

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 4071/2000

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SECTION OFFICER (Judl.)

Kabita
22/2/17

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI.5

ORIGINAL APPLICATION NO. 407/2000

Sri. J. P. Yadav Applicant.

VERSUS

Union of India & Ors Respondents.

For the Applicant(s) Mr. B. K. Sharma, Sr. Adv.

" S. Sarma,

" UK Goswami,

For the Respondents. C.G.S.C. & State of Tripura.

NOTES OF THE REGISTRAR DATE ORDER

8.12.2000 Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman

This application is in form
but not in the format
recommended by the
Central Government
for filing of applications
in the Court.
Dated..... 20.11.00

Dy. Registrar 20/12/00

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

Application is admitted.

Call for the records. Issue
usual notices.List on 9.1.2001 for
written statement and further
orders.

Vice-Chairman

All documents along with
envelopes are filed. 9.1.2001. Four weeks time is granted
to the respondents to file
written statement on the prayerCopies on State of Tripura
only served.A.K. Jena
Secty 23/12/00of Mr. A. Deb Roy, learned Sr.
C.G.S.C. for the respondents.List it on 7.2.01 for
written statement and further
orders.

Member (A)

Vice-Chairman

mk

28.3.01

List on 30.4.01 to enable
the respondents to file written
statement.

I C U Sharma

Member

Vice-Chairman

lm

(1) Service report are
still awaited.(2) No written statement
has been filed.

20/12/00

2
O.A. 407 of 2000

20.3.01

No W.P.s have been filed. 30.4.01

List on 29.5.01 to enable the respondent to file written statement.

ICUShay
Member

Vice-Chairman

20.3.2001

Civil Court - ¹ Agomala
was fixed & now cancelled.
So this case was not listed
in due time. 29.5.01
placed before the Court
in order on 28.3.01.

No written statement has so far been filed by the respondents. Four weeks time is given to the respondents to file written statement.

List for orders on 27-6-2001.

No written statement
has been filed.

Vice-Chairman

By
27.3.01.

bb

27.6.01

Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents prays for and granted four weeks and no more time to file written statement. The applicant will have two weeks time thereafter to file rejoinder.

List on 23-8-2001 for further order.

No written statement
has been filed.

ICUShay
Member

Vice-Chairman

By
26.6.01

bb

23.8.01

No representation so far been filed.
List again on 19/9/01 for order.

No W.P.s has been
filed.

Vice-Chairman

By
22.8.01

mb

19.9.01

No written statement so far been filed by any respondents despite time granted.

List on 18/10/01 to enable the respondents to file written statement positively.

No written statement
has been filed.

By
17.10.01

mb

Vice-Chairman

Notes of the Registry

— Date —

Order of the Tribunal

18.10.2001

Request is made on behalf of Mr.A.Deb Ray, learned Sr.C.G.S.C for further time to file written statement.

Request is accepted. List the case on 28.11.2001 for order.

No. written statement
has been filed.

27.11.01

28.11.01

Heard Mr. S. Sarma, learned counsel for the applicant and also Mr. M. R. Pathak, learned counsel for the respondent nos. 1 and 4 as also Mr. A. Deb Roy, learned Sr. C. G. S. C. respondents.

On the prayer of learned counsel for the respondents 4 weeks time is allowed to file written statement.

List on 8.1.2001 for written statement.

LLChau

Member

Vice-Chairman

16. Written statement
has been filed

3/21/02

8.1.2002

No written statement has been filed. Mr. M. R. Pathak, learned counsel for respondents again prayed for time to file written statement so also Mr. A. Deb Roy, learned Sr. C.G.S.C. Prayer is allowed. List again on 4.2.2002 for order.

ICU Ward
Number

Member

Vice-Chairman ~

mb

4.2.02

Further four weeks time is allowed to the respondents to file written statement, if any.

List on 7-3-2002 for order

mb

(4)

O.A. 407/2000

Notes of the Registry Date

Order of the Tribunal

7.3.02

No written statement is forth coming despite time granted. The case may now be listed for hearing after six weeks. The Respondents may file written statement, if any, within three weeks from today.

List on 23.4.2002 for hearing.

K.L.Sharma
Member

Vice-Chairman

23.4.

There is no Divisional Session.
The case is adjourned to 20.5.2002.

*26/4/02
23/4/02*

18.3.2002

W/S Contd.
In the Respondents Nos.
1, 2, 3 and 4.

20.5.02

Pass over for the day. List again on
21.5.2002 for hearing.

K.L.Sharma
Member

Vice-Chairman

mb

21.5.2002

Heard Mr. B.K. Sharma, learned Sr. counsel
for the applicant and also Mr. M.R. Pathak, learned
counsel for the respondents. Hearing con-
cluded. The respondents may produce the connec-
ted records within 10 days from today.

K.L.Sharma
Member

Vice-Chairman

bb

5.6.2002

Records produced. Also heard the
learned counsel for the parties. Further
hearing concluded. Judgment reserved.

K.L.Sharma
Member

Vice-Chairman

nkm

6
O.A. 407/2000

6.6.02

Judgment and order pronounced in the open court, kept in separate sheets. The application is allowed in terms of the order indicated therein. No costs.

ICLShah
Member

Vice-Chairman

trd

Memo No. 3006-07/H.C/AGT/B/CR/200 dtd 11/6/09
received from the Registry of the Hon'ble Gauhati
High Court (Agartala Bench).

The judgment order (oral) dated 11/6/2009
passed by the Hon'ble Gauhati High Court (Agartala
Bench) in WP(C) No. 07/03 received from the Registry
of the Hon'ble High Court (Agartala Bench) with the
case records of C.A.T. Gauhati Bench, O.A. No. 407/2000
which the case records was called for. The WP(C)
was ~~challenged~~ by the State of Tripura 2 hrs.
against the judgment and order dated 06/6/02
in O.A. No. 407/2000.

The Hon'ble High Court (Agartala Bench)
has been pleased to allowed the WP(C) No 1/03
by set aside the judgment and order dtd 6/6/02
passed by this Hon'ble Tribunal in O.A. No 407/02.

The matter may be placed before
the Hon'ble Vice-chairman for kind perusal.

1st sumo
21.8.09

DR

21/8/09
S.O. (S)

21/8/09

Hon'ble re.

21/8/09

Hon'ble M(A) may like to see it / H.C.T.E.
21/8/09

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. NO. 407/2000 of

DATE OF DECISION 6.6.2002

Jagdish Prasad Yadav

APPLICANT(S)

Mr. B.K.Sharma, Sr. Counsel. ADVOCATE FOR THE APPLICANT(S)

VERSUS:-

Union of India & Ors.

RESPONDENT(S)

Mr. M.R. Pathak, for respondent nos. 1 ADVOCATE FOR THE
RESPONDENTS.

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

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

1. whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?
5. Judgment delivered by Hon'ble Vice-Chairman.



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CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 407 of 2000.

Date of decision : This the 6th day of June, 2002.

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

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

Shri Jagdish Prasad Yadav
Conservator of Forests, Social Forestry,
Office of the Principal Chief Conservator
of Forest, Tripura, Aranya Bhawan,
Gurkha Basti, P.O. Kunjaban,
Agartala-799066, Tripura.

...Applicant

By Advocate Mr. B.K.Sharma, Senior Counsel.

-versus-

1. State of Tripura
represented by the Chief Secretary,
Government of Tripura,
Civil Secretariat, Agartala,
Tripura.
2. Principal Secretary (Forests),
Government of Tripura,
Civil Secretariat, Agartala,
Tripura.
3. Secretary,
General Administration (Personnel & Training),
Department, Government of Tripura,
Civil Secretariat, Agartala,
Tripura.
4. Principal Chief Conservator of Forests,
Tripura, Government of Tripura,
Aranya Bhawan, Gurkha Basti,
P.O. Kunjaban, Agartala-799006,
Tripura.
5. Union of India,
Represented by the Secretary,
Ministry of Environment and Forests,
New Delhi.

...Respondents

By Advocate Mr. M.R.Pathak for respondent nos. 1 to 4.

Contd.....

O R D E R

CHWODHURY J. (v.c.).

The applicant is a member of the Indian Forest Service recruited to the service by Competitive Examination as envisaged in the Indian Forest Service (Appointment, by Competitive Examination) Regulaions, 1967, in the year 1983. In due course on completion of training the applicant was allocated Manipur-Tripura Joint Cadre. The applicant was sent on Central Deputation to Forest Research Institute, Dehradun with effect from August 1990 to September 1993 where he was holding the post of DeputyConservator of Forests, Social Forestry. On repatriation from Central Deputation he was on study leave for the period between 1.10.1993 and 30.6.1997. The applicant was transferred and posted in the Northern Forest Circle vice Sri A.K.Singh, IFS,, Conservator of Forests, Northern Circle, Kumarghat. He was ordered to hold the charge of Conservator of Forests, Kumarghat in addition vide order dated 5.8.1997. The full text of the order dated 5.8.1997 is quoted below :

"In the interest of public service, the Governor is pleased to order transfer and posting of the following IFS Officers with immediate effect and until further orders :-

- (i) On repatriation from Central deputation/Study Leave from U.K., Shri J.P.Yadav, IFS, (MT : 83), Deputy Conservator of Forests is transferred and posted in the Northern Circle, Kumarghat vice Shri A.K.Singh, IFS (MT :81), Conservator of Forests, Northern Circle, Kumarghat (transferred). Sri Yadav will also hold the charge of Conservator of Forests, Northern Circle, Kumarghat in addition.
- (ii) Shri A.K.Singh, IFS (MT :81), Conservator of Forests, Northern Circle, Kumarghat is transferred and posted in the office of the Principal Chief Conservator of Forests, Agartala.
- (iii) Shri J.P.Yadav, IFS will move first to relieve Shri A.K.Singh, IFS."

Contd...

The applicant pleaded that he took over charge of Conservator of Forests in the forenoon of 14.8.1997 and continued to hold that post upto 30.6.199 till his transfer to Agartala as In charge Conservator of Forests, Social forestry in the office of the PCCF, Tripura. The relevant text of the order reads as follows :

" In the interest of public service, the Governor is pleased to order transfer and posting of the following IFS Officers to the place and the post as noted against them with immediate effect and until further orders :-

Sl. No.	Name of officers	From	To
1.	Shri S. Talukdar IFS.	Deputy Conservator of Forests (HQ), & Joint Secretary, Forests, Tripura, Agartala.	Managing Director, T.R.P.C.Ltd., Agartala on deputation.
2.	Shri J.P.Yadav, IFS.	In-charge Conserva- tor of Forests, North- Conservator ern Circle, Kumarghat.of Forests, Scoial Fores- try,Agartala.	In charge Conservator of Forests,North- ern Circle, Kumarghat.
3.	Shri A. Kumar, IFS	Managing Director, T.R.P.C. Ltd., Agartala.	In-charge, Conservator of Forests,North- ern Circle, Kumarghat.

