of 30 number of | |

beneficiaries	at	Tappers.	.50
9. Purchase of Chemical Fertilizers.			6.30
10. Cost of purchase of P.P. Chemicals.			.31
11. Construction and Maintenance of 100 no of Rest Sheds.			.63
12. Construction of 5 K.M. new roads and maintenance of 5 K.M. old roads.			2.52
13. Construction of one new Water reservoir and maintenance of old reservoir.			.63
14. Raising of 20 hec. of 1994 plantation of Wind break and shelter belt plantations of forestry specious around rubber plantations and maintenance of 15 hec. of older plantations.			.94
15. Raising of 1.00 lakhs seedlings of forestry specious for planting as wind break shelter belt plantation including cost of polybags.			1.57
16. Office Contingency.			.63

			42.67 lakhs

SCHEME NO. 7(B)-HORTICULTURE DEPARTMENT

B. PHYSICAL AND FINANCIAL OUTLAY FOR 1994-95 OF
RESETTLEMENT SCHEME OF ST FAMILIES BASED ON RUBBER
PLANTATIONS OUT OF FUND PROVED BY HORTICULTURE DEPARTMENT
UNDER MINI WATER SHED.

01. Creation & maintenance of 10 ha of 1994 rubber plantation.	.63
02. Maintenance of 130 hec of older rubber plantation.	4.41
03. Cost of Chemical fertilizers.	1.89
04. Cost of P.P. Chemicals.	1.38
05. Wages of 8 No. protection squad/fire watches and 2 no. of motivators.	1.89
06. Maintenance of seedling nursery/budwood nursery/polybag nursery.	.63

Ø7. Construction and Maintenance of Rest
Sheds.

.12

Ø8. Office contingency

.18

11.13

SCHEME NO. 7 (C) : T.T.A.A.D.C.

C. PHYSICAL AND FINANCIAL OUTLAY FOR 1994-95 OF RESETTLEMENT SCHEME OF ST FAMILIES BASED ON RUBBER PLANTATIONS OUT OF FUND TO BE PROVIDED BY T.T.A.A.D.C.

	Rs. in lakhs
01. Preliminary for raising 100 hec of 1995 rubber plantations	2.52
02. Creation and Maintenance of 50 hec of 1994 rubber plantations.	3.15
03. Maintenance of 74 hec (upto 1993) rubber plantations including fertiliser application, vacancy filling & fencing etc.	3.15
04. Raising of 500 seedling nursery beds and 50,000 number of polybag nursery including cost of polybag.	1.89
05. Cost of purchases of Chemical Fertilisers.	2.52
06. Cost of P.P. Chemicals.	.12
07. Construction and Maintenance of Rest Sheds.	.31
08. Wages of 10 number of Protection Squads/Fire Watchers.	.94
09. Construction of 2 K.M. new road and maintenance of 5 K.M. old road.	1.57
10. Construction and Maintenance of water reservoir.	.37
11. Office Contingency.	.63
	<hr/> 17.17

TRIPURA FOREST DEVELOPMENT AND PLANTATION
CORPORATION LIMITED

KUNJABAN : : AGARTALA

S C H E M E NO. - 8 -

01. Name of the Scheme : Resettlement of S.C. families through Rubber Plantations.

02. Brief Description of the Scheme. : This is a continuing scheme for which the fund flows through S.C. Welfare Department of Government of Tripura. Under this scheme rubber Plantations have been raised at Kalkalia, Ram Ranjan Para, Banbazar, Indira Bikash Nagar and Nehru Nagar.

03. Physical and Financial outlay for 1994-95 of Resettlement Scheme of S.C. families based on Rubber Plantations :-

(Rs. in lakhs)

i. Creation and Maintenance of 30 hec of 1994 Rubber Plantations.	1.89
ii. Maintenance of 256 hec of older rubber plantations including fertiliser application, vacancy filling & fencing etc.	6.07
iii. Raising of 200 number of seedling nursery beds and 20,000 number of polybag nursery including cost of polybag and maintenance of bud wood nursery	0.95
iv. Wages of 30 number pf Protection Squads/Fire Watchers.	2.75
v. Construction and Maintenance of Rest Sheds.	.15
vi. Cost of Chemical Fertilisers.	2.25
vii. Cost of P.P. Chemicals.	.20
viii. Construction and maintenance of roads within rubber plantations	1.00
ix. Office Contingency.	.35

	15.61 lakhs

TRIPURA FOREST DEVELOPMENT AND PLANTATION
CORPORATION LIMITED

KUNJABAN : : AGARTALA

S C H E M E NO. - 9 -

Ø1. Name of the Scheme : Pilot Project on control of shifting cultivation for the resettlement of Jhumia families (ST) through Rubber Plantations at Warangbari.

Ø2. Brief Description of the Scheme : Warrengbari is the first Tribal village where resettlement of ST on rubber plantations was started as centrally sponsored scheme. A total of 108 hec of rubber plantations was raised and distributed to 100 ST families. Since the centrally sponsored scheme ceased to operate long back, the maintenance of rubber plantations alongwith other activities have been continued with the fund being received from tribal Welfare Department.

Ø3. Physical and financial outlay for 1994-95

Rs. In Lakhs)

i. Maintenance of 145 hec of older rubber plantations.	0.95
ii. Cost of Chemical fertiliser	0.90
iii. Engagement of one tapping-Cum-Processing Supervisor to held beneficiaries	0.35
iv. Wages of two (2) number of Protection Squads	0.19
v. Maintenance of Road/Lake	0.30
vi. Office Contingency	0.15
	----- 2.84 lakhs

TRIPURA FOREST DEVELOPMENT AND PLANTATION
CORPORATION LIMITED

KUNJABAN : : AGARTALA

S C H E M E NO. - 10(A)

1. Name of Scheme : recurring Expenditure for running and Maintenance of Latex Centrifuging Factors and crep Mill at takmacherra.

This was originally a NEC Schemes for establishment of Latex contrifuging Factory and Crep Mill implemented by Tripura Forest Development and Plantation Corporation Limited. As per terms and condition of the Scheme, it is to be completed and normalised after 1991-92. The Factory is now ready and trial run the Crepe Mill has already been started.

At the beginning the Contrifuging Factory will operate for one shift only and it is estimated that about 300 working days would be available for the Contrifuging Factory and about 1000 Kg (DRC) Latex would be processed per shift/day.

2. FINANCIAL REQUIREMENT :

A. Latex Contrifuging Factory :

- | | |
|----------------------------------------|----------------------------------------------------------|
| i. No. of working days | 300 days |
| ii. Installed capacity | 1 shift/1000 kg (equivalent to 1660 kg 60 % Latex Cenex) |
| iii. <u>Staff components</u> | |
| Chemist | Rs. 42,000.00 |
| Machine operator | Rs. 36,000.00 |
| Shift Supervisor | Rs. 30,000.00 |
| Foreman | Rs. 42,000.00 |
| Lab.Attendent | Rs. 18,000.00 |
| | Rs. 1,68,000.00 |
| iv. Workers wages -6 No. @ 30.00 X 300 | Rs. 54,000.00 |
| v. <u>Workers for Barral requiring</u> | |
| Welder 1 No. Rs. 35.00 x 300 days | Rs. 10,500.00 |
| Unskilled workers -3x22.50 x 300 | Rs. 20,250.00 |
| vi. <u>Cost of Ammonia Gas</u> | |
| 10,500 Kg @ 20.00 per Kg. | Rs. 2,10,000.00 |
| <u>Cost of Lauric Acid</u> | |
| 250 Kg @ 185.00 per Kg. | Rs. 46,250.00 |
| <u>Cost of D A H P</u> | |
| 10MT @ 25.00 per Kg. | Rs. 2,50,000.00 |
| <u>Cost of sulfuric Acid</u> | |

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20 MT @ 65.50 per MT	Rs.1,31,000.00
Cost of C2 H2 and O2 Gas for welding barral	Rs. 70,000.00
Cost of paints etc. for barral etc.	Rs.1,50,000.00
vii. Cost of Chemical/equipments	Rs.1,00,000.00
viii.Lubricants, grease etc.	Rs. 35,000.00
ix. Spares including electrical appliances	Rs.1,00,000.00
x. Power	Rs. 60,000.00
xi. Chemical for water treatment plant.	Rs. 50,000.00
xii. Spares for deep tube-well Air compressor etc.	Rs. 50,000.00
xiii.Overhauling and other maint. of Centrifuging Factory.	Rs. 25,000.00
xiv. Transportation charges of Latex	Rs. 75,000.00
xv. Cost of barral (2700x550) each	Rs.14,05,000.00
<hr/>	
Total estimated expenses	Rs.30,10,000.00
<hr/>	
2. B Crepe Mill	
i. Staff components	
Supervisor	Rs. 30,000.00
Electrician	Rs. 9,000.00
Pump Operator	Rs. 9,000.00
	Rs. 48,000.00
ii. Wages of workers (7x30.00x300)	Rs. 63,000.00
iii. Lubricants	Rs. 1,00,000.00
iv. Spare Parts	Rs. 1,00,000.00
v. Detergent/disinfectant	Rs. 15,000.00
vi. Loading/un-loading of scrap	Rs. 25,000.00
vii. Power	Rs. 1,20,000.00
viii. Insurance premium	Rs. 1,00,000.00
ix. Misc. expenses	Rs. 25,000.00
x. Vehicle expenses	Rs. 60,000.00
	Rs. 6,56,000.00
<hr/>	
(Total costs) :	Rs. 6,56,000.00
<hr/>	
2.C. Over heads:	

i. Salary to officer and staff	Rs. 1,82,000.00
ii. Office contingency	Rs. 35,000.00
iii. Cost of Latex (70,000x5)	Rs. 3,50,000.00
iv. Supply of uniforms etc.	Rs. 50,000.00
v. Establishment of 2nd deep tube-well	Rs. 12,24,000.00
vi. Purchase of forms and register	Rs. 15,000.00
vii. Compound fencing at Housing Complex	Rs. 5,00,000.00
viii. Purchase of 2nd Generator	Rs. 3,00,000.00
ix. Construction of a permanent barrack for security force.	Rs. 6,00,000.00
x. Purchase of Latex transportation tanker	Rs. 4,00,000.00
xi. Routine maintenance of factory complex and quarter complex	Rs. 2,00,000.00
xii. Four(4) no. of Night Guards	Rs. 50,000.00
Total cost :	Rs. 39,06,000.00
Grand Total :	Rs. 75,72,000.00

2. Estimated Income:

i. Genex 300 MT @ 24,500 MT	Rs. 75,50,000.00
ii. Crepe 50 MT @ 22,000 MT	Rs. 11,00,000.00
	Rs. 84,50,000.00
Less Total estimated cost	Rs. 75,72,000.00
Expected surplus	Rs. 8,78,000.00

TRIPURA FOREST DEVELOPMENT & PLANTATION
CORPORATION LIMITED
KUNJABAN : AGARTALA

SCHEME NO. 11

1. NAME OF THE SCHEME : CULTIVATION OF DIOSCOREA FLORIBUNDA
PLANTATION FOR EXTRACTION OF DICSGEMIN
IN TRIPURA (N.E.C.)

2. INTRODUCTION:

This scheme for cultivation of Dioscorea floribunda tubers for production of Diosgenin is a NEC scheme being implemented by TFDPC Ltd. This is the last year of this project. About 84 ha. Dioscorea plantation have been raised by the corporation upto 1993-94. During 1994-95 total Dioscorea plantations would be 100 ha. So far as Factory part is concerned the Civil engineering works have been completed except the construction of administrative building. The major part of the plant and machinery have been commissioned at the Factory site. It is expected that the trial run of the factory would be started during August, 1994.

3. Financial requirement : The total outlay of this scheme is Rs. 306.94. Out of this amount we have received Rs. 274.58 lakhs from NEC upto 31.3.94. The balance Rs. 32.36 lakhs will be available during this year.

CORPORATION LIMITED
KUNJABAN : AGARTALA

SCHEME NO. 12

1. Name of the Scheme : Plantations of fuelwood and renewable energy.

2. Brief description of the scheme : It is said that the greatest harm has been caused to the National Forests by the never ending requirement of fuelwood by the overgrowing human population, and a great service towards eco-restoration and development of National Forests can be achieved if available waste land is properly utilised for raising of fuelwood and other species considered to be the source of renewable energy. It is contemplated that under the scheme the waste lands will be utilised for the following purpose :-

1. Machinised farming for raising of fuelwood species in close proximity for maximum production of dellulosic material per hec. for meeting the requirement of fuelwood.
2. Conventional raising of different fuelwood species by way of fuelwood plantation or energy plantations over waste lands areas or even over degraded forest areas with suitable species.
3. To set up a fuelwood brick plant for utilising the available hurbs, shrubs and woods etc. for manufacturing machanised fuelwood bricks for the purpose of burnings substitute of fuelwood by families as well as small-scale factories like bakeries etc. Similar such unit exists at Karnataka. The entire fund for the purpose will be drawn either from the Forest Department or from Science and Technology & Environment department.

- (1) Fuelwood Plantation Rs. 5 lakhs
- (2) Mechanised Plantation Rs. 5.lakhs
- (3) A token provision for setting up of fuelwood brick plant as developed in Karnataka (to be met with IDBI Finance) Rs. 5 lakhs

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TRIPURA FOREST DEVELOPMENT & PLANTATION
CORPORATION LIMITED
KUNJABAN : AGARTALA

SCHEME NO. 13

1. Name of Scheme: Resettlement of Dumber custees families.

2. Brief description

of the scheme : This acontuniung scheme for resettlement of Dumber custees families on rubber plantations under implementation of this scheme was entrusted to TFDPC Ltd. by the Government for raising of rubber plantations for resettlement of Dumber custees families for which separate fund was provided. The rubber plantations so far raised under the scheme are :-

1989 25.43 ha.
1990 32.20 ha.
1991 18.00 ha.

Total 75.63 ha.

About 10 ha. areas of rubber plantations got damaged due to fire incident.

3. Physical and financial outlay for 1993-94 for resettlement of Dumber custees families on Rubber Plantations :-

	<u>Rs. in lakhs</u>
i) Maintenance of 75.63 ha. of older rubber plantations.	1.89
ii) Wages of 4 No. of protection squad/fire watchers.	0.38
iii) Cost of purchase of chemical fertilisers.	1.00
iv) Cost of purchase of P.P. Chemicals.	0.15
v) Construction of Rest sheds.	0.10
vi) Contingency.	0.15

Total :	3.67 lakhs

TRIPURA FOREST DEVELOPMENT & PLANTATION
CORPORATION LIMITED
KUNJABAN : AGARTALA

SCHEME NO. 14

1. Name of Scheme: Development of Second Phase Rubber Processing Factory and Setting-up of a Crump Mill (Proposed)

2. Brief description of the Scheme :

The First Rubber Processing Factory at Takmacherra has already been established with NEC Finance. There are one Latex Centrifuging Machine and five(5) Crepers installed in the Processing Factory. The capacity of the Latex centrifuging Factory with the present machine is to the tune of 300 MT per annum. This quantity can easily be doubled with setting up of Second Concentrator. There also scope for making crumb rubber "ISNR" qualities which is a substitute for sheet rubbers being currently manufactured at a number of centres. When the production of rubber will further go up during next 2 years it will be extremely difficult to handle the Latex solely in the existing type of Rubber Processing House for manufacture of sheet rubber. Besides, quality control will also become necessary in respect of sheet rubber, where as a crumb rubber factory will be producing mechanised rubber blocks of "Fixed Quality" and grade and will provide better marketing facilities. It is intended that the scheme will be forwarded to North Eastern Council for finance, failing which IDBI finance will be drawn for the purpose. The financial requirement for a Crumb Unit is to the tune of Rs. 1.00 crore approximately and for 2nd phase of the Latex Centrifuging Factory another Rs. 1.25 Crores.

TRIPURA FOREST DEVELOPMENT & PLANTATION
CORPORATION LIMITED
KUNJABAN : AGARTALA

SCHEME NO. 15

1. Name of Scheme: Exp. Cultivation of Aromatic essential oil, edible oil, high value medicinal plant (proposed).
2. Brief description of the Scheme : With the establishment of Dioscorea Plantation in the vicinity of Diosgenin Plant at Ananda Nagar, a separate complex for experimental trial cultivation of various Aromatic and essential oil plants will be possible. In fact, this would user a beginning in the phuto-chemical and pharmaceutical complex for the State of Tripura.
3. Objective : Cultivation of various Aromatic and essential oil plants, high value medicinal plants etc. will be taken up at that phyto-chemical complex under the scheme with the ultimate object for commercial exploration by the said plant. A token of Rs. 5.00 lakhs have been kept under the scheme. It would be spent towards procurement of seeds for getting the technical know how etc. for various Medicinal Plantations.

TRIPURA FOREST DEVELOPMENT & PLANTATION
CORPORATION LIMITED
KUNJABAN : AGARTALA

SCHEME NO. 16

1. Name of Scheme: Raising of Rubber Plantations Under
World Bank Project Scheme:

As a part of the World Bank Financial assistant to Government of India for extension of rubber plantation in Tripura, for resettlement of Tribal & SC families with grown-up rubber plantations at the rate of 1.00 hactate minimum per family although recommended area per family has been 1.5.hactate. After actual field survey in Tripura it is found that the land position is most marginal and very few families are having land for such purpose under their possession in order to provide more income per family and ensure economic resettlement of 1,000 families mostly Tribal Jhumia will be resettled with rubber under TFDPC LTD. and for that purpose the beneficiaries will have to obtain bank loan after mortgaging their land and executing necessary agreement. During the current year it is intended to raise 200 hectare in the following villages :-

01. Chellekhala
02. Motinagar
03. Dhupcherra
04. Pyaricherra
05. Bhagalpur

Constraints :

Formal agreement between TFDPC and Rubber Board has not yet been executed nor the revised format for the agreement accepted by the Government has been handed over. A number of meetings in this regard have been held and yet the format of the agreement to be executed between the beneficiaries with the organisation like TFDPC (implementing agency) for taking the responsibility of the repayment of the Bank loan, have not yet been finalised. No fund has yet been made to Corporation. A token of Rs. 3,50,000/- is earmarked for the World Bank Project implementation during the period 1994-95.

