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Order Sheet/

INDEX

O.A/T.A No.194/2000.....

R.A/C.P No. 2/03

E.P/M.A No.....

- SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 194/2000 OF 199

Applicant(s) Sri. Gaurish Rangan Paul.

Respondent(s) Union of India and ors.

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

Mr. S. Sarma

Advocate for Respondent(s) Mr. U.K. Goowami

C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>Application is in form and within time.</p> <p>D. F. of Rs. 50/- deposited vide</p> <p>PO BD No. 497490</p> <p>Dated 16.6.2000</p> <p>mk</p> <p>24.10.2000</p> <p>3/7/2000</p> <p>Encls not supplied.</p> <p>18/9/00</p>	<p>18.9.2000</p> <p>24.10.2000</p>	<p>Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.</p> <p>Heard Mr. B.K. Sharma, learned Sr. counsel for the applicant and Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents, who accepts notice on behalf of Respondents No.1 and 2.</p> <p>Application is admitted. Issue usual notices to the other respondents by registered post.</p> <p>List on 24.10.2000 for further orders.</p> <p>Vice-Chairman</p> <p>On the prayer of Mr B.C. Pathak, learned Addl. C.G.S.C four weeks further time allowed for filing of written statement.</p> <p>List on 14.11.2000 for order.</p> <p>Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
<p>19/09/000</p> <p>Notice prepared and sent to Judd. See for issuing the orders No 1 to 25 vide Depatch No 1928 to 1928 dtd 19/9/2000</p> <p>19/09/2000. NS 19/9/2000</p> <p>23-10-2000</p> <p>① Service report are still awaited.</p> <p>② No. wls has been filed.</p> <p>By</p> <p>Notice duly served on respondents No 1, 2, 3, 3, 5, 5, 5, 18, 19, 23, 6, 21, 24,</p> <p>31/10/00</p> <p>Respondent No. 11, 16, 17 & 20 are returned - as marked by Postman - "Not known"</p> <p>21/11/00</p> <p>12-12-2000</p> <p>No. Order still not has been filed by the respondents.</p> <p>By</p> <p>No. wls has been filed.</p> <p>22/01/01. By 18.11.2000</p> <p>Flag 'A' may kindly be sent at 'C' file. Res. No 3 has submitted application for supply of legible copy of the application.</p> <p>Spere copy of application is not available. Applicant may have to be directed to supply the same.</p> <p>22/01/01</p>	<p>14.11.00</p> <p>pg</p> <p>15/11</p> <p>13.12.00</p> <p>trd</p> <p>19.1.01</p> <p>pg</p>	<p>Mr B.C.Pathak, learned Addl.C.G.S.C for respondents No.1 and 2 and Mr R.K. Deb Choudhury, learned counsel appearing for respondents No.14, 15 and 24 seek four weeks time to file written statement Prayer allowed. Service report on the other respondents are awaited.</p> <p>List on 13.12.2000 for further order.</p> <p>Vice-Chairman</p> <p>Present : Hon'ble Mr. Justice D.N.Chowdhury, Vice-Chairman.</p> <p>Hon'ble Mr.M.P.Singh, Member(A).</p> <p>On the prayer of Mr. B.C. Pathak, learned Addl. C.G.S.C. four weeks time is granted for filing of written statement.</p> <p>List on 19.1.2000 for written statement and further orders.</p> <p>Member(A)</p> <p>Vice-Chairman</p> <p>No written statement so far filed.</p> <p>List on 16.2.01 to enable the respondents to file written statement.</p> <p>Member</p> <p>Vice-Chairman</p>

67 104/2000

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9

Notes of the Registry	Date	Order of the Tribunal
<p>From one page call to applicants Counsel to submit a legible copy of the application to take steps in R-3.</p> <p>23/01/01</p> <p>Seen, I have taken steps (Forth) on 24.1.2001.</p> <p>24-1-2001</p> <p>16.2.2001.</p> <p>Written statement of the Respondent No. 14, 15 and 24 have been filed.</p> <p>14/2</p> <p>28.2.2001.</p> <p>Reply on behalf of the Respondent No. 1 has been filed by B.C. Pathak Add. Case.</p> <p>15.2.2001</p> <p>Fresh Service of Notice issued to the respondents Nr. 3 vide D/Nr. 830 dt 01.3.2001</p> <p>No Rejoinder has been filed.</p> <p>24.4.01</p>	<p>16.2.01</p> <p>1m</p> <p>19/2/01</p> <p>19.3.01</p> <p>pg</p> <p>3.4.01</p> <p>1m</p>	<p>The private respondent No.5 has filed the written statement. The other respondents, viz the State of Tripura has served the notice and submitted an application for furnishing a legible copy of the application. Mr.S.Sarma has undertaken to file a legible copy in the office within three days to take steps. In the meantime parties may file written statement. List on 19.3.01 for orders.</p> <p>Member</p> <p>Vice-Chairman</p> <p>Union of India has already filed written statement. The applicant may file rejoinder, if any within two weeks from today.</p> <p>List on 3.4.01 for order.</p> <p>Member</p> <p>Vice-Chairman</p> <p>Written statement has been filed by the Union of India. Mr.B.P.Kataki, learned counsel appearing for respondent No.3 stated that the State of Tripura has not filed any written statement on their own, they may rely upon the written statement of Union of India. List for hearing on 21.5.01.</p> <p>Member</p> <p>Vice-Chairman</p>

4

Notes of the Registry	Date	Order of the Tribunal
	21.5.01	On the prayer of learned counsel for the applicant case is adjourned to 21.6.01 for hearing. K. L. Sharma Member Vice-Chairman
lm	21.6.01	Mr. B. C. Pathak, learned Addl. C.G.S.C. for the respondents has submitted that he has got the instruction to represent Tripura Government also in this case. Mr. U. K. Nair holding brief of Mr. B. K. Sharma, learned counsel for the applicant, states that there are other cases submitted in this Tribunal, which involve similar controversy and this O.A. may be decided along with the other cases to avoid conflicting orders. The O.A. is accordingly adjourned. List on 1-8-2001 along with O.A. No. 193 of 2000, 303 of 2000, 69 of 2001, 70 of 2001 and 71 of 2001 for hearing. K. L. Sharma Member Vice-Chairman
bb	1.8.01	Heard Mr. S. Sarma, learned counsel for the applicant at length. List the case on 6.8.2001 for hearing along with O.A. No. 193/2000, 300/2000, 69/2001, 70/2001 and 71/2001 in presence of the learned counsel for the respondents. K. L. Sharma Member Vice-Chairman
bb	6.8.01	Heard in part. List again on 10/8/01 for hearing. K. L. Sharma Member Vice-Chairman
pg	10.8.01	Heard Mr. B. C. Sharma, learned counsel for the applicant & Mr. B. C. Pathak, Addl. C.G.S.C. & Dr. M. Singh learned counsel for the respondent. Hearing concluded. Judgment reserved. M. K. Singh

9.8.2001
Respondent has been submitted by the applicant to the W/S filed by the Respond. No. 1.

Notes of the Registry

Date

Order of the Tribunal

16.8.2001

Judgment pronounced in open court.
The application is disposed of. No order as to costs.

Member

Vice-Chairman

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24.8.2001
Copy of the Judgment
has been sent to the
Office for issuing the
rule to the applicant
as well as the L/Adm.
for the Registry.
H.S.

6

Notes of the Registry	Date	Order of the Tribunal

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- 8 -
SL.No. 485
ANNEXURE - 1
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

✓ Original Application No.194 of 2000

✓ Original Application No.303 of 2000

Original Application No.69 of 2001

Original Application No.70 of 2001

And

Original Application No.71 of 2001.

Date of decision: This the 16/8 day of August 2001

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

The Hon'ble Mr K.K. Sharma, Administrative Member

1. O.A.No.194/2000

Shri Gaurish Ranjan Paul, IFS

.....Applicant

By Advocates Mr B.K. Sharma, Mr S. Sarma and
Mr U.K. Goswami.

- versus -

The Union of India, and others

.....Respondents

By Advocates Mr B.C. Pathak, Addl. C.G.S.C.,
Dr. N.K. Singh, Mr A. Rashid and
Mr R.K. Dev Choudhury.

2. O.A.No.303/2000

Shri Kumar Sinha, IFS

.....Applicant

By Advocates Dr N.K. Singh and
Mr R.K. Dev Choudhury.

- versus -

The Union of India and others

.....Respondents

Mr A. Deb Roy, Sr. C.G.S.C.

3. O.A.No.69/2001

Shri K. Jagadishwar Singh, IFS

.....Applicant

By Advocates Dr N.K. Singh and Mr R.K. Dev Choudhury.

- versus -

The Union of India and others

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

4. O.A.No.70/2001

Shri L. Gopal Singh, IFS

.....Applicant

By Advocates Dr N.K. Singh and Mr R.K. Dev Choudhury.

- versus -

The Union of India and others

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

Attested
uom
Adv.

121
- 9 -
5. O.A.No.71/2001

Shri K. Premkumar Singh, IFS

.....Applicant

By Advocates Dr N.K. Singh and Mr R.K. Dev Choudhury.

- versus -

The Union of India and others

.....Respondents

By Advocate Mr B.C. Pathak, Addl. C.G.S.C.
Mr B.K. Sharma and Mr S. Sarma.

ORDER

CHOWHURY, J. (V.C.)

All these applications are taken up together since common
points of law are involved.

2. All the applicants were recruited to the Indian Forest Service (IFS for short) in terms of the IFS (Recruitment) Rules, 1966 read with IFS (Appointment by Promotion) Regulations, 1966. In these applications they claim the benefit of the Judgment and Order passed by the Tribunal in O.A.No.15 of 1995, Th. Ibobi Singh Vs. Union of India and others, disposed of on 20.1.1999 based on the Judgment and Order of the Jabalpur Bench of the Tribunal in K.K. Goswami Vs. Union of India and others as well as the decision rendered by the Calcutta Bench of the Tribunal in Dhuti Kr. Basu and another Vs. Union of India and others. The applicants accordingly prayed for a direction to the respondents to include State Deputation Reserve, i.e. Item No.5 of the Schedule to the Cadre Strength Regulations for computing promotion posts in the Manipur - Tripura Joint Cadre of the IFS, for triennial cadre review and predating their date of promotion as well as year of allotment. According to the applicants they are all similarly situated like that of Ibobi Singh(Supra) and K.K. Goswami (Supra) and therefore, similar benefits are to be granted to them also.

3. The respondents denying and disputing the claim of the applicants contended that the directions rendered by the Tribunal in the aforesaid cases are no longer binding in view of the decision rendered

Attested
Advocate

by the Supreme Court in Tamil Nadu Administrative Officers Association Vs. Union of India and others, dated 19.4.2000, reported in (2000) 5 SCC 728. In K.K. Goswami (Supra), the Jabalpur Bench of the Tribunal ordered that the deputationists listed at Item No.5 of the Schedule under the Cadre Strength Regulations was to be included for computing for promotion quota. The Judgment was assailed by SLP before the Supreme Court and the same was rejected. Similar view was taken by the Calcutta Bench of the Tribunal also.

4. The Supreme Court had the occasion to reconsider the decision of the Jabalpur Bench, Calcutta Bench as well as the Chandigarh Bench in Tamil Nadu Administrative Officers Association (Supra). The Supreme Court after considering the cases, finally observed that as per the statutory provisions the encadring of posts can be done only on certain fact situations existing and the same is to be done on review to be conducted by the Central Government in consultation with the State Governments and on being satisfied that an enhancement in the cadre strength or encadring of certain posts is necessary in the administrative interests of the State concerned. Until such encadrement takes place, nobody could stake a claim to consider their case for promotion to those ex-cadre posts. In view of the decision rendered by the Supreme Court in Tamil Nadu Administrative Officers Association (Supra) it would not be appropriate for us to issue direction in the light of Th. Ibobi Singh (Supra), which is based on the decision of the Jabalpur Bench and Calcutta Bench of the Tribunal. However, the following observation of the Supreme Court in the aforementioned case is pertinent to note:

"Though prima facie we have accepted the explanation given by the Union of India still we find such posts are being continued by the States concerned even till date. We have not found any reason either in the pleadings or in the arguments addressed on behalf of the Union of India why it has not taken any steps to direct the State Government concerned to abolish these posts if not required to be encadred. Therefore, we find it necessary to direct the Union of India to consider in consultation with the State Government concerned, as required in the Cadre Rules, review the necessity of either to encadring these ex-cadre/temporary posts or not and take such other necessary steps. In this process the Central Government shall bear in mind the existence of these posts for.....

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for the last so many years and if it is so satisfied and finds it necessary in their interests of justice to encadre these posts, it may do so with retrospective date so that officers promoted consequent to such encadrement would have the benefit of the seniority from such date, bearing, of course, in mind the possible conflict that may arise in fixation of inter se seniority and take appropriate decisions in this regard so as to avoid any further disharmony in the service."

5. Considering all the aspects of the matter we are of the view that ends of justice will be met if the applicants are directed to submit their individual representations narrating all the facts including particulars of posts that they consider are fit to be encadred indicating reasons for their encadrement with retrospective date, within six weeks from the date of receipt of the order. If such representations are made the Union of India shall consider the representations in consultation with the State Government concerned and take appropriate decision as per law as expeditiously as possible, preferably within six months from the date of receipt of the representations.

6. The applications are accordingly disposed of. There shall, however, be no order as to costs.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)

Certified to be true Copy

प्रमाणित प्रतिलिपि

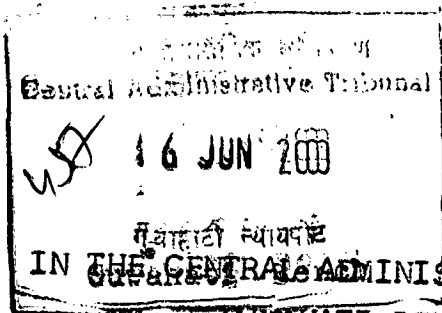
Section Officer (Adm)

आयुक्त अधिकारी (प्रशासनिक शाखा)
Joint Administrative Tribunal

केन्द्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati

গুৱাহাটী বেঞ্চ, গুৱাহাটী

Attested
by
Advocate



O.A. No. 194 /2000

Shri G.R. Paul

..... Applicant.
-Vs-

Union of India and others.

..... Respondents.