The applicant also pleaded that the post of Conservator of Forests, Northern Circle was one of the three Territorial Conservator of Forest cadre posts of IFS in the Super Time Scale of pay of Rs. 16,400-450-20,000. It was also mentioned that at the time of taking over charge of Conservator of Forests, Northern Circle the applicant was in the pay scale of Deputy Conservator of Forests in the Selection Grade of pay of Rs. 14,300-400-18,300. He functioned in an independent capacity and discharged the full duties and responsibilities and status of the post. It was inter alia

asserted that the posting of the applicant was also not of ad hoc nature nor the same was of a make shift arrangement against a leave vacancy. According to the applicant in fact there was no such post of Deputy Conservator of Forests in the office of the Conservator of Forests, Northern Circle. The applicant accordingly represented to the authority for granting him Time Scale of pay of Conservator of Forests from time to time. He referred to the number of representations submitted to the authorities for providing the scale of pay for the post that he was holding. On the strength of the order dated 18.5.1999 the applicant handed over the charge of Conservator of Forests, Northern Circle, Kumarghat on 1.6.1999 and took over as In charge Conservator of Forests, Social Forestry with headquarter at Agartala on 5.6.1999 after availing the joining time from 1.6.1999 to 4.6.1999. The post of Conservator of Forests, Social Forestry was a cadre post of IFS in the Super Time Scale pay. The applicant against submitted a representation dated 14.7.1999 for promoting him to the IFS Super Time Scale of pay with effect from 14.7.99 i.e. from the date of functioning as the Conservator of Forests. The applicant was subsequently promoted to the post of Conservator of Forests with effect from 18.11.1999 vide Notification No. F.2(10)-GA(P&T)/93 dated 18.11.1999. According to the applicant the said promotion ought to have given retrospective effect i.e. from 14.8.1997 i.e. from the date of his functioning as Conservator of Forests. On his failure to get redressal of his grievances the applicant moved this application before the Tribunal praying for a direction upon the respondents for giving him the Super Time Scale from the date of assumption of the office of the Conservator of Forests.

Contd...

2. The respondent nos. 1 to 4 have submitted its written statement contesting the claim of the applicant. The respondents in its written statement contended that the applicant was only allowed to hold the charge of Conservator of Forests. It was stated that when the applicant took over the charge of Conservator of Forests, Northern Circle, Kumarghat, he was holding the Senior Time Scale of Deputy Conservator of Forests rank i.e. Rs. 10,000 to Rs. 15,200. He was ordered to take over the charge of the posts of Conservator of Forests, and therefore the contention of the applicant that at the time when he took over the charge of Conservator of Forests, Northern Circle, Kumarghat was in the pay scale of DCF in the Selection Grade of pay of Rs. 14,300 to Rs. 18,300 and the fact had that he had functioned in an independent capacity with full duties, responsibilities and status of the post was not correct. The respondents however in its written statement asserted that the applicant was granted Selection Grade of Rs. 14,300 to Rs. 18,300 with effect from 1.1.1996 vide Government Order No. F.10(5)-GA(P&T)/79(L) dated 3.5.1999. It was also stated in the written statement that the applicant was only ordered to hold the charge of Conservator of Forests in addition vice A.K.Singh, Conservator of Forests, Northern Circle, Social Forestry, Kumarghat. The applicant was never appointed or promoted to the post of Conservator of forests and he was just allowed to hold the charge. When the Committee found him fit for promotion for Super Time Scale by order dated 18.5.1999 he was given Super Time Scale.

3. Mr. B.K.Sharma, learned Senior Counsel appearing on behalf of the the applicant contended that the applicant was unreasonably denied with the pay of the post that the

Contd...

applicant held. The applicant during the relevant period was holding the responsibility i.e. for the period 14.8.1997 to 18.11.1999. Learned counsel for the applicant further contended that the applicant was holding the charge of higher post with higher responsibility and therefore under the rules more particularly in the light of F.R. 49 he was entitled to pay of the higher post and in support of his contention the learned counsel also referred to the decision of Supreme Court in the case of Secretary cum Chief Engineer, Chandigarh Vs. Hariom Sharma and Ors., reported in (1998) 5 SCC 87. Mr. M.R.Pathak, learned counsel for the respondent nos. 1 to 4 opposing the claim of the applicant contended that the applicant was allowed to function as Conservator of Forests as a stop gap arrangement. Learned counsel for the respondent nos. 1 to 4, Mr. Pathak strenuously opposing the claim of the applicant contended that the applicant was only attending the routine day to work of non statutory nature attached to the post. The learned counsel for the respondent nos. 1 to 4 submitted that the applicant was given the Super Time Scale, when it became due in conformance with Scheme laid down only in the Rules. Mr. Pathak, learned counsel invited our attention to the IFS Cadre Rules, 1966 and IFS Pay Rules 1968. The learned counsel Mr. Pathak submitted that the strength and composition of each of cadres constituted under Rule 3 of the Cadre Rules are determined by Regulations. Pointing to the pay rules the learned counsel submitted that a member of the Service can claim to draw the scale pay only on appointment to that grade. No member of the service is eligible for appointment to a higher grade save and except the procedure prescribed by rules contended Mr. Pathak,

Contd...

Advocate. Appointment to Selection Grade and the post carrying pay above the time scale of pay in the Indian Forest Service is made by selection on merit with due regard to the seniority. The applicant was appointed to the post of Conservator of Forests only after the due selection. Mr. M.R.Pathak, learned counsel appearing on behalf of the respondent nos. 1 to 4 placed before us the relevant records and the matter was again heard on 5.6.2002 in presence of the counsel for both the parties. Mr. Pathak in support of the stand taken by the respondents submitted that A.K.Gupta, IAS was a Selection Grade Officer and his designation was Deputy Conservator of Forests vide order dated 13.6.1997 Shri Gupta was appointed as Conservator of Forests in the Sourthern Circle. By order dated 15.8.19997 (Annexure-5 to the application), the applicant, Deputy Conservator of Forests was transferred and posted in Sourthern Circle, Kumarghat as Deputy Conservator of Forests and was also directed to hold the charge of Conservator of forests of the said Circle in addition. At that time the applicant was holding only a Senior Time Scale of Deputy Conservator of Forests. Mr. Pathak also referred to the written reply wherein the respondents mentioned about the 9 posts of Deputy Conservator of Forests for territorial and 10 posts of Deputy Conservator of Forests for others in the State of Tripura. The learned counsel for the respondents submitted that the aforesaid materials clearly indicated that there was one post of Deputy Conservator of Forests (Territorial) at Northern Division and 3 posts of Deputy Conservator of Forests (Social Forestry) meant for the three Circles amely, West/South/North. Mr. Pathak, the learned counsel for the respondent nos. 1 to 4 reiterated that there was only one post of Deputy

Contd..

Conservator of Forests (Social Forestry) menat for the Northern Circle, Kumarghat since 1995 as per the Government of India Notification dated 4th July, 1995. The learned counsel for the respondents submitted that Super Time Scale was granted to the applicant as per the recommendation on the basis of selection made on 28.9.1999 by the Selection Committee and that the said Scale would be effective from the date of issuance of the order. Mr. Pathak also referred to the Note sheet dated 14.7.1997 and argued that the concerned authority noticed that he was to be given Selection Grade and thereafter Super Time Scale to the Conservator Grade. It was also mentioned that at that point of time he could be posted as Deputy Conservator of Forests.

4. On consideration materials on record it is apparent that the applicant looked after the duties and responsibilities of the post of Conservator of Forests between 14.8.1997 to 18.11.1999. Admittedly, he was not paid the salary as was pointed by Mr. Pathak, learned counsel for the respondent nos. 1 to 4 that the applicant was not regularly promoted to the post and therefore he was not paid the scale. The applicant was paid only the scale of Deputy Conservator of Forests despite all these assertion of the respondents that the applicant worked in the higher post.

5. We have already described the nature of the posting of the applicant as In charge Conservator of Forests. The very order of appointment and posting did not indicate that the applicant was only to look after the routine day to day work of non-statutory nature. No such order was cited before us stating that the applicant was entrusted to look after the routine day to day work of non-statutory nature and that he

was not to be entitled any additional remuneration. To uphold the such contention it was incumbent on the part of the authorities to indicate in the office order specifying the duties assigned to the officer and also specifying that the applicant was assigned to look after the day to day duties of non statutory nature and he was not to be entitled any additional remuneration. It was incumbent on the authorities to specify the very nature of the duties while posting the applicant to hold the higher responsibilities. The applicant was no doubt appointed to the Super Time Scale Scale on the basis of selection made but then on the analogy of the principle of "Quantum Meruit" the respondents ought to have paid the applicant the scale of pay of the higher post in view of the fact, the applicant discharged his valuable services and on the equitable consideration he was entitled for the pay of Conservator of Forests between the period 14.8.1997 and 18.11.1999. In the exercise of power of Judicial Review a Court or Tribunal cannot keep away from the equitable realities of the situation. Law does not countenance what is not just and fair.

6. On consideration of all the aspects of the matter, we are of the opinion that it is a fit case in which a direction need to be issued on the respondents to pay to the applicant the difference of salary in the scale of Rs. 16,400-450-20,000 during the period from 14.8.1997 to 18.11.1999 i.e. the period in which the applicant actually worked and thus ordered accordingly. It is however, made clear that the payment of the aforesaid difference of salaries under no circumstances shall be treated to be promotion given to the applicant against the post. This direction is issued only on the ground that the applicant in

fact worked as such and as such relief is granted. The respondents are directed to provide the aforesaid relief granted to the applicant namely the difference of salaries within three months from the date of receipt of this order. In issuing the aforesaid direction sedulously we adhered to the decision rendered by the Hon'ble Supreme Court in the case of Selvaraj Vs. Lt. Governor of Island, Port Blair and Ors. reported in (1998) 4 SCC 291.

7. We are not however impressed with the argument of Mr. B.K.Sharma, Senior Counsel for issuing a direction upon the State Government to issue a revised Notification promoting the applicant to the IFS Super Time Scale of pay of Conservator of Forests with effect from 14.8.1997 i.e. from the date of functioning as Conservator of Forests in view of the statutory scheme. The decision of Ashok V. David Vs. Union of India and Ors. reported in AIR 1996 SC 2165 is not applicable in the facts and circumstances of the case.

8. For the reasons stated, above the application is allowed to the extent indicated above. There shall, however be no order as to costs.

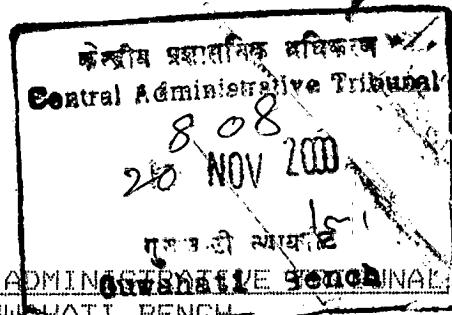
K.K.Sharma

(K.K.SHARMA)
Member (A)

D.N.Chowdhury

(D.N.CHOWDHURY)
Vice-Chairman

trd



= 22 =

BEFORE THE CENTRAL ADMINISTRATIVE BENCH
GUWATI BENCH

Title of the case :

OA No. 407/2008

BETWEEN

Shri Jagdish Prasad Yadav.

... Applicants

- versus -

State of Tripura & Ors.

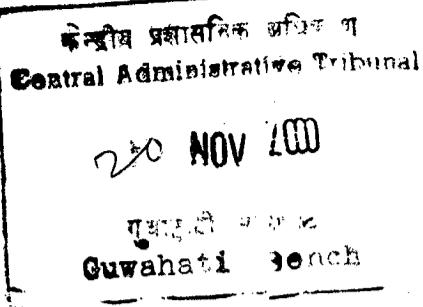
... Respondents

I N D E X

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Filed by :

Uk Goraiwani
Advocate



Filed by
the Applicant
through
Wifif Sir Jaswan
Advocate
Adv. 27

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI

GUWAHATI-BENCH

OA 407/00

BETWEEN

Shri Jagdish Prasad Yadav
Conservator of forests, Social Forestry,
Office of the Principal Chief
Conservator of forests, Tripura, Aranya
Bhawan, Gurkha Basti, P.O. Kunjaban,
Agartala-799006, Tripura.

...Applicant

- Vs -

1. State of Tripura,
represented by the Chief Secretary,
Government of Tripura, Civil
Secretariat, Agartala, Tripura.

2. Principal Secretary (Forests),
Government of Tripura, Civil
Secretariat, Agartala, tripura.

3. Secretary,
General Administration (Personal &
Training) Department, Government of
Tripura, Civil Secretariat, Agartala,
Tripura.

4. Principal Chief Conservator of
Forests, Tripura, Government of Tripura,
Aranya Bhawan, Gurkha Basti, P.O.

J2158

20 NOV 2000

Kunjaban, Agartala-799006, Tripura.