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TRIPURA FOREST DEVELOPMENT & PLANTATION
CORPORATION LIMITED
KUNJABAN : AGARTALA

SCHEME NO. 17

1. Name of Scheme: Replanting of older plantation after disposal of old rubber trees.

The plantations raised by TFDPC during 1963 at Patichari and 1964 at Pathalia over 79.73 ha. have already reached maturity and have already been subjected to slaughter tapping during the last few years. It is now considered necessary to replant the areas after clearfelling the existing older rubber trees. The rubber trees have so far been utilised in Tripura as firewood though it has come decerative and furniture timber value after necessary treatment. It has been estimated that the current gap of timber requirement of the country will be met up by the mature rubber timber to a great extent since a number of such older plantations in Kerela will be felled during the current year. Except opinion is that after proper treatment, rubber timber can be very effectively utilised for furniture, doors and windows etc. It is, therefore, proposed that under the scheme some treatment facilities will be developed by TFDPC in Tripura in order to be able to treat the rubber wood after felling older pplantations.

A token provision of Rs. 5.00 lakhs is kept under the scheme. The 'treatment factory' is proposed to be established at Takmacherra within the developed infrastructure which will be nearer to the felling site.

TRIPURA FOREST DEVELOPMENT
PLANTATION CORPORATION LTD.

Annexure-9
AND

(A GOVT OF TRIPURA UNDERTAKING)

Regd Office :-

Abhayanagar, Agartala, Pin-799005

Tripura West,

Telegraph Office: Agartala

Telephone : 22-4763

Ref. No. F.4-56/Gen/TFDPC-98/5879

Date : 21.9.99

To

The Divisional Forest Officer

Working Plan Division, No.1

Kunjaban, Agartala.

Subject : A brief write-up on the activities of TEDPC Ltd.

Reference your letter NO.Nil dt. 21.9.99

Sir,

As request by you, we are enclosing herewith one brief write-up covering different aspects on the activities of this organisation for doing the needful.

Enclo : As above

Yours faithfully
Managing Director

BRIEF NOTE ON TFDPC LTD.

1. INTRODUCTION :

T.F.D.P.C. Ltd. was in-corporated as a company under Companies Act, 1956 on 26.3.1976 with equity participation by the Union Govt. & the State Govt. The brief objectives of this Company are as under :

i) To carry out business on plantation crops, capacially Rubber with profit motive.

ii) To concourage extension of rubber cultivation and cultivation of cash crops to the marginal cultivators by providing the infrustructural facilities available with the corporation.

iii) Resettlement of Tribal Jhumias, tribal & Scheduled Caste families and other backward families through rubber and other plantation crops in degraded/fallow land with the fund provided by the State Govt. Deptts.

iv) Creation of employment opportunities by providing regular works to the village workers in interior/farflung areas in the State.

v) To concourage cultivation/representation of specious having medicinal value & other utility for maintaining bio-diversity.

2. THE CAPITAL STRUCTURE.

The authoised capital of the Corporation is Rs. 10.00 crores. At present its paid up capital is Rs. 808.94 lakhs. The details of equity contribution is as under :

Year	Equity of State Govt. (in lakh)	Equity of Central Govt. (in lakh)	Total
1976-77	13.00	6.50	19.50
1977-78	20.00	2.50	22.50
1978-79	21.00		21.00

1979-80	10.00	20.50	30.50
1980-81	5.00	-	5.00
1981-82	5.00	-	5.00
1982-83	30.52	-	30.52
1983-84	40.00	-	40.00
1984-85	85.00	-	85.00
1985-86	75.00	-	75.00
1986-87	84.00	-	84.00
1987-88	80.00	-	80.00
1988-89	75.00	-	75.00
1989-90	55.00	-	55.00
1990-91	50.00	-	50.00
1991-92	30.00	-	30.00
1992-93	50.00	-	50.00
1993-94	-	-	-
1994-95	-	-	-
1995-96	24.92	-	24.92
1996-97	26.00	-	26.00
1997-98	1.00	-	1.00
1998-99	Nil	Nil	Nil
	<hr/> 780.44	<hr/> 29.50	<hr/> 809.94

In addition corporation has absorbed fund from different State Govt. Departments for implementation of Social service oriented schemes.

In the existing structure, the Corporation has scope to absorb funds from Govt. Departments for implementation of beneficiary oriented land based schemes.

3. ORGANISATIONAL SET-UP

The executive of the Corporation is controlled by the Managing Director appointed by the State Govt. presently Sri A.K. Singh, IFS is the Managing Director of the Corporation.

The over-see the over-all functions of the Corporation, formulation of the policy matters in keeping with the Directors under the leadership of a Chairman, presently, Sri Narayan Rupini, Hon'ble Minister, Forests etc. Deptts is holding the office of Chairman of this Corporation. The constituted Board as at present is given in Annexure-'A'.

For proper supervision of the filed activities of the Corporation the following Divisions have been created covering the entire State :-

1. Divisional Manager, Sadar, Agartala.
2. Divisional Manager, North, Kumarghat.
3. Divisional Manager, South-I, Santirbazar.
4. Divisional Manager, South-II, Manubazar.
5. Divisional Manager, Factory Division, Taknacherra.
6. General Manager, Dioscorea Project, Anandanagar.

All the above divisions are headed by Divisional Managers except for Dioscorea Project which is headed by General Manager.

Apart from the above, one Project Manager, is attending managerial functions in the Head Quarter level to assist the Managing Director.

For Office & filed management at Head Quarter and Divisions, ministerial staff and filed staff at different levels have been appointed directly by the Corporation. Presently one Corporation has a team of 236 members at different levels on regular Roll. They have been appointed against TFDPC Ltd. has a strong force of 3000 leave card holder workers who are being engaged round the year.

The organisational set up in TFDPC Ltd. and man-in-posting at different functional leaves etc. are given in the Annexure-'B'.

4. ACHIVEMENTS:

First phase project of the Corporation had a target between 1976-77 to 1985-86. During this period, captive rubber plantation over 4500 hac has been raised for the resource base of the Corporation. In the

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meanwhile preparatory works were completed for launching second phase project covering 10,000 hac rubber plantation during the period subsequently to 1986-87. A proposal was duly sent to the State Govt. for obtaining necessary clearance under Forest Conservat Act, 1988. But till date the clearance is awaited. This, however, could not deter the expansion scheme of the Corporation and additional rubber plantations were raised over 3087.76 hac area in un-encumbered land between 1987-88 to 1998-99 raising the capital assets of the Corporation to 7587.76 hac in term of rubber plantation.

Since inception this Corporation acquired 451.66 hac of nature rubber plantation in the yielding stage from Forest Deptt. on lease basis. This also have formed source of income to the Corporation in the initial stage.

The income generation has since picked up considerably out of the sale of raw rubber produces like sheet rubber and scrap rubber from the Corporation plantation & a stage has already set-in for generating income sustained basis.

In addition to the Corporation plantation as mentioned above, TFDPC Ltd. has also raised rubber plantations over 2357.65 hac area under resettlement scheme for the Tribal Jhumias families, tribal and Scheduled Caste families. Under this resettlement scheme fund is placed with the Corporation by the welfare for schedule tribe, schedule caste,

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Horticulture Departments of State Govt. and the TTAADC for raising rubber plantation in the earmarked land/land belonging to the selected beneficiaries. The plantations are nurtured/maintained by this Corporation through the gestation period till maturity stage is reached. The beneficiaries are imparted technical skill involved in maintainance of the rubber plantation as well as in tapping of rubber trees and processing of rubber latex. The rubber plantation in yielding stage are handed over to the selected beneficiaries for their sustenance. Till 1996-97 rubber plantation have been raised over 2357.65 hac area under this Re-settlement scheme. Out of which 2009.59 hac areas are for scheduled tribe beneficiaries and 340.60 hac areas are for scheduled caste families. Out of the above plantation, 503.50 hac of rubber plantation have already been handed over to 361 number of scheduled tribe families and 104.21 hac rubber plantation to 76 number of scheduled caste families in yielding stage.

This Corporation has buy-back scheme of the natural rubber produces from the rubber plantations owners with a view to provide necessary stability on market price of the saleable produces.

The Centrewise details of rubber plantations raised in the Corporation under the above mention two schemes are given in Annexure-C.

The Corporation has also completed a scheme for value addition to the natural rubber produces under the auspices of NEC. Under this scheme one Centrifuged

machine and 5 crop mills have been set-up at Takmacherra for converting low price facthing rubber latex and scrap rubber into high valued materials of concentrated latex and scrap. This is a medium sized factory running on profit. This has added colours to the industrial intrustructure of the State.

TFDPC Ltd. has also successfully commissioned one plant at Anadnanagar for extension of Diosgenin which is an important precursor for synthesis of important drugs. For forward linkage, Dioscorea fluribunds to being cultivated as a source of raw materials to the plant, on Govt. land as well as on private land. Dioscorea plantations have already been established over 44.88 hac area which will also supply tuber stocks for multiplying the plantation area for sustained supply of raw materials to the plant.

The rubber production as well as Diosgenin production till 1989-99 are as under :-

A. RUBBER PRODUCTION :

Year	No. of Block	Production (in MT)	Sale proceeds from rubber (in lakh)
1976-77	48	20.204	0.531
1977-78	58	28.183	3.451
1978-79	81	34.885	-
1979-80	104	37.132	-
1980-81	135	52.123	-
1981-82	208	34.479	-
1982-83	244	104.000	-
1983-84	268	132.547	28.282
1984-85	311	147.473	19.285
1985-86	361	164.612	43.109
1986-87	422	193.996	34.388
1987-88	578	305.443	51.340
1988-89	692	386.389	56.400
1989-90	982	611.278	145.537
1990-91	1007	874.537	34.849
1991-92	1258	800.000	302.323
1992-93	1647	1178.000	218.184

1993-94	1701	1295.000	368.744
1994-95	2004	1763.144	504.110
1995-96	2451	1878.194	634.88
1996-97	2497	2075.049	637.18
1997-98	2768	2610.005	664.329
1998-99	2792	2836.00	699.00
1999-2000			
(Upto July '99 2800		417.064	299.00

B. PRODUCTION OF DIOSGENIN :

The trial run of the plant started in December 1996. The plant was formally inaugurated on 9th July '97. The production of Diosgenin till 1998-99 is 1600 kgs valued at Rs. 25.60 lakhs.

The Corporation has also carried out business on marginal profit by supplying plantation inputs like polybag raised rubber seedlings, budded stumps and rubber seeds etc. to other organisations like TRPC Ltd. as well as Govt. Deptt., Revenue blocks etc. for extension of rubber plantations.

5. ACHIEVEMENT DURING 1998-99.

(A) Rubber plantations have been extended over 81.30 hac during the current financial year. In addition, rubber plantations have been raised over 61.60 hac area under resettlement scheme. This is against the plantation target achieved during the last 5 years as details below.

Year	<u>Rubber plantation raised</u>		Total
	Corporation plantation	Resettlement plantation.	
1992-93	9.80	120.85	130.65
1993-94	57.10	72.75	129.85
1994-95	57.60	79.50	137.10
1995-96	38.48	231.50	269.96
1996-97	7.10	82.70	89.80
1997-98	7.60	51.46	59.06
1998-99	62.70	14.00	76.70

Target for 1999-2000 has been fixed for 14.00 hac

of rubber plantation as captive plantation of the Corporation and 60.00 hac under resettlement scheme.

B. To achieve the above plantation target, nursery programme have been taken up in hand. In addition, the Corporation has also taken up programme for raising rubber budded stumps for supplying to the Revenue Blocks to support their scheme of extension of rubber plantation on out right sale system on fixed price. To catere for above requirments following nursery programme have been taken up during 1999-2000. The achivements till date are also shown below:-

<u>Nursery programme.</u>	<u>Target fixed for the year 1999-2000</u>	<u>Achivement up to July '99</u>
1. Seedling Nursery beds.	1000 beds	300 beds
2. Polybag raised rubber seedlings.	93,900 Nos.	10,000 Nos.

C. Till July '99, 417.064 M.T. of natural rubber was produced. This is against the production of 318.336 M.T. during corresponding period of last year (1998-99) resulting a rise of about 31% over the last year's production.

This could be achieved by adding 32 nos of new knocks to the production line making it a total production block of 2800 numbers. It is expected further that more 125 new blocks can be added during this financial year.

D. The programme of upgradation of processing centres including establishment of regular water supply sources have been taken up during the year in ten

centres for upgrading the quality of the processed rubber produces. Works will be taken up in dry season after Oct '99. Total investment will be around Rs. 25.00 lakhs during the year.

In addition, 4 smoke houses have been added till July '99 during this year for increase in production.

6. Resource has and liabilities of the Corporation.

The main source of income of the Corporation is the Revenue earned by sale of natural rubber produces. The average income from this sources is Rs. 475.75 lakhs on average of last five years. The income generated during the financial year upto July '99 is Rs. 279.00 lakhs. Due to depression in the international as well as national rubber market the price of natural rubber has been cashed down to Rs. 28/- to Rs. 32/- per K.g. this year as compared to average price of Rs. 40/- to 45/- per k.g. during last 5 year. This has resulted a serious resource constraints to the corporation this year. The expected sale proceeds during the current financial year would be around Rs. 724.00 lakhs at the current market price of rubber as against the budget forecast of Rs. 767.90 lakhs. This may adversely affect the expansion as well as upgradation programmes of the Corporation.

As against the above sources of income, the Corporation has a liability of Rs. 828.27 lakhs as on 31.3.96 as per revised scheduling of repayment of loan.

Year	Total amount payable at the end of the year	Repayment to be made	Remarks
------	---------------------------------------------	----------------------	---------

	(Principal + Interest) Rs. in lakhs.	Principal + interest Rs. in lakhs.	
1996-97	828.29	150.00	Out of this Rs. 105.0 Lakhs has been repaid.
1997-98	796.09	200.00	No repayment made till date
1998-99	698.92	400.00	
1999-2000	350.46	350.46	

it is mentioned that the Corporation had secured bank loan of Rs. 264.07 lakhs during the period 1986-89 under Agri re-finance scheme sponsored by NABARD from the consortium of banks comprising of U.B.I. & S.B.I. of which U.B.I is the lead bank, at an interest of 12.5% which is now enhanced to 17.25%. The said loan has swelled to Rs. 828.29 lakhs as on 31.3.96 as mentioned above with interest. Unless the loan is repaid by strictly adhering to the revised re-scheduling, the future activities of the Corporation will be seriously affected. This out-standing loan may even turn the Corporation financially sick with swelling interest.

7. Future prospect/Diversification :

- (a) Additional 1000 blocks are likely to come under production stage within next three years widening the resource base of the corporation.

Centrifuged latex which is the processed product of Centrifuged machine and Rubber crepe produced from Crepe Mill established at Takmacherra are giving dividends to the Corporation by value adding to the low priced rubber latex & rubber creps. The Corporation is making arrangement with NEC for establishment of another Centrifuged machine and a set of 5 crepe mill

at Takmacherra with grants for increasing the production capacity of centrifuged latex and creps.

NEC has approved the project with provision of Rs. 110.00 lakhs during the 9th five year plan as grant-in-aid. Fund for Rs. 50.00 lakhs has already been placed with TFDPC Ltd. during 1998-99. Firm order for supply of one Alfa Laval Centrifuger has already been placed involving Rs. 45.00 lakhs. The machine is expected to reach Takmacherra within Sept '99.

DIVERSIFICATION:

i) The existing diosgenin extraction plant will be expaded for production of 16 DPA which has better market & high cost benefit favour.

ii) One Timber Treatment Plant has already been set-up at Anandanagar with the grant-in-aid from TCFRE under the extension scheme. Out of the sanctioned amount of Rs. 17.50 lakhs, fund for Rs. 13.25 lakhs has already been placed with TFDPC Ltd. The balance amount of Rs. 4.25 lakhs is being placed by ICFRE. The commercial production from the plant has started on 14.6.1999. This project will help in earnings of the Corporation substantially.

The matured rubber trees which are presently used as firewood on felling after their economic rotation can be converted into marketable timber and lumber fetching lucrative price. The value addition by this proceed is expected to be more than 15 timbers than the price of firewood.

Annexure-A.

No.F.16(153)/For-Plan/96-97/12621-36
GOVERNMENT OF TRIPURA.
FOREST DEPARTMENT.

Dated, Agartala, the 25th May '98.

NOTIFICATION.

In exercise of the powers conferred by Sub-section (I) of Section - 91 of the Articles of Association of the Tripura Forest Development & Plantation Corporation Limited and in supersession of all previous notifications in this regard the Governor, Tripura is pleased to appoint the following persons as Chairman and Directors to the Board of Directors of the said Tripura Forest Development and plantation Corporation Limited with immediate effect.

- | | |
|------------------------------------------------------------------------------------------------------------------------------|------------|
| 1. Shri Narayan Rupini, Hon'ble Minister for Forests Animal Resources Development, Govt. of Tripura. | - Chairman |
| 2. Shri Binduram Reang, MLA, Kanchanpur. | - Director |
| 3. Shri Biplab Sanyal, Sabroom. | - Director |
| 4. Smt. Laxminag Deb Barma, Takmacherra. | - Director |
| 5. Shri Lalit Deb Barma, MDC, Takarjala. | - Director |
| 6. Shri Kajal Ghosh, Sonamura. | - Director |
| 7. Shri Madan Das, Belonia. | - Director |
| 8. The Chief Secretary, Govt. of Tripura, Agartala. | - Director |
| 9. The Principal Secretary, Forests Govt. of tripura, Agartala. | - Director |
| 10. The Principal Secretary, revenue Deptt. Govt. of tripura, Agartala. | - Director |
| 12. The Principal Chief Conservator of Forests, Govt. of tripura, Agartala. | - Director |
| 13. The Joint Rubber Production Commissioner, Rubber Board, tripura, Agartala. | - Director |
| 14. The Chief Conservator of Forests, (Central) Ministry of Environment & Forest, regional Office, Shillong, Govt. of India. | - Director |
| 15. Shri A.K. Singh, M.D. TFDPC Ltd. Agt. | - Director |

By order of Governor,
Sd/-
Joint Secretary
to the Government of tripura.

Organisational set-up of T.F.D.P.C. Ltd. and man-in-position at different functional levels.