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Application	1 to 17
2.	Verification	18
3.	Annexure - I	19, 20
4.	Annexure -II	21, 22
5.	Annexure -III	23, 24
6.	Annexure-IV	25
7.	Annexure-V	26 to 35
8.	Annexure - VI	36, 37
9.	Annexure- VII	38
10.	Annexure- VIII	39
11.	Annexure- IX	40, 41
12.	Annexure-X	42 to 44
13.	Annexure -XI	45, 46
14.	Annexure -XII	47, 48
15.	Annexure- XIII	49 to 52

Filed No.

U . K. Goswami
Advocate

Registration No.

Date : 16.6.2000

Date :

Filed by:
the Applicant
through
U & Government
Advocates
14/6/2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

O.A. No. 194 of 1999

BETWEEN

Shri Gaurish Ranjan Paul, IFS,
Divisional Forest Officer, Working Plant
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 Jagadish Singh, AIG, Research & Training, Ministry of Environment & Forests, New Delhi.
6. Shri S.K. Srivastava, AIG, NWDB, Ministry of Rural Areas and Employment, New Delhi.
7. Shri A.C. Srivastava, C/O PCCF (T), Agartala, Tripura.
8. Ngulkhohao, DCF, North Imphal, Manipur.
9. Dr. Khaizaliam, DCF, Chandel, Manipur.
10. Shri D.K. Sarma, DCF, Regional Office, Northern Region, Ministry of Environment & Forests, Bhopal.
11. Shri R. Das, DFO, Sadar, Agartala, Tripura.

Handwritten marks: a large bracket on the right side of the list, and two circles with an 'X' inside, one next to item 3 and one next to item 4, with a '+' sign between them.

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12. Shri Lamkhoaci Baite, Registrar,
Central Agriculture University,
Manipur.
13. Shri A.K. Sinha, DFO (Training), DN,
Sepahijala, Tripura.
14. Shri K. Prem Kumar Singh, DCF,
Social Forestry, Imphal, Manipur. ✓
15. Shri K. Jagdishore Singh, DCF,
Bishnupur, Manipur. ✓
16. Shri D. K. Upadhyaya, DCF, WFP,
Bhopal,
17. Shri Aditya Kumar Joshi, DCF, Wild
Life, Manipur, Imphal.
18. Shri B.S. Mishra, DFO, Ambassa,
Dhalai, Tripura
19. Dr. Lokho Puni, DCF, C/O PCCF (M),
Imphal, Manipur.
20. Shri Khuswant Singh, DCF, Minalayam
Forest Research Institute, Shimla,
H.P.
21. Dr. D.D. Haokip, DCF, Soil Conser-
vation-I, Manipur, Imphal.
22. Shri S.K. Pandey, DCF (P&D), office
of the PCCF, Agartala, Tripura.
23. Shri C.M. Deb Barma, DFO, Teliamura,
West Tripura, Agartala.
24. Shri L. Gopal Singh, DCF, Thoubal, ✓
Manipur.
25. Ch. Moses Vepuri, DCF, Jiribam,
Manipur.

.... Respondents

DETAILS OF APPLICATION

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

The O.A. is directed in respect of delayed promotion to IFS due to delayed encadrement of already existing post in the IFS in Manipur Tripura Cadre (Tripura Part) and non-fixation of promotion quota

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considering 33.33% of the State Deputation Reserve and Training Reserve in addition to senior duty post and Central Deputation Reserve of IFS under the IFS (Fixation of Cadre Strength) Regulations, 1966.

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.

4.3 That ever since the entry of the Applicant in the State Forest Service as aforesaid, he has been

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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 Plant Division No.1 at Agartala. Eversince his appointment as ACF, apart from discharging his duties in various capacities in the Forest Department, he has been continuously holding the IFS cadre post of DCF since 17.2.92.

4.4 That the Applicant being eligible for promotion to IFS in the year 1987, but was so promoted in 1997 belatedly due to erroneous computation of promotion quota and inordinate and arbitrary delay in encadrement of existing posts in the Forest Department, Tripura in the level of DCF/DFO. The Applicant was promoted to IFS vide notification No. F.17013/12/96-IFS-II dated 10.3.97 of Ministry of Environment and Forest, Government of India (Annexure-I). Thereafter vide order No. F.17013/12/96-IFS-II dated 5.9.97 (Annexure-II) of Ministry of Environment and Forest, Government of India allotted the Applicant with the year of allotment to IFS as 1992. However, subsequently, the Government of India, vide Notification No. G.17013/12/95-IFS-II dated 7.4.99 preponed the date of promotion of the Applicant to 18.3.96 (Annexure-III) on the basis of 1995 select list. Such a notification was issued pursuant to a decision of this Hon'ble Tribunal rendered in O.A. No. 239/96. The said O.A. was filed by

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the Applicant making a grievance against his non-promotion to IFS pursuant to inclusion of his name in 1995 select list. During the pendency of the O.A., the Applicant was promoted to IFS on the basis of a subsequent select list. However, in view of the judgment of this Hon'ble Tribunal in O.A. No. 239/96, his such promotion has been preponed to 1996. As a result of this situation, his year of allotment would be 1991 which is yet to be notified.

4.5. That the Applicant states that although his promotion has been preponed to 1996, but in reality he is entitled to be promoted with effect from 1987 inasmuch as the Respondents never computed the promotion quota considering 33.33% of the State Deputation Reserve and Training Reserve in addition to senior duty posts and Central Deputation Reserve as per the provisions of IFS (Fixation of Cadre Strength) Regulation, 1966. In such a situation, many IFS officers have filed various OAs in different Benches of the Hon'ble Tribunal and all those cases have been allowed in favour of the Applicants. Accordingly, the Applicant apart from his earlier representations submitted yet another representation dated 15.3.99 to the Government of India (Annexure-IV) urging for change of his year of allotment and deemed date of appointment on the basis of the said decisions as well as decision taken by the Government of India in the interpretation of IFS (Cadre) Rule 4 as applied in the State of Jammu & Kashmir and for computation of promotion quota in the light of the said judgment of

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the Hon'ble Tribunal. In this connection, the case law reported in (1987) 4 SLJ (CAT) 194 may be referred to (K.K. Goswami -Vs- Union of India & Ors.) which is a judgment of the Jabalpur Bench of the Hon'ble Tribunal. A similar issue was also raised by the SFS officer of West Bengal in the case of D.K. Basu -Vs- Union of India & Ors. before the Calcutta Bench of the Hon'ble Tribunal. The Calcutta Bench vide its order dated 26.7.94 passed in O.A. No. 994/90 reiterated the judgment of the Jabalpur Bench. It will be pertinent to mention here that the Special Leave Petition No. 3464/95 preferred against the judgment and order of the Jabalpur Bench of the Hon'ble Tribunal passed in O.A. No. 394/90 with SLP (C) No. 6455/95 against the order dated 26.7.94 passed by the Calcutta Bench of the Hon'ble Tribunal in O.A. No. 994/90 were dismissed by the Hon'ble Supreme Court of India by its order dated 24.8.95. It is also noteworthy that the SLP No. 11025/87 preferred by the Government of Madhya Pradesh against the order in T.A. No. 81/86 passed by the Jabalpur Bench of the Hon'ble Tribunal was also dismissed by the Supreme Court by its order dated 18.4.88. Consequently, the Government of India issued a notification dated 22.2.89 amending the cadre strength regulation relating to the State of Madhya Pradesh as a result of which the promotion posts were increased to 105 from 1970.

Orders of the Calcutta Bench of the Hon'ble Tribunal dated 26.7.94 and order of the Supreme Court of India dated 24.8.95 and 18.4.88 are annexed as ANNEXURES-V, VI and VII respectively.

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4.6 That the Rules 8 and 9 of the IFS (Recruitment) Rules, 1966 provide that the number of persons recruited under Rule 8 in any State or group of States must not exceed 33.33% of the number of senior duty post borne on the cadre of that State or group of States as per sub-rule (1) of Rule 9. While the definition of senior duty post is given under Rule 2(g) of the IFS (Regulation of Seniority) Rules, 1968; exclusion of senior post, exclusion of senior post against item No. 5 of the Cadre Schedule of each State or group of State for computation of promotional quota is bad in law and the same has resulted in anomaly in the condition of service of SFS officers. In this connection, it is reiterated here that number of senior posts against the item No. 5 of the cadre schedule which belong to the category of deputation reserve has not been provided for in the cadre schedule of any of the state including the cadre schedule of Manipur and Tripura.

4.7 That the Applicant submits that Rule 9 of the IFS (Recruitment) Rules, 1966 has created an anomalous situation in law inasmuch as the said Rules restrict the total number of promotee to the maximum of 33.33% of the number of posts as shown against item No.1 and 2 of cadre as stipulated in the schedule to IFS (Fixation of Cadre Strength) Regulation, 1966. The anomalies created by the fact that while direct recruit IFS officers in the junior time scale can be promoted to any posts in the senior time scale which falls under

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item No. 5 of IFS (Fixation of Cadre Strength) Regulation, 1966 no such promotional quota is available to the State Forest Service officers.

4.8 That since in the case of Manipur-Tripura cadre of the IFS, the deputation reserve posts listed at item No. 5 of the cadre schedule of Manipur-Tripura cadre were not considered for computation of promotional quota of SFS officers to IFS, the same resulted in grave prejudice to this Applicant. Had such computation exercise been carried, the same would have resulted in increase in quota of SFS officers for promotion to IFS. In such an event, this Applicant would certainly have been promoted to the IFS long ago. It is stated that non-consideration of deputation reserve posts at Sl. No. 5 of the cadre schedule for the purpose of computation of promotional quota of SFS officers has resulted in serious prejudice to the SFS officers in the matter of promotion to IFS and this Applicant is no exception.

4.9 That the Applicant states that apart from the aforesaid illegalities curtailing the scope of promotion to IFS in due time, the existing post created by the State of Tripura were not encadred in time which led to further deprivation of the Applicant from his due promotion. Four posts of DCF/DFO viz. Working Plant (I) ; Deputy CF (Hq.) ; DFO (Training) ; DFO (Research) created prior to 1973 should have been encadred from 1973, but the same were encadred only in 1981, 1985 and 1990 (Annexure-VIII). The post of DFO, Working Plant (II) created in 1985 should have been encadred in 1986

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but the same was encadred only in the year 1990. There was absolutely no justification for excluding the above five posts from the cadre strength of IFS during the next tri-ennial review and deferring the inclusion to the subsequent years arbitrarily which led to the delayed promotion of the Applicant. The provisions of the relevant rules holding the field mandatorily require holding of the tri-ennial review at the interval of three years, but the same was deviated and flouted and the tri-ennial cadre review was not held in time as indicated above but for which the Applicant would have been promoted to IFS at a much earlier date. Had the existing posts were encadred in time and the promotion quota was computed correctly, the Applicant would have been promoted to IFS on 22.11.90 against the post created vide notification No. 16016/6/90-AIS(II)-A dated 22.11.90 (Annexure-IX). The detailed position has been shown in the Annexure-IV representation dated 15.3.99.

4.10. That the Applicant states that the Respondents arbitrarily excluded from the purview of the computation the State Deputation Reserve and Training Reserve while computing the promotion quota as reflected in the IFS (Fixation of Cadre Strength) Regulation as fixed vide notification No. 16016/12/80-AIS(IV)-A dated 16.1.81 (Annexure-X) ; No. 16016/3/85-AIS(IV)-A dated 23.3.85 (Annexure-XI) and No. 16016/6/90-AIS(II)-A dated 22.11.90 (Annexure-IX).

Had the computation was made, the Applicant would have been appointed to IFS against the increased promotion

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22

post on 22.11.90 and consequently his year of allotment would be refixed as 1986. The detailed particulars of the posts available for fresh promotion to IFS (Tripura Part) and deemed date of appointment to IFS is shown in a statement marked as Annexure-~~XII~~.

4.11 That the Applicant state that his representations have not yet been disposed of. In this connection, it is stated that a similarly placed officer viz. Shri Ibobi Singh who is also an IFS belonging to the same joint cadre (Manipur Part) being aggrieved like that of the Applicant had approached this Hon'ble Tribunal by filing O.A. No. 15/95. Said Shri Singh is senior to the Applicant by two years. This Hon'ble Tribunal having regard to the earlier judgments of the different Benches of the Hon'ble Tribunal and also having regard to the fact that the said judgments have been affirmed by the Supreme Court disposed of the said O.A. by its judgment and order dated 20.1.99. The Applicant craves leave of the Hon'ble Tribunal to produce the copy of the said judgment at the time of hearing of this case.

4.12 That the Applicant states that having regard to the aforesaid judgments including the judgment of this Hon'ble Tribunal, the principles enunciated in the said judgments are to be applied in the case of the Applicant. It is the well settled principle of service jurisprudence that if a principle is laid down in a given case, the similarly situated persons under the same facts situation, should also be extended the benefit of the said principle without requiring them to

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approach the Court of law. The Respondents of their own ought to have extended the benefit of the said judgment to the Applicant, but they failed to do so inspite of repeated representations submitted by the Applicant. Hence this O.A. towards redressal of the grievance of the Applicant and praying for similar benefit as has been granted in the aforesaid cases.

4.13 That the Applicant states that as already stated above, the Government of India on the basis of the judgment of Jabalpur and Calcutta Benches of the Hon'ble Tribunal upheld by the Hon'ble Supreme Court have already calculated the promotion posts against cadre fixation vide their notification No. 11033/15/95-AIS(II)-C dated 31.12.97 (Annexure-XIV) taking into account the State Deputation Reserve and Training Reserve. However, this has affected the case of the Applicant inasmuch as by this re-fixation of promotion posts, it has not taken care of the cadre schedule issued vide Notifications dated 16.1.81, 21.3.85, 22.11.90 (Annexure-X, XI and XII respectively).

4.14 That the Applicant states that although he was eligible for promotion to IFS way back in 1987, his case was not considered for promotion to IFS even in the subsequent years vice 1988, 1989, 1991, 1992, 1993 and 1994, but for which would have been promoted to IFS at a much earlier date as stated above.

4.15 That the genuine grievance of the Applicant having not been redressed by the Respondents inspite of the aforesaid judgments holding the field, the Applicant

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has come under the protective hands of this Hon'ble Tribunal.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the action of the Respondents in not computing the promotion quota in its true perspective as per the rules has given rise to miscarriage of justice.

5.2 For that had the tri-ennial cadre review been held in time as mandatorily required under the relevant rules and the promotion quota computed in its true perspective as required under the rules, the Applicant would have got his promotion to IFS with effect from 22.11.90.