5. Union of India,
represented by the Secretary, Ministry
of Environment & Forests, New Delhi.

* * * Respondents

DETAILS OF APPLICATION :

1. Particulars of the order against which the application is made:

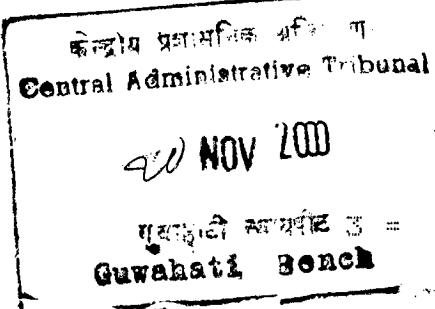
The application is directed against the Notification No.F.2(10)-GA(P&T)/93 dated 18.11.1999 issued by Additional Secretary to the Government of Tripura, General Administration (personnel and Training) Department. By the said Notification dated 18.11.1999, the Applicant together with Shri Ashok Kumar (IFS:MT-84), has been appointed to the post of Conservator of Forests, Tripura, cadre post of Indian Forest Service (MT), in the pay scale of Rs. 16,400-450-20,000 (IFS Super Time Scale) with effect from the date of issue of the Notification in the existing vacancy instead of giving retrospective effect to the same so far the Applicant is concerned. .

A copy of the Notification dated 18.11.1999 is annexed as Annexure-A/1.

2. Jurisprudence of the Tribunal :

The Applicant belongs to the Indian Forest Service and holds a post in the Joint Manipur-Tripura Cadre in its

13182



Tripura part. As such the Applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation:

The Applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case:

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

4.2 That the Applicant is a member of the Indian Forest Service (hereinafter referred to as IFS) and presently holding the post of the Conservator of Forests, Social Forestry in the office of the Principal Chief Conservator of Forests (hereinafter referred to as PCCF), Tripura, Agartala.

4.3 That the Applicant was appointed to the IFS on 9.5.1983 after completion of 1982 UPSC examination (Annexure A-2), he joined the IFS as Probationer and undertook training in India Forest College (now Indira Gandhi National Forest Academy), Dehradun. On August 8, 1985, he joined as Assistant Conservator of Forests at Agartala, Tripura since he was allotted to the Manipur-Tripura Joint Cadre (Annexure A-3). On successful completion of Probation, he was confirmed in service.

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with effect from 9.5.1986 (Annexure A-4). Be it stated that the Applicant is a direct recruit to the IFS, his year of allotment is the year of his appointment to the Indian Forest Service, i.e. 1983.

4.4 That the Applicant held various posts in Tripura between August 1985 and August 1990. He was on central deputation to Forest Research Institute, Dehradun from August 1990 to September 1993 and there he held the post of Deputy Conservator of Forests, Social Forestry. He was on Study Leave during the period from 1.10.1993 to 30.6.1997 at the University of Edinburgh, United Kingdom on a Commonwealth Scholarship.

4.5 That on repatriation from central deputation/study leave, he joined in the office of the PCCF, Tripura, Agartala as Deputy Conservator of Forests on 14.9.1997. Thereafter, he was transferred and posted in the Northern Forest Circle vice Shri A.K. Singh, the Conservator of Forests, Northern Circle, with headquarter at Kumarghat, vide Notification No. F.35(14)/BA/88 dated 5.8.1997 of the Government of Tripura, Appointment & Services Department. In the said Notification dated 5.8.1997 of transfer and posting, it was also stated that "Sri Yadav will also hold the charge of Conservator of Forests, Northern Circle, Kumarghat in addition".

A copy of the said Notification dated 5.8.1997 is annexed hereto as Annexure A-5.

4.6 That on the basis of the said Notification dated

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5.6.1997, the Applicant took over the charge of the Conservator of Forests (hereinafter referred to as CF), Northern Circle, Kumarghat in the forenoon of 14.8.1997, and continued to hold that post upto 30.6.1999 till his transfer to Agartala as In-charge CF, Social Forestry in the office of the PCCF, Tripura (Annexure A-13).

4.7 That the post of CF, Northern Circle is one of the three Territorial CF cadre posts of IFS (Annexure A-6) in the Super Time Scale of Pay (Rs. 16,400-450-20,600).

At the time of taking over the charge of CF, Northern Circle, the Applicant was in the pay scale of Deputy Conservator of Forests in the Selection Grade of Pay (Rs. 14,300-400-18,300). He functioned as CF in an independent capacity with full duties responsibilities and status of the post. The posting was also not ad hoc or an arrangement against a leave vacancy. In fact, there is no such post as Deputy Conservator of Forests in the Office of CF, Northern Circle. Thus the last part of the Annexure A-5 order dated 5.8.97 was by way of a common flag and this is precisely the reason as to why there is no mention of anything after the word "in addition".

4.8 That for all practical purposes the posting of the Applicant was as CF except the pay of the post, the irregularity was brought to the notice of the authority on several occasions with a request to promote the Applicant to IFS Super Time Scale of pay of CF.

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(i) A D.O. Letter No. F.11(10)/CFNC/For/97/123 dated 5.11.1997 was written to Shri V. Tulsidas, Chief Secretary, Government of Tripura. At para 3 (Page 2) of the said letter, the Chief Secretary was requested for granting Super Time Scale of Pay of CF to the Applicant from the date of joining in the post of CF, Northern Circle.

A copy of the said letter dated 5.11.1997 is annexed as Annexure A-7.

(ii) That no reply was received to the D.O. letter dated 5.11.1997, a letter No. F.11(10)/CFNC/Estt/For-97/5942 dated 18.11.1997 was written to PCCF, Tripura (Head of the Department) for arranging the Super Time Scale of Pay of CF to the Applicant from the date taking over the charge of CF.

A copy of the letter dated 18.11.1997 is annexed hereto as Annexure A-8.

(iii) Finding no response to the letter dated 18.11.1997 from the PCCF, a reminder was given to him vide letter No. F.11(10)/CFNC/Estt/For-97/6430 dated 29.12.1997.

A copy of the reminder dated 29.12.1997 is annexed hereto as Annexure A-9.

(iv) That no response to the letter dated 29.12.1997 was received, another reminder was given to the PCCF vide letter No. F.11(10)/CFNC/Estt/For-97/332-33 dated

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31.1.1998.

A copy of the second reminder dated 31.10.1998 is annexed hereto as Annexure A-10.

(v) Third reminder was given to the PCCF vide letter No. F.11(10)/CFNC/Estt/For-97/1869-70 dated 26.6.1998. Copy of this letter was also given to the Secretary, Appointment and services Department (now General Administration (P&T) Department) Government of Tripura.

A copy of the third reminder dated 27.6.1998 is annexed hereto as Annexure A-11.

(vi) That no response was received from the PCCF and the Secretary, Appointment and Services department, another request was made to the PCCF vide letter No. F.11(10)/CFNC/Estt/For-98/3510-13 dated 3.12.1998 for grant of Super Time Scale of Pay. In that letter, the Applicant provided the details of grievances, effects request and pertinent clarification. Copy of the letter dated 3.12.1998 was also given to the Chief Secretary, Principal Secretary (Forests) and Secretary, Appointment and Services Department, Government of Tripura for information and taking necessary action.

A copy of the said letter dated 3.12.1998 is annexed hereto as Annexure A-12.

4.9 That the Applicant was transferred from In-charge, Northern Circle to CF, Social Forestry, Agartala vide Notification No.F.38(1)-GA/97 dated 18.5.1999 of the general Administration Department (personnel

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training), Government of Tripura.

A copy of the said notification dated 18.5.1999
is annexed hereto as Annexure A-13.

4.10 That the Applicant handed over the charge of CF,
Northern Circle, Kumarghat on 1.6.1999 and took over as
In-charge CF, Social Forestry with headquarter at
Agartala on 5.6.1999, after availing joining period
from 1.6.1999 to 4.6.1999. The post of CF, Social
Forestry is a cadre post of IFS in the Super Time Scale
Pay (Annexure A-6). The Applicant functioned as full-
fledged CF, Social Forestry.

4.11 That after joining as CF, Social Forestry, one
more D.O. letter dated 14.7.1999 was written to the
Chief Secretary, Tripura for promoting the Applicant to
the IFS Super Time Scale of Pay with effect from
14.8.1997, i.e. from the date of functioning as CF.

A copy of the said D.O. letter dated 14.7.1999 is
annexed hereto as Annexure A-14.

4.12 That the Government of Tripura promoted the
Applicant to the post of CF with effect from 18.11.1999
vide notification No.F.2(10)-GA(P&T)/93 dated
18.11.1999 (Annexure A-1).

4.13 That aggrieved by the Notification dated
18.11.1999, so far as it did not give retrospective
effect the Applicant represented to the Chief
Secretary, tripura vide letter No. 1/JPY/99/30-33 dated

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22.11.1999. The irregular and discriminatory nature of the said Notification was brought to the notice of the Chief Secretary. He was also requested to correct the wrong and promote the Applicant to the IFS Super Time Scale of Pay with effect from 14.8.1997, i.e. from the date of functioning as CF.

A copy of the said letter dated 22.11.1999 is annexed hereto as Annexure A-15.

4.14 That the Applicant has functioned in IFS cadre posts of CF full-fledgedly since 14.8.1997 for which he was eligible, he is aggrieved by the aforesaid impugned notification dated 18.11.1999. He preferred representations to all concerned making a request to take immediate necessary action in response to his representations. After a prolonged silence over the matter and the Government taking its won time (two years and three months) in promoting the Applicant to the pay scale of CF with effect from the date of issue of the Notification dated 18.11.1999 in gross violation of the rules and also principles of natural justice has seriously affected the service interest of the Applicant.

4.15 That this application is made bonafide and for the cause of justice.

5. grounds for relief with legal provisions:

5.1 For that the impugned notification dated 8.11.1999 appointing the Applicant to the IFS Super Time Scale of Pay with effect from the date of its issue

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without considering the duration of functioning in the posts of CFs for two years and three months is prima facie being violative of the relevant rules and accordingly same is liable to be set aside and quashed.

5.2 For that the Applicant worked as CF Northern Circle (from 14.10.1997 to 31.5.1999) and CF, Social Forestry (from 5.6.1999 to date) continuously and independently with full duties of the posts without getting the benefit of pay scale. The irregularity and the injustice were brought to the knowledge of the all concerned, namely the Chief Secretary, Principal Secretary (Forests), PCDF and Secretary, General Administration Department, Government of Tripura several times. Unfortunately, none of these authorities thought it worth replying to the requests even once. They remained silent and indifferent, and the Applicant continued to suffer mentally, physically and financially.

5.3 For that the postings of the Applicant as CFs (both in Northern Circle as well as in Social Forestry) were regular and continuous. They were neither ad hoc nor a stopgap arrangement against a leave vacancy as is clear from the facts given in paragraphs 5.3 (i) to 5.3 (iv).

(i) The Applicant functioned only as CF continuously with effective from 14.8.1999 with no other duty of any other posts.

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(ii) The Applicant was posted to the IFS Time Scale cadre posts as cadre Officer as per Rule 8(1) of the IFS (Cadre) Rules, 1966.

Rule 8 (1) : "Save as otherwise provided in these rules, every cadre post shall be filled by a cadre officer."

The posting was surely to the cadre posts of CFs as the Applicant discharged full duties and responsibilities of the posts on a regular basis and moreover, there did not exist a post such as Deputy Conservator of Forests, Northern Circle for which the Applicant was being paid the salary.

(iii) For that the State Government did not have any intention to keep the posts of CFs under reference vacancy or held in abeyance as it did not seek approval from the Central Government for doing so for periods exceeding six months as required as per Rule 10 of IFS (Cadre) Rules, 1966.

Rule 10 : "Cadre posts shall not be kept vacant or held abeyance for periods exceeding six months without the approval of the Central Government...."