Sl No.	Name of the post functional rank	No. of posts	Man-in-position	Post lying vacant at present	Remark
1.	Managing Director	1	1	Nil	-
2.	Project Manager	1	1	Nil	-
3.	General Manager	1	1	Nil	-
4.	Chief Accounts Officer	1	Nil	1	-
5.	Divisional Manager	5	4	1	-
6.	Senior Horticulture	1	Nil	1	-
7.	Senior Agromist	1	Nil	1	-
8.	Maintenance Engineer	1	Nil	1	-
9.	Works Manager	1	1	Nil	-
10.	Quality control officer	1	1	Nil	-
11.	Shift In-charge	3	1	2	-
12.	Assistant Accounts Officer	5	Nil	5	-
13.	Labour Welfare Officer	3	1	2	-
14.	Estate Manager	4	2	2	-
15.	Senior Chemist	1	Nil	1	-
16.	Chemist	1	Nil	1	-
17.	Corporation Ranger	24	22	2	-
18.	Head Assistants	1	1	Nil	-
19.	Accountant	17	12	5	-
20.	Senior Assistants	16	13	3	-
21.	Corporation Forester	50	43	7	-
22.	Office Asistant.	27	23	4	-
23.	Stenographer	2	2	Nil	-
24.	Laboratory Assistant	1	Nil	1	-
25.	Supervisor	4	Nil	4	-
26.	Laboratory Assistant	1	Nil	1	-
27.	Driver	11	9	2	-
28.	Project Guard	54	49	5	-
29.	Boiler Operator	1	Nil	1	-
30.	Pump Operator	1	Nil	1	-
31.	Electrician	1	Nil	1	-
32.	Fitter	2	Nil	2	-
33.	Mali-cum-watcher	50	49	1	-
34.	Night Guard	1	1	Nil	-
35.	Office Attendent.	1	Nil	1	-
36.	Watchman	2	Nil	2	-
Total		298	236	62	

Organizational set-up of T.F.L.P.C Ltd and man-in-position at different functional levels.

Name of the post functional rank.	No. of posts.	Man-in-position.	Post lying vacant at present.	Remarks
1. Managing Director.	1	1	Nil	
2. Project Manager.	1	1	Nil	
3. General Manager.	1	1	Nil	
4. Chief Accounts Officer.	1	Nil	1	
5. Divisional Manager.	5	4	1	
6. Senior Horticulturist.	1	Nil	1	
7. Senior Agronomist.	1	Nil	1	
8. Maintenance engineer.	1	Nil	1	
9. Works Manager.	1	1	Nil	
10. Quality control officer	1	1	Nil	
11. Shift In-charge.	3	1	2	
12. Assistant Accounts Officers.	5	Nil	5	
13. Labour welfare Officer.	3	Nil	3	
14. Estate Manager.	4	2	2	
15. Senior Chemist.	1	Nil	1	
16. Chemist.	1	Nil	1	
17. Corporation Ranger.	24	22	2	
18. Head Assistants.	1	1	Nil	
19. Accountant.	17	12	5	
20. Senior Assistants	16	13	3	
21. Corporation Forester.	50	43	7	
22. Office Assistant.	27	23	4	
23. Stenographer	2	2	Nil	
24. Laboratory Assistant.	1	Nil	1	
25. Supervisor.	4	Nil	4	
26. Laboratory Assistant.	1	Nil	1	
27. Driver.	11	9	2	
28. Project Guard.	54	49	5	
29. Boiler Operator	1	Nil	1	
30. Pump Operator.	1	Nil	1	
31. Electrician.	1	Nil	1	
32. Fitter	2	Nil	2	
33. Mali-cum-Watcher.	50	49	1	
34. Night Guard	1	1	Nil	
35. Office Attendant.	1	Nil	1	
36. Watchman.	2	Nil	2	
TOTAL	298	236	62	

CENTREWISE DETAILS OF THE RUBBER PLANTATIONS RAISED BY THE
TRIPURA FOREST DEVELOPMENT AND PLANTATION CORPORATION LTD.

<u>NAME OF THE CENTRE</u>	<u>RUBBER PLANTATION RAISED IN HAC,</u> <u>Plantation Raised upto 1996-97</u>		<u>PLANTATION RAISED DURING 1997-98</u>	
	<u>CORPORATION</u> <u>PLANTATION,</u>	<u>RESETTLEMENT</u> <u>PLANTATION,</u>	<u>CORPORATION</u> <u>PLANTATION,</u>	<u>RESETTLEMENT</u> <u>PLANTATION,</u>
(01)	(02)	(03)	(04)	(05)
ANANDAPUR R.P.C.	89.50	-	-	-
Sachirambari RPC.	392.65	-	-	5.00
SOUTH HICHACHARA RPC.	-	52.35	-	-
ABHANGCHERA RPC	608.50	-	-	10.50
NORTH DEBDARU RPC	62.50	-	2x50	-
NORTH HICHACHARA (UNDER DEBDARU)	-	-	2.50	-
EKINPUR RPC	137.50	-	-	5.50
BATISHA RPC	-	-	-	-
KILLA RPC	-	75.63	-	-
RUNGKILANG RPC	-	81.85	-	-
CHELIAGANG RPC	17.50	46.87	-	-
SORBONG RPC	35.00	35.10	-	-
CHIRAMARA RPC	24.00	10.00	-	-
MOTAL RPC	211.00	-	-	-
PAIKHOLA RPC	10.00	-	-	-
NORTH SRIRAMPUR RPC	321.50	-	-	-
	38.50	-	-	-

(1)	(2)	(3)	(4)	(5)
KALSHIMUKH R.P.C.	200.00	-	-	-
U. B. C. NAGAR RPC	100.00	-	-	-
BANFUMARI RPC	84.50	-	-	-
KALKALIA RPC	-	50.50	1.50	-
DHANBUR RPC	66.50	-	-	-
VRIGUDASBARI RPC	205.00	57.45	1.50	-
BOPACHARA RPC	147.00	314.52	-	3.00
KALAMCHARA RPC	473.00	-	-	-
BANBAZAR RPC	454.00	65.35	-	-
KARANGICCHARA RPC	211.00	510.45	-	3.50
GHELIKHOLA RPC	72.00	63.05	-	5.50
DHANIRAMPUR RPC (UNDER MATINAGAR RPC)	274.00	61	-	5.00
SOVAPUR RPC	47.57	-	3.00	-
GANDHINAGAR RPC	-	6.94	-	-
MEHRUNAGAR RPC	100.00	92.95	-	-
PADMANAGAR RPC	230.00	230.00	-	3.60
BORAKHA RPC	-	96.75	-	-
MATINAGAR RPC	264.05	-	11.00	-
SUTARMUKA RPC	-	27.50	-	5.50
PATMALIA RPC	164.67	-	1.00	-
DHUPCHARA RPC	-	39.00	-	5.00
DRADYAMANIKYA RPC	-	65.25	-	-
LADIRA DAKSHINAGAR RPC	-	24.69	-	-

contd...P/3				
(1)	(2)	(3)	(4)	(5)
RAMRAHL PARA RPC	-	32.00	-	-
NIRVOYPUK RPC	82.35	-	-	-
WARRANGBARI RPC	-	182.90	-	-
PATICHARI RPC	88.48	-	-	-
TAKMACHERRA RPC	432.53	-	-	-
RATACHARA RPC	265.00	-	5.00	-
ROWA RPC	147.08	-	-	-
AMARENDRA RPC	227.00	-	2.50	-
SAILENDARI RPC	284.50	-	2.00	-
SAIDABBAR RPC	201.50	-	14.00	-
BILTHAI RPC	71.00	-	-	-
N.C. PARA RPC	274.40	-	4.00	-
PYARICHARA RPC	-	45.00	-	-
NALICHARA RPC	-	29.75	-	-
BURI RPC	435.18	-	6.00	-
GOLAKPUR RPC	193.00	-	11.00	-
PANITILLA RPC	346.00	-	-	-
LAGAICHARI RPC	32.00	-	-	-
HAINAMA RPC	-	12.00	-	-
DASAMANIPARA RPC	162.50	-	-	-
NALKAJA RPC	64.50	15.00	-	-
MANU RPC	2.50	-	-	-

contd.....P/4

(1)	(2)	(3)	(4)	(5)
KHEIRICHARA RPC (UNDER MANU RPC)	1.80	-	-	-
TAISIMA RPC	12.00	-	-	-
JAMBURCHARA RPC	12.00	12.00	-	-
DARCHAI RPC	-	-	-	-
GORIPA RPC	242.50	-	-	8.00
WEST LOUHUA RPC	396.18	-	-	-
BAISHANDEPUR RPC	181.20	-	10.00	-
ANLIGHT RPC	32.50	-	3.50	-
KAILASHNAGAR RPC	32.00	-	2.80	-
TOTAL :	7587.86(7587.76)	2357.65	91.30	61.60

Abstract : (i) Total Corporation plantation upto 1997-98 ,7669.06 ha.
(ii) Total Resettlement plantation upto 1997-98;2419.25 ha.

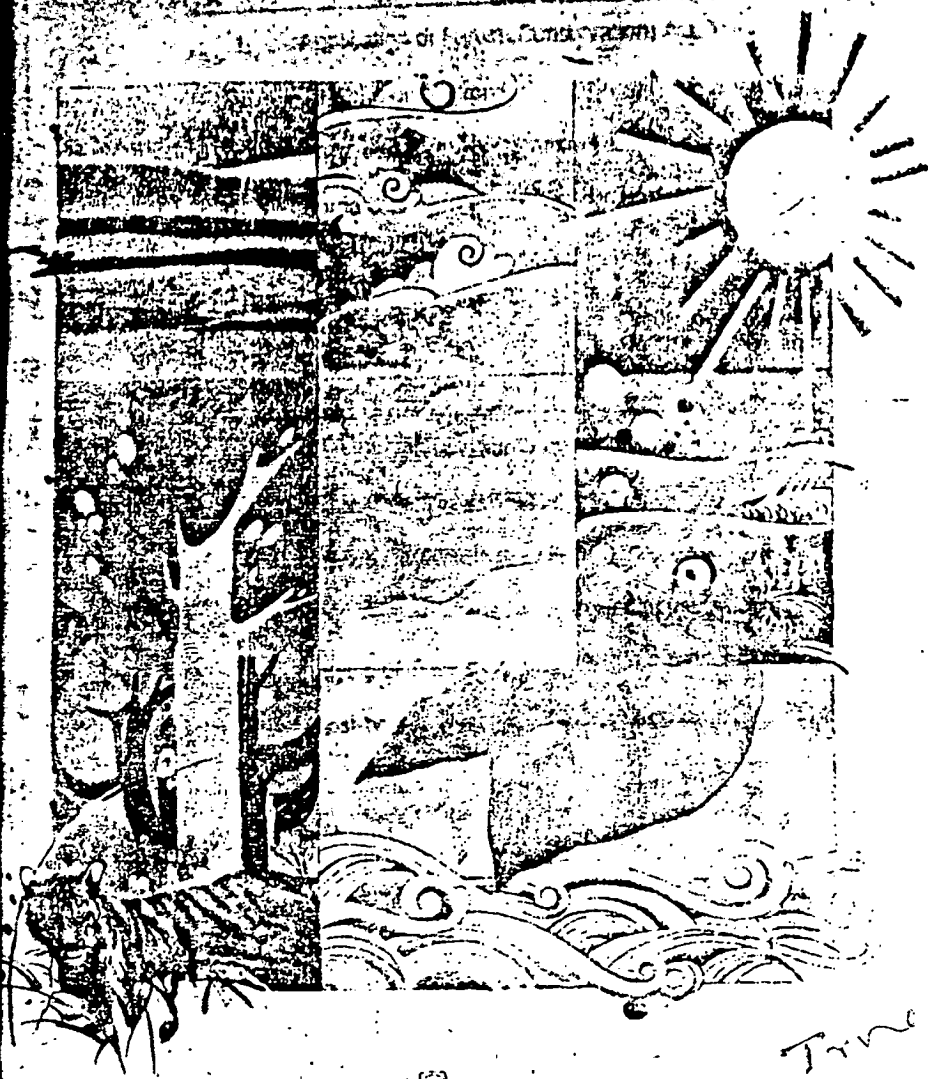
Grand Total : 10088.31 ha.

ANNEXURE - 10 - 117 -

Forest (Conservation) Act, 1980 Rules & Guidelines

ANNEXURE-10

(AS AMENDED ON OCTOBER 25, 1992)



True Copy
Identified
19.11.99:
Divisional Forest Officer,
Working Plan Division No-1
Agartala, Tripura (W).

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1. Application of Forest (Conservation) Act, 1980

142

1.1 Definition

(i) The term 'Forest land' mentioned in Section 2 of the Act refers to reserved forest, protected forests or any area recorded as forest in the government records. Lands which are notified under Section 4 of the Indian Forest Act would also come within the purview of the Act. (Supreme Court's Judgement in NTPC's case). All proposals for diversions of such areas to any non-forest purpose, even if the area is privately owned, would require the prior approval of the Central Government.

regarding dereservation and/or diversion of forest lands, a prior approval of the Central Government would be necessary.

(ii) Harvesting of fodder grasses, legumes etc. which grow naturally in forest areas, without removal of the tree growth, will not require prior approval of the Central Government. However, lease of such areas to any organisation or individual would necessarily require approval under the Act.

(ii) The term "tree" for the purpose of this Act will have the same meaning as defined in Section 2 of the Indian Forest Act, 1927 or any other Forest Act which may be in force in the forest area under question.

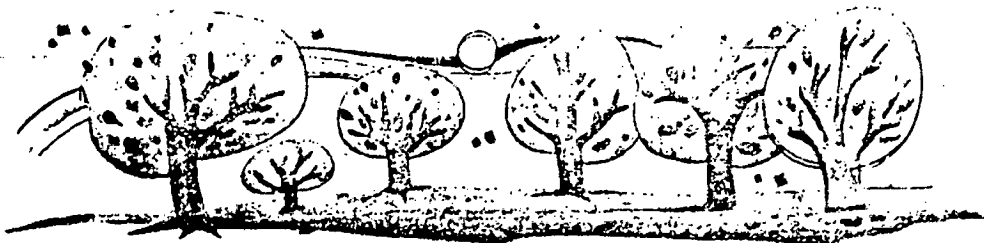
1.3 Investigation and Survey

(i) Investigations and surveys carried out in connection with development projects such as transmission lines, hydro-electric projects, seismic surveys, exploration for oil drilling etc., will not attract the provisions of the Act as long as these surveys do not involve any clearing of forest or cutting of trees, and operations are restricted to clearing of bushes and lopping of tree branches for purpose of sighting.

1.2 Clarifications

(i) The cases in which specific orders for dereservation or diversion of forest areas in connection with any project were issued by the State Government prior to 25.10.1980, need not be referred to the Central Government. However, in cases where only administrative approval for the project was issued without specific orders

(ii) If, however, investigations and surveys involve clearing of forest area or felling of trees, prior permission of the Central Government is mandatory.



(iii) Notwithstanding the above, survey, investigation and exploration shall not be carried out in wildlife sanctuaries, national parks and sample plots demarcated by the Forest Department without obtaining the prior approval of the Central Government, whether or not felling of trees is involved.

(iv) The work of actual construction would however, fully attract the provisions of the Act and prior clearance of the Central government must be obtained even if such work does not require felling of trees.

(v) It is clarified that the permission to survey, exploration or prospection would not ipso facto imply any commitment on the part of the Central Government for diversion of forest land.

1.4 Explanation Regarding Non-Forest Purpose

(i) Cultivation of tea, coffee, spices, rubber and palm is a non-forestry activity, attracting the provisions of the Act.

(ii) Cultivation of fruit-bearing trees or oil-bearing plants or medicinal plants would also require prior approval of the Central Government except when:

(a) The species to be planted are indigenous to the area in question; and

(b) Such planting activity is part of an overall afforestation programme for the forest area in question.

1.5 Tusser Cultivation

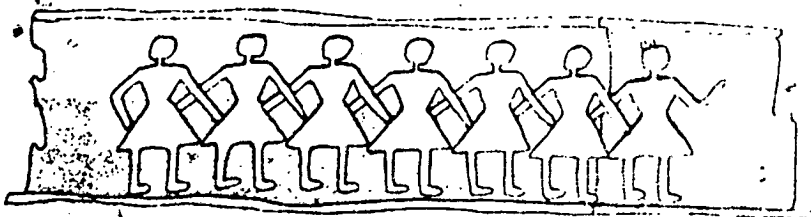
(i) Tusser cultivation in forest areas by the tribals as a means of their livelihood without undertaking monocultural Asan or Arjun plantations shall be treated as a forestry activity. Therefore, no prior approval of the Central Government under the Act is necessary.

(ii) Tusser cultivation in forest areas for which specific plantation of Asan or Arjun trees are undertaken for providing host trees to the silk cocoons shall be treated as forestry activity not requiring prior approval of the Central Government provided such plantation activity does not involve any felling of existing trees; provided further that while undertaken such plantations, at least three species are planted, of which no single species shall cover more than 50% of the planted area.

(iii) Plantation of mulberry for silkworm rearing is a non-forestry activity, attracting the provisions of the Act.

1.6 Mining

(i) Mining including underground mining is a non-forestry activity. Therefore, prior approval of the Central



... is essential before a mining lease is granted in respect of any forest area. The Act would apply not only to the surface area which is used in the mining but also to the entire underground mining area beneath the forest. A renewal of an existing mining lease in a forest area also requires the prior approval of the Central Government. Continuation or resumption of mining operation on the expiry of a mining lease without prior approval would amount to contravention of the Act.

(ii) The advice of the Ministry of Law, Government of India in regard to the Supreme Court Order in Civil Appeal No. 2349 of 1984 dated 7.5.1985 is at Annexure-III.

(iii) Boulders, bajri, stone, etc., in the riverbeds located within forest areas would constitute a part of the forest land and their removal would require prior approval of the Central Government.

1.7 Clarification on Sub-clause 2 (i) of the Act

(i) The Sub-clause shall be attracted when any forest land or any portion thereof is assigned to any authority, corporation, agency or any other organisation wholly owned, managed or controlled by the concerned State/Union Territory Government or the Central Government. Such

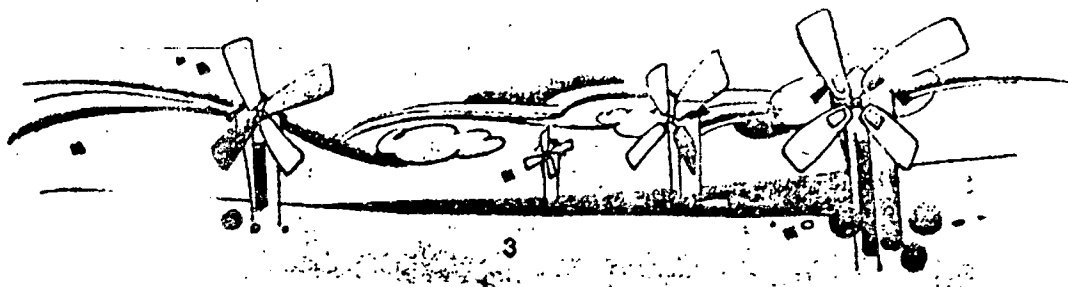
Government owned, managed or controlled authority/ corporation / agency, which has been assigned such forest land shall not reassign it or any part thereof to any other organisation or individual.