5.3 For that it is submitted that the IFS is an all India cadre service governed by statutory rules framed by the Government of India under powers conferred by Sub-section 1 of Section 3 of all India Service Act, 1951. The Indian Forest Service (Recruitment) Rules, 1966, IFS (Cadre) Rules, 1966, IFS (Appointment by Promotion) Regulations, 1966 and IFS (Fixation of Cadre Strength) Rules, 1966 and some of the Rules framed by the Central Government and all such rules are to be applied uniformly through out the country irrespective of State cadre. As stated hereinabove, under orders of the Jabalpur and Calcutta Bench of the Hon'ble Tribunal, the Central Government and the respective State Government s have already accepted the decision of the said two Benches and have accordingly modified the relevant rules and/or have included 33.33% of the

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posts at item No. 5 in the cadre schedule for the purpose of promotion to IFS Cadre. The IFS being an All India Service, there cannot be any discrimination in the application of the rules and therefore, the refusal of the respective Government to include 33.33% of the posts at item No. 5 in the Manipur-Tripura cadre is clearly discriminatory and violative of Articles 14 and 16 of the Constitution of India.

5.4 For that the Calcutta Bench of the Hon'ble Tribunal in its order had considered all the above mentioned issues and following the judgment and order of the Jabalpur Bench of the Hon'ble Tribunal against which SLP No. 11025/87 was dismissed by the Hon'ble Supreme Court of India, held categorically that the IFS being all India service, the terms and conditions and manner of recruitment etc. are to be all uniform and in view of this position, West Bench could not have a different yardstick than that of the State of M.P. By applying the same logic, it is submitted that the State of Manipur also cannot have a different yardstick than that of the West Bench or the State of M.P. and it cannot continue to deprive the State Forest Service Officers of the quota of 33.33% at item No. 5 of the Cadre Schedule for the purpose of promotion to IFS Cadre.

5.5 For that the present practice of non-inclusion of item No. 6 of the cadre schedule for computation of 33.33% for fixing promotion quota is by itself is discriminatory inasmuch as the direct recruits get the

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advantage of being promoted and posted in all the posts falling vacant under item No. 6 whereas the SFS officers are denied the share under item No. 6. The result of this discrimination leads to acute anomalous situation since any number of posts falling vacant on account of leave and training under item No. 6 go to the share of direct recruits whereas the SFS officers are entirely denied the share in such posts.

5.6 For that the Applicant would have been appointed to IFS much earlier had the Respondents acted legally and reasonably by computing the promotional posts on the basis of 33.33% of the item Nos. 5 and 6 of the cadre schedule to the promotional quota. The failure of the Respondents to do so has deprived the Applicant of his legitimate expectation of being promoted to IFS at an appropriate time and thus caused him grave injury and injustice.

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 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.

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27

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 declare that the 33.33% of the posts specified at item No. 5 of the IFS (Fixation of Cadre Strength) Regulation, 1966 are to be included in the total number of posts available to the Tripura State Forest Service officers for promotion to IFS cadre under Rule 8 of the IFS (Recruitment) Rules, 1966

8.2 To direct the Respondents to compute the number of posts available for promotion to the Tripura State Forest Service officers by including the 33.33% of the posts at item No. 5 and accordingly consider the case of the Applicant in the said quota for promotion to IFS cadre from his due date.

8.3 To direct the Respondents to relate back the effect and operation of tri-ennial cadre review at an interval of three years as mandatorily required under the rules with all consequential benefits to the Applicant.

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28

8.4 To direct the Respondents to make the promotion of the Applicant to IFS effective from 22.11.90 and on that basis to fix his year of allotment as 1986 just below Th. Ibobi Singh of Manipur Part of M.T. Cadre.

8.5 To hold that the notification dated 31.12.97 at Annexure-XIII as illegal so far as it does not take care of the cadre schedule issued vide notifications dated 16.1.81, 29.3.85 and 22.11.90 (Annexures-X, XI and XII respectively).

8.6 To direct the Respondents to extend the benefits of the aforesaid judgments to the Applicant and to make the promotion of the Applicant to IFS effective from 22.11.90 with all consequential benefits including fixation of year of allotment as 1986 just before Th. Ibobi Singh of the M.T. Joint Cadre.

8.7 Cost of the application

8.8 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

[Signature]

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

- (i) I.P.O. No. : **OG 497490**
(ii) Date : **16/6/2000**
(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 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 4'1, 4'2, 4'3, 4'6, 4'7, 4'8, 4'11, 4'12, 4'14, & 4'15 are true to my knowledge and those made in paragraph 4'4, 4'5, 4'9, 4'10, 4'13 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

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

F. No. 17013/12/96-IFS-II
Government of India
Ministry of Environment and Forests

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

10 the March, 1997

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 8 of the Indian Forest Service (Recruitment) Rules, 1966 read with sub-regulation (1) of regulation 8 of the Indian Forest Service (Appointment by Promotion) Regulations, 1966, the President is pleased to appoint with immediate effect Shri Gourish Ranjan Paul (Date of birth : 30.11.1954) of the State Forest Service of Tripura Segment to the Indian Forest Service against existing vacancy and allocate him Manipur-Tripura Joint Cadre of the Indian Forest Service under sub-rule (1) of rule 5 of the Indian Forest Service (Cadre) Rules, 1966.

Sd/-
(A.S.N. Murty)
Under Secretary to the Govt. of India

To
The manager
Govt. of India Press,
Faridabad (Haryana) with a copy of Hindi version.

Copy to :

1. The Chief Secretary, Govt. of Manipur, Imphal.
2. The Secretary, Forests Department of Govt. of Manipur, Imphal.
3. The Principal Chief Conservator of Forests Govt. of Manipur.
4. The Chief Secretary Govt. of tripura, Agartala.
5. The Secretary, Forests Department of Govt. of Tripura, Agartala
6. The Principal Chief Conservator of Forests Govt. of Tripura, Agartala.
7. The Accountant General, Tripura, Agartala.
8. The Secretary, Union Public Service Commission, Dholpur

House, Shahjahan Road, New Delhi-110011.

9. Guard file

Sd/-

(A.S.N. Murty)

Under Secretary to the Govt. of India

Government of Tripura
Appointment & Services Department

No. F.2(5)-GA/95

dated, Agartala the April 2, 1997

Copy forwarded for information to :

1. The Chief Secretary, Tripura, Agartala.
2. The Chief Secretary, Manipur, Imphal.
3. The Special Secretary to Governor, Tripura, Agartala.
4. The Secretary to Chief Minister, tripura, Agartala.
5. The O/o the Deputy Chief Minister, Tripura, Agartala.
6. The Office of all Minister, tripura, Agartala.
7. The Principal Secretary/All Commissioners/All Secretaries, tripura, Agartala.
8. The Principal Chief Conservator of Forests, Government of Tripura, Agartala.
9. The Accountant General (A & E), Tripura, Agartala.
10. The Finance (Estt) Department, Civil Secretariat, Agartala, Tripura with request to kindly issue necessary regular pay slip to the officer concerned.
11. All Departments/Head of Departments, Tripura, Agartala.
12. The Treasury Officer, Agartala treasury No. 1.
13. The Manager, Government Press, Agartala for publication.
14. Shri Gourish Ranjan Paul, ACF, o/o, the Principal Chief Conservator of Forest, Agartala for favour of information and taking necessary action.
15. Personal file.

Sd/-

(A. C. Roy)

Under Secretary to the
Government of Tripura.

Annexure-II

F. No. 17013/12/96-IFS-II
Government of India
Ministry of Environment and Forests

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

dated the 5th March, 1997

ORDER

The year of allotment and seniority of the undermentioned promotee officers borne on the Manipur-Tripura Joint Cadre of the Indian Forest Service is required to be determined in terms of the provisions of Rule 3(2)(a), 3(2)(c) and 4(4) of the Indian Forest Service (Regulation of Seniority) Rules, 1968. Their respective dates of promotion to the Indian Forest Service are given below :

S. No.	Name of the Officer	Date of appointment to the IFS
1.	Shri Haripada Das	27.02.97
2.	Shri Gourish Ranjan Paul	10.03.97

2. Neither of the two officers has officiated continuously in senior posts for the purpose of Rule 2(g), read with Rule 3(2)(c) of the Indian Forest Service (Regulation of Seniority Rules, 1968 prior to the date of his promotion to the Indian Forest Service in accordance with the provisions of Rule 9 of the Indian Forest Service (Cadre) Rules, 1966. Their year of allotment, therefore, is to be determined to be the same as of the junior most amongst the directly recruited officers in the joint cadre of Manipur-Tripura continuously officiating in senior post, on the date of their promotion to the IFS.

3. In terms of the provisions of the Indian Forest Service (Regulation of seniority) Rules, 1968 referred to in para 1 above, their year of allotment and their placement is determined as under :

S. No.	Name of the officer	year of allotment	placement
1.	Shri Haripada Das	1992	Below Sh.A.M. Kanfode (RR:1992)
2.	Shri Gourish Rn Paul	1992	Below Sh. Haripada Das

Note :

The inter-se seniority of the officers who have been appointed to the Indian Forest Service on the basis of the IFS Exam-1987 and onwards has not yet been fixed.

Sd/-

(R. Sanehwal)

under secretary to the Govt. of India

Distribution :

1. The Chief Secretary, Govt. of Manipur, Imphal.
2. The Chief Secretary, Govt. of Tripura, Agartala.
3. The Forest Secretary, Govt. of Manipur, Imphal.
4. The Forest Secretary, Govt. of Tripura, Agartala.
5. The Principal Chief Conservator of Forests Govt. of Manipur, Imphal.
6. The Principal Chief Conservator of Forests Govt. of Tripura, Agartala.
7. Officer concerned through PCCF, Manipur, Imphal.
8. Officer concerned through PCCF, Tripura, Agartala.
9. The Accountant General, Tripura, Agartala.
10. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi-110011.
11. The Secretary, Union Public Service Commission, New Delhi.
9. Guard file/Civil List.

No.F.3(33)/For/Estt-88/Part/24,705-6

Government of Tripura

Office of the Principal Chief Conservator of Forests
Tripura : : Agartala

Dated Agartala The 20th December 1997

Copy to :

1. Shri G.R. Paul, IFS, Divisional Forest Officer, Kanchanpur, for information.
2. Shri H.P. Das, IFS, Divisional Forest Officer, Working Officer, Working Plan Divn., No.II, Agartala.

Sd/-Illegible

Chief Conservator of Forests
Tripura.

Annexure-III

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

F. No. 17013/12/95-IFS-II
Government of India
Ministry of Environment and Forests

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

7th April, 1999

NOTIFICATION

Shri Gourish Ranjan Paul was promoted from the state Forest Service of Tripura Segment to the Indian Forest Service with effect from 10.03.97 vide notification No. 17013/12/96-IFS-II.

2. In Implementation of the direction given by the Hon'ble Central Administrative Tribunal, Guwahati Bench in their order dated 17.12.98 passed in OA No. 239/96 Gourish Rn. Paul vs Union of India and others, the date of promotion of Shri Gourish Rn Paul to the Indian Forest Service is promoted to 18.3.96.

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

Sd/-

(R. Sanehwal)

under secretary to the Govt. 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 of Govt. of Manipur, Imphal.
3. The Principal Chief Conservator of Forests Govt. of Manipur.
4. The Accountant General, Manipur, Imphal.
5. The Chief Secretary Govt. of Tripura, Agartala.
6. The Secretary, Forests Department of 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 Govt. of India

Government of Tripura
General Administration Department
Personnel Training

No. F.2(5)-GA/95

dated, Agartala the April 29, 1995

Copy forwarded for information to :

1. The Chief Secretary, Tripura, Agartala.
2. The Chief Secretary, Manipur, Imphal.
3. The Special Secretary to Governor, Tripura, Agartala.
4. The Secretary to Chief Minister, Tripura, Agartala.
5. The O/o the all Minister, Tripura, Agartala.
6. The Principal Secretary/All Commissioners/All Secretaries, Tripura, Agartala.
7. The Principal Chief Conservator of Forests, Government of Tripura, Agartala.
8. The Forest Department, Tripura.
9. The Accountant General (A & E), Tripura, Agartala.
10. The Finance (Estt) Department, Civil Secretariat, Agartala, Tripura with request to kindly issue necessary regular pay slip to the officer concerned.
11. All Departments/Head of Departments, Tripura, Agartala.
12. The Treasury Officer, Agartala treasury No. 1.
13. The Manager, Government Press, Agartala for publication.
14. Shri Gourish Ranjan Paul, ACF, o/o, the Principal Chief Conservator of Forest, Agartala for favour of information and taking necessary action.
15. Personal file.

Sd/-

(B.K. Dasgupta)
Under Secretary to the
Government of Tripura

Annexure-IV

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

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

2nd February, 1995

NOTIFICATION

In exercise of the powers conferred in Sub-rule (1) of rule 8 of the Indian Forest Service (Recruitment) Rules, 1966 read with sub-regulation (1) of regulation 9 of the Indian Forest Service (Appointment by promotion) regulation 1966, the President is pleased to appoint the undermentioned officer of the State Forest Service of Tripura State to the Indian Indian Forest Service against the existing vacancies w.e.f. 27.1.95 and to allocate them to the Manipur-Tripura Cadre of the Indian Forest Service under sub-rule (1) of rules 5 of the Indian Forest Service (Cadre) Rules, 1966

S. No.	Name of the officer	Date of Birth
1.	Sh. Subhendu Sekhar Das	1.1.39
2.	Sh. Chandramani Deb Barma	17.1.56

Sd/-
(R. Sanehwala)
Under Secretary to the
Govt. of India.

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

Distribution :

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

Sd/- Illegible
Divisional Forest Officer,
Working Plan Division No.-1
Agartala, Tripura (W).

Annexure-IX

ANNEXURE-VIX

O.A. No. 994 of 1990

AAV

23

Present : Hon'ble Dr. B. C. Sarma, Administrative Member
Hon'ble Mr. Paritosh Dutta, Judicial Member

OYUTI KUMAR BASU & ANR.

VS

UNION OF INDIA & ORS.

For the Applicants : Mr. T.N. Bandopadhyay, counsel
Mrs. B. Ray, counsel

For the Respondents: Mrs. Uma Bhattacharyya, counsel
Mr. S.K. Mitra, counsel for the Govt. of West Bengal.