The Most possible reason for not taking the approval of the Central Government as required as per the rule was that the Applicant, as a cadre officer, was lawfully posted to the cadre posts of CFs on a routine basis.

(iv) If it is supposed that the Government had any

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Guwahati Bench

intention to post the Applicant as deputy CF with additional charge of Cf, then the condition laid in Rule 11 of IFS (Cadre) Rules, 1966 was not fulfilled. According to this Rule the State Government may for the purpose of facilitating leave arrangement or temporary arrangement for a period not exceeding twelve months, direct that any two cadre posts or a care post and an equivalent post maybe held simultaneously by one single cadre officer with the prior approval of the Central Government. The State Government made the Applicant hold the post of 'non-existent' Deputy Conservator of Forests and the Cadre posts of CF for over 2 years and 3 months without the prior approval of the Central Government in violation of the Rule 11 of IFS (Cadre) Rules, 1966.

5.4 For that at the time of Applicant's postings as CF, there existed vacancies in CF cadre posts in the State. Also the Government did not have any intention to keep these posts vacant or held in abeyance as explained Para 5.3 (iii).

5.5 For that the Rule 8 of IFS (Pay) Rules, 1968 have been violated.

Rule 8 : " Pay of officers holding posts enumerated in Schedule III- Any member of the Service appointed to hold a post specified in Schedule III shall for so long as he holds the post, be entitled to draw the pay indicated for the post in the said

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Schedule "

The posts of the Cfs are specified in Schedule III of the IFS (Pay) Rules, 1968. In spite of the fact that the Applicant held the posts and performed the full-fledged job of Cfs on a regular basis, he was denied the pay of CF in violation of the Rule 8. Further, there are clear court rulings in this regard that if an officer holds a post for which a definite scale of pay is prescribed, he cannot be awarded a lower scale (D.N. Sharma v. State of H.P. 1973(2) Services Law Reporter 595; 1973 All India Services Law Journal 858). In a Supreme Court Ruling (Civil Appeal No. 6229 of 1983 in case of Smti. P. Grover vs. State of Haryana and others; decided on 1.8.1983), it has been made clear that promotion of an officer to a higher post on an acting basis entitled the officer salary of such higher post. In the instant case, the Applicant acted in the higher posts of CF (IFS Super Time Scale of Rs. 16,4000-450-20,000) but he was paid the salary of IFS Selection Grade (Rs. 14,300-400-18,300) for a period of two years and three months in total disregard of the IFS (Pay) Rules and the Court Rulings.

5.6 For that the Applicant was eligible and working the IFS cadre posts, he claimed for promotion to the IFS Super Time Scale of Pay on several occasions (Annexure A-7, A-8, A-9, A-10, A-11, A-12, A-14 and A-15) but none of his representations were entertained by the authority. As per the

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Guwahati Bench

established convention, though an officer can not claim promotion as a matter of right, the appropriate authority is bound to consider the genuine claim of a person entitled for promotion. Non-consideration of a claim of an employee, otherwise qualified for consideration, vitiates the exercise of jurisdiction in the matter, and subjects the action of the appropriate authority in the matter of grant of promotion, to the scrutiny of the court as it is clear from the ruling in the case of Anil Chandra Mitra v. State of Orissa, All India Reporter 1970 Orissa 19 (V 57 C 8); and B. Chandragupta v. Chairman, Post and Telegraph Board, 1970 Services Law Reporter. The State Government did not consider the genuine claim of the Applicant for promotion for 2 years, 3 months and 4 days, and thus breached the guarantee conferred under Article 16 of the Constitution on the Applicant.

5.7 For that the State Government has acted in a biased manner while issuing the Notification dated 18.11.1999 (Annexure A-1). The Applicants senior officer Shri A.K. Gupta (IFS:MT-82) was promoted to the level of CF grade from the date of his holding the charge of CF (Copy of appointment letter is at Annexure A-16), whereas the Applicant, being in a similar position, was denied the benefit of Cf Scale for as long as 2 years 3 months and 4 days. However, the Applicant has been equated with his

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Guwahati Bench

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junior officer Shri Ashok Kumar (IFS:MT-84). The Applicant and Shri Ashok Kumar were promoted at the same time (Annexure A-1) although the Applicant worked in the higher post for much longer. This act of the State Government is discriminatory on two accounts. One, the Applicant has been denied the CF Scale unlike his senior officer Shri A.K. Gupta, in other words, same work but different pay (Officers doing the same work but drawing pays is illegal as established in P. Savita v. Union of India, 1985 (2) SLJ 331). Two, the Applicant has been equated with his junior officer Shri Ashok Kumar in a most arbitrary manner. It is strange that duration of working in the posts of Cf was not taken into account at all while equating with Shri Ashok Kumar. This act of State Government has denied the Applicant an equal treatment and opportunity. The Notification dated 18.11.1999 is discriminatory because the classification of officers of same service made by it is unreasonable, unfair and unjust. The combined effect of the provisions of Articles 14 and 16 of the Constitution is that employees under Government are entitled to equality of treatment both at the time of appointment and at all material stages during continuance of their service. The State Government has breached the provisions of Articles 14 and 16 of the Constitution.

5.8 For that withholding promotion and arbitrary

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deferment of promotion to an arbitrary date after 2 years 3 months and 4 days is in fact punishment inflicted on the Applicant. It is clearly stated in a court ruling in the case of N. Srinath v. State Mysore, 1973 All India Services Law Journal 41:1972 SLR 449. Due to arbitrary and unjust Government notification dated 18.11.1999, the Applicant suffered mental agony and loss of prestige. it has also caused him huge financial loss.

5.9 For that the Applicant could not have been made to work in a higher post in the pay scale of lower post in violation of the principle of "equal pay for equal work".

6. Details of remedies exhausted :

The Applicant declares that he has represented against all the irregularities committed against him and injuries caused to his service interest by various representations shown hereinabove at paragraphs 4.8, 4.11 and Para 4.13 but no relief being granted by the Respondents and there is no other alternative or efficacious remedy than to come before the Hon'ble Tribunal. The representations addressed are annexed to as Annexures A-7, A-8, A-9, A-10, A-11, A-12, A-14 and A-15.

7. Matters not previously filed or pending with any other Court :

The Applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this

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Central Administrative Services
Library

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Guwahati Bench

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application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Relief sought :

In view of the facts mentioned above, the Applicant prays that the application be admitted, on perusal of records be pleased to allow this application with the following relief(s) :

8.1 To set aside and quash the impugned Notification dated 18.11.999 (in A-1) so far as it dies not give retrospective effect to such promotion and further direct the State Government to issue a revised Notification promoting the Applicant to the IFS Super Time Scale of Pay of CF with effect from 14.8.1997, i.e. from the date of functioning in the post.

8.2 To direct the State Government to issue the revised Notification within a month of the decision of the Hon'ble Tribunal and to make payment to arrears of salary, arising due to correction in date of promotion, to the Applicant within a months together with interest at the rate of 18% and as per the Banks norms.

8.3 Cost of the application.

8.4 Any other relief(s) to which the Applicant is entitled to under the facts and circumstances of

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the case.

9. Interim order, if any, prayed for :

The application may pleased be decided and final order be passed at a time.

10. *****

11. particulars of the Bank Draft/Postal order filed in respect of the application :

IPO No. : 26 503934 DATE - 20/11/2000

Payable at : Guwahati

12. List enclosures:

As stated in the index.

Verification.....

J. B. S.

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Guwahati branch

VERIFICATION

I, Shri Jagdish prasad Yadav, son of Late Mohan Singh Yadav, aged about 41 years, working as Conservator of Forests, Social Forestry in the office of the Principal Chief Conservator of Forests, Aranya Bhawan, Gurkha Basti, P.O. Kunjaban, Agartala-799006, do hereby verify that the contents of paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are believed to be true on legal advice and that I have not suppressed any material fact.

And I signed this verification on this 20 th day of November, 2000.

Jagdish prasad yadav.

Jagdish

Government of Tripura
General Administration (Personnel & Training)
Department

No. F.2(10)-GA9P&T)/93 dated, Agartala, the 18th Nov '99

NOTIFICATION

The Governor is pleased to appoint the following IFS Officers of Tripura Part of Joint Manipur-Tripura Cadre to the post of Conservator of Forests, Tripura (Cadre post of IFS(MT) in the pay scale of Rs. 16400-450-20,000/- (IFS Supertime Scale) with effect from the date of issue of this order in the existing vacancy.

1. Shri J.P. Yadav, IFS, (MT-83) (RR)

2. Shri Ashok Kumar, IFS (MT-84) (RR)

2. The above officers will work as conservator of Forests for the Circle Department now assigned to them until further orders.

16400-450-20500

By order of the Governor

Sd/- Illegible

(R.C.M. Reddy)
Additional Secretary to the
Government of Tripura.

Copy to :

1. The Chief Secretary, tripura, Agartala,
2. The Chief Secretary, Manipur, Imphal
3. The Principal Secretary to Governor, tripura, Rajbhavan, Agartala.
4. The Secretary to the Chief Minister, Tripura, Agartala.
5. Office of he all ministers, Tripura, Agartala.
6. All Principal Secretaries/Commissioner , Tripura, Agartala.

Attested
Upendra
Advocate

up

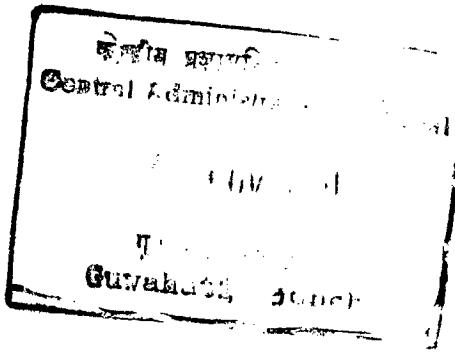
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7. The Secretary, Government of India, Ministry of Environment & Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-3.
8. The Principal Chief Conservator of Forests, Tripura, Agartala.
9. The Accountant General (A&E), Tripura, Agartala.
10. The Finance (Estt. Branch) deptt. Civil Sectt. Tripura, Agartala.
11. Manager, Govt. Press, Agartala for publication.
12. Confidential Section, o/o the Chief Secretary, Tripura, Agartala.
13. Treasury Officer, Agartala/Kailashahar.
14. Shri J.P. yadav, IFS(MT), In-charge of Conservator of Forests, Social Forestry, Agartala.
15. Shri Ashok Kumar, IFS (MT), In-charge of Conservator of Forests, Northern Circle, Kumarghat, North Tripura.
16. Personal files/guard file.

Sd/- Illegible

(R.C.M. Reddy)
Additional Secretary to the
Government of Tripura.

Attested
Udayan
Advocate



REGISTERED/A.D.

17012/1/92-AIS(IV)
 Government of India
 Ministry of Home Affairs
 Department of Personnel and A.R.

New Delhi, the,

To

Shri Jagdish Prasad Yadav,
 Research Scholar
 Deptt. of History, Kurukshetra University,
 KURUKSHETRA - 132119

28 APR 1982

Subject: Appointment to the Indian Forest Service on the results
 of the Indian Forest Service Examination, 1982.

Sir,

The Government of India is pleased to offer you an appointment to the Indian Forest Service on the basis of your success in the Indian Forest Service Examination conducted by the U.P. S.C. in July, 1982. The Appointment is subject to your being found suitable for appointment to Government Service.

2. The conditions of service in the Indian Forest Service are laid down in the Rules framed from time to time under the All India Services Act, 1951. You will be governed by these rules. While any authoritative statement of terms and conditions can be obtained from the above Rules alone, some of these terms and conditions are summarised below for your guidance:-

(i) Pay The scales of pay for the Indian Forest Service are as follows:-

SENIOR SCALE : Rs. 700-40-700-EB-40-1100-30-1300.

SENIOR SCALE : Rs. 1100 (6th year or under)-50-1600.

SELECTION GRADE: Rs. 1650-75-1300.