(ii) Any scheme or project which involves assignment of any forest land by way of lease or similar arrangement, for any purpose whatsoever, including afforestation, to any private person or to any authority/agency/ organisation not wholly owned, managed or controlled by the Government (as private or joint sector ventures), shall attract the provisions of this sub-clause.

1.8 Clarification on Sub-clause 2(iv) of the Act

(i) Sub-clause 2 (iv) of the Act prohibits clearing of naturally grown trees in forest land for the purpose of using it for reforestation. The provisions of this sub-clause will be attracted if the forest area in question bears naturally grown trees and are required to be clear-felled, irrespective of their size, for harnessing existing crop and/or raising plantation through artificial regeneration techniques, which may include coppicing, pollarding or any other mode of vegetative propagation.

(ii) All proposals involving clearing of naturally grown trees in any forest area, including for the purpose of



reorestation, shall be sent by the concerned State/UT Government in the form of Management Plans/Working Plans to the Regional Chief Conservator of Forests of the concerned Regional Office of the Ministry of Environment and Forests.

(iii) All proposals in respect of sanction of Working Plans/Management Plans shall be finally disposed of by the Regional Office, under Section 2 of the Act. While examining the proposal, the Regional Office would ensure that the final decision is in conformity with the National Forest Policy, Working Plan guidelines and other relevant rules and guidelines issued by the Central Government from time to time. The Regional Office will however, invariably seek prior clearance of the Ministry whenever the proposal involves clear-felling of forest area having density above 0.4 irrespective of the area involved. Also, prior clearance would be required when the proposal is for clear felling of an area of size more than 20 ha. in the plains and 10 ha. in the hilly region, irrespective of density.

(ii) The report of violation shall be described in a self-contained note and supported by requisite documents, including particularly the names and designations of the officials/persons who are prima-facie responsible for the contravention of the Act.

(iii) In case it is not possible to fix the responsibility for commission/omission of any action leading to the violation of the Act, a full explanation with relevant supporting documents shall be appended to the report.

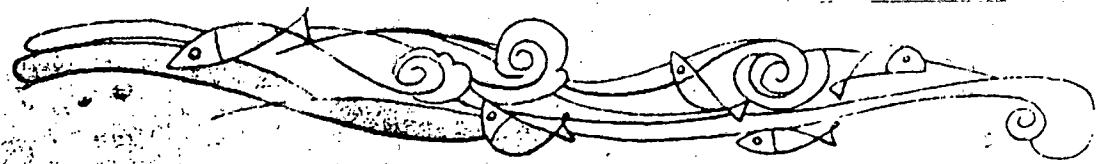
(iv) Any person and/or authority nominated by the Central Government may be required to discharge any of the duties, including prosecution under the Act in any Court as may be deemed appropriate for this purpose. In such an eventuality, the Government of the concerned State/Union Territory shall make available all such records or documents as may be called upon by the investigation officer.

1.9 Clarification on Section 3 B of the Act

(i) Each case of the violation of the Act shall be reported by the concerned State/Union Territory Government to the Central Government.

1.10 Diversion of Forest Land for Regularisation of Enroachments

Detailed guidelines issued in this regard vide this Ministry's No. 13.1/90 - F.P. (1) dated 18.9.90 shall be strictly followed. These are included in Annexure IV.



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2. Submission of Proposals

2.1 General

- (i) Rule 4 of the Forest (Conservation) Rules, 1981 prescribes the procedure for submission of proposals for seeking prior approval of the Central Government under Section 2 of the Act. The form appended to the Rules, specifies the particulars to be furnished with the proposal. Only proposal in the prescribed format, and complete in all respects, will be considered.
- (ii) All proposals relating to diversion of forest land up to 20 hectares and proposals for clearing of naturally grown trees for reforestation shall be sent directly to the concerned Regional Office of the MOEF. All other proposals shall be sent to Secretary to the Government of India, MOEF.
- (iii) Adverse recommendations of subordinate officers in prescribed form or in the documents attached with the form should invariably be commended upon by the Principal Chief Conservator of Forests /Chief Conservator of Forests. Similarly, adverse recommendation by the PCCF/CCF should be commented upon by the State Government to emphasis that a conscious decision has been taken in the matter.

2.2 Particulars to be Furnished along with the Proposal

- (i) Map of the forest area required showing boundary of the adjoining forests, etc., is to be furnished along with the prescribed form. This should normally be on 1 : 50,000 scale. However, if maps on 1 : 50,000 scale not available, map on 1"=1 mile or 1"= 4 miles or any other suitable scale would be acceptable. If the area is very small, an index map may be submitted showing forest boundaries and a location map on a larger scale with a land use of the area required.
- (ii) Species-wise and diameter class-wise abstract of trees to be felled should be furnished in the prescribed form. Total enumeration is necessary only up to 10 hectares. For larger areas, species-wise and diameter class-wise abstract of trees may be computed either from the working plans or by standard sampling methods.
- (iii) The projects for roads and railway line construction will be processed in their entirety. Therefore, proposals in piecemeal should not be submitted. A note on the present and future requirement of forest land is required to be submitted along with the proposal.

2.

3.

4.

Environmental losses : (Soil erosion, effect on hydrological cycle, wildlife habitat, microclimate upsetting of ecological balance).

Though technical judgment would be primarily applied in determining the losses, as a thumb rule the environmental value of one hectare of fully stocked forest (density 1.0) would be taken as Rs. 120.74 lakhs to accrue over a period of 50 years. The value will reduce with density, for example, if density is 0.4, the value will work out at Rs. 50.696 lakhs. So if a project which requires deforestation of 1 hectare of forest of density 0.4 gives monetary returns worth over Rs. 50.696 lakhs over a period of 50 years, may be considered to give a positive cost benefit ratio. The figure of assumed environmental value will change if there is an increase in bank rate; the change will be proportional to percentage increase in the bank rate.

Suffering to oustees

The social cost of rehabilitation of an oustee (in addition to the cost likely to be incurred in providing residence, occupation and social services to him) be worked out as 1.5 times of what he should have earned in two years had he been not shifted.

Annexure-11

A NOTE ON TRIPURA SCH. CASTES COOP. DEVELOPMENT CORPORATION LTD

Tripura Scheduled Castes Coop. Development Corporation Ltd. was set up in August '79 and it actually started functioning from the year 1982. At the beginning the authorised share capital was Rs. 5 crores which has subsequently been raised to 20 crores. The paid up share capital of the Corporation as on 31st March '94 is Rs. 5.82 crores. In the initial stage the Corporation started implementation of only scheme called "Margin money loan programme". This is a programme to sanction loan to poor S.C. families in collaboration with the Banks.

Under the Margin Money Loan Programme, 50% of the amount of the scheme (s) subject to maximum of Rs. 1000/- was paid as subsidy at the initial stage. This has subsequently increased to Rs. 3000/- and thereafter to Rs. 5000/-. At present the amount of subsidy is Rs. 6000/-. The amount of Subsidy is received by the Corporation from the department of Welfare for Sch. Castes.

75% of the loan amount is paid by banks at the normal Banking rate of interest and remaining 25 % is paid by the Corporation as Margin Money Rs 4% interest.

The Govt. letter No. 17014/19/89 SC IV dated 15th Dec '89 of the Ministry of Welfare communicated the decision of the Reserve Bank of India not to sanction Margin if the loan amount did not exceed to Rs. 10,000/- in Farm Sector, and Rs. 25,000/- in Non Farm sector and Rs. 35,000/- in composite sector schemes. Accordingly this Corporation stopped sanctioning Margin Money and the whole burden of loan went to the Banks. As a result the beneficiaries has to pay interest at the normal rate of Banks. However, recently the Board of Directors of the Corporation decided to sanction Margin Money again to give relief to the Beneficiaries and to make schemes attractive to the banks.

Under the Margin Money Loan Programme, the Corporation extends finance for any bankable scheme approved by the NABARD. Normally, in Tripura, Schemes like pisciculture, Goatery, Dugery, Pottery, small business, purchase of milch cow, purchase of Jersey cow, purchase of Bullock. etc. are financed.

From the year 1971-92 the Corporation started implementing schemes in collaboration with the National Sch. castes. & Sch. Tribes finance and Development Corporation, New Delhi under which schemes like Mini Bus, Mini Truck, Auto Rickshaw, Power Tiller, Jeep, Maruti Van, Photo Copier Machine, Hotel Business, Auto Mobile Workshop, Etc. are being financed. Up to 31st March '94 the Corporation advanced an amount of Rs. 211.58 lakhs and recovered an amount of Rs. 32.91 lakhs which in terms of percentage is coming to 15.50. There is no doubt that the recovery percentage is far below expectation. But this is not only in case of Tripura

S.C. Coop.Dev. Corporation Ltd. The recovery picture as a whole in Tripura around 6%.

One of the main reasons of non-recovery is due to non receipt of expected fund from the Government of India as per Agricultural debt Relief Schemes, 1998. As per the debt relief schemes Tripura Sch. Castes Coop development Corporation is to write off a loan of Rs. 1,04,13,000/- sanctioned to its beneficiaries, Since the Government of Tripura is not in a position to arrange the fund from its own sources, a proposal was sent to the Government of India to sanction the amount and place the fund with the Government so that the amount could be written off. If this is sanctioned by the Government of India and the amount is written off, the recovery percentage will go up to Rs. 64.75% Through this Corporation and the Government of Tripura have been requesting to Government of India time and again to sanction the amount, it is yet to be received. This poor recovery has become the concern of the Board of Directors & the Corporation as well as the Government of Tripura. Hon'ble Chief Minister of the State made an appeal to the public in general to refund Bank loans. The Chairman of the Corporation also issued a similar appeal to the loans of the Corporation. All the Banks in tripura are organising recovery camps in various places where Govt. officials like D.M.S S.D.Os B.D.Os are attending. From the side of the Corporation the Officers of the Corporation are attending such recovery camps. In some of the recovery camps Ministers, M.L.As and other dignatories of the Government are attending. Thus it is hoped that the recovery position will improve.

The Corporation has so far made no survey to see the impact of the schemes on the quality of life of the SC families. However, the various field reports, inspection reports it is seen that a good of beneficiaries have diverted the amount of loan sanctioned due to their extreme poverty. A good percentage of the selected beneficiaries could not derive the benefit of loan because of nonpayment of the loan amount in time by the Banks/inadequate finance. However, it is expected that the position will improve now.

u9

20 point programme

The target covered by the Corporation falls under point 11-A of 20 point programme. The Corporation could not achieve its full target almost in all the years mainly because of non-participation of the Banks whole heartedly and particularly because of non participation of Tripura Gramin Bank in the programme because of its financial problems. 60% of the area of the state is within the operational jurisdiction of the Gramin Bank. The following statement will show the position :-

<u>Year</u>	<u>Target of the Corpn.</u>	<u>Achivement of the Corpn.</u>
1. 1981-82	1172	-
2. 1982-83	4591	321
3. 1983-84	2786	316
4. 1984-85	3635	1865
5. 1985-86	4250	2393
6. 1986-87	5000	4215
7. 1987-88	5000	5836
8. 1988-89	3400	595
9. 1989-90	3400	1580
10. 1990-91	1100	1924
11. 1991-92	1181	995
12. 1992-93	1250	1312
13. 1993-94	1300	812

Sd/-
General Manager
Tripura Schedule Caste
Coop.Ltd Agartala.

Annexure-12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

IN THE MATTER OF :

Case No. OA 240/94 of the Central
Administrative Tribunal, Guwahati
Bench of Shri G.R. Paul - Applicant
Vrs. Union of India and others.

Shri Prasenjit Biswas, Deputy Conservator
of Forests Office of the Principal Chief
Conservator of Forests, Tripura,
Respondent No. 7 of the above case, is
humble Petitioner and sooth to say as
under -

1. That the Respondent NO. 7 was appointed as Assistant
Conservator of Forests vide office order No. F.12-
3/Estt/For 80-82/688-95 dated 27.1.82 of the Forest
Department, Government of Tripura, Tripura Forest
Service (TFS) Rule, 1988 came into force with effect
from July, 1988 and that he was appointed as tripura
Forest Service (TFS) Grade-II on 29.7.88 vide
Notification NO. F.2(182)/For/Estt/88/4989-5065 dated
5.9.1991.

2. That the answering Respondent No. 7 has received a
copy of the application filed by the Applicant
alongwith a notice issued by the Deputy Registrar,
Hon'ble Central Administrative Tribunal, Guwahati Bench
on 17.1.1995 and after going through the application he
has understood the contents thereof. The answering
Respondent No. 7 hereby submits his reply.

3. That many of the averments made in the application of the Applicant does not relate to the answering Respondent No. 7 nor does he has any knowledge about them and as such he does not admit them to be correct. The Applicant is put to strictest proof of his averments. The averments which relate to the Respondent No.7 are being dealt with hereunder.

4. That the averments made by the Applicant in paras- 4.1 to 4.6 are matters of records subject to which the answering Respondent No. 7 does not admit anything.

5. That the averments made by the Applicant in para-4.7 is not true and hence denied. Here, it may be mentioned in unambiguous language that as per provisions of law, suspension of an employee or initiation of departmental proceeding is not a punishment and as such it is not a bar for selection and or promotion of an employee. A photocopy of the extract of the relevant portion of the rule taken from Swamy's Compilation of CCS(CCA) Rules, eighteenth edition, Page-187-188 is annexed and marked (R-1). Without going into the details of the said case it may humbly be said that the Applicant is not the authority to judge the said case and such non-issues have been brought into by the Applicant by distorting the fact to put forward, his claim with a view to mislead the Hon'ble Tribunal.

Further, the Respondent No. 7 is by no means inferior to the Applicant in respect of quality of service rendered. The performance of the Applicant has

no relation with performance of the Respondent No. 7, who has been rendering sincere and devoted service in an excellent manner in different capacities as per postings made by the Government. And suspension of Respondent No. 7 has nothing to do with inclusion of his name in the select list. More particularly as the authority on perusal of records and also in consideration of other circumstances, conduct etc. and after due consideration of the records of the present Applicant had prepared the select list and so this application deserves no judicial consideration and it should be rejected in limine.

6. That the averments made in para-4.8 of the application that the Applicant was all along posted in interior forest areas etc. are vague and so these are denied. Further, allegation that the Respondent No. 7 was posted mostly on deputation in Corporation/autonomous bodies where works were not connected with forestry is absolutely false and hence denied by the Respondent.

The Respondent was posted by the Government once as general Manager, Schedules Tribes/Schedules castes Development Corporation, where he had served from 31/5/90 to 19/5/93 and this posting was against the deputation reserve available to a member of the service as per the Tripura Forest Service Rule, 1988, similar to the postings of the Applicant in Tribal rehabilitation in Plantation & Primitive Group Programme Department and in Tripura Tribal Areas Autonomous District Council, which were also against

the said deputation reserve. In this regard the copies of relevant clauses of the TFS Rule, 1988 on authorised strength and deputation, part I General Clause-2, Part-II Clause-4 and Part-IX Clause-32 are annexed and marked (R-@). The job of the Respondent NO. 7 was very much connected with forestry and so the allegation is denied.

It may also be started that the quality of service rendered by the Applicant would be known to the authority. The performance of the Applicant has no relation with the performance of the Respondent.

Further, from para-4.3 of the application it would be clear that the Applicant had worked on deputation from 1/4/86 to 22/2/90 in tribal rehabilitation in Plantation & Primitive Group programme department and again from 7/1/91 to 17/2/92 in tripura Tribal Areas Autonomous District Council. Where the Applicant had worked for about five years. The Respondent No. 7 on the other hand was posted and had worked on deputation in a Government owned Corporation for a period, which is less than three years (from 31/5/90 to 19/5/93), where the job was to arrange finance for economic resettlement of Scheduled Tribes and Scheduled castes population, who live below the poverty line similar to the job of the Applicant and was very much connected with forestry. thus the ground reality believes the claim of the Applicant in as much as that the Respondent No. 7 had worked mostly on deputation and hence it is denied.

7. That regarding averments of the Applicant made in para-4.9 of the application, it is humble stated that the answering Respondent No. 7 craves leave to make oral submission regarding interpretation of regulation 5, 6 & 7.

8. That regarding the averments made in para-4.10 of the application, it is humbly submitted that the claim of the Applicant that he is fully covered by regulation 5 - regarding eligibility criteria of that there is no impediment against inclusion in the select list are not admitted by the answering Respondent No. 7. Further as explained above, the posting of the Respondent No. 7 in the Scheduled Tribes/Schedule Castes development Corporation was ordered by the Government, which was against the deputation reserve of the service similar to the postings of the Applicant as already explained above considering his previous performance.

At the material time the Respondent No. 7 was posted in the Forest department in the office of the Principal Chief Conservator of Forests and he was very much a member of the TFS, which is the feeder post of the IFS. The Scheduled Tribes Development Corporation is a corporation of the State Government registered under Co-operative Societies Act, where the Respondent No. 7 was posted by the Government. Had he not been posted against the authorised deputation reserve of the service, he would have continued to hold a post in the Forest department but for deputation. As a matter of fact the said post was included in the authorised

permanent strength of the State Forest Service against the deputation reserve. As such Respondent No. 7 was very much eligible for inclusion in the Select List; which has been considered on the basis of merit. As regards the suspension of Respondent No. 7, it has been due to some baseless and frivolous allegations and misunderstanding. The Respondent No. 7 has already explained and submitted reply in detail to each article of charge in his written statement of defence showing how maliciously the decisions and actions taken by the others and not taken by Respondent No. 7 became the basis of framing charge which are otherwise also false. The departmental inquiry has been brought out and Respondent No. 7 is contending the case and he is sure that he would win the case it would result in acquittal.

The allegations otherwise made by the Applicant are not true and hence denied.

9. That the contents of the para-4.11 is not based on fact and so denied also the allegation that the Respondent No. 7 performed easy nature of jobs or the Applicant had performed arduous nature of job are not true and hence denied. The property of Annual Confidential Reports can not be raised by the Applicant is highly placed above the Respondent No. 7 is also denied.

10. That regarding averments made in para-4.13 of the application, it is humbly submitted that the Select Committee in its best wisdom and within its sphere of

duties considered all relevant points and records in preparation of Select List of 1994 and 1993, where non-inclusion of name of the Applicant can not if so facto said to be illegal supersession.