Heard on 4.7.1994

: : Date of order: 26.7.1994

O R D E R

S.C. Sarma, AM

The dispute under adjudication in this application is about the correct fixation of the promotion quota in the Indian Forest Service with retrospective effect from 1980 and the consideration of the case of the two applicants for promotion to the said service and confer all consequential benefits on them. The applicants were selected for training in diploma course in Forestry for 1967-69 at the Indian Forest College, Dehra Dun for appointment, on successful completion of the training, to the proposed State Forest Service to be constituted and the applicants were accordingly informed by the Forest Department of the Govt. of West Bengal. They, on successful completion of training, joined the West Bengal Senior Forest Service on 3.4.69 as the proposed State Forest Service had not yet been constituted. It may be mentioned in this connection that originally the State of West Bengal had two Forest Services, viz., West Bengal Senior Forest Service consisting of direct recruit officers through the Public Service Commission and West Bengal Junior Forest Service consisting of Promotees from the ranks of Rangers, etc. The

Indian Forest Service (hereinafter referred to as IFOS) was constituted in August, 1966. The new State Forest Service to which the applicants were proposed to be appointed was constituted long after 1982.

2. The applicants contend that although they were appointed to the West Bengal Senior Forest Service with effect from 3.4.69, the appointment order was issued by the State Forest Department by a notification dated 16th July, 1980 with retrospective effect.

Thus respondent No.2 who is the State of West Bengal, took more than 11 years to issue the appointment order. Similarly, the applicants were confirmed in service with effect from 1.6.79 by a notification dated 26.6.86. Thus respondent No.2 took about 7 years to issue the confirmation order of the applicants. The

applicants contend that they have suffered in two ways since the beginning of their service career in the following manner :

First, they were appointed to the West Bengal Senior Forest Service with effect from 3.4.69 but the formal appointment order was issued more than 11 years after i.e., on 16.7.80. Secondly, they were confirmed in the West Bengal Senior Forest Service with effect from 1.6.79 but the confirmation order was issued 7 years after i.e., on 26.6.86. The two applicants were appointed to officiate in the IFOS cadre posts in July, 1978 and June, 1976 respectively and they continued to work in such posts till 1986 and 1984 respectively.

The applicants were thereafter appointed on probation to IFOS with effect from June, 1989 by Ministry of Environment and Forests Notification dated 1.6.89. The applicants contend that they took about 22 years of service to move from the State Forest Service to IFOS, although they became otherwise eligible to be included in the Select List on 1.1.77 (there being no Select Committee meeting in 1976) after 8 years of continuous service from 1967 as per the third proviso to Regulation 5(2) of the Indian Forest Service (Appointment by Promotion) Regulations, 1966. But they were not

included because the other condition that they must be substantive in the State Forest Service was not satisfied. The applicants aver that they were fully eligible to be included in the

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select list on 1.1.80 in terms of the third proviso to Regulation 5(2) of the said Regulations because they completed eight years of continuous service in 1975 and were confirmed in the State Forest Service in 1979. But they were not so included presumably on the ground that the number of vacancies in the promotion quota of IFOS in 1980 was only 4 and as per Regulations 5(1) of the said Regulations, not more than twice the number of vacancies i.e., 8 candidates could be included in the list. The applicants, being not within the first 8 candidates in the seniority list of the State Forest Service, they were not within the range of consideration and their names were not included in the select list for 1980. The applicants contend that the respondents, by misinterpreting the relevant Rules and Regulations applicable to IFOS, have deprived the promotees thereto including the applicants of their just dues. As a matter of fact, the number of vacancies in the promotion quota of IFOS in 1980 should have been declared to be 9 and not 4 and had the vacancies been declared to be 9, the applicants believe that they should have come within the range of consideration by the Select Committee. The applicants state that Rule 8(1) of the Indian Forest Service (Recruitment) Rules, 1956 provides inter alia for recruitment to IFOS by promotion from amongst the substantive members of the State Forest Service and Rule 9(1) thereof lays down, inter alia, that the number of persons recruited under Rule 8 in any State shall not at any time exceed $33 \frac{1}{3}$ per cent. of the number of senior duty posts borne on the cadre of that State. 'Senior Post', which is the same as 'Senior Duty Post', has been defined in Section 2(g) of the Indian Forest Service (Regulation of Seniority) Rules, 1968 and the same includes and covers items Nos. 1, 2 and 5 of the cadre of each State in the schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1956. The applicants state that items Nos. 1, 2 and 5 of the schedule to Cadre strength Regulations in respect of each State relate to Senior posts under the State Government, Central Deputation Reserve and Deputation Reserve

(Internal) respectively. In computing 33 1/3 per cent of the number of Senior Duty Posts borne on the cadre of the State of West Bengal, the respondents took into account items No. 1 and 2 of the Schedule to the Cadre Strength Regulations but excluded item No. 5 thereof which relates to Internal Deputation Reserve. The applicants contend that the exclusion of item No. 5 is unjust, arbitrary and untenable in law.

3. The applicants state that a similar dispute was raised before the Hon'ble Control-Administrative Tribunal, Jabalpur Bench in case No. TA 01/85 (K. K. Gouami and another v. Union of India & ors.) by two promoters to the Madhya Pradesh Cadre of IFOS. That Bench, by a judgment delivered on 26.8.77, upheld the contention of the applicants in this respect. The Tribunal held that the deputation reserve posts listed as item No. 5 of the schedule under the Cadre Strength Regulations including the posts under the State Forest Corporation were to be included for computing the promotion quota. Hence the respondents were directed to make the necessary correction to the relevant notification fixing the cadre strength of IFOS in Madhya Pradesh. A copy of the said judgment has been annexed as Annexure-F to the application. The State of Madhya Pradesh filed a Special Leave Petition bearing No. 11025/87 against that judgment before the Hon'ble Supreme Court, who by ^{order} dated 18.4.88, dismissed the said SLP. The applicants contend that the Government of India issued a notification on 22.2.89 amending the Cadre Strength Regulations relating to Madhya Pradesh and increasing the promotion posts from 90 to 105 respectively in pursuance of the said order of the Hon'ble Tribunal. The applicants contend that in respect of West Bengal, the respondent No. 1 fixed the cadre strength of IFOS by notification dated 6.10.77 making the IFOS (Fixation of Cadre Strength) Third Amendment Regulations, 1977. According to this notification, the total authorised strength of IFOS in West Bengal was 86 comprising 60 Direct Recruitment Posts and 26 promotion posts which were computed by taking 33 1/3 per cent of items No. 1 and 2 i.e., Senior Posts under the State Government and Deputation Posts outside the State making a total of 56 posts. In computing the Promotion posts the respondents did not take into account item No. 5 i.e., Internal Deputation Reserve Posts which they

ought to have done because item No.5 is a Senior Post as per the definition in Section 2(g) of the IFOS (Regulation of Seniority) Rules, 1966. Had item No.5 been also taken into account, the promotion posts under this notification would have been 23 (33 1/3 per cent of $56 + 14 = 70$) and not 18 and some more eligible promotees, who were excluded for want of vacancies, could be included in the select list. In the subsequent notification dated 26.4.82 the cadre strength of IFOS in West Bengal was maintained exactly as above. In the subsequent notification dated 24.2.87 and 10.5.83 issued by the respondent No.1, the said cadre strength was revised but promotion posts did not include 33 1/3 per cent of item No.5 i.e., Internal Deputation Reserve posts as before. The applicants contend that the respondents have continued to do injustice even after the judgment and order dated 9.6.87 of the Jabalpur Bench of CAT which was affirmed by the Hon'ble Supreme Court and despite the fact that the promotion quota in Madhya Pradesh cadre of IFOS was raised in obedience to the said judgment. The applicants submit that in order to undo the injustice to them, the Select List for 1980 should be redrawn by convening a meeting of the Select Committee, consider the case of the applicants if the vacancy position on recomputation so permits, and if selected, the applicants should be appointed to the IFOS and given all consequential benefits. The applicants further submit that the respondents should be given such directions in respect of the years following 1980 until the year when the names of the applicants were actually included in the Select List. The applicants have, therefore, prayed for issue of an order directing the respondents to refix the number of promotion posts in the schedule to the Cadre strength regulations for West Bengal by including item No.5 of the said schedule i.e., Internal Deputation Reserve Posts in the computation and amend the Cadre Strength Regulations, 1966 accordingly with retrospective effect from 1980. They have also prayed for issuing a direction upon the respondents to draw the Select List as on 1.1.80 and subsequent years until the applicants were actually included in the Select List on the basis of the revised promotion quota, consider the cases of the

applicants according to the vacancy position and, if selected, appoint the applicants to the Indian Forest Service and confer consequential benefits to them.

4. Respondent No.1 i.e., Union of India has filed an affidavit. Respondents No.2 and 3 viz., the State of West Bengal and the Principal Chief Conservator of Forests of the State have filed a separate affidavits in reply. It is the stand of the Union of India that the genesis of the problem and the possible repercussions in the other two All India Services were examined in consultation with the Department of Personnel & Training. It transpired that even in the IAS and the IPS, the provisions in the statutory rules relating apportionment/computation of the promotion quote were the same as in the IFOS. However, in the IAS/IPS, the rules were amended by a notification dated 28.6.66 and the following provision/ brought in :

The number of persons recruited under sub-rule (1) in any State or Group of States shall not at any time, exceed 33 1/3% of the number of those posts as reshown against items 1 and 2 of the cadre in relation to that State or to the group of States in the Schedule to the IPS (Fixation of Cadre Strength) Regulations, 1966.

The respondents submit that in the context of the above amendments carried out in the IAS/IPS Rules, it may be pointed out that even before the amendment was notified on 28.6.1966, the manner of computation of the posts available for promotion was the same, viz. items 1 and 2 of the Cadre Schedule being divided @ 1/3rd and IFOS having been constituted with effect from 1.7.1966, the amendment in the IAS/IPS could not be carried out in the IFOS owing to a clerical omission, as the IFOS Rules were then in an advanced draft or printing stage. The respondents, however, conceded that it is correct that in terms of the provisions of the Recruitment Rules as they existed upto 21.2.69, the State Deputation Reserve shown as item 5 in the Schedule to the IFOS (Fixation of Cadre Strength) Regulations, 1967 is also to be taken into account in determining the maximum number of posts which can be filled by the method of promotion at any given point of time. They, however, state

Contd...

that there can be no obligation to necessarily fill all these posts as the posts that are required to be filled by promotion are only stipulated.

5. Respondents No. 2 and 3 contend that in 1979 and 1980 no select list could be drawn up due to an injunction order from the High Court at Calcutta. The respondents contend that the applicants could not come within the zone of consideration for promotion to the Indian Forest Service till they were substantive in the State Service. All these years from 1981 select list was made from the State Service Officers who were either senior to them or technically senior by order of the High Court. The stand of the State respondents is that the Government of India fixes the quota under relevant Rule and Regulations and the State Government has no jurisdiction in holding otherwise. It is also their stand that the judgment and order of the Jabalpur Bench of the Tribunal is applicable to that State only. The State Government of West Bengal has acted only as per rules in force in West Bengal. It is also their stand that the order passed by the Jabalpur Bench is not applicable to West Bengal until and unless the Government of India makes necessary general amendment. In the instant case no such amendment was made by the Government of India. Determination of the promotion quota of West Bengal Cadre is guided by the General Rules of the Government of India. In view of the above averments the respondents have prayed that the application be dismissed since it lacks merit.

6. We have carefully considered the submissions made by the learned counsel for both the parties and the documents placed before us. We have also given careful consideration to the matter in all its aspects. We note that these two applicants were originally appointed by the State Government in anticipation of their recruitment to a service which came into force only after 1982. The respondents took more than 11 years to issue appointment order and about 7 years to issue their confirmation order. There is no doubt that the unusual delay in issuance of the appointment and confirmation orders in respect of the two applicants have caused anxiety and worry about their future career. The applicants were

appointed in West Bengal Senior Forest Service in the absence of the anticipated new service and the said Senior Forest Service was in fact, waiting because of constitution of the Indian Forest Service in 1966. They were holding senior posts in 1969. We have also given to understand that in the civil list for Senior Forest Service Officers/were shown separately and they were the only persons who were appointed in anticipation of constitution of the State Forest Service. These facts are relevant because they give the background and the manner in which their cases have been treated by the State Government.

7. We have carefully gone through the judgment of the Jabalpur Bench of this Tribunal passed in IA 81/86 on 9.6.87. This judgment clearly lays down that the promotion quota in the Indian Forest Service in respect of Madhya Pradesh has to be allowed on the basis of senior duty post in the State (Item No.1), posts under central deputation reserve (Item No.2) and internal deputation reserve post (Item No.5). On this basis it was ordered by the Tribunal that the promotion quota of IFOS cadre of Madhya Pradesh under rule 9 of the recruitment rules has to be treated as 105 posts and not 90 posts as indicated in Govt. of India notification dated 11.7.04. The Tribunal directed the respondents to make necessary correction to the said notification. The SLP filed against the judgment was dismissed by the Hon'ble Supreme Court. Therefore, the judgment of the Jabalpur Bench of this Tribunal is now final and binding and it is incumbent on the part of the respondents to carry out the correction in the cadre schedule on the basis of the said judgment.

8. Although directed, the State of West Bengal could not produce before us the file regarding the computation of the promotion quota in the Indian Forest Service as on 1980. However, the learned counsel for the State respondents produced before us a civil list of Indian Forest Service as on 1.1.1980 which shows that the promotion post has been computed as 18 out of the total strength of 86 and the said 18 number of posts has been computed by taking into account the Items No.1 and 2 only i.e., senior

Under the State Government and the deputation posts outside the State. Therefore, the computation of the promotion quota in the IFOS is obviously not according to rule as has been pointed out by the judgment dated 9.6.1987 of the Jabalpur Bench of this Tribunal. By such computation, which is irregular and contrary to the rules, the respondents have deprived the applicants along with others, if any, for being considered for promotion to the IFOS against the promotion quota. Such action ^{on} the part of the respondents cannot, therefore, be allowed to stand. The respondents contend that the decision of the Jabalpur Bench of CAT is applicable only to

Madhya Pradesh and the ratio of the judgment is not applicable to West Bengal. The Indian Forest Service is an All India Service and the terms and conditions and the manner of recruitment etc. are all uniform. It is, therefore, unthinkable that while in the State of Madhya Pradesh, there would be recalculation of the promotion quota on the basis of the judgment, the other states shall continue with the computation of the promotion quota in the IFOS which is not in conformity with the rules.