OPEN TIME SCALES (i) Rs. 1800-100-2000.
 OF PAY (ii) Rs. 2000-125/2-2250.
 (iii) Rs. 2250-125/2-2500.
 (iv) Rs. 2500-125/2-2750.

The scales at (ii) and (iii) above shall be available only in cases where posts of Deputy Chief Conservator of Forests or Additional Chief Conservator of Forests exist.

NOTE-I

Initial pay on appointment to the Service will be the Junior Scale at Rs. 700/- per month indicated in the various scales. Advance increments may be given on scale on

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Date - 11

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Divisional Forest Officer,
 Research Division, Agra

conducted by the State Government. If you are holding a permanent post under the Central Government or the State Government, and if your pay is more than the minimum of the junior scale of the IFS., during the period of probation, you will draw the substantive pay you were drawing before your appointment to the IFS.

NOTE II No firm indication can be given of the stage at which appointment to a post carrying the senior scale of Rs. 1100-1600 might be expected, and this would depend upon other factors, on suitability and performance in service and on the existence of vacancies. Ordinarily such promotions are given in an officiating capacity around the stage at which an officer completes 4 years of service, although it might well be later.

NOTE III At whatever stage an officer may be appointed to the senior scale of Rs. 1100-1600, his initial pay in the scale will be fixed on the assumption that he starts to officiate in the senior scale in his sixth year of service. Thus, if an officer is actually appointed to the senior scale in the 8th year of service, he will start on a pay of Rs. 1200 and not the minimum of the scale. In the event of his appointment to officiate in the senior scale earlier than the sixth year of his service, he will be entitled to draw the first increment in the senior scale as soon as he completes his sixth year of service.

NOTE IV Whereas all members of the service would be entitled to draw pay in the senior scale, subject, of course, to their suitability, the number of those who would be entitled draw pay in the Selection Grade of Rs. 1600-75-1300 or super time scales or pay above this grade would ordinarily be limited to one-fifth of the total number of senior posts provided in the State cadre, excluding officers holding such posts under the Central Government.

NOTE V Dearness Allowance will be admissible as laid down in the All India Services (Dearness Allowance) Rules, 1972. Under these rules, the rates of dearness allowance and the conditions governing the grant of the allowance to a member of the All India Service shall be the same as under the rules relating to Central Government Employees.

NOTE VI Compensatory Allowance and Travelling Allowance shall be admissible under the AIS (Compensatory Allowance) Rules, 1954 and All India Services Travelling Allowance Rules, 1954 respectively. Under these rules, compensation for allowance/travelling allowance shall be regulated by the appropriate rules of the Government under whom the officer is serving for the time being.

✓ member of the Service shall be entitled to leave travel concession under the All India Services (Leave Concession) Rules, 1975. Under these rules,

A. T. Lester

My - on

1.11.2000

Divisional Forest Officer
Research Division, Agra

Leave Travel Concession shall be regulated by the appropriate rules of the Government under which the officer is serving for the time being, but it shall not be less than the entitlement under the Central Government Rules.

NOTE VIII

A member of the Service, while working under the Central Government, shall be entitled to draw House Rent Allowance as admissible to officers of the Central Civil Services Group A, and while working under the State Government, House Rent Allowance will be admissible in the same manner as for officers of the State Civil Services Class I. While working under the State Government, the House Rent Allowance shall not be less than what officer would draw had he been appointed to serve under the Central Government at the same station.

NOTE IX

You will be required to subscribe monthly towards the provident fund under rule 6 of the All India Services (Provident Fund) Rules, 1955, amended from time to time. According to the existing provisions in these rules, you will be required to contribute a minimum of 6 percent of your emoluments subject to the conditions that it does not exceed your emoluments.

(ii) ALLOCATION

Under the rules of the Service you will be allocated to one of the State/Joint State Cadres of the Indian Forest Service and will mostly be required to serve either under the State Government(s) concerned or the Central Government. The name of the cadre to which you shall be allotted will be communicated to you later. The Government of India, however, retains the right to require you to serve anywhere in India or abroad, whether under the Central Government, any State Government or a public enterprise or a local body substantially owned or controlled by the Central or a State Government.

PROBATION

The appointment is permanent but you will be on probation for a period of three years from the date of appointment and will be required to undergo such training and pass such examinations as may be prescribed. The Central Government may, however, extend the period of probation further. Failure to pass the prescribed examinations or to complete the period of probation to the satisfaction of the Central Government will, on the other hand, render you liable to discharge from service as prescribed in the rules (or, if you are already in Government service, to reversion to your substantive post, if any, under the Central or State Government on which you may be holding a lien).

(i) RETIREMENT & PENSION

The age of superannuation for officers of the All India Services is 58 years. However, an officer can retire with the permission of the State Government concerned, by giving a prior notice of three months on or after the date on which he completes 20 years qualifying service and he

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1.11.2000.

Divisional Forest Officer,
Research Division, Agartala.

will be allowed weightage in qualifying service upto 30 years subject to certain conditions. Similarly, Government can retire an officer who attains the age of 50 years or who has completed 30 years of qualifying service by giving him 3 months previous notice in writing or 3 months pay and allowances in lieu of such notice.

The retirement benefits which will be admissible to you are contained in the All India Services (Death-cum-Retirement-Benefits) Rules, 1958.

(v) FAMILY PENSION SCHEME

The scheme regarding family pension has been liberalised to provide that an officer's family (which includes husband/wife and minor children) will be entitled to receive a family pension in the event of his/her death while in service or after retirement, if at the time of death, the retired officer was in receipt of a pension. The monthly pension admissible will be on the following scale:

<u>PAY</u>	<u>MONTHLY PENSION</u>
Rs. 1199 or below	15% of pay subject to a minimum of Rs. 100 and a maximum of Rs. 160 per month.
Rs. 1200 and above	12% of pay subject to a minimum of Rs. 150 & a maximum of Rs. 250 per month.

The pension is admissible for life to the widow/widower and thereafter, in the case of minor children till they attain the age of 21 in respect of sons, and 24 years or age of marriage, in respect of daughters, the benefit being restricted only to one person at a time. However, in the case of an officer who has put seven years continuous service prior to his death while still in service, family pension for a period of 7 years from the date of his death or till the date on which the officer would have attained the age of 65 years and he/she remained alive, whichever period is shorter, will be 50% of the basic pay last drawn, subject to a maximum of Rs. 500 per month.

(vi) EXTRAORDINARY PENSION

In the matter of extra-ordinary pensions, officers of the All India Services are governed by the rules of the State Government, if death or disability takes place at a time when officer is serving in connection with the affairs of the State Government concerned. However, an officer within one year of his appointment can opt to be governed by the Central Civil Services (Extra-ordinary Pension) Rules, even if he, at the relevant time happens to be serving in connection with the affairs of the State Government. This he can do by writing to the A.G., Pay & Accounts Officer concerned, after he has been allotted to the State concerned.

An officer, who is serving in connection with the affairs of the Union at the time when the incident entitling him to an extra-ordinary pension arises, is governed by the rules applicable to Central Services (Group A).

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1.11.2000

Divisional Forest Officer,
Amanchuk Division, Agartala.

(vii) LEAVE AND OTHER RULES

You will be governed by the relevant rules and regulations as amended from time to time, applicable to members of the All India Services, in the matter of leave, conduct, discipline and an appeal, medical attendance, Provident Fund, travelling allowances etc. which are contained in the I.F.S. Manual - Part I & III.

(viii) OTHER CONDITIONS

You will be subject to such further conditions of service or to modifications in the existing conditions of service as may be made applicable to the I.F.S. from time to time.

(ix) AGREEMENT

On appointment you will be required to execute an agreement in the attached form, binding yourself and one surety jointly and severally to refund, in the event of you failing to complete probation to the satisfaction of the Central Government, any money paid to you consequent on your appointment as a probationer. In the event of your accepting this offer of appointment and joining the Forest Research Institute and Colleges, Dehra Dun for training, you will have to execute the agreement, and deliver the same duly executed to the President of the Institute for onward transmission to this Department (you may bring with you the agreement form duly signed by the surety but you should sign the agreement and affix the date only after taking over charge at the Institute. No date need be affixed by the surety below his signature).

(x) DECLARATION ABOUT MARRIAGE

Under Rule 5 of the Indian Forest Service (Recruitment) Rules, 1966, a person having more than one spouse living is not eligible for appointment to the Service. The Central Government may, however, if satisfied that such marriage is permissible under the personal law applicable to him/her or the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this provision. This offer is, therefore, conditional on your signing a declaration in the form enclosed and submitting it to the President, Forest Research Institute and Colleges, at the time of joining the Institute for training. In case you have more than one wife/husband living and you wish to be exempted from the operation of the said provision you may furnish the full facts of your case to this Department immediately to enable the Government of India to take a decision in the matter.

(xi) DECLARATION ABOUT CLOSE RELATIONS

On appointment you will be required to furnish information in respect of your close relations in the attached form (in duplicate) and deliver the same to the President, Forest Research Institute & Colleges, Dehra Dun at the time of joining the Institute for training.

..... 6/-

Attested

C/o

1.11.2000

Divisional Forest Officer,
Research Division, Agartala.

3. All the rules and regulations relating to the Indian Forest Service including those referred to in sub-paragraphs (i) to (vii) of para 2 above, are contained in All India Services Manual which can be purchased from the Controller of Publications, Civil Lines, Delhi. You are advised to obtain a copy of the Manual and go through it carefully, in particular, the Conduct Rules, the Discipline and Appeal Rules, the Fay Rules, the Probation Rules and the Probationers' Final Examination Regulations.

4. Matters relating to conditions of Service for which there is no provision in the rules and regulations referred to above, shall be regulated, in the case of an officer serving under the Central Government, by the Rules, Regulations and other applicable to officers of the Central Civil Services Group A and in the case of an officer working under the State Government, by the rules, regulations and orders applicable to the officers of the State Civil Services Class I under the State Government concerned.

5. The information provided in this letter for the benefit of the newcomer to the Service cannot be made the basis of any rights by an appointee and all matters relating to the various conditions of service referred to above shall be governed by the statutory rules and regulations on the subject and the orders of the Central or State Government as the case may be.

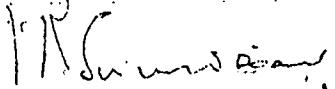
6. Please inform this Department by telegram (Telegraphic address - "Persondept, New Delhi") within five days of the receipt of this letter, whether you accept this offer of appointment. If you accept the offer, you should join the Forest Research Institute & Colleges, Dehra Dun on the 9th May, 1983 (not earlier or later) where the Dean will receive and look after you.

7. On completion of the training at the Institute you will be required to join the Lal Bahadur Shastri National Academy of Administration, Mussoorie for attending the Foundational Course. You will be receiving further instructions in this regard while undergoing training in the Institute. A copy of the joining instructions for the training in the said Indian Forest College at Dehra Dun is also enclosed for your information.

8. If you accept, during the period of your probation in the Indian Forest Service, an offer of appointment to another All India Services or a Central Service, you would be deemed to have resigned from the Indian Forest Service with effect from the date of your relinquishment of the charge as Indian Forest Service probationer.

9. In case you accept this offer, the Government of India take this opportunity to convey its good wishes to you for a successful career in the Public Service.

Yours faithfully,


(V.R. SRINIVASAN)

Under Secretary to the Government of India.

A. Ileser

Clerk on

1.11.2000.

Divisional Forest Officer.
Research Division, Agartala

(TO BE PUBLISHED IN PART I SECTION 2 OF THE GAZETTE OF INDIA)

17015/1/84/IFS-II

Ministry of Environment & Forests
Department of Forests & Wild LifeKrishi Bhavan,
New Delhi, dt the 20th Feb, 85NOTIFICATION

In exercise of the powers conferred by sub-rule(1) of Rule 5 of the Indian Forest Service (Cadre) Rules, 1966, the Central Government, in consultation with the State Governments concerned, hereby allocates the cadre officers mentioned in column 2 of the Table below to the cadres mentioned in the corresponding entry in column 3 thereof.