11. That it is humbly stated that the Applicant has no genuine cause of grievance because it appears that his name was considered by the Select Committee duly and non-inclusion of his name by the Select Committee is quite legal and valid and as such the Respondent No. 7 can not be made responsible for same. The application is liable to be rejected with cost.

12. That the rest would be submitted orally.

13. That regarding para-I of the grounds in the application, it is humbly stated that the impugned action/order is legal and maintainable in law. The averments of the Applicant otherwise are denied.

14. That regarding Para-II of the grounds of application it is humbly submitted that there has been no violation of rules and regulations in selection. There is no legal provision to hold the Applicant to be deemed to be included in the Select List of 1994/in the Seniority list of 1994.

15. That the averments made in-Para-III are not true and hence denied.

16. That the averments made in Para-IV are not true and hence denied.

17. That the averments made in Para-V are not true and

hence denied.

18. That the averments made in Para-VI are not true and hence denied.

19. That the averments made in Para-VII are not true and hence denied.

20. That the averments made in Para-VIII are not true and hence denied.

21. In the premises aforesaid it is prayed that Your Lordships may be pleased to consider the above facts and reject the application with cost.

AND the answering Respondent No. 7 as in duty bound shall ever pray.

V E R I F I C A T I O N

I, do hereby verify the above statements as true to my knowledge and belief and accordingly I put my signature to this verification this day the 11th day of February, 1995 at Agartala.

Prasenjit Biswas

(Deponent)

Annexure-13

(TO BE PUBLISHED IN PART-I SECTION II THE GAZETTE OF INDIA)

F.No. 1713/12/95-IFS-II

Government of India

Ministry of Environment and forests

Paryavaran Bhavan,
CGO Complex, Lodhi Road,
New Delhi-110003

Dated, the 7th April, 1999

NOTIFICATION

Shri Gourish Ranjan Paul was promoted from the State Forest Service of Tripura Segment to the India Forest Service with effect from 10.03.1997.

2. In Implementation of the direction given by the Hon'ble Central Administrative Tribunal, Guwahati Bench in their order dated 17.12.1998 passed in O.A. No. 239/96-Gourish Ranjan Paul Vs Union of India and Others, the date of promotion of Shri Gourish Ranjan Paul to the India Forest Service is prepared to 18.3.1996.

3. The notification referred to in para-I above stands modified to that extent.

Sd/-

(R. Sanehwal)

Under Secretary to the
Government of India.

To

The Manager,
Govt. of India Press,
FARIDABAD (HARYANA) - with a copy of Hindi version.

Distribution:

1. The Chief Secretary, Govt. of Manipur, Imphal.
2. The Secretary, Forests Department, Govt. of Manipur, Imphal.
3. The Principal Chief Conservator of Forests, Govt. of Manipur, Imphal.
4. The Accountant General, Manipur, Imphal.
5. The Chief Secretary, Govt. of Tripura, Agartala.
6. The Secretary, Forests Department, Govt. of Tripura, Agartala.
7. The Principal Chief Conservator of Forests, Govt. of Tripura, Agartala.
8. The Accountant General, Tripura, Agartala.
9. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi-110011.
10. Guard File.

Sd/-

(R. Sanehwal)

Under Secretary to the
Government of India.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Guwahati

OA No.193/2000

Shri G.R. Paul

..... Applicant

Versus

Union of India and Others

..... Respondents

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THROUGH

(B.C.Pathak)

Addl. Central Govt. Standing Counsel,
Udayan, 1st Floor, Ganeshguri,
R.G.B.Road (Main),
Guwahati - 781005

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

OA No.193/2000

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Shri G.R. Paul Applicant

Versus

Union of India and Others Respondents

Reply on behalf of Respondent No.1

I, R. Sanehwal, aged 47 years, Under Secretary in the Ministry of Environment and Forests, Government of India, Paryavaran Bhavan, New Delhi, do hereby solemnly affirm and say as follows :

2. That I am Under Secretary in the Ministry of Environment and Forests, Government of India, New Delhi and having been authorised I am competent to file this reply on behalf of Respondent S.No.1. I am acquainted with the facts and circumstances of the case on the basis of the records maintained in the Ministry of Environment and Forests. I have gone through the application and understood the contents thereof. Save and except whatever is specifically admitted in this reply, rest of the averments will be deemed to have been denied.

3. As regards para-1 of the application, it is submitted that the case of the applicant for inclusion in the Select List of 1994 was duly considered by the Selection Committee in its meeting held on 30.3.1994. Based on the overall assessment of his service records, the applicant herein was graded 'Good' whereas some of his juniors were graded 'Very

(R. SANEHWAL)
Under Secretary
Ministry of Env. & Forests
Government of India
New Delhi

Good' by the Selection Committee. Since selection from the State Forest Service (SFS) to the Indian Forest Service (IFS) is strictly on merit, the applicant could not find place in the Select List of 1994. This aspect and other grievances made by the applicant were duly considered in his representation submitted by him on 14.7.1999 in pursuance of the orders passed by this Hon'ble Tribunal on 17.12.98 in OA No.240/94 and a speaking order was issued on 14.10.99.

4. As regards para-2 of the application, the jurisdiction of this Hon'ble Tribunal is not disputed.

5. In reply to para 3 of the application, the answering respondent have no comments to offer.

6. As regards averments made in paragraphs 4.1 & 4.2, the applicant may be put to strict proof.

7. As regards para 4.3 of the application, it is submitted that the averments made therein pertain to respondent No.3 and will be met by them.

8. As regards para 4.4 of the application, the averments in regards to the filing of OA No.240/94 by the applicant are admitted. As regards seniority of the SFS officers and their eligibility for being considered for promotion to the IFS, it is submitted

(Signature)
(Date)
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Ministry of Forests
Govt. of India
New Delhi

that the position in that regard will be explained by the State Government, i.e. Respondent No.3.

9. As regards para 4.5, it is submitted that in terms of the IFS (Cadre) Rules, 1966, the State Government is empowered to post a non-cadre officer on a cadre post for a period of three months only. In case the period exceeds three months, prior approval of the Central Government/UPSC is required. Rest of the averments made herein pertain to the rules and regulations governing the IFS and are matters of record.

10. In reply to para 4.6 of the application, it is submitted that the IFS (Recruitment) Rules, 1966 were amended on 22.2.1989 in accordance with which only Item No.1 & 2 of the Schedule to the IFS (Fixation of Cadre Strength) Regulations, 1966, i.e. Senior duty posts under the State Government and the Central Deputation Reserve were to be taken into account for computation of promotion vacancies. The position has been explained in detail by the answering respondent in the reply to OA No.194/2000 filed by the applicant separately. As regards his inclusion in the select List of 1994, it is submitted that he was duly considered by the Selection Committee but based on the overall assessment of his service records, the Selection Committee did not find him suitable for promotion to the IFS. It is further submitted that

promotion from SFS to the IFS under the Promotion Regulations is strictly on merit. A junior may supersede his seniors in the process of selection and may even rank at the top. This is precisely what happened in the case of the applicant. Officers junior to him got higher grade, as a result of which his name could not be included in the Select List. .

11. In reply to paras 4.8 to 4.11, it is submitted that the averments made therein pertain to the service rendered by the officer in the State Forest Service and his eligibility for promotion to the IFS, and the same are the concern of the State Government, i.e. respondent No.3 and will be met by them.

12. As regards paras 4.13 and 4.14, it is submitted that the averments made therein pertain to OA No.240/94 filed by the applicant. In pursuance of the directions given by this Hon'ble Tribunal on 17.12.98 in the said OA, a speaking order was passed on 14.10.99 (Annexure-I). The answering respondent craves leave to refer to the said order for its exact meaning and contents.

13. In reply to para 4.15, it is submitted that under rule 9 of the IFS (Cadre) Rules, the State Government is empowered to post a non-cadre officer on a cadre post for a period of three months only. For

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(Signature)
Secretary
Ministry of Forests
Government of India
New Delhi

further continuance, prior approval of the Central Government/UPSC is required. Therefore, an SFS officer is entitled to benefit of officiation on cadre post prior to his appointment to the IFS only if such officiation has the prior approval of the Central Government. The applicant is, therefore, not entitled to any benefit of officiation prior to his appointment to the IFS.

14. In reply to paras 4.16 & 4.17, it is submitted that the averments made therein pertain to respondent No.3 and will be met by them.

15. As regards para 4.18, the averemnts regarding promotion of the applicant to the IFS on 10.3.1997 and subsequent preponement on 18.3.1996 are admitted. Regarding his posting on a cadre post prior to his appointment to the IFS, it is submitted that such officiation could be considered for the purposes of fixation of seniority in the IFS only if it has the prior approval of the Central Governemnt/UPSC as envisaged under rule-9 of the Cadre Rules. Since this was not the case with the applicant he cannot claim benefit of such officiation.

16. In reply to para 4.19 to 4.21, it is submitted that the submissions made in his representation were duly considered and a speaking order was passed on 14.10.99.

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MINISTRY OF
INTERNAL AFFAIRS
GOVERNMENT OF INDIA

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17. As regards paras 4.22 & 4.3, the averments made therein are strongly denied. The case of the applicant for promotion to the IFS was duly considered by the Selection Committee while preparing the Select List for the year 1994. Based on the overall assessment of his service records he was graded 'Good' by the Committee. Since induction into the IFS from the SFS is strictly on merit, some of his juniors who were found more meritorious than the applicant were able to make the grade, as a result of which the applicant was left out in 1994.

18. In reply to paras 4.24 to 4.26, it is submitted that the averments made therein pertain to respondent No.3 and will be made by them.

19. In reply to para 4.27, it is submitted that the allegations made by the applicant herein are baseless. The Selection Committee which is headed by the Chairman/Member of the UPSC is an august body and considers the case of each and every individual without any partiality or bias. The case of the applicant was also duly considered alongwith other eligible officers. However, based on the overall assessment of his service records, he was not found suitable for inclusion in the Select List of 1994.

20. In reply to the grounds urged in para-5, it is submitted that the averments made therein are

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(Signature)
Secretary
Ministry of P. & F. & I
New Delhi

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more or less repetition of what the applicant has already-stated in the previous paragraphs of the application. The answering respondent has explained the position in the foregoing paragraphs.

21. Paragraphs 6 & 7 need no reply.

22. In reply to paragraph-8, it is submitted that the applicant is not entitled to any relief sought for.

23. Paragraphs 9 to 12 need no reply, being formal.

PRAYER

In view of the position explained in detail in the foregoing paragraphs, the instant application is devoid of any merit. It is, therefore, respectfully prayed that the same may be dismissed by this Hon'ble Tribunal by awarding costs in favour of the answering respondent.

New Delhi

Dated : 20.2.2001

For Respondent No.1

VERIFICATION

I, R. Sanehwal, Under Secretary to the Govt. of India, having my office at Paryavaran Bhavan, Lodi Road, New Delhi-110003, do hereby verify that the contents stated above are true and correct to the best of my knowledge, belief and information and that nothing has been suppressed therefrom.

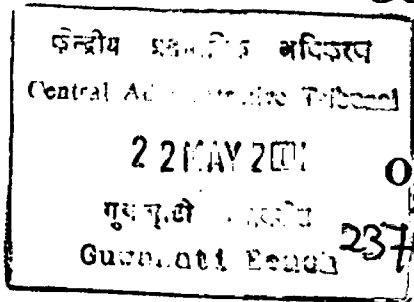
Verified at New Delhi on this the 20th day of February, 2001.

For Respondent No.1

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Filed by Mr. P. K. Singh
12/5/2001
10:26

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**



O.A. No. 193/2000

ON BEHALF OF RESPONDENT No. 2

IN THE MATTER OF

GAURISH RANJAN PAUL

APPLICANT

Vs.

UNION OF INDIA & OTHERS

RESPONDENTS

WRITTEN STATEMENT ON BEHALF OF RESPONDENT No. 2

1. I, G.C. Yadav S/o Shri Kamal Singh Yadav aged about 44 years serving as Assistant Director in the office of the Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi am authorised to file the present reply on behalf of Respondent No. 2. The deponent is fully acquainted with the facts of the case as gathered from the record of the Commission.

2. That the deponent has meticulously read and understood the contents of the above Original Application and in reply he submits as under.

3.1 At the outset, the deponent most respectfully submits that the Union Public Service Commission being a Constitutional Body under Articles 315 to 323 of the Constitution have to discharge their functions, duties and Constitutional obligations assigned to them under Article 320 and other relevant Articles of the Constitution of India as per Rules/Regulations in vogue.

3.2 Under Article 312 of the Constitution, the All India Service Act, 1951 was passed by the Parliament. In exercise of the powers conferred by sub-section(1) of section 3 of the All India Service Act 1951, the Central Government after consultations with the State Governments have framed various Recruitment Rules for recruitment/promotion to the IAS/IPS/IFS. In pursuance of these rules, the IFS (Appointment by Promotion) Regulations, 1966, have been framed by the Government of India duly approved by the

Gaurish Ranjan Paul

Hon'ble President as per provisions of the Constitution of India (Article 309). In accordance with the provisions of these Regulations, the Selection Committee presided over by the Chairman or a Member of the Union Public Service Commission makes selections of the State Forest Service officers for promotion to the Indian Forest Service based on the proposal and records sent by the concerned State Government including the seniority list and other relevant documents.

3.3 Thus, in discharge of their Constitutional obligations the Union Public Service Commission after taking into consideration the records/received from the State Government under Regulation 6 and observations of the Central Government received under Regulation 6A of the Promotion Regulations, accord their approval to the recommendations of the Selection Committee in accordance with the provisions of Regulation 7 of the aforesaid Regulations. The selections so done in a just and equitable manner on the basis of relevant records and following the relevant Rules and Regulations, are not open for interference by any authority whatsoever, inasmuch as, it would be tantamount to curtailment or modification of the Constitutional powers of the Union Public Service Commission.

PRELIMINARY SUBMISSIONS:

4.1 Most respectfully the Deponent submits that selections of State Forest Service Officers for promotion to the IFS are governed by the IFS (Appointment by Promotion) Regulations, 1966. Regulation 3 of the said Regulations provides for a Selection Committee consisting of the Chairman of the Union Public Service Commission or where Chairman is unable to attend, any other Member of the Union Public Service Commission representing it and in respect of the segment of Manipur-Tripura joint cadre, the following others as members :-

1. Chief Secretary to the Government of Manipur;
2. Chief Secretary to the Govt. of Tripura;
3. Principal Chief Conservator of Forest of Manipur;
4. Principal Chief Conservator of Forest of Tripura;
5. A nominee of the Govt. of India below the rank of Joint Secretary.

The meeting of the Selection Committee is presided over by either the Chairman or a Member of the UPSC.

(Signature)

4.2 In accordance with the provisions of Regulation 5(3)A of the said Regulations, the aforesaid Committee duly classifies the eligible SFS officer included in the zone of consideration as 'Outstanding', 'Very Good', 'Good' or 'Unfit' as the case may be, on an overall relative assessment of their service records. Thereafter as per the provision of regulation 5(4) of the said Regulations, the Selection Committee prepares a list by including the required number of names first from amongst the officers finally classified as 'Outstanding' then from amongst those similarly classified as 'Very Good' and thereafter from amongst those similarly classified as 'Good' and the order of names inter se within each category is maintained in the order of their respective inter-se seniority in the State Forest Service.

4.3 The ACRs of eligible officers are the basic inputs on the basis of which eligible officers are categorised as 'Outstanding', 'Very Good', 'Good', or 'Unfit' in accordance with the provisions of Regulation 5(3)A of the Promotion Regulations. The Selection Committee is not guided merely by the overall grading that may be recorded in the ACRs but in order to ensure justice, equity and fair play makes its own assessment on the basis of on in-depth examination of service record of eligible officers, deliberating on the quality of the officer on the basis of performance as reflected under various columns recorded by the Reporting/Reviewing officer/Accepting Authority in ACRs for different years and then finally arrives at the classification to be assigned to each eligible officer in accordance with the provisions of Promotion Regulations. While making an overall assessment the Selection Committee takes in to account orders regarding appreciation for meritorious work done by the concerned officer. Similarly, the Selection Committee also keeps in view orders awarding penalties or any adverse remarks communicated to the officer, which, even after due consideration of his representation have not been completely expunged.

4.4 The matter relating to assessment made by the Selection Committee has been contended before the Hon. Supreme Court in number of cases. In the case of Nutan Arvind Vs. Union of India and others the Hon. Supreme Court have held as under:-

"When a high level Committee had considered the respective merits of the candidates, assessed the grading and considered their cases for promotion, this court cannot sit over the assessment made by the DPC as an appellate authority."

[(1996) 2 SUPREME COURT CASES 488]

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4.5 In the case of Durga Devi and another Vs. State of Himachal Pradesh and others, the Apex Court have held as under:-

"In the instant case, as would be seen from the perusal of the impugned order, the selection of the appellants has been quashed by the Tribunal by itself scrutinising the comparative merits of the candidates and fitness for the post as if the Tribunal was sitting as an appellate authority over the Selection Committee. The selection of the candidates was not quashed on any other ground. The Tribunal fell in error in arrogating to itself the power to judge the comparative merits of the candidates and consider the fitness and suitability for appointment. That was the function of the Selection Committee. The observations of this court in Dalpat A Basaheb Solunke case are squarely attracted to the facts of the present case. The order of the Tribunal under the circumstances cannot be sustained. The appeal succeeds and is allowed. The impugned order dated 10.12.1992 is quashed and the matter is remitted to the Tribunal for fresh disposal on other points in accordance with the law after hearing the parties."

[1997 – SCC (L&S) – 982]

4.6 In the matter of UPSC vs. H.L. Dev and others Hon. Supreme Court have held as under:-

'How to categorise in the light of the relevant records and what norms to apply in making the assessment are exclusively the functions of the Selection Committee. The jurisdiction to make the selection is vested in the Selection Committee.'