9. For the reasons given above, the application succeeds. The respondents are directed to compute the promotion quota in the Indian Forest Service strictly in accordance with the judgment passed by the Jabalpur Bench of this Tribunal in TA 81/86 from 1980 onwards. Since the matter concerns computation of promotion quota and filling up thereof from the distant dates, we do not give any specific direction upon the respondents to give actual and all consequential benefits ^{of} for promotion to the IFOS against the enhanced quota. However, keeping in view the manner in which the service career of the two applicants was treated by the respondents, we direct the State Government to consider their cases for giving seniority on the basis of proforma fixation and other consequential benefits provided they are found suitable for promotion to the IFOS from earlier dates. For this purpose, the respondents are directed to consider constitution of a review OPC

Contd...10-/-

- 10 -

For considering the case of the applicants after the promotion
 quota has been computed
 correctly on the basis of the judgment of the
 Single Bench of this Tribunal. The case is disposed of according
 to the order as to costs.

(Paritosh Dutta)

MEMBER (J)

26.7.1994

(C. C. Sarma)

MEMBER (A)

26.7.1994

Date:

COR

For

In 3

In

For

In 2

In

CERTIFIED

By the Secretary

General Administrative

C. C. Sarma

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Annexure - XI

Item No. 10

COURT NO. 8

SECTION. IVA

27 VI

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

ANNEXURE - XI

Petition (n) for Special Leave to Appeal (Civil / Cr.) No. (s) 3464/95
(From the Judgment and order dated 29.6.94
Tribunal, Jabalpur Bench, in S.O.A. No. 394/90

Central Administrative
(of the XXXXX of)

Union of India

Petitioner (n)

Versus

15898

K.K. Goowami

Respondent(s)

(With appln(s) for stay, c/delay & stay in the respective SLPs)
With SLP (C) 6455/95 against the order dt. 26.7.94 passed by the CAT
Calcutta in S.O.A. No. 994/90

Date: 24.8.95

This / These Petition (s) was/were called on for hearing today.

CORAM

and 11940/95 against the order dt. 29.6.94 passed
by the CAT, Jabalpur, in O.A. 394/90

Honble Mr. Justice

S.C. Agrawal

Honble Mr. Justice

D.P. Mishra

Honble Mr. Justice

Confirmed to be true copy
[Signature]
Assistant Registrar (Judl.)
24/8/95
Supreme Court of India

For the petitioner (s) Mr. H.N. Goowami, Sr. Adv., Mr. Hemant Sharma, Adv.,
in 3464/95 & 6455/95; Mrs. Anil Katiyar, Adv. & Mr. CV Subba Rao, Adv.

in 11940/95 Mr. Amarindra Sharan, Adv.

For the Respondent(s) Mr. Raju Ramudinandran, Adv., Mr. Nikul Nudgal, Adv.,
in 3464/95 & 6455/95; Mr. Trinurati Ray, Adv.

in 6455/95 Dr. Shankar Ghosh, Sr. Adv., Mr. P.K. Chakraborty, Adv.

UPON hearing counsel the Court made the following

ORDER

All the three special leave petitions are dismissed.

(V.K. SHARMA)
Court Master

(S.D. SHARMA)
Court Master

[Signature]
24/8/95

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100-443887-100

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(1971) *Journal of the Royal Society of Medicine*

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Date of application for copy..... 24/8/15

Date of delivery of requisite stamps.....

(Date of delivery) of the copy - 5/2/51

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Section Chief
(X) [Signature]

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ANNEXURE - XII VII

26

Annexure - III

Item No. 24 Court No. 7 Section IVA

Supreme Court of India
Record of Proceedings

Petition(s) For Special Leave to Appeal (Civil)
No. 110225/87 of 19

(From the judgment and order dated 9.6.87 of the
Central Administrative Tribunal, Jabalpur Bench.
(In TAA No. 81/86)

State of M.P. Petitioner(s)
Versus

K.K. Goswami & Ors. Respondent(s)

(with appln.'s for condonation of delay and
ex parte stay)

Date: 18.4.88; This/these petition(s) was/were
called on for hearing today

Coram: Hon'ble Mr. Justice K.N. Singh

Hon'ble Mr. Justice M.H. Kania

for the petitioners: Mr. T.C. Sharma, Adv.

for the respondents: Mr. K.N. Bhatia, Sr. Adv.

Mr. Mukul Mudgal, Adv.

Upon hearing counsel the court made the
following order:

Order

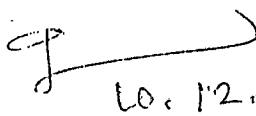
The special leave petition is dismissed.

Sd/- (H.S. Kalcker)
Court Master.

Annexure
Statement showing dates of creation and encadrement of posts in the level of Dy.CFs/DFOs in the Tripura part of the IFS MT cadre.

Sl. No	Posts of DFOs/Dy. CFs.	Date of creation of post.	Date of encadrement	Remarks
1	DFO, Kailashahar	Prior to 1973		Posts under serial 1 to 7 against territorial Divisions were not specifically indicated in DP & AR Notification dated 3-1-74, but they were subsequently named along with serial no 12 & 13 in the DP & AR Notification dated 16-1-81
2	DFO, Manu	Prior to 1973		
3	DFO, Ambassa	Prior to 1973		
4	DFO, Teliamura	Prior to 1973		
5	DFO, Sadar	Prior to 1973		
6	DFO, Udaipur	Prior to 1973		
7	DFO, Bagafa	Prior to 1973		
8	Dy. CF, HQ	Prior to 1973	March 29, 1985	DP & AR Notification dated 29-3-85. This should have been encadred in 1973.
9	Dy. CF/DFO, Working Plan (I)	Prior to 1973	January 16, 1981	DP & AR Notification dated 16-1-81. This should have been encadred in 1973.
10	DFO, Training	Prior to 1973	November 22, 1990	DP & AR Notification dated 22-11-90. This should have been encadred in 1973.
11	DFO, Research	Prior to 1973	November 22, 1990	DP & AR Notification dated 22-11-90. This should have been encadred in 1973.
12	DFO, Kanchanpur	April, 1979		Two addl. posts were shown against "Dy. CF" without specifying names in the DP & AR Notification of 16-1-81
13	DFO, Gumti	April, 1979-		
14	DFO, Working Plan (II)	August, 1985	November 22, 1990	This should have been encadred in 1986.
15	Dy. CF, Wildlife	Feb 26, 1977	Feb 26, 1977	DP & AR Notification dated 26-2-77

Certified the statement to be a correct one.


 10.12.99
 Divisional Forest Officer,
 Working Plan Division No-1
 Agartala, Tripura (W).

ANNEXURE-IX

TO BE PUBLISHED IN THE GAZETTE OF INDIA PART II SECTION 3(1)

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 1951), read with rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Government, in consultation with the Governments of Manipur and Tripura, 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 of 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. <u>Senior Duty Posts in the State Government (Manipur)</u>	23
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 (Resources 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 (Research, Silviculture & Training)	1
Deputy Conservator of Forests (Rubber)	1

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*Divisional Forest Officer,
Working Plan Division No-1
Agartala, Tripura (W).*

PUBLISHED IN PART II SECTION III SUB-SECTION (1) OF
GAZETTE OF INDIA EXTRAORDINARY DATED THE 16TH JANUARY
1981.

No. 16016/12/80-AIS(IV)-A
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Department of Personnel & Administrative Reforms
(Karmik Aur Prashannik Sudhar Vibhag)

New Delhi, the 16th January, 1981.

NOTIFICATION

G.S.R.No. 21(E) in exercise of the powers conferred by sub-section (1) of Section 3 of the All India Service Act 1951, (61 of 1951), read with rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Government, in consultation with the Governments of Manipur and Tripura, hereby makes the 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) Amendment Regulations, 1981.
- (2) They shall come into force on the date of 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 posts under the State Governments 27

MANIPUR

Chief Conservator of Forests	1
Conservator of Forests	2
Deputy Conservator of Forests	7
Deputy Conservator of Forests, Forest Resources Survey Division	1
Deputy Conservator of Forests, Wild Life	1
Deputy Conservator of Forests, Working Plan	1

TRIPURA

Chief Conservator of Forests	1
Conservator of Forests	2
Deputy Conservator of Forests	9
Deputy Conservator of Forests, Wild Life	1
Deputy Conservator of Forests, Working Plan	1

27

2. Central Deputation Reserve
@ 20% of 1 above

5

32

Contd. 20-

3.	Posts to be filled by promotion in accordance with rule 8 of the Indian Forest Service (Recruitment) Rules, 1966.	10
4.	Posts to be filled by direct recruitment	22
5.	1) Deputation Reserve @ 15% of 4 above	3
	ii) Ad-hoc deputation reserve for injury	
6.	Leave Reserve @ 11% of 4 above	2
7.	Junior Posts @ 20% of 4 above	4
8.	Training Reserve @ 10% of 4 above	2

Direct Recruitment posts	34
Promotion posts	10

Total Authorised strength 44

Sd/-
(P.N. KOHLI)
DESK OFFICER.

6. The Accountant General/A.G. Maharashtra II, Nagpur.
7. The Ministry of Law, Justice and Company Affairs,
(Legislative Department) New Delhi.
8. The Comptroller and Auditor General of India, New Delhi.
9. The Inspector of Forests, Department of Agriculture,
(with 2 spare copies).
10. The Secretary, Union Public Service Commission, New Delhi
(with 10 spare copies).
11. The Lok Sabha Secretariat, New Delhi (Committee Branch).
12. The Rajya Sabha Secretariat, New Delhi, with reference to
their Memorandum No. RS.12(1)/67-Com. dated the 11th
September, 1967, and O.L.No. RS.7(21)/69-Com. dated the
27th January, 1969, for use of Committee on Subordinate
Legislative (with one spare copy).
13. The President, Forest Research Institute and Colleges,
Dehra Dun (with 2 spare copies).

M. K. K. K.
(P.H. KOLLI)
DESK OFFICER

Copy to:-

File No. 16016/15/80-AIS(IV)

AIS(I)/AIS(II)/AIS(III) Sections.

Guard File/Master Set.

150 Spare Copies.

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attested
10.12.99*
Divisional Forest Officer,
Working Plan Division No-1,
Agartala, Tripura (W).

Annexure - X -45-

ANNEXURE - XI A

PUBLISHED IN PART II SECTION 3 SUB SECTION (1) OF THE
GAZETTE OF INDIA (EXTRAORDINARY) dated, 29.3.1985.

No.16016/3/85-ALS(IV-A)
Government of India/Sharat Sarkar
MINISTRY OF PERSONNEL AND TRAINING, ADMINISTRATIVE REFORMS
AND PUBLIC GRIEVANCES AND PENSION
(Karmik aur Prashikshan, Prashashnik Samahar aur
Lok Shikayat Tatha Pension Mantralaya)
DEPARTMENT OF PERSONNEL AND TRAINING
(Karmik aur Prashikshan Vibhag)

New Delhi, the 29th March '85.

NOTIFICATION.

327(E)

GSR - In exercise of the powers conferred by Sub-Section(1) of the section 3 of the All India Services Act, 1951(61 of 1951) read with sub-rule(2) of Rule 4 of the Indian Forest Service(Cadre) Rules, 1966, the Central Government in consultation with the Governments of Manipur and Tripura, hereby makes the 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) Third Amendment Regulations, 1985.
(2) They shall come into force on the date of 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 posts under the State Governments	37
<u>Manipur.</u>	
Chief Conservator of Forests	1
Addl. Chief Conservator of Forests.	1
Conservator of Forests.	3
Deputy Conservator of Forests.	7
Deputy Conservator of Forests, Forest Resources Survey Division.	1
Deputy Conservator of Forests, wild life.	1
Dy. Conservator of Forests, Social Forestry.	1
Dy. Conservator of Forests, Working Plan.	1
Dy. Conservator of Forests, Social Conservation.	2
Dy. Conservator of Forests, Headquarters.	1

Tripura.

Chief Conservator of Forests.	1	
Conservator of Forests.	2	
Deputy Conservator of Forests.	9	
Deputy Conservator of Forests, Wild Life.	1	
Deputy Conservator of Forests, Working Plan.	1	13
Dy. Conservator of Forests, Headquarters.	1	
Dy. Conservator of Forests, Forest Research.	1	
Dy. Conservator of Forests, Training.	1	
Dy. Conservator of Forests, Planning & Development.	1	

37

2. Central Deputation Reserve @ 20% of 1 above. 7

44

Manipur=24
Tripura=22

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

14 (M=7
T=7)

4. Posts to be filled by Direct Recruitment. 30

5. Deputation Reserve @ 15% of 4 above 5

6. Leave Reserve @ 11% of 4 above. 3

7. Junior posts @ 20% of 4 above. 6

8. Training Reserve @ 10% of 4 above. 3

47

Direct Recruitment posts

Promotion posts

14

Total Strength. 61

Sd/- T.C. Mdnocha
Desk Officer.

To
The Manager,
Govt. of India Press,
Ring Road,
NEW DELHI.

True Copy
attested

W. 12.99

Divisional Forest Officer,
Working Plan Division No-1
Agartala, Tripura (W).

DISPOSITION LIST OF I. F. S. OFFICERS AS ON NOV. '99.