Explanation - For the purpose of this notification, a 'Cadre Officer' means a member of the Indian Forest Service appointed to that Service on the basis of the results of the Indian Forest Service Examination, 1982.

T A B L E

S.No.	Name of the Cadre Officer	Cadre to which allocated
1	Shri K.S. Reddy	Andhra Pradesh
2	M. Rama Prasad	Andhra Pradesh
3	B.S.S. Prasad	Andhra Pradesh
4	Ashok Kumar Jain	Andhra Pradesh
5	Surendra Pandey	Andhra Pradesh
6	Prashant Kumar Jha	Andhra Pradesh
7	M. Sudhakar	Andhra Pradesh
8	Santosh Pal Singh	Assam-Meghalaya
9	Akhtar Hussain Khan	Assam-Meghalaya
10	C.P. Marak	Assam-Meghalaya
11	Dhirendra Kumar	Bihar
12	Prakash Chandra Mishra	Bihar
13	Ramesh Ramsai Hembrom	Bihar
14	Anoop Shukla	Gujarat
15	Ashok K. Varshney	Gujarat
16	Akshay Kumar Saxena	Gujarat
17	Satish Chandra Srivastava	Gujarat
18	Kabool Chand	Gujarat

contd.....

Allocated

Date - 11.2.85

Divisional Forest Officer,
Research Division, Agartala.

19	Shri. Padam Parkash Bhoj Vaid	Haryana
20	Kumari Amarinder Kaur	Haryana
21	Gulshan Kumar	Haryana
22	S.M. Somasekhara	Haryana
23	Gurinderjeet Singh Goraya	Himachal Pradesh
24	Uttam Kumar Banerjee	Himachal Pradesh
25	Lalit Mohan	Himachal Pradesh
26	Suresh Kumar	Himachal Pradesh
27	Samsher Singh Negi	Himachal Pradesh
28	Abhai Kumar	Jammu & Kashmir
29	R.Uday Kumar	Karnataka
30	C.Venkata Subbaiah	Karnataka
31	Gudipati Vidyasagar	Karnataka
32	V.Rangaswamy	Karnataka
33	K.G. Mohan Lal	Kerala
34	Amaranatha Shetty	Kerala
35	T.P.N. Kutty	Kerala
36	Jupudi Prasad	Kerala
37	Ajay Kumar Bhattacharya	Madhya Pradesh
38	Lalan K.Choudhary	Madhya Pradesh
39	Manoj Kumar Sinha	Madhya Pradesh
40	Rakesh Kumar Gupta	Madhya Pradesh
41	Krishna Pratap Singh	Madhya Pradesh
42	Mangesh Kumar	Madhya Pradesh
43	Mahesh Chandra Sharma	Madhya Pradesh
44	Shrirish Chandra Agrawal	Madhya Pradesh
45	T.C. Lchand	Madhya Pradesh
46	Kailas Chandra Bebarata	Madhya Pradesh
47	Ashok Kumar Vishnoi	Madhya Pradesh
48	Rabindra Kumar Singh	Madhya Pradesh
49	Lalit Mohan Belwal	Madhya Pradesh
50	Jajati Kishore Monanty	Madhya Pradesh
51	Om Prakash Khare	Madhya Pradesh
52	Yetchu Satyam	Madhya Pradesh
53	S. Narsinga Rao	Madhya Pradesh
54	U. Prakasam	Madhya Pradesh
55	M.C.Jayaprakash Narayan	Madhya Pradesh
56	B.S.K. Reddy	Maharashtra
57	Rajesh Kumar Das	Maharashtra
58	Navin Singh	Maharashtra
59	Vinay Kumar Sinha	Maharashtra
60	Farhan Sajjad Jafry	Maharashtra
61	Umesh Kumar Agrawal	Maharashtra
62	Kuldeep Narayan Khawarey	Maharashtra
63	Shyam Sunder Misra	Maharashtra
64	Jarnail Singh	Maharashtra
65	I.P. Kharat	Maharashtra

A. *Attested*
111.2000.

Divisional Forest Officer,
 Research Division, Agartala

66	Shri Bala Prasad	Manipur-Tripura
67	Jagdish Prasad Yadav	Manipur-Tripura
68	Kundan Lal Tamta	Manipur-Tripura
69	M.Lokeswara Rao	Nagaland
70	Shashi Bhushan Srivast	Orissa
71	M. Satyanarayana	Orissa
72	Sreecshan Raghavan	Orissa
73	Jitendra Prasad Singh	Orissa
74	Dambaru Dhar Sahu	Orissa
75	Kulbir Singh Chauhan	Punjab
76	Rajeev Kumar Tyagi	Rajasthan
77	Anil Kumar Goel	Rajasthan
78	Om Prakash	Rajasthan
79	Ashutosh Samantsinghar	Tamil Nadu
80	Ashok	Tamil Nadu
81	Praveen Chandra Tyagi	Tamil Nadu
82	Kishore Kumar Chaudhuri	Tamil Nadu
83	Kumari Aruna Basu	Tamil Nadu
84	K.G. Sanmugham	Tamil Nadu
85	Alok Saxena	Union Territories
86	Govind Narayan Sinha	Union Territories
87	Lalram Thanga	Union Territories
88	Jai Raj	Uttar Pradesh
89	Remesh Kumar Singh	Uttar Pradesh
90	Ashwani Kumar Halen	Uttar Pradesh
91	Kumari Rekha Vyas	Uttar Pradesh
92	Amulya Ratan Sinha	Uttar Pradesh
93	Bipin Kumar Singh	Uttar Pradesh
94	Awadh Kumar Singh	Uttar Pradesh
95	Rajive Kumar	Uttar Pradesh
96	Pawan Kumar	Uttar Pradesh
97	Ajay Kumar Dwivedi	Uttar Pradesh
98	Jitendra Vir Sharma	Uttar Pradesh
99	Diwakar Kumar	Uttar Pradesh
100	Chaturbhuj Nath	Uttar Pradesh
101	Ram Prasad	Uttar Pradesh
102	S.T.S.Lepcha	Uttar Pradesh
103	Mohan Singh Bhupal	Uttar Pradesh
104	Sarajit Kumar Sen	West Bengal
105	Vinod Bihari Mathur	West Bengal
106	Pradeep Vyas	West Bengal
107	Anup Kumar Saha	West Bengal

W.A.W.
(M.V. KESAVAN)

DEPUTY SECRETARY TO THE GOVT. OF INDIA

Manager,
Government of India Press,
FARIDABAD(HARYANA)

A. Webster
Udo — 01

1.11.2000

Divisional Forest Officer,
Research Division, Agartala.

Copy forwarded for information/necessary action to:

1. The Chief Secretaries all State Governments/ U.T's
2. The Forest Secretaries, all State Governments/ U.T's
3. The Chief Conservator of Forests all State Governments/U.T's
4. The President, Forest Research Institute & Colleges, P.O. New Forest, Dehradun alongwith 107 spare copies for the probationers concerned.
5. The Director, Lal Bahadur Shastri National Academy of Administration, Mussoorie.
6. The Secretary, Union Public Service Commission, Dholpur House, New Delhi.
7. Guard File.


(M.V. KESAVAN)
DEPUTY SECRETARY TO THE GOVT. OF INDIA

Attested
See → M
17/11/2000,
Divisional Forest Officer,
Research Division, Agartala.

19012/12/07/IRG-41
Government of India
Ministry of Environment and Forests

Paryavaran Bhawan,
CII Complex,
Lodi Road, New Delhi
at the 21st August, 67

ANNEXURE-A-4

NOTIFICATION

In exercise of the powers conferred by rule 4 of the Indian Forest Service (Probation) Rules, 1968, the President is pleased to confirm in the Indian Forest Service the following three probationers of the Indian Forest Service borne on the Joint Order of Manipur-Tripura of the Indian Forest Service with effect from the dates shown against each :-

1. Shri Atul Kumar Gupta
2. Shri Balu Prasad
3. Shri J.P. Yadav,

09-05-68
24-05-68
02-05-68

g/s/
(K.S. ACHAR)
DESK OFFICER

Rangoon,
Govt. of India House,
Joridabdi (Barryma) with a copy of Hindi version.

Copy to :-

1. The Secretary, Dasset, " personnel & A.R. (Personnel Plan) Route of Manipur, Imphal with three copy copies.

2. The Secretary, Appointment and Services Committee, Govt. of Tripura, Agartala with three copy copies.

3. The Accountant General, Manipur, Imphal

4. The Accountant General, Tripura, Agartala.

5. The Secretary, Urban Public Service Commission, Shakti Bhawan, New Delhi.

g/s/
(K.S. ACHAR)
DESK OFFICER

Ho.R.2(18)/Per/Recd-01/ 36788-71
Government of Tripura

Office of the Principal Chief Conservator of Forests
Tripura & Agartala

Dated, 10th October, 1967. 31/10/1967/1967

Copy to :-

1. Shri Atul Kumar Gupta, IFS, Dy. Conservator of Forests,
c/o. Officer-in-Charge, IX Diploma Course in Wildlife Management, 1967-68,
Wildlife Institute of India, P.D. New Forest, Nehru Nagar.

2. Shri J.P. Yadav, IFS, Dy. Conservator of Forests, Divisional Forest Officer, Southern Division, Agartala.

3. Personal file of S/Shri A.K. Gupta, IFS/J.P. Yadav, IFS

Principal Chief Conservator of Forests
Tripura & Agartala.

A. Herat

Slc - 01

1.11.2000.

Divisional Forest Officer,
Research Division, Agartala.

GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

SV

Dated, Agartala, the 5th August, 1987

NOTIFICATION

In the interest of public service, the Governor is pleased to order transfer and posting of the following IFS Officers with immediate effect and until further orders:-

(i) On repatriation from Central deputation/study Leave from U.K., Shri J.P. Yadav, IFS, (MT:83). Deputy Conservator of Forests is transferred and posted in the Northern Circle, Kumarghat vice Shri A.K. Singh, IFS (MT:81), Conservator of Forests Northern Circle, Kumarghat (transferred). Sri Yadav will also hold the charge of Conservator of Forests Northern Circle, Kumarghat in addition.

(ii) Shri A.K. Singh, IFS (MT:81), Conservator of Forests Northern Circle, Kumarghat is transferred and posted in the office of the Principal Chief Conservator of Forests, Agartala.

(iii) Shri J.P. Yadav, IFS will move first to relieve Shri A.K. Singh, IFS

order did not indicate. (A. K. Roy)
There are office in only Under Secretary to the Government of Tripura.
copy to be allowed routine day to day Work of non
Statutory nature. NO order as such was cited
1. Chief Secretary, Tripura, Agartala.
2. Special Secretary to Governor, Raj Bhavan, Agartala.
3. Secretary to Chief Minister, Tripura, Agartala.
4. Office of the Deputy Chief Minister, Tripura, Agartala.
5. Minister of Forest, Tripura, Agartala.

No. F. 3(18)/Fm/Ex.Off. 97/20718. Dated 7.8.87

Contd. . . . p/2.

To: Shri J.P. Yadav, IFS, Dy. CP.

C/C: Mr. P.C.B., I.P.O.

Showing the officer has to perform only statutory duty.

& non statutory nature of his office.

He would not be on duty on 1.11.2008.

entitled to any Divisional Forest Officer.
Research Division, Agartala
and remaining to be given an even the office order
can be given to specify the duties as per what the
order has to be issued

Page - 2.

6. Accountant General(R&E), Tripura, Agartala.
 7. Finance Department(Estt. Branch), Tripura, Agartala.
 8. Principal Chief Conservator of Forests, Tripura, Agartala.
 9. Treasury Officer, Agartala, West Tripura/Kailashahar, North Tripura.
 10. Conservator of Forests, Northern Circle, Kumarghat.
 11. Manager, Government Press, Agartala for Publication.
 12. Under Secretary(Confidential Section), Office of the Chief Secretary.
 13. Officer Concerned.
 14. Personal File of Shri J. P. Yadav.