[AIR 1988 SC 1069]

4.7 In the case of State of Madhya Pradesh Vs. Shri Shrikant Chapekhar, the Hon. Supreme Court has held as under:

"We are of the view that the Tribunal fell into patent error in substituting itself for the DPC. The remarks in the annual confidential report are based on the assessment of the work and conduct of the official/officer concerned for a period of one year. The Tribunal was wholly unjustified in reaching the conclusion that the remarks were vague and of general

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nature. In any case, the Tribunal outstepped its jurisdiction in reaching the conclusion that the adverse remarks were not sufficient to deny the respondent his promotion to the post of Deputy Director. It is not the function of the Tribunal to assess the service record of a Government Servant, and order his promotion on that basis. It is for the DPC to evaluate the same and make recommendations based on such evaluation. This court has repeatedly held that in a case where the Court/Tribunal comes to the conclusion that a person was considered for promotion or the consideration was illegal then the only direction which can be given is to reconsider his case in accordance with the law. It is not within the competence of the Tribunal, in the fact of the present case, to have ordered deemed promotion of the respondent.:

[JT 1992 (5) SC 633]

4.8 In the case of Dalpat Abasaheb Solanke Vs. B.S. Mahajan, the Hon'ble Supreme Court have held as under:

"It is needless to emphasise that it is not the function of the court to hear appeals over the decisions of the Selection Committees and to scrutinize the relative merits of the candidates. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject.

[AIR 1990 SC 434]

4.9 In the case of Smt. Anil Katiyar Vs. UOI & others, the Hon. Supreme Court have held as under:-

"Having regard to the limited scope of judicial review of the merits of a selection made for appointment to a service or a civil post, the Tribunal has rightly proceeded on the basis that it is not expected to play the role of an appellate authority or an umpire in the acts and proceedings of the DPC and that it could not set in judgement over the selection made by the DPC unless the selection is assailed as being vitiated by malafides or on the ground of it being arbitrary. It is not the case of the appellant that the selection by the DPC was vitiated by malafides."

[1997 (1) SLR 153]

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The Honourable Tribunal would kindly appreciate that in view of the aforementioned authoritative pronouncements of the Hon. Supreme Court, the assessment made by the Selection Committee constituted under Regulation 3 of the Promotion Regulations is not open for scrutiny by any authority/institution.

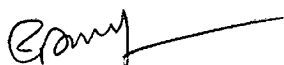
PRELIMINARY OBJECTIONS

5. The applicant had earlier filed OA No. 240 of 1994 before this Hon'ble Tribunal praying for similar relief to the effect that respondents be directed to include his name in the Select List of 1993-94 and to promote him to the IFS cadre of Manipur-Tripura with retrospective effect. The said OA was disposed of by this Hon'ble Tribunal vide their order dated 17.12.1998. In compliance with the direction dated 17.12.1998, the Govt. of India, Ministry of Environment & Forests have considered the representation of the applicant and have passed a reasoned and speaking order on 14.10.1999. Since the issues raised in the instant OA have already been considered by this Hon'ble Tribunal in OA No. 240 of 1994 filed by the applicant, the instant Original Application is not maintainable on account of principle of *res judicata* and the same deserves to be dismissed by this Hon'ble Tribunal in limine.

CONTENTIONS OF THE APPLICANT

6. The applicant in the instant application has mainly contended that:-

- (i) Had the respondents taken into consideration, the State Deputation Reserve and Training Reserve for calculation of promotion quota, he would have been appointed to IFS for promotion even before 1994;
- (ii) Ineligible officers who were on deputation in corporations/ autonomous body, which were not connected with forestry were considered and included in the Select List of 1993-94;
- (iii) Respondents No. 5 & 6 served against the post not connected with any forestry, accordingly there cannot be any comparison, so far as the performance of the applicant vis-à-vis the respondent No. 5 & 6 is concerned;
- (iv) He was assigned the duties of holding IFS cadre post at least two years earlier than all the 1994 select list officers, it transpires that the State



Government found him more efficient and meritorious than all the 1994 select list officers and the service career of all the 1994 select list officers are far inferior to the applicant;

- (v) He had officiated in the cadre post for at least 2 years, the entire period of officiation in the cadre post since 17.2.1992 will have to be counted towards seniority and fixation of year of allotment.
- (vi) ACRs of the officers for the period of service in corporation/autonomous bodies cannot be taken in account for assessment by the Selection Committee for their consideration for inclusion in the Select List of 1993-94.
- (vii) Most of the points raised in his representation have not been taken into consideration as such, order dated 14.10.1999 of Govt. of India, M/o Environment & Forests is liable to be set aside by the Hon. Tribunal;
- (viii) Inclusion of his name in all the subsequent Select Lists is a pointer to the fact that his case was not properly considered in the year 1993-94;
- (ix) While preparing the Select List of 1994, no weightage was given to the seniority, whereas maximum weightage was given to seniority in the year 1996;
- (x) Selection Committee members, the PCCF and the Chief Secretary were knowing the service of all the eligible officers including the applicant and the fact that some of officers were not fit to be included in the Select List. In spite of knowing fully well the aforesaid facts, the Select List was prepared excluding the name of the applicant.

BACKGROUND OF THE CASE

7.1 The Deponent most respectfully submits that a meeting of the Selection Committee for preparation of the Select List of 1993-94 for promotion of SFS officers to the IFS cadre of Manipur Tripura joint cadre (Tripura segment) was held on 30th March, 1994. The State Government had intimated 2 vacancies in the promotion quota of the State IFS cadre. Accordingly as per the then prevailing provisions of Regulation 5(1) of the Promotion Regulations, the size of the select list was determined as 4. As per the provision of Regulation 5(2) of the Promotion Regulations, the zone of consideration was determined as three times the size of the Select List i.e. 12. One officer was considered under 1st proviso to Regulation 5(3) of the Promotion Regulations. Thus a total of 13

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officers were considered. The applicant Shri G.R. Paul was considered at S.No. 3 in the eligibility list of 1993-94. As per the provisions of Regulation 5(3A) of the Promotion Regulations, the Selection Committee, on an overall relative assessment of his service records, assessed Shri G.R. Paul as "Good". On the basis of this assessment, his name could not be included in the Select List of 1993-94 as officers with overall grading as 'Very Good' were available in the zone of consideration and in accordance with the provisions of Regulation 5(4) of the Promotion Regulations, their names were included in the Select List of 1993-94.

7.2 That aggrieved by non-inclusion of his name in the Select List of 1993-94, the applicant Shri G.R. Paul had earlier filed OA No. 240/1994 before the Hon. Tribunal praying for a direction to the respondents to include his name in the Select List of 1993-94. The aforesaid Original Application was disposed of by this Hon. Tribunal vide their order dated 17.12.1998 with a direction to the respondents to consider his case and pass a reasoned order. In compliance with the directions dated 17.12.1998 of the Hon. Tribunal, the representation of the applicant Shri G.R. Paul was considered by the Ministry of Environment & Forests and a reasoned and speaking order was passed by the M/o Environment & Forests on 14.10.1999. Dissatisfied with the order passed by the M/o Environment & Forests, the applicant has filed instant Original Application before this Hon. Tribunal.

REPLY TO CONTENTIONS

8.1 As regards contention of the applicant relating to counting of deputation reserve and training reserve for the purpose of calculation of promotion quota, the Deponent submits that being nodal Ministry, the subject matter of amending the IFS (Fixation of Cadre Strength) Regulation 1966 come under the purview of the Govt. of India, Ministry of Environment & Forests. The Govt. of India may be making necessary submissions in this regard.

8.2 As regards the contention of the applicant regarding eligibility of respondent No. 5 & other officers considered by the Selection Committee which met on 30.3.1994, the Deponent most respectfully submits that the promotion of SFS officers to IFS are governed by the IFS (Appointment by Promotion) Regulations 1966 which are statutory in nature. As per the provisions of 3rd proviso to Regulation 5(2) of the Promotion

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Regulations, for being eligible for consideration by the Selection Committee a State Forest Service officer should be substantive in the State Forest Service and should have completed not less than 8 years of continuous service whether officiating or substantive in the post including in the State Forest Service. As per the information furnished by the Govt. of Tripura, all the 13 officers had completed 8 years of continuous service in the State Forest Service. The contention of the applicant that respondent No. 5 and other officers were not eligible for consideration by the Selection Committee for promotion to IFS is therefore, without any basis and the same is not tenable. However, the submission being made by the State Government in this regard may kindly be referred.

8.3 Regarding contention of the applicant that there cannot be any comparison of the performance of the applicant vis-à-vis the Respondent Nos. 5 & 6, the Deponent submits that the posting and transfers of SFS officers are made by the cadre controlling authority and as per the provisions of the Promotion Regulations, selection is based on the performance of the officer as reflected under various columns of his ACRs in respect of various functions assigned to the concerned officers. Accordingly, the contention of the applicant that Respondent No. 5 & 6 had served against the post not connected with forestry and as such their performance cannot be compared with his performance is without foundation and the same is devoid of merit.

8.4 As regards contention of the applicant that he was appointed to the cadre post at least two years earlier than all the 1994 Select List officers which indicates that State Government found him more efficient and meritorious than the other officers, the Deponent submits that the appointment to the cadre post by the State Government and promotion of the SFS officers to IFS are two different aspects. The appointment to the cadre post may be made by the State Government on the basis of the seniority in the State Forest Service, whereas promotion of SFS officer to IFS are made in accordance with the provisions of the Promotion Regulations which are statutory in nature. The posting of an officer on a cadre post is an administrative decision taken by the State Government whereas promotion of a SFS officer are made by the Selection Committee set up under the provision of Promotion Regulations which consists of very high ranking responsible officers and is presided over by the Chairman/Member of the Union Public Service Commission. Accordingly there is no substance in the contention of the applicant that the service career of all the 1994 select list officers is inferior to the applicant.

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8.5 Regarding his contention relating to benefit of officiation in the cadre post, the Deponent submits that being cadre controlling authority of IFS officers, the subject matter of grant of year of allotment and fixation of seniority come under the purview of the Govt. of India, M/o Environment & Forests. Accordingly they may be making necessary submissions in this regard.

8.6 As regards consideration of ACR for the period of service in a Corporation, the Deponent submits that as per the provisions of Regulations 5(3)A of the Promotion Regulations, the Selection Committee classifies the eligible officers as 'Outstanding', 'Very Good', 'Good' or 'Unfit' on an overall relative assessment of their service records. The State Government had intimated that all the 13 eligible officers had completed 8 years of continuous service in the State Forest Service. Accordingly, the records as submitted by the State Government were considered by the Selection Committee and the eligible officers were assessed as per the provisions of Regulation 5(3A) of the Promotion Regulations. Under the established convention, the Commission have to rely on the information documents furnished by the State Government. Thus there is no merit in the contention of the applicant that ACR for the period of service in a Corporation cannot be taken into account. The Govt. of Tripura may be making further submissions in this regard.

8.7 Regarding contention of the applicant that most of the points of his representation were not taken into consideration, the Deponent submits that in compliance with the directions of the Hon. Tribunal, the Ministry of Environment & Forests have considered the representation dated 26.2.1999 of the applicant and a reasoned and speaking order dated 14.10.1999 was passed by them. The M/o Environment & Forests may be making necessary submissions in this regard and the same may kindly be referred to.

8.8 Regarding contention of the applicant relating to inclusion of his name in the subsequent Select List and his claim that he was not properly considered in the year 1994, the Deponent submits that the proceedings of each Selection Committee are independent of the other. No manner of continuity can therefore be imputed or implied with respect to the proceedings of successive Selection Committees. Every year a fresh ACR is added to the service record of eligible officers. As such on the basis of overall relative assessment of the service records, the grading assigned to a particular officer by the previous committee may improve or go down when assessment is made by the subsequent

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Selection Committee. The Deponent further submits that the number of vacancies for the next Select List and the relative performance and assessment of other officers in the zone of consideration also contributes towards inclusion of the name of an officer in the Select List. As per the provisions of the Promotion Regulations, the selection for promotion to the IFS is made on an overall relative assessment of the service record of the eligible officers coming in the zone of consideration. The performance of the applicant was assessed in the year 1994 with reference to the performance of the officers coming in the zone of consideration of the year 1993-94. In the subsequent year, the performance of the applicant was assessed in comparison with a different set of records. As such, inclusion of the name of the applicant in a subsequent Select List of 1995-96 does not make him entitled to be included in the Select List of 1993-94. For the year 1993-94, the applicant was duly considered by the Selection Committee alongwith 12 other eligible officers in accordance with the provisions of Promotion Regulations. On an overall relative assessment of his service records, he was assessed as 'Good' and on the basis of this assessment his name could not be included in the Select List of 1993-94 on account of the statutory limit on the size of the Select List and that officers who on an overall relative assessment of their service records were assessed as "Very Good" only could be included in the Select List of 1993-94 as per the provisions of Regulation 5(4) of the Promotion Regulations. Thus the contention of the applicant that he was not considered properly in the year 1993-94 has no foundation and the same is untenable, as he is substituting his own assessment over that of a statutorily constituted Selection Committee.

8.9 As regards contention of the applicant that while preparing the Select List of 1994, no weightage was given to the seniority whereas maximum weightage was given to the seniority while preparing a Select List of 1996, the Deponent submits that promotion of SFS officers to IFS are made on merit as per the provision of the Promotion Regulations. There is no provision in the Promotion Regulations for giving additional weightage to seniority except for use in preparing the eligibility list and for arranging the names of the officer of the same category i.e. 'Outstanding' or 'Very Good' or 'Good' as per the provisions of Regulation 5(4) of the Promotion Regulations. The contention of the applicant that maximum weightage was given to the seniority in the year 1996 is, therefore, without basis and the same is not tenable. The selection for the year 1994 and 1996 were made strictly in accordance with the provisions of the Promotion Regulations on the basis of the records furnished by the State Government. Hon. Supreme Court in the case of R.S. Das versus Union of India & others (AIR 1987 SC 593] have upheld the

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Promotion Regulations. The relevant portion regarding the role of seniority in matter of selection reads as under:-

"The amended provisions of Regulations 5 have curtailed and restricted the role of seniority in the process of Selection as it has given priority to merit. Now the committee is required to categorise the eligible officers in four different categories viz. "Outstanding", "Very Good", "Good", "Unfit" on overall relative assessment of their service records. After categorisation is made the committee has to arrange the names of the officers in the Select List in accordance with the procedure laid down Regulation 5(5). In arranging the names in the Select List the Committee has to follow the inter-se seniority of officers within each category. If there are five officers who fall within "Outstanding" category their names shall be arranged in the order of their inter-se seniority in the State Civil Service. The same principle is followed in arranging the list from amongst the officers failing in the category of "Very Good" and "Good". Similarly, if a junior officer's name finds place in category of "Outstanding" he would be placed higher in the Select List in preference to the senior officer finding place in the "Very Good" or "Good" Category. In this process a junior officer having higher grading would supersede his seniors. This can not be helped. Where selection is made on merit alone, senior officer has no legal right to promotion and if juniors to him are selected for promotion on merit the senior officer is not legally superseded. When merit is the criteria for the selection amongst the members of the service, no officer has legal right to be selected for promotion, except that he has only right to be considered alongwith others. In *Gurdayal Singh Fiji Vs. State of Punjab & others* (3). This Court held that a member of State Civil Service has no legal right to promotion, instead he has only right to be considered alongwith others. But assuming that appellants/ petitioners stood superseded by the reason that junior officers to them were included in the select list, no reasons were necessary to be recorded in view of the amended statutory provisions. ✓

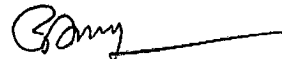
8.10 The applicant has given a chart of the grading of his ACRs and that of Shri H.P. Das from the year 1988-89 to 1994-95. In this connection, it is submitted that ACRs of the SFS officers are confidential record of the State Government and the applicant should not have had access either to his confidential records or the confidential records of Shri H.P. Das. Since the applicant has given a chart of the grading of his ACRs and the ACRs

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of Shri H.P. Das, it appears that the applicant has had access to the Confidential Records to which he is not authorised and the State Government may be making separate submissions in this regard.

8.11 Regarding contention of the applicant that the Chief Secretary and the PCCF were knowing the fact that some of the officers were not fit to be included in the Select List, but knowing fully the above said facts, the Select List was prepared excluding his name, the Deponent most respectfully submits that the selection for induction into IFS is made on the basis of deep examination and assessment of the Service records of the eligible officers as per the provisions of Promotion Regulations and no predilection comes into the picture in this regard. Regarding averment of the applicant that his service career is better than that of those selected, it is submitted that applicant is substituting his own judgement to that of statutorily set up Selection Committee. The selection have been made strictly in accordance with the provisions of the Promotion Regulations and no illegality has been committed by the Selection Committee.

9. Hon. Tribunal would appreciate that there is no merit in the contention of the applicant. Taking into consideration the submissions made in the preceding paragraphs and also taking into consideration the detailed reply filed by the State Government and the Central Government, the Hon'ble Tribunal may, therefore, be pleased to dismiss the instant Original Application.



DEPONENT

VERIFICATION

I, the deponent named above, do hereby declare that the contents of the above Reply Statement are believed by me to be true based on records of the case. No part of it is false and nothing material has been concealed therefrom.

Verified on 17-5-2001 at New Delhi.



DEPONENT

9 AUG 2001

গুৱাহাটী ন্যায়পট
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

O.A No. 193/2000

Shri G.R. Paul

- versus -

Union of India & Ors.

IN THE MATTER OF

Rejoinder to the written statement
filed by the Respondent No.1.

The Applicant in the above mentioned O.A. begs to
state as follows :

1. That the Applicant has gone through the copy of the
W.S. filed by the Respondent No.1 and has understood
the contents thereof. Save and except the statements
which are specifically admitted hereinbelow, other
statements made in the W.S. are denied. Further the
statements which are not borne on records are also
denied and the said Respondent is put to the strictest
proof thereof.

2. That with regard to the statements made in
paragraphs 1 and 2 of the W.S., the Applicant does
not admit anything contrary to relevant records.

3. That with regard to the statements made in
paragraph 3 of the W.S., it is denied that overall
assessment of the Applicant was made by the Selection
Committee. Shri M. Sarkar, IFS, the then PCCF (Tripura)
and vital member of the Selection Committee was totally

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bias against the Applicant due to professional reason. The Selection Committee while preparing the 1994 select list ignored/violated many aspects/rules as stated below :

(1) Shri S.S. Das whose name appeared at Sl. No. 1 in the select list of Tripura Forest Service (TFS) 1994 and promoted to IFS is not at all eligible for consideration for appointment to IFS cadre post of Deputy Conservator of Forests as Sri Das held post included in the State Forest Service only for 4 years 2 months and 26 days as on 1.1.94 (w.e.f. 6.10.89 to 1.1.94) as against the requisite 8 years of continuous service connected with Forestry.