6666

(Tripura Part) 31

1. NAME OF OFFICERS WITH 2. YEAR OF ALLOTMENT.	PRESENT PLACE OF POSTING.	DATE OF JOINING TO THE PRESENT PLACE OF POSTING.	REMARKS.
1.	3.	4.	5.
1. Dr. B. N. Ray, PCCF(Gen) (1968)	P.C.C.F., Tripura.	08-08-1997	
2. Sh. D. Datta Roy, PCCF(W.) (1970)	P.C.C.F., Tripura.	13-12-1996	
3. Sh. R. Lushai, CCF(Gen) (1975)	O/o the PCCF(T).	18-11-1998	
4. Sh. M. A. Khan, CCF(Dev&W.) (1977)	O/o the PCCF(T).	12-07-1996	
5. Sh. R. P. Tangwan, CF. (1978)	ICFRE., Dehra Dun.	25-06-1997	State deputa- tion.
6. Sh. R. L. Srivastava, CF. (1978) (P&D)	O/o the PCCF(T).	26-06-1999	
7. Sh. V. K. Vahuguna, CF. (1979)	DIG, MOEF, New Delhi.	13-10-1995	Central depu- -tation.
8. Sh. A. K. Singh, CF. (1981)	Managing Director, T.F.D.P.C. Ltd.	16-11-1998	
9. Sh. S. Talukdar, DCF. (1981)	Managing Director, T.R.P.C. Ltd.	21-05-1999	
10. Sh. R. N. Singh, CF. (1981)	CF. Western Circle, Agartala.	09-09-1996	
11. Dr. A. K. Gupta, CF. (1982)	Wild Life Institute of India, Dehra Dun.	24-09-1999	State deputa- -tion for 3 Yr.
12. Sh. J. P. Yadav, DCF. (1983)	I/C, CF(SF) o/o the PCCF(T).	05-06-1999	
13. Sh. C. Krishnan, DCF. (1984)	CF, TFRI, Jabalpur.	22-09-1999	State deputa- -tion for 5 yr
14. Sh. A. Kumar, DCF. (1984)	CF/Northern Circle, Kamarghat.	01-06-1999	
15. Sh. Balbir Singh, DCF. (1985)	O/o the PCCF(T).	04-02-1997	
16. Sh. G. S. Raju, DCF. (1985)	DS, DOP, New Delhi.	25-11-1995	Central depu- -tation.
17. Sh. S. Kumar, DCF. (1985)	DO., WLP, New Delhi.	10-11-1994	Central depu- -tation.
18. Sh. A. Rastogi, DCF. (1986)	ICFRE., Dehra Dun.	09-11-1993	State deputa- -tion.
19. Sh. P. K. Pant, DCF. (1986)	Associate Prof., IGNFA, Dehra Dun.	10-06-1996	Central deputa- -tion.
20. Sh. J. Singh, DCF. (1987)	AIGF, MOEF, New Delhi.	13-07-1998	Central depu- -tation.
21. Sh. A.C. Srivastava, DCF. (1987)	On study leave in a broad.	31-07-1997	
22. Sh. A. K. Roy, DCF. (1985)	Project Manager, TFDPC. Ltd.	31-05-1997	

Contd.P/2.

1.	2.	3.	4.	5.
Sh. R. Das, DCF. (1988)	D.F.O., Salar.	19-11-1994		
Sh. A. K. Sinha, DCF. (1988)	D.F.O., Training.	20-11-1993		
Sh. D. K. Sharma, DCF. (1988)	DCF., Regional office (NR), Bhopal.	23-08-1993		Central deputa- tion for 4 years.
Sh. D. K. Upadhyay, DCF. (1989)	DCF, WFP., Bhopal.	22-06-1996		State deputa- tion.
Sh. B. S. Misra, DCF. (1989)	D.F.O., Ambassa.	29-05-1999		
Sh. S. K. Pandey, DCF. (1990) (P&D)	O/o the PCCF(T).	13-10-1998		
Sh. C. M. Debbarma, DCF. (1990)	D.F.O., Tolisnara.	07-10-1987		
Sh. K. S. Sethi, DCF. (1990)	ASRI, NCHE, Jodhpur.	30-08-1994		State deputa- tion.
Sh. A. M. Kanfado, DCF. (1992)	D.F.O., Bagafa.	11-11-1998		
Sh. R. K. Sanal, DCF. (1993)	D.F.O., Guntl.	21-10-1997		
Sh. P. L. Agrawal, DCF. (1994)	D.F.O., Menu.	19-11-1997		
Sh. H. P. Das, DCF. (1992)	DEO., Working Plan, No. II.	19-11-1994		
Sh. G. R. Paul, DCF. (1992)	DEO, Working Plan No. I.	21-10-1993		
Sh. P. Biswas, DCF.	O/o the PCCF(T).	07-12-1995		
Sh. D. Chakraborty, DCF.	D.F.O., Udaipur.	12-01-1999		
Sh. C. Murti, DCF.	A/O. to DEO., Menu.	30-06-1999		He is now posted as temporary charge of DEO, Udaipur w.o.f. 31.6
Sh. V. G. Jenner, IPS.	A/O. to DEO., Bagafa.	26-07-1999		

- 49 -
Annexure - XIII

PUBLISHED IN PART II SECTION 3(1) OF GAZETTE OF INDIA
EXTRAORDINARY, DATED 31.12.1997

NO. 11033/15/95-AIS(II)-C

Government of India

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

New Delhi, the 31st December, 1997

NOTIFICATION

G.S.R.No. 741 E. In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 and read with sub-rules (1) and (2) of rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Government, in consultation with the Governments of the States concerned, hereby make the following regulations 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) Third Amendment Regulations, 1997.

(2) They shall come into force on 1st January, 1998.

2. In the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966,

(i) Under the heading "Andhra Pradesh", for item numbers 3, 4, 5 and 6 and entries relating thereto, the following shall be substituted, namely:-

3. State Deputation Reserve @ 25% of Item 1 above	20
4. Training Reserve @ 3.5% of Item 1 above	3
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	39
6. Leave Reserve and Junior Posts Reserve @ 18.5% of Item 1 above	13
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	93
Direct Recruitment Posts	93
Promotion Posts	39
Total Authorised Strength	132

(ii) Under the heading "Arunachal Pradesh-Goa-Mizoram and Union Territories", for item numbers 3, 4, 5 and 6 and entries relating thereto, the following shall be substituted, namely :

6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	38
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	270
Direct Recruitment Posts	270
Promotion Posts	115
Total Authorised Strength	385

(xii) Under the heading "Maharashtra" for item number 3, 4, 5 and 6 and entries relating thereto, the following shall be substituted, namely :-

3. State Deputation Reserve @ 25% of Item 1 above	28
4. Training Reserve @ 3.5% of Item 1 above	4
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1968, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	55
6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	18
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	130
Direct Recruitment Posts	130
Promotion Posts	55
Total Authorised Strength	185

(xiii) Under the heading "Manipur-Tripura" for item numbers 3, 4, 5 and 6 and entries relating thereto, the following shall be substituted, namely :-

3. State Deputation Reserve @ 25% of Item 1 above	13
4. Training Reserve @ 3.5% of Item 1 above	2
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1968, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	26
6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	8
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	61
Direct Recruitment Posts	61

1-54
2-10
3-13
4-02
79
33 1/3% of 6679
= 26

Promotion Posts	28
Total Authorised Strength	87"

(xiv) Under the heading "Nagaland" for item numbers 3, 4, 5 and 6 and entries relating thereto, the following shall be substituted, namely :-

3. State Deputation Reserve @ 25% of Item 1 above	5
4. Training Reserve @ 3.5% of Item 1 above	1
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	10
6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	3
67. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	23
Direct Recruitment Posts	23
Promotion Posts	10
Total Authorised Strength	33"

(xv) Under the heading "Orissa" for item numbers 3, 4, 5, and 6 and entries relating thereto, the following shall be substituted, namely :-

3. State Deputation Reserve @ 25% of Item 1 above	18
4. Training Reserve @ 3.5% of Item 1 above	2
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	36
6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	12
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	85
Direct Recruitment Posts	85
Promotion Posts	36
Total Authorised Strength	121"

(xvi) Under the heading "Punjab" for item numbers 3, 4, 5 and 6 and entries relating thereto, the following shall be substituted, namely :-

Promotion Posts

85

Total Authorised Strength

283

(xx) Under the heading "West Bengal" for item numbers 3, 4, 5 and 6 and entries relating thereto, the following shall be substituted, namely :-

3. State Deputation Reserve @ 25% of Item 1 above	15
4. Training Reserve @ 3.5% of Item 1 above	2
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1968, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	29
6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	9
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6+5)	68
Direct Recruitment Posts	68
Promotion Posts	29
Total Authorised Strength	97



(Madhumita D. Mitra)
Deputy Officer

Note 1

Prior to the issue of this Notification, the total authorised strength of the Andhra Pradesh (IFS) Cadre was 132.

Prior to the issue of this Notification, the total authorised strength of the AGMU (IFS) Cadre was 156.

Prior to the issue of this Notification, the total authorised strength of the Assam-Meghalaya (IFS) Cadre was 118.


Prior to the issue of this Notification, the total authorised strength of the Bihar (IFS) Cadre was 173.

Prior to the issue of this Notification, the total authorised strength of the Gujarat (IFS) Cadre was 104.

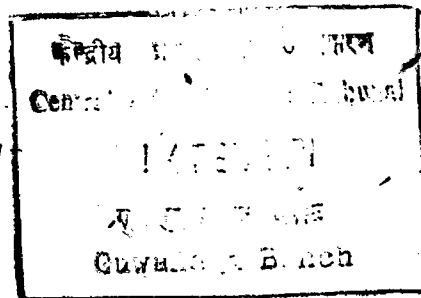
Prior to the issue of this Notification, the total authorised strength of the Haryana (IFS) Cadre was 69.

Prior to the issue of this Notification, the total authorised strength of the Himachal Pradesh (IFS) Cadre was 107.

Prior to the issue of this Notification, the total authorised strength of the Jammu & Kashmir (IFS) Cadre was 100.

True Copy
attested

10.12.93

Divisional Forest Officer,
Working Plan Division No-1
Agartala, Tripura (W).



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

O.A. No.194/ 2000

Sri Gaurish Ranjan Paul Applicant

- Vs -

Union of India and Ors..... Respondents

Written statement of the Respondent No.

14 Sri K. Prem Kumar Singh.

I Sri, K. Prem Kumar Singh, Son of K. Madhu Singh aged about 46 years, at present working as Deputy Conservator of Forests, ^{Division, Imphal} Central Forest, Manipur do hereby solemnly affirm and state as follows :

1. That I have been impleaded as Respondent No. 14 in the above O.A/ No. 194/ 2000. I have gone through copy of the above O.A. and understood the contents thereof.
2. That the respondent begs to deny the statements made in the above O.A. save and except specifically admitted in this written statement.
3. That the deponent has presented O.A. 71 /2000 before this Hon'ble Tribunal praying for similar relief as sought for in the above O.A. No. 194/ 2000. The deponent craves leave of this Hon'ble Tribunal to rely upon and to refer to the contents and the annexures enclosed thereto in support of this written statement.
4. That with reference to para. 1, 2, & 3 the deponent has no comment to offer.
5. That with reference to paragraph No. 4.1, 4.2, 4.3 and 4.4. it is stated that the respondent No. 14 is senior to the petitioner since the inception of joining into

Filed by K. Prem Kumar Singh
through
Rajit Kumar Dev Choudhary

54
66

the Forest Service. He was senior to the applicant by one year during the training period which they have undergone in the same college, i.e. State Forest Service College, Byrnihat, Assam. The applicant was appointed as ACF on 22-11-80 ; confirmed as ACF on 1-4-86; Promoted to IFS on 18-3-96 and was allotted the year 1992; whereas the respondent No. 14 was appointed as ACF on 3-5-79; confirmed as ACF on 2-5-81; promoted to IFS on 1-6-92 and was allotted the year 1988.

6. That with reference to paragraph No. 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13 and 4.14 the deponent states and submits that the provisions and the principles of law mentioned therein apply equally to the respondent No. 14. It is, however, reiterated that the respondent No. 14 is senior to the applicant.
7. That with reference to paragraph Nos. 5.1, to 5.6 and 8.1 to 8.8. the deponent submits that the relief sought for in the O.A. relates to the application of the provisions of law as well as the principles of law.

Verification.....

- 55 -

- 3 -

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

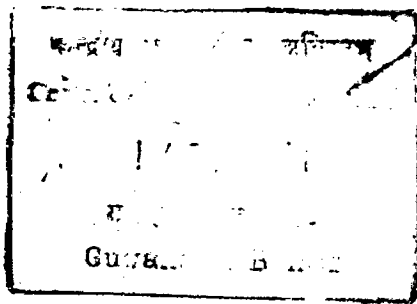
I, Sri K. Prem Kumar Singh IFS, Son of K. Madhu Singh aged about 46 years, at present working as Deputy Conservator of Forests, do hereby solemnly affirm and verify that the statements made in paragraph Nos. 3, 4, 5, 6, 7. are true to my knowledge and those made in paragraph Nos. are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign this verification on this the th day of February, 2001.

K. Prem Kumar Singh

S I G N A T U R E

-15-



Filed by K. Jagadishore Singh
Hon'ble Mr. Justice
Tangir Kumar Dev Choudhury

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

O.A. No.194/ 2000

Sri Gaurish Ranjan Paul Applicant

- Vs -

Union of India and Ors..... Respondents

Written statement of the Respondent No.

15 Sri K. Jagadishore Singh.

I Sri, K. Jagadishore Singh, Son of K. Babudhan Singh aged about 44 years, at present working as Deputy Conservator of forests, Bishnupur, Manipur do hereby solemnly affirm and state as follows.:

That I have been impleaded as Respondent No. 15 in the above O.A/ No. 194/ 2000. I have gone through copy of the above O.A. and understood the contents thereof.

That the respondent begs to deny the statements made in the above O.A. save and except specifically admitted in this written statement.

That the deponent has presented O.A. 69 /2000 before this Hon'ble Tribunal praying for similar relief as sought for in the above O.A. No. 194/ 2000. The deponent craves leave of this Hon'ble Tribunal to rely upon and to refer to the contents and the annexures enclosed thereto in support of this written statement.

That with reference to para. 1, 2 & 3 the deponent has no comment to offer.

That with reference to paragraph No. 4.1, 4.2, 4.3 and 4.4. it is stated that the respondent No. 14 is senior

to the petitioner since the inception of joining into the Forest Service. He was senior to the applicant by one year during the training period which they have undergone in the same college, i.e. State Forest Service College, Byrnihat, Assam. The applicant was appointed as ACF on 22-11-80 ; confirmed as ACF on 1-4-86; Promoted to IFS on 18-3-96 and was allotted the year 1992; whereas the respondent No. 14 was appointed as ACF on 3-5-79; confirmed as ACF on 2-5-81; promoted to IFS on 1-6-92 and was allotted the year 1988.

6. That with reference to paragraph No. 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13 and 4.14 the deponent states and submits that the provisions and the principles of law mentioned therein apply equally to the respondent No. 14. It is, however, reiterated that the respondent No. 14 is senior to the applicant.

7. That with reference to paragraph Nos. 5.1, to 5.6 and 8.1 to 8.8. the deponent submits that the relief sought for in the O.A. relates to the application of the provisions of law as well as the principles of law.

Verification.....