 (K.C. Roy)
 Under Secretary to the
 Government of Tripura.

A. C. Roy
 11-11-2000
 Divisional Forest Officer,
 Research Division, Agartala.

susanta//

ANNEXURE A-6

No. 16016/8/94-AIG(II)-A
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

New Delhi, the 4th July, 1995

NOTIFICATION

GSR No. 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 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, 1995.

(2) They shall come into force on the date of their publication in the official Gazette,

3. In the Schedule to the Indian Forest Service (fixation of cadre strength) Regulations, 1966, for the heading "Manipur, Tripura" and the entries occurring there under the following shall be substituted, namely :—

MANIPUR TRIPURA

11

1. Senior Duty posts under the Government of Manipur and Tripura

Senior Duty posts in the State Government (Manipur) 37
Principal Conservator of Forests 1

Chief Conservator of Forests 1

Conservator of Forests (Territorial) 2

Conservator of Forests (Headquarters) 2✓

Conservator of Forests (Functional) 1

Conservator of Forests (Social Forestry) 1

Deputy Conservator of Forests (Territorial) 1

(Southern Divn., Taimenpui, Western Divn., Jiribam, Central, Eastern, Northern, Thoubal, Bishnupur) 9

Deputy Conservator of Forests, Resource Survey Divn. 1

Deputy Conservator of Forests (Wildlife Headquarters, Manipur Zoological Park) 1

Deputy Conservator of Forests (Working Plan) 2

Contd. ... p/2

Attested

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1.11.2000

Divisional Forest Officer,

Research Division, Agartala.

Deputy Conservator of Forests (Social Forestry)	1
Deputy Conservator of Forests (Soil Conservation)	2
Deputy Conservator of Forests (Wild Life) (Koilbyl National Park & Yangon-pokpi wildlife sanctuary)	1
Deputy Conservator of Forests (Research, Silviculture & Training)	1
Deputy Conservator of Forests (Rubber)	1
Senior Duty Posts under the State Govt. (Tripura)	1
Principal Chief Conservator of Forests	27
Chief Conservator of Forests	1
Conservator of Forests (Territorial)	2
Conservator of Forests (Development & Planning)	3
Conservator of Forests (Social Forestry)	1
Deputy Conservator of Forests (Territorial, (Kanchanpur, Northgm Divn, Manu, Ambasa, Toliumra, Sadar, Udaipur, Southern Divn, Qumti Forest Divn.)	1
Deputy Conservator of Forests (Wildlife)	9
Deputy Conservator of Forests (Working Plan)	1
Deputy Conservator of Forests (Headquarters)	2
Deputy Conservator of Forests (Research)	1
Deputy Conservator of Forests (Training)	1
Deputy Conservator of Forests (Planning & Development)	1
Deputy Conservator of Forests (Social Forestry)	3

Total senior duty posts of Manipur & Tripura Cadre

54

2. Central Deputation Reserve @ 20% of 1 above	10
3. Posts to be filled by promotion in accordance with rule 8 of the Indian Forest Service (Recruitment Rules, 1966) @ $33\frac{1}{3}$ % of 1 and 2 above	21
4. Posts to be filled by direct recruitment (1+2+3)	43
5. Deputation Reserve @ 25% of 1 above	13
Junior posts, Leave Reserve & Training Reserve @ 20% of 1 above	10

Direct Recruitment Posts

66

Promotion Posts

21

Total Authorised Strength

87

A. Ilchester

CC - M

11.11.2007

Divisional Forest Officer,
Research Division, Agartala

SD/-

(MADHUMITA D. MITRA)
DESK OFFICER

Received 1, 11.97

ANNEXURE → A-7

Dear Shri

I am writing this letter to draw your attention to certain service matters which are adversely affecting me professionally, physically, psychologically and financially. These issues are briefly explained below.

1. A case of departmental proceedings to impose minor penalty was made out against me in the year 1989. The charges framed against me were mostly based on flimsy and exaggerated factors. It might be difficult to explain the circumstances under which the charges were brought out. It would be pertinent to point out here that the circumstances prevailing at that time were difficult and depressing - a feeling which is shared in private by almost all young and new I.F.S officers. Whatever the reasons might have been with the then forest department authority, the case of departmental proceedings has shown me in poor light. I have been projected as dishonest, inefficient and incompetent in discharging the duties as Divisional Forest Officer, Southern Division, Bagara. There has been too much of harassment to me; and the last eight years have been very stressful.

Desperate attempts to get the case finalised have not been successful. No decision has yet been taken even after my eventual request on 31.7.97 to finalise the case within 2 months. More than 3 months have since then passed. Such a situation and the callous attitude indicate, rather compells, to seek the help of means available under law. It is a common knowledge that seeking the help of law through courts requires one to spend substantial amount of money which will have to come from salary in my case. This is no justice.

I am approaching you through this D.O. letter, as you are the Head of Administration in the State; and practically final authority in decision-making involving such cases. I am requesting you to expedite the decision-making and take a reasonable and just decision on the issue.

2. I am in the 15th year of my professional carrier as a member of 1983 batch of Indian Forest Service. By and large, I.F.S. officers of my seniority have got selection grade in all States of India. The selection grade was due to me in the year 1996. This has not been given to me so far. I am still drawing the salary of Deputy Conservator of Forests in the Junior Administrative Grade though I have been posted; and also working as Conservator of Forests. This is causing financial loss; and it is disappointing as well. I would request you to consider

Alleged
100

(2)

the granting of selection Grade to me.

3. I am posted as Conservator of Forests, Northern Circle, Kumarghat, the charge which I took over in the afternoon on 14.8.97. I fail to understand the reason for keeping me deprived of the scale and salary of the Conservator of Forests. I would request you to give me appropriate scale of the Conservator of Forests from the day of my joining the post.

4. I was on study leave from 1.10.93 to 30.6.97. The study leave salary for the period from 1.10.93 to 16.8.94, i.e., up to the period of my deputation with the Government of India 17.8.94 to 30.6.97 is still to be paid to me. I have made several representations in this regard but the issue is yet to be settled. The delay in payment is net financial loss to me.

Further, in the eventuality, I am compelled to go to court, I may please be reimbursed the expenses to be incurred in the legal process. Kindly look into the issues stated above; and decide each one of them at an early date.

I would also like to suggest that a face to face discussion would be helpful in revealing the truth and in explaining certain points which might otherwise be sometimes not easily discernible. A personal audience with you is, therefore, requested.

With regards.

Yours faithfully,

1.11.2000
(Dr. J. P. Yadav)
Conservator of Forests,
Northern Circle, Kumarghat.

Shri V. Tulsidas
Chief Secretary
Government of Tripura,
Agartala.

A. T. M. S.
C/o - 01
1.11.2000
Divisional Forest Officer,
Research Division, Agartala.

MOST URGENT

No.F.11(10)/CFNC/Estt/For-97/5942
Government of Tripura
Office of the Conservator of Forests,
Northern Circle, Kumarghat.

Date: - 18.11.97

To
The Principal Chief Conservator of Forests,
Tripura, Agartala.

Sub: - Grant of Super Time Pay Scale of the Conservator of Forests,

Sir,

As per order No.P.35(14)GA/28 dated 5th August, 1997, of the PAppointment & Services Department, Government of Tripura, I was transferred and posted as Conservator of Forests, Northern Circle, Kumarghat on repatriation from Central deputation/Study Leave from the University of Edinburgh, U.K. Accordingly, I took over the charge of the Conservator of Forests on 14.08.97.

Though I have been posted as Conservator of Forests but unfortunately I have not been given the benefit of pay equivalent to scale of the Conservator of Forests, I am still getting the salary of Deputy Conservator of Forests in Junior Administrative Grade.

I would request you to arrange Super Time Scale of Pay of Conservator of Forests from the date of my taking over the charge, i.e, from 14.8.97.

An early action into the matter is requested.

Yours faithfully,

J/215/2-18.11.97

(Dr. J.P. Raday)
Conservator of Forests,
Northern Circle, Kumarghat.

Attested

Clerk - op

1.11.2000,
Divisional Forest Officer,
Research Division, Agartala.

MOST URGENT

Reminder-I

Annexure - A.9

- 39A -

No.F.11(10)/CFNC/Eatt/For-97/ 6430
Government of Tripura
O/o the Conservator of Forests,
Northern Circle, Kumarghat.

Date: - 29/11/97

To
The Principal Chief Conservator of Forests,
Tripura, Agartala.

Sub: - Promotion to Super Time Pay Scale of the
Conservator of Forests,

Ref: - Letter No.F.11(10)/CFNC/Eatt/For-97/5942
dated 18.11.97 of the Conservator of Forests,
Northern Circle, Kumarghat, Tripura North.

Sir,

Kindly refer to my letter mentioned above wherein
I requested for promotion to the Super Time Scale of Pay of
Conservator of Forests from the date of my taking over the
charge of Conservator of Forests, Northern Circle, Kumarghat.
I am yet to be promoted and given the benefit of pay scale
of the Conservator of Forests,

Long time has elapsed since I was transferred and
posted as Conservator of Forests, Northern Circle, Kumarghat
on 14.08.97. Delay in promotion to the Super Time Scale is
hampering my career and future prospects; and is causing me
a net financial loss.

I am writing you to please take care of my genuine
interests and arrange for my promotion to Super Time Pay
Scale of the Conservator of Forests from the date of my joining
to the post, i.e., with effect from 14th August, 1997.

A copy of letter dated 18.11.97, referred above,
is enclosed for the sake of ready reference.

Yours faithfully,

J. J. P. (12-9)
(Dr. J. P. Yadav)

Dy. Conservator of Forests,
in Charge, Conservator of Forests,
Northern Circle, Kumarghat.

Enclo: - One sheet.
(As stated)

Attested

CLC - CM

1.11.2000,
Divisional Forest Officer,
Research Division, Agartala.

No. F. 11(10)/CFNC/Fer-97/332-33
Government of Tripura
Office of the Conservator of Forests
Northern Circle :: Kumarghat.

Annexure A-
ANNEXURE-A-
ANNEXURE-A-10

Dated, Kumarghat the 31st Jan/98

To

The Principal Chief Conservator of Forests
Tripura :: Agartala.

Sub :- Promotion to Super Time Pay Scale of the
Conservator of Forests,

Ref :- 1) Letter No. F. 11(10)/CFNC/Ett/Fer-97/5942
dt. 0.11.97.

2) Letter No. F. 11(10)/CFNC/Ett/Fer-97/6430
dt. 29.12.97 of the Conservator of Forests,
Northern Circle, Kumarghat, North Tripura.

Sir,

With reference to above, regarding my promotion to Super Time Pay Scale of the Conservator of Forests, your attention is invited that action on the matter is yet to be taken. The delay in promotion is adversely affecting my professional career and functioning the present place of posting. Besides, it is also causing me a net ~~loss~~ financial loss.

It would be pertinent to point out that I am working as Conservator of Forests, since 14th August, 1997. My promotion to the Super Time Pay Scale may be given from the date of joining the post i.e. 14th August, 1997.

You are once again requested to take necessary action into the matter.

A copy each of the letters dated 18.11.97 and 29.12.97 referred above is enclosed for the sake of ready reference.

Encle :- 2(two) sheets
As stated above.

Yours faithfully,

Sd/-Dr. J. P. Yadav

Deputy Conservator of Forests
In-Charge, Conservator of Forests
Northern Circle ; Kumarghat.

Copy to :-

1. The Secretary to the Government of Tripura, Appointment and Services Department, Civil Secretariate, Agartala, West Tripura, for information and taking necessary action from his end.

1/10/98
(Dr. J. P. Yadav)
By. Conservator of Forests
I/C, Conservator of Forests
Northern Circle
Kumarghat.