The eligibility criteria was fixed by the statutory Rules, IFS (Appointment by Promotion) Regulations Rules, 1966 section 5(2) of the Govt. of India and the Govt. of Tripura has no power to change the eligibility criteria by way of issuing any certificate whatsoever in favour of any officer(s), who is holding a post having no nexus with forestry.

The Tripura Forest Development and Plantation ~~Corporation~~ (TFDPC) Ltd. is raising only rubber plantation as is evident from their Annual Budget for 1994-95 (Annexure) and letter No. F.4056/Gen/TFDPC-98/5879 dt. 21.9.99 of the Managing Director, TFDPC Ltd. (Annexure). In 1976 TFDPC Ltd. was created for raising rubber plantation and in view of Forest Conservation Act, 1980 (Annexure), the TFDPC Ltd. has become Non-Forestry Organization because rubber is a

plantation crop and not a Forestry crop.' TFDPC has recently started raising Dioscorea plantation which is also a non-forestry crop. Rubber is a plantation crop and is dealt under Plantation Labour Act and not at all under Indian Forest Act. Thus the post of Divisional Manager in TFDPC Ltd. and held by Sri S.S. Das (select list officer 1994) during the period from 9.2.1988 to 5.10.1989 having no nexus with forestry or is in no way connected with forestry, Sri S.S. Das got promotion to ACF (TFS) from Forest Ranger on 9.2.1988 and since then upto 6.10.89 he was engaged in non-forestry work. By recommending the name of Sri S.S. Das for promotion to IFS, the Govt. of Tripura, the Govt. of India and the Selection Committee violated the Regulation 5 of IFS (Appointment by Promotion) Regulations, 1966.

(ii) The Applicant held physically the post of DFO, Working Plan Division No. II since 17.2.92 to 19.11.94. The post of DFO, Working Plan-II was created by the Government of Tripura on August 1985 and the same was encadred as IFS cadre post of Deputy Conservator of Forests on 22.11.90 vide D.P. and T.R. notification dated 22.11.1990. Thus the post of DFO, Working Plan-II is an IFS cadre post of Dy. Conservator of Forests w.e.f. 22.11.1990. Thereafter the Applicant is continuously holding the post of DFO, Training Division, DFO, Kanchanpur and DFO, Working Plan Division-I till date which are all IFS cadre posts and encadred on or before 22.11.1990. Thus the Applicant is holding physically the IFS cadre post of Dy. Conservator of Forests continuously w.e.f. 17.2.92 and

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at least about 2 (two) years earlier than all of the 1994 select list officers. As the Applicant was assigned the duty of holding IFS cadre post of Dy. Conservator of Forests at least about 2 years earlier than all the 1994 select list officers, it transpires that the State Government found the Applicant to be more efficient and meritorious than all the 1994 select list officers and the service career of all the 1994 select list officers are by far inferior to the Applicant. As per the IFS (Regulation of Seniority) Rules, 1969, Section 3, explanation 2, the Applicant is due to have the benefit of officiating in cadre post and the entire period of officiation in cadre post (since 17.2.92) will have to be counted towards seniority and fixation of year of allotment.

(iii) Shri C.M. Deb Barma whose name appeared at Sl. No.2 in the select list was on deputation to TTAADC w.e.f. 5.7.84 and initially went there on deputation for a normal period of 3 years. He managed to continue there for long period and ultimately the Forest Department, Tripura vide letter No. F.2(76)/For/Estt/85/759-60 dated 31.1.91 (Annexure) observed that his (Shri Deb Barma) return to the Forest Department (parent Department) will help him gain required departmental experience for selection to IFS. In spite of this, Sri Debbarma was not relieved by the TTAADC and thus he continued there till 17.1.94 outside the Forest Department. It is thus clear that though Shri Debbarma had no departmental experience required for him to get promotion to IFS, his name was

recommended by the State Government illegally for promotion to IFS and on this illegal recommendation by the State Government, the select list of 1994 was prepared. As Shri Debbarma had no departmental experience required for him to get promotion to IFS, he was not at all suitable for having been included in the select list of 1994 for ultimate promotion to IFS. Thus the Selection Committee violated the regulation 5 of IFS (Appointment by Promotion) Regulations, 1966 by including Sri Debbarma in the select list of 1994.

(iv) In the TTAADC Sri Debbarma had to do only easy work of routine nature for about 10 years and was never exposed to any hazardous work unlike that of the Applicant remaining in the Forest Department. In the TTAADC Shri Debbarma did only raising of plantations and nursery work but no protection of forests, no revenue collection work, no confrontation with forest offenders, encroachers, poachers which the Applicant did remaining in the Forest Department. ✓

The TFDPC Ltd. is raising only rubber plantation which is not a forestry crop. Rubber is a plantation crop and is dealt under Plantation Labour Act (and not at all under Indian Forest Act). The post of Divisional Manager, TFDPC having no nexus with forestry was held by Shri S.S. Das for about 10 years (9.2.80 to 5.10.89) and by Shri D. Chakraborty whose name appeared in the 1994 select list, for the period 14.8.89 to October 1997.

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Shri P. Biswas whose name appeared in the select list of 1994 was also posted against ex-cadre post as General Manager in the SC & ST Corporation w.e.f. 31.5.90 to 19.5.93. This post in the said Corporation is no way connected with forestry activity. The Corporation is registered under Co-Operative Societies Act. (and not at all under IFA). The only job/duty of the post of General Manager, SC & ST Corporation is to arrange finance for economic resettlement of SC and ST population who live below the poverty line which is 100% a non-forestry work. Thus the ACRs of the Applicant cannot be compared with the ACRs of those aforesaid 4 officers whose names appeared in the 1994 select list of TFS, specially when promotion from subordinate state Forest Service (SFS) to superior Forest service (IFS) is considered and none of them was Forest Officer during those period as per Section 2 of the Indian Forest Act, 1927.

(v) In 1990 vide order No. F.2(76)/For/Estt/85 49220-28 dated 12.11.90 of the Forest Department, Tripura (Annexure-20) Sri C.M. Debbarma was reverted from TTAADC and posted as Wildlife Warden, Trishna which is not an IFS cadre post. He did not join there and continued as P.O. (Forest), TTAADC. Then again vide Forest Department notification No. F.3(34)/For/Estt-80/3700-705 dated 22.9.93 (Annexure-21) Sri Debbarma was posted as "attached Officer" in the office of DFO, Sadar which is also not an IFS cadre post. Shri S.S. Das, ACF, Respondent No. 6 was then DFO, Sadar. Whereas during the period many TFS officers like Sri Prabin

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Bhattacharjee, Sri Susanta Gupta junior to Shri Debbarma, ACF was holding the IFS cadre post of Dy. Conservator of Forests as is evident from the notification dated 25.11.91 (Annexure-18) due to the shortage of IFS officers present in the State. From the above orders/positions it is crystal like clear that the Government of Tripura did not find Sri Debbarma suitable to run the post of DFO (IFS cadre post) even after 13/14 years of service rendered by him and on the other hand the Government posted the Applicant as DFO as early as in 1983 and the Applicant since then is discharging the duties and responsibilities of the post of DFO to the full satisfaction of the authority till date.

(vi) Only two members of the Selection Committee viz. Shri M. Sarkar, IFS, the then PCCF (Tripura) and the Secretary, Forest who was also the Chief Secretary, Tripura knew the Applicant very well. Mr. Sarkar, PCCF (Tripura) who attended the Selection Committee meeting on 30.3.94 was fully bias against the Applicant because of professional reasons. Had Mr. Sarkar, PCCF (T) were unbiased towards the Applicant, he would have certainly pointed out in the meeting about the ineligibility of Sri S.S. Das, working for many years in non-forestry organisation by Shri P. Biswas and Shri D. Chakraborty and as well the ill treatment metted to the Applicant by Shri C.M. Debbarma and TTAADC authority during 1991-92 as elucidated earlier. He would have also pointed out, that the Forestry is a technical and specialised subject but the ACR of Shri C.M. Debbarma and Sri P.

Biswas in the TTAADC and SC and ST Corporation, Tripura were written by Non-Forestry and Non-Technical TCS/IAS officers which cannot be directly compared with the ACRs of the Applicant but for his biasness he suppressed all these facts in the meeting. The ACRs of the Applicant and the four select list officers could be directly compared had all of them been in the same Department and given equal responsibility or equal target, but this was not at all the case here. The Applicant was holding much more higher responsibility compared to all the 1994 select list officers. How one person (the Applicant) carrying weight of a load of say 50 kgs. can walk in the same speed with four others (the 1994 select list officers) who were carrying a load of 25 Kgs. ? The other members of the Selection Committee Mr. Damodaran, IAS, Chief Secretary and also holding then the post of Secretary, Forest, Tripura who knew the Applicant well was not present in the meeting on 30.3.94. Therefore the Selection Committee excluded the Applicant from the 1994 select list in a manner inconsistent with the rules of natural justice and in violation of statutory rules prescribed in this regard.

(vii) Shri Chandramani Debbarma, whose name appeared at Sl. No.2 in the select list of 1994 is a B.Sc. but the Applicant is M.Sc. The Applicant was placed before Shri Debbarma (Respondent No. 5) by Tripura Public Service Commission while selection was made on merit basis in 1978 and again the Applicant was placed above the Respondent No. 5 in 1980 while the list prepared by SFS College Burnihat, Assam on merit basis. The Applicant

passed B.Sc. three years earlier to the Respondent No. 5 and is senior to him in age.

The Respondent No. 5 (Shri C.M. Debbarma) received adverse ACR while he was in the Forest Department during 22.11.1980 to 5.7.1984 and on the other hand the Applicant received very good ACR during that period from the same Forest Department, Tripura.

As per the notification No.F.2(76)/For/Estt-85/49229-39 dt. 12.11.90 of the Forest Department, Government of Tripura (Annexure) the Applicant joined in TTAADC as Principal Officer (Forest) on 16.1.91 and continued there upto 17.2.92. Sri C.M. Debbarma was transferred as Wild Life Warden, Trishna, but he did not hand over the charge of the O/O Principal Officer (Forest), TTAADC to the Applicant. The status of ACR during 1991-92 of both the Applicant and Shri Debbarma are the same "very good". Had the Applicant been given the charge of the post of Principal Officer (Forest), he could have shown his worth there in TTAADC & received better grading in his ACR in 1991-92.

Till 1993-94 the Applicant received some "outstanding" ACRs in the Forest Department from some senior IFS officers but the Respondent No. 5 did not receive even a single outstanding ACR in the Forest Department.

The status of all the ACRs obtained by the Applicant from senior Forest Officers in the Forest Department including one Sri Satya Bhattacharjee, IFS (now retired) who was the common ACR writing authority

of both the Applicant and the Respondent No. 5 are higher in grade than that of the Respondent No. 5.

Though the Respondent No. 5 managed to obtain "very good" ACR from non-technical and non-forest officers during 1984-85, while he was outside the Forest Department in TTAADC, the Deputy Secretary, Forest Department, Government of Tripura certified that Shri Debbarma had no departmental experience required for him to get promotion to IFS vide letter No. F. 2(76)/FOR/Estt/85/759-60 dt. 31.1.91 (Annexure).

The Applicant is continuously holding IFS cadre post of Dy. Conservator of Forests w.e.f. 17.2.1992 whereas the Respondent No. 5 is holding that post only from 24.1.1994 i.e. about 2 years earlier to the Respondent No. 5.

As per the seniority list of State Forest Service Officers circulated vide No. F.2(43)/For/Estt-84/1277/822 dated 23.4.94 of the Forest Department, Government of Tripura, the Applicant's position was at Sl. No. 3 and that of the Respondent No. 3 at Sl. No. 4. Thus the Respondent No. 5 was junior to the Applicant upto 23.4.94, but illegally the Applicant was made junior to the Respondent No.5 on 30.3.94 during Selection Committee meeting. The same position contradicts the action of the State Government.

The above paragraphs revealed that there was no proper consideration of merit of different officers in absence of entire service records including the ACRs.

The members of the Selection Committee did not apply their mind on facts and figures and leisurely prepared 1994 select list on mechanical application of process of selection resulting in great injustice to the most deserving candidate - the Applicant.

The Respondent No. 1 again, trying here to misguide the Hon'ble Tribunal by stating that "This aspect and other grievances made by the Applicant were duly considered in his representation submitted by him on 14.7.99 in pursuance of the orders passed by this..... on 14.10.99". In reality the Applicant submitted fresh representation on 26.2.99 to the Respondent No.1 through proper channel and not on 14.7.99 as claimed here.

On perusal of Annexures-1, 2 and 3, it will be clear that 12 paragraphs out of 19 paragraphs of the representation dated 26.2.99 (Annexure-2) were not at all considered/dealt with by the Respondent No.1 while passing the impugned order on 14.10.99.

Various documents in support of the contentions raised in the representation were submitted during the personal hearing on 28.9.99 but the said documents were not at all considered which resulted in passing of a superfluous order. The Applicant was not allowed to discuss over the documents.

The Respondent No.1 while passing the superfluous order dated 14.10.99 committed serious mistake by defining or stating the eligibility of an SFS officer under regulation 5(1) of the promotion Regulations.

Actually the eligibility of an SFS officer is defined under Regulation 5(2) of the Promotion Regulations and not at all under Regulation 5(1) of the Promotion Regulations.

Again Respondent No.1 committed gross mistake by stating that "In terms of regulation 5(1) of the Promotion Regulations, an SFS officer becomes eligible for promotion to the IFS if he is substantive in the SFS and has completed not less than 8 years of continuous service whether officiating or substantive.

The Respondent No. 1 deliberately curtailed the definition relating to eligibility by omitting the vital words from the last part of the definition which are "..... in percent post(s) included in the state forest Service."

The Respondent No.1 further suppressed Section 5(2) Explanation (iii) of the IFS (Appointment by Promotion) Regulations 1955, while interpreting eligibility criteria. Explanation (iii) of the aforesaid sub-section further provides in regard to eligibility of SFS officers as "Service in posts(s) included in the State Forest Service would also include service rendered in ex-cadre posts connected with forestry whether under the Government or in....."

Thus the Respondent No. 1 deliberately committed blunder in interpreting the eligibility criteria to deprive the Applicant and thereby violated the Regulation 5 of IFS (Appointment by Promotion) Regulations, 1966 in issuing order dated 14.10.99.

Again the Hon'ble Tribunal vide order dated 17.12.98 in O.A. No. 240/94 had passed order directing the Respondents No.1, 2 and 3 to consider the case of the Applicant in the light of the observations made in the order. But it is strange to state that Respondent No.1 alone considered the case of the Applicant and in the decision making process, the Respondents No. 2 and 3 were never associated and thus there has been violation of the order of this Hon'ble Tribunal.

Thus the order dated 14.10.99 of Respondent No.1 based on total wrong ideas is biased, baseless, inconsistent with the rules of natural justice and in violation of the regulation 5 of IFS (Appointment by Promotion) Regulations 1966 and that of the order of this Hon'ble Tribunal and hence the same is liable to be set aside and quashed.

4. That with regard to the statements made in paragraphs 4 and 5 of the W.S., the Applicant reiterates and reaffirms the statements made in paragraphs 2 and 3 of the O.A.

5. That with regard to the statements made in paragraph 6 of the W.S., the Applicant reiterates and reaffirms the statements made in paragraphs 4.1 and 4.2 of the O.A.

6. That with regard to the statements made in paragraphs 7 and 8 of the W.S., the Applicant reiterates the statements made in paragraphs 4.3 and 4.4 of the O.A.

7. That with regard to the statements made in paragraph 9 of the W.S., the Applicant begs to state that he held physically the post of DFO, Working Plan Division No. II since 17.2.92 to 19.11.94. The post of DFO, Working Plan-II was created by the Government of Tripura in August 1985 and the same was encadred as IFS cadre post of Dy. Conservator of Forests on 22.11.1990 vide D.P. and T.R. notification dated 22.11.1990. Thus the post of DFO, Working Plan-II is an IFS cadre post of Dy. Conservator of Forests w.e.f. 22.11.1990. Thereafter the Applicant is continuously holding the post of DFO, Training Division, DFO, Kanchanpur and DFO, Working Plan Division-I till date which are all IFS cadre posts and encadred on or before 22.11.1990. Thus the Applicant is holding physically the IFS cadre post of Dy. Conservator of Forests continuously w.e.f. 17.2.92 and at least about 2 (two) years earlier than all of the 1994 select list officers. As the Applicant was assigned the duty of holding IFS cadre post of Dy. Conservator of Forests at least about 2 years earlier than all the 1994 select list officers, it transpires that the State Government found the Applicant to be more efficient and meritorious than all the 1994 select list officers and the service career of all the 1994 select list officers are by far inferior to the Applicant. As per the IFS (Regulation of Seniority) Rules, 1969, Section 3, explanation 2, the Applicant is due to have the benefit of officiating in cadre post and the entire period of officiation in cadre post (since 17.2.92) will have to

be counted towards seniority and fixation of year of allotment.

The date of my promotion to IFS preponed to 18.3.96 by the Ministry of Environment and Forests vide their notification No. F.17012/1995 IFS II dated 7.4.99 on the basis of 1995 select list. But Government of Tripura vide notification No. F.2(28)-GA/94 dated 6.2.96 of the Appointment and Services Department having marked a copy of the notification to the Secretary to the Govt. of India, Ministry of Environment and Forests, appointed the Applicant in the IFS cadre post of Dy. Conservator of Forests for a period of 3 months. The Applicant assumed the charge of IFS cadre post of Dy. Conservator of Forests, Kanchanpur on 6.2.96 in pursuance of the aforesaid order, but in reality, I was physically holding the post of Dy. Conservator of Forests, Kanchanpur w.e.f. 24.2.95 and was physically holding the IFS cadre post of Dy. Conservator of Forests continuously w.e.f. 17.2.95. The period from 6.2.96 to 18.3.96 is about 1.5 months. As per the IFS (Regulation of Seniority) Rules, 1968, Section 3, the Applicant is due to have the benefit of officiating in cadre post.

The Government of Tripura assigned the Applicant to hold higher responsibility of the post of IFS Cadre post of Dy. Conservator of Forests continuously w.e.f. 15.2.92 and the Applicant smoothly discharged the same to the full satisfaction of the authority. Had the proposal been sent to Central Government and UPSC, there was no reason as to why the same should not have

been granted by these two authorities in favour of the Applicant. For the fault/lapses on the part of the State Government in not taking prior approval of the Central Government/UPSC, when the period exceeded three months, the Applicant should not be made to suffer from not having his legal due.