VERIFICATION

I, Sri K. Jagadishwar Singh IFS, Son of K. Babudhan Singh aged about 44 years, at present working as Deputy Conservator of Forests, do hereby solemnly affirm and verify that the statements made in paragraph Nos. 3,4,5,6,7 are true to my knowledge and those made in paragraph Nos. are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign this verification on this the 14 th day of February 2001.

K. Jagadishwar Singh

SIGNATURE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
GUWAHATI.

O.A. No. 194/ 2000

Sri Gaurish Ranjan Paul..... Applicant

- Vs -

Union of India and Ors Respondents

Written statement of the
Respondent No. 24 Sri L.
Gopal Singh.

I Sri L. Gopal Singh, Son of late L. Gomcha Singh aged about 46 years, at present working as Deputy Conservator at Forests, Thoubal, Manipur, do hereby solemnly affirm and state as follows :-

1. That I have been impleaded as respondent no. 24 in the above O.A/ No. 194. I have gone through a copy of the above O.A. and understood the contents thereof.
2. That the deponent begs to deny the statements made in the above O.A. save and except specifically admitted in this written statement.
3. That the deponent has presented O.A. No. 70/ 2000 before this Hon'ble Tribunal praying for similar relief as sought for in the above O.A. No. 194/ 2000. The deponent craves leave of the Hon'ble Tribunal to rely upon and to refer to the contents and the annexures enclosed thereto in support of this written statement.
4. That with reference to paragraph Nos. 1, 2 and 3 the deponent has no comment to offer.

Filed by L. Gopal Singh
through
Ranjit Kumar Dev Choudhary
Advocate
12/12/2000

60-72

-2-

5. That with reference to paragraph Nos. 1.1, 4.2, 4.4, 4.5, 4.5, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14 and 4.15, the deponent states and submits that the provisions and the principles of law mentioned therein apply equally to the respondent No. 24. *The respondent no. 24 was appointed as ACF on 27-10-80 confirmed w.e.f. 27-10-82 promoted to JFS on 15-4-96 and was allotted the year 1991*
6. That with reference to paragraph No. 4.3 the deponent has no comments to offer as the same are the assertions of the applicant only.
7. That with reference to paragraph Nos. 5.1, to 5.6 and 8.1 to 8.8, the deponent submits that the reliefs sought in the O.A. relates to the application of the provisions of law as well as the principles of law.

Verification

-3-
13

73

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

I, Sri Laishram Gopal Singh IFS, Son of late. L. Gopal Singh aged about 46 years, at present working as Deputy Conservator of Forests, Thoubal, Manipur do hereby solemnly affirm and verify that the statements made in paragraph Nos. 3, 4, 5, 6, 7 are true to my knowledge and those made in paragraph Nos. are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign this verification on this the 14 th day of February 2001.

Laishram Gopal Singh

S I G N A T U R E

Defence
26/2/21
(B. C. Pathak)
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

O.A. No. 194/2000

Shri G.R. Paul Applicant

Vs.

Union of India & Ors. Respondents

S.No.	Description	Page No.
01	Reply to the Original Application	1 to 09

THROUGH

Defence

(B.C.Pathak)

Addl. Central Govt. Standing Counsel,
Udayan, 1st Floor, Ganeshguri,
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Guwahati - 781005

63

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

OA No.194/2000

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. That the applicant through the present application has, inter alia, sought the following reliefs:

- i) To declare that the 33.3% of the posts specified at item No.5 of the IFS (Fixation of Cadre Strength) Regulations, 1966 are to be

Claimant

(रवीश सनेहवाल)
(R. SANEHWAL)
अवर सचिव / Under Secretary
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Ministry of Env. & Forests
भारत सरकार, नई दिल्ली
Govt. of India
New Delhi

included in the total number of posts available to the Tripura State Forest Service officer, for promotion to IFS cadre under Rule 8 of the IFS (Recruitment) Rules, 1966.

ii) To direct the Respondents to compute the number of posts available for promotion to the Tripura State Forest Service officers by including the 33.33% of the posts at item No.5 and accordingly consider the case of the applicant in the said quota for promotion to the IFS cadre from his due date.

iii) To direct the Respondents to relate back the effect and operation of triennial cadre review at an interval of three years as mandatorily required under the rules with all consequential benefits to the Applicant.

iv) To direct the Respondents to make the promotion of the applicant to IFS effective from 22.11.90 and on that basis to fix his year of allotment as 1986 just below Th. Ibobi Singh of Manipur part of M.T. cadre.

v) To hold that the notifications dated 31.12.97 at Annexure-XIII as illegal so far as it does not take care of the cadre schedule issued vide notifications dated 16.1.81, 29.3.85 and

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(R. SANEHWAL)
अवर सचिव / Under Secretary
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Ministry of Env. & Forests
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

22.11.90 (Annexure-X, XI and XII respectively).

vi) To direct the respondents to extend the benefits of the aforesaid judgments to the applicants and to make the promotion of the applicant to IFS effective from 22.11.90 with all consequential benefits including fixation of year of allotment as 1986 just before Th Ibobi Singh of the M.T. Joint Cadre.

The answering Respondent submits that prior to 22.2.89, rule-9 of the IFS(Recruitment) Rules, 1966 (hereinafter referred to as 'Recruitment Rules') provided as under:-

"The number of persons recruited under rule-8 in any State or group of States shall not, at any time, exceed 33 1/3 per cent of the number of Senior duty posts borne on the cadre of that State, or group of States."

Shri K.K. Goswami, an. SFS officer of Madhya Pradesh, challenged this rule arguing, among other things, that the Senior duty posts included the State Deputation Reserve also. The Jabalpur Bench of this Hon'ble Tribunal before whom the matter again came up for examination held that the State Deputation Reserve was also covered under the Senior duty posts. The SLP filed against the judgment was discussed by the Supreme Court. The Central Government, therefore, implemented the Tribunal's decision by amending the Schedule to the Cadre Strength Regulations in respect

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of Madhya Pradesh cadre vide notification dated 22.2.89 as personal to that individual case. On the same date another notification was issued amending rule-9 of the Recruitment Rules which reads as under:

"The number of persons recruited under rule-8 in any State or group of States shall not, at any time, exceed 33 1/3 per cent of the number posts as are shown against items 1 & 2 of the Cadre in relation to that State or the group of States, in the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966."

As a consequence of this amendment the Recruitment Rules for the IFS were brought at par with those for the IAS and IPS. It will thus be seen that the components of Senior duty posts under the State Government and the Central Deputation Reserve (Item 1 & 2 of the Cadre Strength Regulations) were included towards computing promotion posts in the IFS cadre from 22.2.89 onwards. This was done to bring the the Recruitment Rules for the IFS at par with the IAS and the IPS where the Recruitment Rules provided for Item 1 & 2 (i.e. Senior duty posts and the Central Deputation Reserve) to be reckoned for calculating the number of promotions posts.

4. It is submitted that in terms of this amendment, it was clearly stipulated that for the purposes of calculating promotion vacancies in a particular State cadre only items No.1 & 2 mentioned in the Schedule to the Cadre Strength Regulations, i.e. the Senior duty posts under the State Government

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67
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and the Central Deputation Reserve, would be taken into account. Since the Recruitment Rules were amended on 22.2.1989, the applicant cannot raise the issue of calculation of promotion vacancies for taking into account the State Deputation Reserve also at this stage. In this connection, it is submitted that a similar issue was raised by Shri Vinod Kumar Jhajhria before the Chandigarh Bench of this Hon'ble Tribunal in OA No.1122/HR/96.. Deciding the case on 14.10.97, the Hon'ble Tribunal held that the matter was time-barred. The relevant portion of the judgment of the Hon'ble Tribunal is extracted below:-

"While the first notification amended the cadre strength regulations in respect of Madhya Pradesh cadre in order to increase the number of vacancies in promotion quota in the IFS of the said cadre after taking into account the State Deputation Reserve alongwith the senior duty posts as also Central Deputation Reserved i.e. item Nos.1, 2 and 5 of the Cadre Strength Regulations. However, by the second notification issued on the same date, the recruitment rules were also amended according to which the number of persons recruited under Rule-8 in any State would not at any time exceed 33 1/3 per cent of the number of posts shown against items No.1 and 2 of the Cadre Strength in relation to that State in the Schedule to the Cadre Strength Regulations.

11

15. With the issuance of the aforesaid notification, it was made known to all the State Forest Officers serving in different States that the notification of the Govt. of India was explicit not to provide promotion quota more than 33 1/3 percent of the number of posts shown against items No.1 and 2 of the Cadre Strength in the Schedule. Thus, if any member of the State Forest Service had any grievance, he ought to have challenged the legality of the above stated provisions within the prescribed period of limitation. As pleaded by the applicant himself, he became eligible for appointment to the IFS in the year 1988. He did not challenge the above stated provisions till he filed the present OA in the

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68
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year 1997. Even in the year 1993, the applicant was considered and placed in the select list, and the promotion quota was calculated in terms of the above stated Regulations. the applicant did not question the said method of calculation of promotion quota within the period of limitation even after his placement in the select list of 1993. In this background, if the claim of the applicant is accepted at this stage, the retrospective increase in the promotion quota in the IFS cadre of Haryana is bound to adversely affect the seniority of those directly recruited IFS officers who have been appointed during this long interval of 8 years from the year 1989 till date. None of them has been impleaded in the array respondents in the present OA."

In view of the above observations of the Hon'ble Tribunal, the applicant cannot raise the issue of increase in the number of promotion vacancies at this stage when the Rules had been amended long before in 1989 specifying Item 1 & 2 only of the schedule to the Cadre Strength Regulations to be taken into account for the purposes of calculating promotion vacancies.

6. It is submitted that the Government of India have already included the component of the State Deputation Reserve for calculating the promotion vacancies w.e.f. 1.1.1998 by amending IFS (Fixation Of Cadre Strength) Regulations 1966 on 31.12.1997 while bringing similar amendments to the rules in respect of IAS and the IPS.

7. It is submitted that the Tamil Nadu Administrative Service officers Association filed W.P. No.613/94 before the Supreme Court praying for giving retrospective effect to the computation of promotion

(Signature)

(रवीश सानेहवाल)
(R. SANEHWAL)

अवर सचिव (Under Secretary)
प्रयोजन
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भारत सरकार, Govt. of India
नई दिल्ली, New Delhi

posts in all the three All India Services on the basis of the judgment rendered by the Jabalpur Bench of the Hon'ble Tribunal in K.K. Goswami case. The claim of the petitioner was rejected by the Hon'ble Supreme Court vide judgment dated 19.04.2000 reported as JT 2000 (5) SC 86. The Hon'ble Supreme Court has held

as under:- [2000] 5 SCC 728: A 2000 SC 1898 (2000) 2 SLR 659
 Pre 26

"The petitioners further contend that similar relief was granted in the case of applicants who filed original applications before the Jabalpur and Calcutta Benches of the Central Administrative Tribunal, and there is no reason why the petitioners should be denied such benefits. The Union of India has explained in the counter affidavit that those are isolated cases where promotions were given on the basis of the directions issued in the original applications as well as contempt petitions, and the same should not be treated as a binding precedent in every other case. We notice that as per the statutory provisions, the encadring of posts can be done only on certain fact situations existing and further it will have to be done on a review to be conducted by the Central Government in consultation with the State Governments and on being satisfied that an enhancement in the cadre strength or encadring of certain posts is necessary in the administrative interest of the States concerned. Until such encadrement takes place, nobody including the petitioners could stake a claim to consider their case for promotion to those ex-cadre posts. Therefore, such right to be considered for promotion, in our considered view, would arise only from the date of encadrement which having been done with effect from 1998 only, we do not think that as a matter of right the petitioners are entitled for retrospective seniority.

In light of the above, we are of the opinion that the petitioners are not entitled to the twin reliefs sought for by them i.e. for a writ of mandamus to encadring the ex-cadre/temporary posts, so also for a writ of mandamus for the retrospective seniority in regard to the posts already included in the State IAS cadre strength by virtue of 1997 amendments."

CS Anand
 (रवीश सानेहवाल)
 (R. SANEHWAL)

जवर सचिव/Under Secretary
 वन विभाग एवं वन संसाधन
 मंत्रालय, नई दिल्ली
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70
82

The applicants are thus not entitled to any of the reliefs prayed for in the present O.A., without regard to the statutory rules and regulations.

8. As regards the judgment delivered in the case of Shri Ibobi Singh, it is submitted that the Union of India has filed a Review Application in this Hon'ble Tribunal which has been registered as RA No.15/1999 and is till pending before this Hon'ble Tribunal. However, keeping in view the judgment rendered by the Chandigarh Bench of the Hon'ble Tribunal in the case of Shri V.K. Jhajharia and the one rendered by the Hon'ble Supreme Court in the case of Tamil Nadu Administrative Service officers Association referred to above, the instant application has no merits and is liable to be dismissed.

PRAYER

In view of the position explained 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: 13.2.2001

CS Arun
For Respondent No.1

(सचिव, पर्यावरण)
(SECRETARY)
सचिव, पर्यावरण
मंत्रालय
भारत सरकार
नई दिल्ली

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 13th day of February, 2001.

CS Anwar

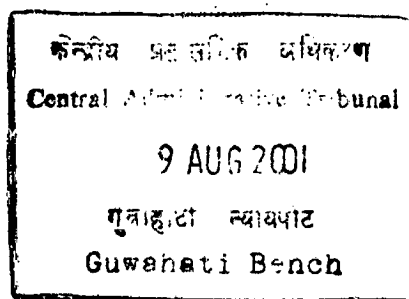
For Respondent No.1

(रवि सनेहवाल)
(R. SANEHWAL)

Under Secretary

Ministry of Forests

Govt. of India
New Delhi



Filed by
Asha Das
Advocate
9/8/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

O.A No. 194/2000

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, 2 and 3 of the W.S., the Applicant does
not admit anything contrary to relevant records.

3. That with regard to the statements made in
paragraph 4 of the W.S., it is stated that as
Applicant was promoted to IFS on 18.3.1996, he could
not raise the issue of calculation of promotion
vacancies for taking into account the State Deputation

Reserve prior to 18.3.96. The Recruitment Rules as amended on 22.2.1989 was not proper and legal, it had to be changed and the same is now non-existent.

Immediately on hearing about the Hon'ble Supreme Court in SLP (C) No. 3464 of 1995 dated 24.8.95, which interpreted that the number of posts to be appointed by promotion had to be calculated at 33 and 1/3rd percent of the total of Senior IFS posts under the State Government, Central Deputation Reserve and Deputation (State Deputation) Reserve, the Applicant submitted an application to the Secretary, Ministry of Environment & Forests, Govt. of India on 8.12.97 (Annexure-V). The Applicant requested therein to refix the promotion quota by correcting the erroneous computation done earlier and to grant him seniority consequent to the earlier date of appointment on promotion to IFS accordingly.