8. That with regard to the statements made in paragraph 10, the Applicant begs to state that Shri S.S. Das whose name appeared at Sl. No.1 of the select list is not at all eligible for inclusion in the select list of 1994. Similar is the case with Shri C.M. Debbarma (Officer at Sl. No.2 of the select list, 1994) elucidated in preceding paragraph.

As already elucidated, the TFDPC Ltd. is a non-forestry organisation and the post of Divisional Manager, TFDPC is no way connected with forestry. Shri Debasish Chakraborty, ACF whose name appeared in the select list of 1994 is posted in the aforesaid Corporation (TFDPC Ltd. w.e.f. 14.8.1989 to October 1997 against ex-cadre post of Divisional Manager i.e. the post not connected with forestry. As such, the period of service rendered in the Forest Corporation by Shri Debasish Chakraborty cannot be counted towards the State Forest Service for the purpose of eligibility. His ACRs for the period of the service rendered in the TFDPC Ltd. cannot be taken into account for assessment by the Selection Committee for his consideration for inclusion in the select list of 1994.

Shri P. Biswas (Respondent No. 7 in O.A. No. 240/94) was under order of suspension w.e.f. 28.8.93 for about 2.5 years. He was charge-sheeted on corruption charges. Charges levelled against him was proved. The Govt. of Tripura, Administrative Reforms Department vide No. F.11(96)-ARD/93 (P.IV) dated 8.10.1996 (Annexure-25) imposed penalty of withholding 3(three) annual increments without any cumulative effect. It was further ordered that the period of suspension shall not be treated as on duty. Shri Biswas (Respondent No. 7 in O.A. No. 240/94) was in SC & ST Corporation, Tripura during the period 31.5.90 to 10.5.93 and for the illegal works done by him during that period he was punished as above and this period include 3 ACRs (199-91, 1991-92, 1992-93) out of the 5 ACRs on what basis Shri P. Biswas was included in the select list of 1994. Again the select list was prepared during the period when he was under suspension and the period not treated as on duty. Therefore as per rule, the name of Shri P. Biswas has to be excluded from the 1994 select list. As his name is still there in the select list, the 1994 select list is not acceptable in law.

Again on the basis of the select list 1994, S/Shri S.S. Das and C.M. Debbarma (Respondents No. 5 and 6) were promoted to IFS, their promotion to IFS is not acceptable in law.

Thus the 1994 select list of IFS officers is an illegal documents and required to be set aside and

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quashed immediately and a revised select list of 1994 is to be prepared.

9. That with regard to the statements made in paragraph 11 of the W.S., the Applicant craves the leave of this Hon'ble Tribunal to submit his comment on receipt of the written statement of the Respondent No. 3 - the State Government. The claim of the Applicant made in paragraphs 4.8 to 4.11 in the O.A. are provided to be correct as none of the Respondents No. 5 and 67 challenged the same and they have in fact nothing to say in this regard as all these are nothing but were fact/truth. Documentary evidences are there in support of the claim.

10. That with regard to the statements made in paragraph, it is stated that this Hon'ble Tribunal was pleased to dispose of the O.A. No. 248/94 vide order dated 17.12.98 remitting the matter back to the Respondents No. 1, 2 and 3 with a direction to those three Respondents to consider the case of the Applicant and to pass a reasoned order. But unfortunately, the Respondent No.1 was so much bias against the Applicant that they did not consult with Respondents No. 2 and 3 before delivering a superfluous and illegal order against the Applicant and by doing so the Respondent No. 1 violated the order of this Hon'ble Tribunal. In this connection, the Applicant reiterates and reaffirms the statements made in the preceding paragraphs.

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11. That with regard to the statements made in paragraph 13 of the W.S., the Applicant reiterates and reaffirms the statements made in paragraph 7 hereinabove. The Respondent No. 3 in similar situation submitted proposal to Central Government without making any delay for having prior approval of the central Government on such officiation. For example the case of Mr. A.K. Singh, IFS (MT 1981). For the lapses on the part of the Respondent No. 3, the Applicant cannot be made to suffer from having his legal due.

If the benefit of officiation on cadre post since 17.2.92 (prior to appointment to IFS) is not given then for the act of omission of the Respondents, violates the Applicant's fundamental rights under Articles 14 and 16 of the Constitution of India.

12. That with regard to the statements made in paragraph 14 of the W.S., the Applicant reiterates and reaffirms the statements made in paragraphs 4.16 and 4.17 of the O.A.

13. That in regard to the statements made in paragraph 15, the Applicant begs to reiterate the statements made in paragraph 7 above. Immediately after the illegal preparation of select list of 1994, the Applicant submitted a detailed representation to the Chief Secretary (who was also the Secretary of the Forest Department), Government of Tripura dated 28.10.94 for inclusion of his name in the 1994 select list without hampering his seniority which is yet to be

disposed of. In reality, the Government of Tripura committed serious mistake by recommending the name of the Respondents No. 5,6,7 and 8 in O.A. No. 240/94 for promotion to IFS as elucidated above for which the Government of Tripura has nothing to say against his representation submitted on 28.10.94 and this is the only reason for non disposal of his representation till date.

14. That with regard to the statements made in paragraph 16 of the W.S., the Applicant states that the representation submitted by him was not considered properly as 12 paragraphs (19-7) out of the 19 paragraphs of the said representation which are vital points to come to a decision were not at all touched while passing the speaking order on 14.10.99.

While passing the speaking order, the Respondents No.2 and 3 were never associated and thus there has been violation of the order of this Hon'ble Tribunal.

While passing the speaking order serious mistake was committed in defining and stating the eligibility of State Forest Service Officers under Regulation 5(1) of the Promotion REgulations instead of actual and correct defining the eligibility criteria under Regulation 5(2) of the said regulation and hence the entire interpretation made in the said impugned order dated 14.10.99 is illegal and arbitrary.

Besides the points in foregoing paras the following points were also highlighted by the Applicant

in the representation dated 26.2.99 and as well verbal representation on 28.9.99 but were ignored by Respondent No.1 while passing the speaking order dated 14.10.99.

After receiving adverse ACR in the Forest Department during 1980-84, Shri C.M. Debbarma managed to obtain very good ACR in TTAADC because of the fact that the then three top authorities in TTAADC viz. Shri Sridam Debbarma, Executive Member, Forest, Shri Harinath Debbarma, Chief Executive Member and Shri Jagadish Debbarma, Chairman of TTAADC were related to him. Again this is the only reason for which he managed to continue there for about long 10 (ten) years in place of normal deputation period for 3 years, Inspite of strong persuasion by the State Government for his reversion to the Forest Department.

If the period 1984-94 (period of Sri Debbarma in TTAADC) is taken as "t" and "n" as a number then for real assessment of merit of Shri Debbarma the ACRs for, the period t-n (period prior to joining in TTAADC) and t+n (period after departure from TTAADC) required to be considered and compared with that of the Applicant, then only real comparison may be made as these periods and platform are common to both the Applicant and Shri Debbarma. Actual comparison of merit is possible only when the officers whose merit are being compared are standing on a common platform/organisation.

As per the request of the Executive Member, TTAADC, the Forest Department, Tripura placed the

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services of the Applicant at the disposal of TTAADC. Before joining in TTAADC on 17.1.91 as P.O. (Forest), the Applicant was holding the charge of DFO, Kanchanpur (an IFS cadre post of Dy. Conservator of Forests). Had the services of the Applicant not placed at the council, his continuous officiation in IFS cadre post of Dy. Conservator of Forests would have been from 14.9.90 instead of present 17.2.92. By not releasing Shri Debbarma from the post of P.O. (Forest) even after his joining there and instead of vigorous persuasion by the Forest Department, the TTAADC authority and Shri C.M. Debbarma made a clear conspiracy against the Applicant so that the position of ACR of Shri Debbarma remain higher than that of the Applicant as it is very easy to obtain "very good" ACR in TTAADC being easy nature of work, P.O. (Forest) has to perform there.

Though Shri C.M. Debbarma managed to obtain "very good" ACR from non-technical and non-forest officers under the influence of the then three top authorities of TTAADC during 1984-94, while he was outside the Forest Department in TTAADC, the Deputy Secretary, Forest Department, Government of Tripura certified that Shri Debbarma had no departmental experience required for him to get promotion to IFS vide letter No. F.2(76)/For/Estt/85/759-60 dated 31.1.91.

Again as per section 2 of the Indian Forest Act, 1927 Shri Debbarma as P.O. (Forest) was not appointed as a Forest Officer and was not given the powers of Forest Officer u/s 72 of the said Act. Though the post of P.O. (Forest) TTAADC is neither an IFS cadre post

nor equivalent in status and responsibilities to the IFS cadre post of Dy. Conservator of Forests of the Forest Department, Shri Debbarma the 1994 select list officer misguided the Hon'ble Tribunal while defending the case O.A. 240/94 by stating that the post of P.O. (Forest), TTAADC is equivalent to IFS cadre post of Dy.CF.

In pursuance of the notification dated 4.11.93 (Annexure-5) the Applicant submitted a petition dated 4.8.2000 (a copy enclosed herewith) to the Secretary, GAD (P&T), Government of Tripura seeking clarification over the issue, in reply to which the Applicant received a letter dated 4.11.2000 (a copy enclosed herewith) from the GAD (P&T), Govt. of Tripura from which it is clear that the notification dated 4.11.93 was issued only to enable TTAADC to disburse the pay of IFS to the IFS officer Mr. J.S. Lalhal and it has nothing to do with any Tripura Forest Service Officer. Thus Shri C.M. Debbarma, a 1994 select list officer cannot get any benefit out of the notification dated 4.11.93 similar to that of the Applicant.

15. That with regard to the statements made in paragraph 17, the Applicant begs to state that the 1994 select list which was prepared illegally excluding the most deserving candidate, the Applicant, consisted of four officers viz. Shri S.S. Das, Shri C.M. Debbarma, Shri P. Biswas and Shri D. Chakraborty. Shri Biswas and Shri Chakraborty did not get appointment for want of vacancies. It is a fact that the name of the Applicant appeared at Sl. No.1 and at Sl. No.2 in the 1995 and

1996 select list respectively, but the name of Shri D. Chakraborty was not there at all in any of these subsequent select list and again Shri P. Biswas' name was there at Sl. No.2 after the Applicant (at Sl. No.1) in the 1995 select list only and his name was also not there anywhere in the 1996 select list. This is a clear pointer to the fact that the case of the Applicant was not at all considered in 1994 due to the illegal consideration given to all the officers included in the select list of 1994.

Simple denial by the Respondent No.1 here without any fact and figures has no leg to stand and an arbitrary decision to cover up the serious irregularities committed by the Section Committee members specially by Shri M. Sarkar, IFS the then PCCF (Tripura) who was bias against the Applicant.

Entire remark made her by Respondent No. 1 is only against para 4.22 and the same is the repetition of the comments made in paras 3, 10 and 16 of this written statement. The Respondent No.4 miserably failed to utter a single word against the averments made in para 4.23 of O.A. 193/2000. Thus the claim of the Applicant is established beyond any doubt.

From silence of the Respondent No. 1 over the averments made by the Applicant at para 4.23, it is proved beyond any quota of doubt that Shri M. Sarkar, IFS, the then PCCF (Tripura) and vital member of the 1994 Selection Committee was bias against the Applicant and while preparing the 1994 select list no weightage

was given to the seniority point while preparing 1996 select list. In 1995 and 1996 Selection Committee Shri M. Sarkar, IFS was not there as PCCF, but Shri D. Nag, IFS was there as PCCF (Tripura).

When compared to 1994 select list with 1996 select list, the grading of ACR of the Applicant was far better than that of Shri H.P. Das, even by virtue of only the seniority in the State Forest Service Shri H.P. Das could be placed at Sl. No.1 above the Applicant (at Sl. No. 2) of the 1996 select list, but the reverse stand was taken while preparing 1994 select list by the Selection Committee, where Sri M. Sarkar, IFS PCCF (Tripura) was a member, who is bias against the Applicant.

As the Respondents are not legally empowered to take different view/stand while preparing different select list in two separate years and as the 1996 select list is valid, the 1994 select list is automatically invalid and an illegal documents, required to be revised immediately.

16. That with regard to the statements made in paragraph 18, the Applicant states that it is strange that many weaknesses or lapses of the 1994 select list officers are not known to the Respondent No.1 and they blindly relied upon the information supplied by the State Government (Respondent No. 3) who is bias against the Applicant.

17. That with regard to the statements made in paragraph 19 of the W.S., it is stated that simple comparison of the 1996 select list with that of 1994 will prove that the allegations made by the Applicant are cent percent correct. As Shri M. Sarkar, IFS, PCCF (Tripura) a member of 1994 Selection Committee was bias against the Applicant, he influenced other members and succeeded in excluding the Applicant from the 1994 select list illegally. As Shri M. Sarkar, IFS was not a member of 1995 and 1996 Selection Committee, the name of the Applicant was placed at Sl. No.1 and Sl. No. 2 of the select list respectively.

The fact that the service career of the Applicant was far better than that of the four officers included in the 1994 select list is proved beyond any doubt from the posting of the five officers (Applicant and four select list officers) in the cadre post by the State Government. The continuous period of holding IFS cadre post of Dy.CF by the five officers are :

- (i) Shri S.S. Das - From 19.10.94 to 31.3.97 (date of retirement from service)
- (ii) Shri G.R. Paul - From 17.2.92 to contd.
(Applicant)
- (iii) Shri C.M. Debbarma - From 24.1.94 to contd.
- (iv) Shri P. Biswas - From 0.10.97 to contd.
- (v) Shri D. Chakraborty - From 8.12.97 to contd.

The Applicant received many outstanding ACRs in the Forest Department from many senior IFS officers but Shri Debbarma did not receive even a single outstanding ACR in the Forest Department till date.

Till date there are 3 common ACR writing authority in the Forest Department who recorded the ACR of the Applicant and of Shri Debbarma. The officers are Shri A.K. Singh, IFS, Shri Satya Bhattacharjee, IFS (Retired), Shri R.N. Singh, IFS. The status of all the ACRs obtained by the Applicant from the three senior officers are higher in grade than that of Shri Debbarma.

Both the Applicant and Shri Debbarma joined the Tripura Forest Department in 1980 and since then till date the status of all ACRs obtained by the Applicant in the Forest Department is higher in grade than that of Shri Debbarma as received by him from the same Forest Department.

The eligibility criteria was fixed by the statutory rules, IFS (Appointment by Promotion) Regulations Rules, 1966, Section 5(2) of the Government of India and the Government of Tripura has no power to change the eligibility criteria by way of issuing any certificate whatsoever in favour of any officer(s), who is holding a post having no nexus with forestry.

By recommending the name of Shri S.S. Das for promotion to IFS, the Government of Tripura, the Government of India and the Selection Committee violated the Regulation 5 of IFS (Appointment by Promotion) Regulations, 1966 as he (Shri Das) held post included in the State Forest Service only for four years two months and twenty six days as on 1.1.94 (w.e.f. 6.10.1989) to 1.1.1994) as against the

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requisite eight years of continuous service connected with forestry.

Shri P. Biswas (Respondent No. 7 in O.A. No. 240/94) was under suspension w.e.f. 28.8.93 for about 2.5 years. He was charge sheeted on corruption charges and charges levelled against him was proved. The Government of Tripura, Administrative Reforms Department vide No. F.11(96)-ARD/93 (P.VI) dated 8.10.96 (Annexure) imposed penalty of withholding three Annual increments without any cumulative effect. the period of suspension was not treated as on duty. Shri Biswas (1994 select list officer) was in SC & ST Corporation, Tripura during the period 31.5.90 to 19.5.93 and for the illegal works done by him during that period he was punished as above by State Government (Respondent No. 3) and this period include 3 ACRs (1990-91, 1991-92, 1992-93) out of the 5 ACRs on what basis Shri P. Biswas was included in the select list 1994. Again the select list was prepared during the period when Shri Biswas was under suspension and the period was not treated as on duty. Therefore as per rule the name of Shri P. Biswas has to be included from the 1994 select list. As his name is still there in the 1994 select list, the same is not acceptable to law.

As elucidated above, TFDPC Ltd. is a non-Forestry organisation and the post of Divisional Manager in TFDPC is no way connected with forestry. Shri Debasish Chakraborty (1994 select list officer) posted in TFDPC Ltd. w.e.f. 14.8.89 to October 1997 as Divisional

Manager i.e. the post not connected with forestry. As such the period of service rendered in the Forest Corporation by Shri Chakraborty cannot be counted towards the State Forest Service for the purpose of eligibility. His ACRs for the period of the service rendered in TFDPC Ltd. cannot be taken into account for assessment by the Selection Committee for his consideration for inclusion in the Select list of 1994.

Against the name of Shri D. Chakraborty appeared in the 1994 select list only due to the presence of Shri M. Sarkar, IFS, PCCF (Tripura) as a vital member of that Selection Committee. Shri M. Sarkar, IFS was not a member of 1995 and 1996 selection Committee so the name of Shri D. Chakraborty was not anywhere there in these two subsequent select lists but the name of the Applicant was there at Sl. No.1 and Sl. No.2 respectively which is a clear pointer that 1994 select list was prepared illegally.

18. That the statements made in paragraph 20 of the W.S. are disputed and denied by the Applicant. The averments made in para 5.4 and 5.10 are totally new and not at all the repetition of previous paragraphs. The answering Respondent miserably failed to explain that the averments made by the Applicant are wrong.

19. That with regard to the statements made in paragraph 22 of the W.S., the Applicant begs to state that he is entitled to all the relief sought for as the claim made based on rules and regulations and on documentary evidence.

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20. That with regard to the statements made in paragraph 23 of the W.S., the Applicant does not admit anything contrary to relevant records. As the averments made by the Applicant in various paragraphs of O.A. 193/2000 are nothing but fact and based on documentary evidences, the Respondents No. 2, 3, 4, 5 and 6 failed miserably to submit their written statements. Against the written statement submitted by the Respondent No.1 is not at all based on facts and cords and hence baseless.

21. That the Applicant submits that the Respondent No.1 miserably failed to explain as to how the averments made by the Applicant are incorrect. The replies are sidetracking and baseless not supported by rules and records and as such, it is prayed that Your Lordships would be pleased to grant the reliefs prayed for in the O.A.

VERIFICATION

I, Shri G.R. Paul, the Applicant in O.A. No. 193/2000, do hereby solemnly affirm and verify that the statement made in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 are true to my knowledge and those made in paragraphs _____ being matters of records are true to my informations derived therefrom and the rests are my humble submissions.

And I sign this verification on this 07th day of August 2001.

Ganesh Ranjan Paul