It may be pointed out that based on the correct procedure for calculation of promotion quota as per the IFS Cadre Rules 4 (interpreted in Supreme Court order dated 24.8.95), the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, Govt. of India amended the existing cadre schedule (Notification No. 16,016/8/94-AIS(II)-A dated 4.7.1995) vide Notification No. 11033/15/95-AIS(II)-C dated 31.12.1997 resulting in a rise in the promotion quota in the IFS (Manipur-Tripura) Cadre from 21 to 26. Subsequent directions from the Ministry of Environment & Forests, Govt. of India vide letter No. 16021/1/98-

IFS-II dated 27.2.1998 gave effect to that increase in promotion posts in a phased manner from 1.1.98.

Evidently the Notification & direction from the DOPT & MOEF, Govt. of India as described above did not redress the grievance submitted by the Applicant vide his original representation dated 8.12.1997.

As the Govt. of India has already complied with the decision taken by the Calcutta Bench of the Hon'ble Tribunal in O.A. No. 994/90, the correct procedure for computation of promotion quota in IFS having been already decided by the Supreme Court, for the West Bengal cadre with effect from 1981, being a member of the same all India service, the principle for re-fixation of cadre schedule should naturally be made applicable in case of the IFS (Manipur-Tripura) cadre w.e.f. 1981 restoring thereby the seniority of the applicant with respect to the deemed date of appointment in the IFS on promotion. ✓

The revised promotion quota based on the fixation of cadre strength of IFS (Manipur-Tripura) cadre as per Notification No. 16016/12/80-AIS(IV)-A dated 16.2.1981 of the Department of Personnel & Administrative Reforms, Ministry of Home Affairs, Govt. of India following the correct procedure as per rule 4 of the IFS (Cadre) Rules, 1966 as upheld by the Supreme Court vide order dated 24.8.95 would be as under :

- | | |
|---------------------------------------|------|
| 1) Senior posts under the State Govt. | : 27 |
| 2) Central Deputation Reserve | : 5 |
| 3) Deputation Reserve | : 4 |

- 4) Total (1+2+3) : 36
5) Promotion posts 1/3rd of 4 above : 12

The promotion posts as per the earlier fixation of cadre strength of IFS (MT) vide Notification No. 16016/29/75-AIS(IV) dated 26.2.1977 of the Department of Personnel & Administrative Reforms, Ministry of Home Affairs, Govt. of India was 8. Thus there would be (12-8) 4 fresh vacancies (as against 2 shown erroneously earlier) in the promotion quota against the cadre strength as per Notification dated 16.2.1981. Out of that 2 vacancies would be available for Tripura part of the cadre.

Similarly, the revised promotion quota against the Fixation of Cadre Strength of IFS (MT) as per Notification No. 16016/6/90-AIS(II)-A dated 22.11.90 of the Department of Personnel & Training, Govt. of India would be as below :

- 1) Senior posts under the State Govt. : 46
2) Central Deputation Reserve : 9
3) Deputation Reserve : 11
4) Total (1+2+3) : 66
5) Promotion posts 1/3rd of 4 above : 22

As such there would be 22 promotion posts available against 18 as shown in the cadre schedule of Notification dated 22.11.90. Thus there would be a rise of (22-18) 4 fresh vacancies in the promotion quota, out of which 2 would be available for Tripura Part of the cadre.

Two more vacancies arose due to superannuation and technical resignation of Sri M.K. Biswas and Shri S.K. Mukherjee, IFS on 31.12.87 and 1.4.1989 respectively.

Statements showing deemed dates of appointments of SFS officers to the IFS, taking into account State Deputation REserve for calculation of promotion quota :

Name of SFS Officer	Date of appointment to IFS	Deemed date of appointment to IFS
1) Sri M.A. Khan	14.04.1981	16.01.1981
2) Sri R.M. Singh	09.12.1985	16.01.1981
3) Sri A.K. Singh	07.05.1986	16.01.1981
4) Sri S.B. Bhatta- charjee	26.08.1988	29.03.1985
5) Sri A.K. Roy	16.12.1989	29.03.1985
6) Sri A.K. Sinha	14.02.1991	31.12.1987
7) Sri B.M. Deb	10.03.1992	01.04.1989
8) Sri J.L. Dutta	12.05.1992	22.11.1990
9) Sri S.S. Das	27.01.1995	22.11.1990
10) Sri G.R. Paul	18.03.1996	22.11.1990 (Case OA 193/2000 pending in the CAT at Guwahati)
11) Sri C.M. Debbarma	27.01.1995	22.11.1990

The deemed date of promotion to IFS of the Applicant on the basis of the corrected promotion quota (w.e.f. 1981) would be 22.11.1996. The year of allotment of the Applicant would be stand revised as 1986 in accordance with the rationalized basis for regulation of seniority of officers promoted to IFS in Tripura part of MT cadre.

4. That with regard to the statements made in paragraph 5 of the W.S., the Applicant begs to state that as the recruitment rules amended on 22.2.89 were bad in law, it had to be abandoned later on. The amended recruitment rule as mentioned here is no longer existing and as such, it cannot be implemented. The Applicant became eligible for appointment to IFS in the year 1987 and not in 1988 as stated here.

If the claim of the Applicant is accepted at this stage then real justice will be metted by the Hon'ble Tribunal as he was deprived for long and practically no adverse affect will be there on the seniority of the directly recruited IFS officers as the promotee officers are over matured with experience and more deserving than the direct IFS officers and again as minimum age difference between the promotee and direct IFS officers are 10-15 years, the promotee IFS officers will retire shortly leaving behind the directly recruited IFS officers in active service.

In this case of the Applicant (O.A. 194/200) all the concerned direct recruited IFS officers who have been appointed during 1987 to 1991 been impleaded as Respondents to defend their cases.

Due to Respondent authorities' failure to appreciate/calculate promotion posts in the IFS at 33 1/3rd % of the total of the number of senior post under the State Govt., in serial No.1, Central Deputation Reserve in Serial No.2 and State Deputation Reserve in serial No. 5, some young direct recruit IFS officers

could become senior to the old/aged promotee IFS Applicant illegally/wrongly. This unpleasant/illogical situation urgently required to be rectified to give natural justice to the promotee Applicant.

The Respondent No.1 (MOEF, GOI) rightly appreciated this unpleasant situation of the promotee, IFS officers of Jammu & Kashmir cadre and issued order No. 13014/02/95-IFS.II dated 28.2.97 for removing the undue hardship, caused to those officers. As a result of this timely intervention by Respondent No.1, one Sri Suraj Prakash Sharma, IFS who is the batch mate (1978-80) of the Applicant received 1985 as the revised year of allotment in lieu of earlier 1991 (same as that of the Applicant). The Applicant most respectfully prayed to the Hon'ble Tribunal to direct the Respondents to make the promotion of the Applicant to IFS effective from 22.11.90 and on that basis to fix his year of allotment as 1986 (not even 1985, the year of his counterpart at Jammu & Kashmir cadre). Due to this order dated 28.2.97 of MOEF, Government of India many direct recruit IFS officers who were initially made senior to many promotee IFS officers wrongly became junior to many promotee IFS officers and the same was gladly accepted by all the concerned direct recruit IFS officers and no hue and cry/objection were raised from any corner and again neither any disorder or indiscipline or chaos cropped up in the Forest Department of Jammu & Kashmir State. The Forest Department of J & K State is running smoothly though a complete reversal took place which was lawful.

5. That with regard to the statements made in paragraph 6, the Applicant begs to state that to provide natural justice to the Applicant, Hon'ble Tribunal is requested to direct the Respondents to include the component of the State Deputation Reserve (SDR) for calculating the promotion vacancies w.e.f. 1981 restoring thereby seniority of the Applicant with respect to the deemed date of appointment in IFS on promotion. The Govt. of India has already complied with the decision taken by the CAT, Calcutta Bench in O.A. No., 994/98, the correct procedure for computation of promotion quota in IFS having been already decided by the Supreme Court, for the West Bengal cadre w.e.f. 1981, being a member of the same all India Service (IFS) the same principle for refixation of cadre schedule should naturally be made applicable in case of the Applicant.

It is totally wrong on the part of the Govt. of India to include the component of the State Deputation Reserve for calculating the promotion vacancies w.e.f. 1.1.1978 instead of at least 1.1.1981, if not earlier. The Applicant strongly protest this decision of Respondent No.1. If the benefit of State Deputation Reserve is implemented w.e.f. 1.1.1978 then the very purpose of this provision is frustrated as because the senior State Forest Service Officers (promoted to IFS) for whom this provision made will not get the benefit and on the contrary the very junior State Forest Service Offices (not promoted to IFS) will get this benefit.

If the benefit of State Deputation Reserve is not given effect from at least 1981 (instead of present 1998) then for that act of omission of the Respondents, violates the applicant's fundamental rights under Article 14 and 16 of the Constitution of India.

6. That with regard to the statements made in paragraph 7 of the W.S., the Applicant begs to state that the same are not applicable in the present case. The instant O.A. was not filed by IFS Officers' Association of Manipur-Tripura cadre. It was wrong on the part of Tamil Nadu Administrative Service Officers' Association to file W.P. No. 613/94 before the Hon'ble Supreme Court praying for giving retrospective effect to the computation of promotion posts and as such in normal procedure the claim was rejected. Had there been specific grievance on the part of any individual officer, the same would have been granted by the Supreme Court basing on the merit of the case, as has been granted earlier in many isolated cases. The same is also explained in the counter affidavit by the Union of India. The Applicant filed O.A. No. 194/2000 as an isolated case and it has no connection with any Association or group of officers.

This Hon'ble Tribunal in O.A. No. 15/95 between Mr. Ibobi Singh -Vs- UOI & Ors. has kindly issued direction to the Respondents to compute the cadre strength promotional quota after giving deputation reserve quota and give the benefit of promotion quota to the Applicant and in conformity with the order, the

Petitioner requested to issue similar order in this case also, as this Applicant is entitled to such a benefit. The Applicant urging for change of his year of allotment and deemed date of appointment on the basis of decision taken by the Govt. of India in the interpretation of IFS (Cadre) Rule 4 as applied in the State of Jammu & Kashmir vide letter No. 13014/02/95-IFS-II dated 28.2.1997 of MOEF, GOI. As per this decision of MOEF, GOI Sri Suraj Prakash Sharma batch (1978-80) mate of this Applicant got 31.12.1989 and 1985 as his deemed date of appointment and revised year of allotment in IFS respectively. The Applicant on the other hand urging for 22.11.1990 and 1986 only as his deemed date of appointment and revised year of allotment respectively and there is no reason as to why the Petitioner would be denied such benefit.

The D.A. No. 194/2000 is purely an isolated case and question of twin relief is not there.

7. That with regard to the statements made in paragraph 8 of the W.S., it is stated that this Hon'ble Tribunal in D.A. No. 15/95 issued clear order in favour of the Applicant Sri Ibobi Singh. In the order, this Hon'ble Tribunal pointed out as to how the Applicant was deprived due to inaction on the part of the Respondents.

The Ernakulam Bench of the Hon'ble Tribunal in SLJ (CAT) 1992 (3) 85 between Jacob P. Thomas -Vs- Union of India & Ors. observed as "the expression used in Rule 4(2) is at intervals of every three years,

which mean that the interval between one fixation of cadre strength and another shall be three years, no more or no less. This is due to the fact that the expression "interval" is defined to mean "intervening time or space in concise Oxford Dictionary". By applying the above principle, the Triennial Cadre Review notification dated 16.1.81 should have been followed by Triennial Cadre Review notification dated 16.1.84, 16.1.87, 16.1.90 and so on. But the Respondents issued the Triennial Cadre Review notification for Manipur Tripura cadre only on 16.1.81, 28.3.85 and 22.11.90. In this connection, it is stated that the Triennial Cadre Review notification dated 22.11.90 is to be deemed as the one which was due on 16.1.87.

Similarly this Hon'ble Tribunal citing the order of Calcutta Bench of the Tribunal in O.A. No. 994/90, order of Jabalpur Bench in O.A. No. 394/90, upheld by the Hon'ble Supreme Court in SLP(C) No. 3464 dated 24.8.95 directed the Respondents to compute the cadre strength promotional quota after giving deputation reserve quota and give the benefit of promotion quota to the Applicant (Mr. Ibobi Singh) in the manner he is entitled to. As the order was issued for removing the undue hardship caused to the Applicant (Mr. Ibobi Singh) illegally, the Review application R.A. No. 15/99 is fit for rejection. The O.A. No. 15/95 is not at all comparable with the case of Shri V.K. Jhajharia (Chandigarh Bench of the Tribunal) and Tamil Nadu Administrative Service Officers' Association as because

those two cases were full of defects as pointed out in foregoing paragraphs. The review application No. R.A. 15/99 of Respondent No.1 may kindly be summarily rejected in view of order No. 13014/02/95-IFS.II dated 28.2.97 issued by the same Respondents on the same ground for removing the undue hardship caused to the promotee IFS officers of Jammu & Kashmir. The Respondent No.1 proved his biasness by playing different role in same nature of cases.

Observations of the Hon'ble Supreme Court of India in the Case of W.P. No. 613/94 of Tamil Nadu Administrative Service Officers' Association before the Supreme Court "the Union of India has explained in the counter affidavit that those are isolated cases where promotions were given on the basis of the directions issued in the original applications....."

It is strange that the Respondent No.1 is ready to implement the orders of various Tribunals/Courts gladly other than the order of this Hon'ble Tribunal issued in O.A. No. 15/95 which is also an isolated case. This is again a clear case of biasness on the part of Respondent No.1.

8. That in view of the position explained in the foregoing paragraphs, the written statement of the Respondent No.1 is devoid of any merit. It is, therefore, respectfully prayed to direct the Respondents to make the promotion of the Applicant to IFS effective from 22.11.90 and on that basis to fix his year of allotment as 1986.

VERIFICATION

I, Shri G.R. Paul, the Applicant in O.A. No. 194/2000, do hereby solemnly affirm and verify that the statement made in paragraphs 1, 2, 3, 4, 5 and 6 are true to my knowledge and those made in paragraphs 7 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.

Gaurish Ranjan Paul