A. T. S. S. L.

U.P. - m

1.11.2000
Divisional Forest Officer,
Research Division, Agartala.

No.T.11(10)/CFNC/Entt/For-97/ 1869-70
Government of Tripura
Office of the Conservator of Forests,
Northern Circle, Kumarghat.

Dated, Kumarghat, the 27th June, 1998.

b

To
The Principal Chief Conservator of Forests,
Tripura, Agartala.

Sub:- Permission to the Super Time Pay Scale
of the Conservator of Forests.

Ref:- This office letter No.F.11(10)/CFNC/Entt/
For-97/5942 dt. 8.11.97; No-6430 dt. 29.12.97
and No-332-33 dt. 31.1.98.

Sir,

With reference to the above regarding my permission
to Super Time Pay Scale of the Conservator of Forests, your
attention is once again invited that inspite of 3 letters
earlier no action has been taken on the matter. The delay
in promotion is not fair to me. It is adversely effecting
my professional carrier and also my functioning as Conservator of Forests.

It is a great injustice that I am working in the
post of Conservator of Forests with all responsibilities
associated with it but without giving the pay of the Conservator of Forests. You are again requested to take necessary
action so that I am given the scale of Conservator of Forests
from the date of joining in the post, i.e., 14.3.97.

Yours faithfully,

Sd/-
(Dr. J.P. Yadav)
Dy. Conservator of Forests
I/c Conservator of Forests
Northern Circle, Kumarghat.

Copy to:-

1. The Secretary, Appointment & Services Department,
Government of Tripura, Civil Secretariate, Agt.
for favour of information and taking necessary
from him and.

1/15/98

27/6/98

Conservator of Forests.

Allected

Allo

11.2000

Divisional Forest Officer,
Research Division, Agartala.

No. F.11(10)/CFIC/Ett/For-98/ 3510-13

Government of Tripura

Office of the Conservator of Forests
Northern Circle, Kumarghat.

Dated, Kumarghat, the 31 December, 1993.

To

The Principal Chief Conservator of Forests
Tripura, Agartala.

Please find enclosed an application from Dr. J.P. Yadav, Conservator of Forests, Northern Circle, Kumarghat, in connection with Selection Grade, Super Time Scale, etc. The details are given in the application form.

You are requested to take necessary action into the matter at an early date.

Enclos:- As stated above

Yours faithfully,

(6 Sheets)

S.Y.

(Dr. J.P. Yadav)
Conservator of Forests
Northern Circle, Kumarghat

Copy to:-

1. The Chief Secretary, Government of Tripura, Agartala for favour of information and necessary action please.
2. The Principal Secretary (Forests), Government of Tripura, Agartala for favour of information and necessary action please.
3. The Secretary, Appointment and Services Department, Government of Tripura, Agartala for favour of information and necessary action please.

11/12/93

Conservator of Forests
Northern Circle, Kumarghat.

Attested

CC ~ 01

1.11.2008

Divisional Forest Officer,
Research Division, Agartala.

The Principal Chief Conservator of Forests
Tripura, Agartala.

Through this letter, I would like to bring in your notice certain facts regarding Pay Scales which are due to me but denied. At the same time, I would also request you to look into the matter urgently and help in taking an early, just and fair decision. The causes of my grievances and their effects are given below-

1. GRIEVANCES

(a) Refusal of Selection Grade: My year of allotment in the Indian Forest Service is 1983. I was due for Selection Grade of Pay w.e.f. 01.01.1996. But till date the same has not been allowed to me. Though I am working as Conservator of Forests (a Super Time Scale Post) since 14.08.97, I am still drawing the salary of a Deputy Conservator of Forests in Junior Administrative Grads. In this connection, I have written FOUR letters on 5.14.97 (a D.O. letter to Chief Secretary, Tripura), 31.1.98 (to Principal Chief Conservator of Forests with copy to Secretary, Administrative Reforms Department), 27.6.98 (to Principal Chief Conservator of Forests with copy to the Secretary, Administrative Reforms Department) and on 4.9.98 (to the Secretary, Administrative Reforms Department through proper channel). A positive reply was expected in response to those letters but so far nothing is heard.

It may be pertinent to point out here that both my senior (Shri Atul Gupta, 1982 batch) and Junior (Shri Ashok Kumar, 1984 batch) officers in the Department have been allowed Selection Grade of Pay w.e.f. 1995 and 1997 respectively. But myself from 1983 batch has been denied the benefit.

(b) Refusal of Super Time Scale of Pay of the Conservator of Forests: I was transferred and posted as Conservator of Forests, Northern Circle, Kumarghat. I am working in the said post since 14.8.97. But the benefit of Pay Scale has not been extended to me. In order to get the promotion to the Super Time Scale of Pay, I have requested FOUR times, i.e., on 18.11.97 (to Principal Chief Conservator of Forests), 29.12.97 (to Principal Chief Conservator of Forests), 31.1.98 (to Principal Chief Conservator of Forests with a copy to the Secretary, Appointment and Services Department) and 27.6.98 (to Principal Chief Conservator of Forests with a copy to Secretary, Appointment and Services Department) but so far no response has been received to my letter requests.

Attested
M.C. on
1.11.2000.
Divisional Forest Officer,
Research Division, Agartala.

Contd.....P/2.

(2)

2. EFFECTS

I feel that denying the benefit of Pay of the Selection Grade and the Super Time Scale is denying justice to me. It is not fair. The grave injustice and unequal treatment has adversely affected me mentally and physically. Some of the direct effects are mentioned below.

(a) Financial loss: A rough calculation indicates that the denial of right Pay Scales has caused me a loss of approximately Rs. 1.30 lakhs.

(b) Mental agony and a felling of frustrations I would like to be frank here in telling the truth. Sometimes when I am on certain serious official job, my brain stops functioning in the middle of working when the whole affair and injustice come to my mind. At times, I get up in the middle of night and the thought of it submerges into a feeling of disappointment and helplessness. I fear of a permanent damage to mental state of my body.

(c) Adverse impact on my physical health because of mental suffering.

(d) Loss of parity in service as my Juniors have got the higher Pay Scales.

(e) Loss of social prestige.

3. REQUEST

Under the prevailing circumstances, it is an earnest request to you that please look into the matter and take an immediate necessary action to mitigate the grievances and the effects indicated above. In order to minimise the effects of injustice, the following action may kindly be taken:-

(a) Grant of Selection Grade of Pay w.e.f. 1.1.1996.

(b) Promotion to the Super Time Scale of Pay of the Conservator of Forests w.e.f. 14.8.97 i.e. from the date of holding the charge of Conservator of Forests, Northern Circle, Kumarghat.

(c) Make up the Financial loss, i.e., payment of arrears of pay with interest equivalent to that of G.P.F. deposit.

A. T. C. S. /

U.K. - 01

1.11.2000.

Divisional Forest Officer.

Contd. P/3.

4. MERTINENT CLARIFICATION

It is difficult to find the exact reason(s) for not allowing me the benefit of Pay Scales; and also for not responding, positively or negatively, to my letters. I can only guess. To my mind, it could be the case of disciplinary proceedings against me and subsequent withholding of increments of pay for a period of two years. I did not accept the wrong punishment and I have been refusing the charges brought out against me all along the decade long process of harassment. In case, if it was the reason, then it may be clarified that the case is finally settled now. The said order of punishment of the Government of Tripura has been set aside by the President vide No. 22044/I/98-AVU dated 3.11.98, Government of India, Ministry of Environment and Forests, New Delhi (copy enclosed).

5. In view of the above circumstances, it is once again earnestly requested to take necessary action immediately as requested in para-3 above.

Enclos:- As stated above

(3 Sheets)

Yours faithfully,

(Dr. J.P. Yadav)

Deputy Conservator of Forests
In-charge Conservator of Forests
Northern Circle, Kumarghat

Copy to:-

1. The Chief Secretary, Government of Tripura, Agartala for favour of information and necessary action please
2. The Principal Secretary (Forests), Government of Tripura for favour of information and necessary action please
3. Secretary, Appointment and Services Department, Government of Tripura, Agartala for favour of information and necessary action please.

Attested

JK ~ on

1.11.2000

Divisional Forest Officer,
Research Division, Agartala.

Conservator of Forests
Northern Circle, Kumarghat.

GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION DEPARTMENT
(PERSONNEL & TRAINING)

NO. F.38(1)-GA/97

Dated, Agartala, the 18th May, 1999.

NOTIFICATION

[In the interest of public service, the Governor is pleased to order transfer and posting of the following IFS Officers to the place and the post as noted against them with immediate effect and until further orders :-

Sl. No.	Name of Officers	From	To
1.	Shri S. Talukdar, IFS	Deputy Conservator of Forests (HQ) & Joint Secretary, Forests, Tripura, Agartala.	Managing Director, T.R.P.C. Ltd., Agartala on deputation.
2.	Shri J. P. Yadav, IFS	In-charge Conservator of Forests, Northern Circle, Bumarghat.	In-charge Conservator of Forests, Social Forestry, Agartala.
3.	Shri A. Kumar, IFS	Managing Director, T.R.P.C. Ltd., Agartala.	In-charge, Conservator of Forests, Northern Circle, Kumerghat.

2. The Governor is further pleased to order that Shri A.K. Singh, IFS, Managing Director, T.R.P.C. Ltd., Agartala is relieved from the additional charge of Conservator of Forests (HQ), Tripura and Shri S.K. Panday, IFS, Deputy Conservator of Forests, Planning & Development, Tripura will hold the charge of Deputy Conservator of Forests (H.Q.) and joint Secretary, Forests, Tripura, in addition, with immediate effect and until further orders.

By order of the Governor,

O.B.K. Das Gupta
Under Secretary to the
Government of Tripura.

Copy to :-

1. Chief Secretary, Tripura, Agartala.
2. Principal Secretary to Governor, Tripura, Rajbhawan, Agartala.
3. Secretary to Chief Minister, Tripura, Agartala.
4. Offices of all Ministers, Tripura, Agartala.

A. Ittehad
11/1/2000

Divisional Forest Officer,
Research Division, Agartala.

Contd. P/

- : 2 : -

5. All Principal Secretaries/Secretaries, Tripura, Agartala.
6. Accountant General (A & E), Tripura, Agartala.
7. Principal Chief Conservator of Forests, Tripura, Agartala.
8. Finance(Estt.Bt.)/Forest Department, Tripura, Agartala.
9. Conservator of Forests; Western Circle/Northern Circle/Southern Circle, Agartala/Kumarghat/Udeipur.
10. Conservator of Forests, Social Forestry, Agartala.
11. Managing Director, T.R.P.C./T.F.D.P.C. Ltd., Agartala.
12. Conservator of Forests(HQ)/Conservator of Forests(Planning & Dev.), Agt.
13. Manager, Govt. Press, Agartala for publication.
14. Treasury Officer, Agartala, Treasury No.I & II/Kailashnagar.
15. Officers concerned.
16. Personal files/Guard file.

✓ Shri J.P. YADAV IPS, In-charge
Conservator of Forests, Northern
Circle Kumarghat.

(B.K. Das Gupta) 13/5
Under Secretary to the
Government of Tripura.

A. M. 100

1.11.2000.

Divisional Forest Officer,
Research Division, Agartala

Dr J P Yadav

ANNEXURE A-14

- 18 - Conservator of Forests (Social Forestry)
 O/o the P C C F (Tripura)
 Gorkha Basti, P O Kunjaban
 Agartala

8
G

Dear Shri Tushidas

14th July 2000

I wish to invite your kind attention to a long pending issue of my promotion to the level of Conservator of Forests. I belong to 1983 batch of Indian Forest Service. I have been working as Conservator of Forests since 14.08.1997 as a regular Conservator of Forests Northern Circle, Kumarghat and now as Conservator of Forests, Social Forestry, Agartala since 05-06-99. Though I have looked after the full fledged duties of Conservator of Forests and a Cadre post of CF has also existed during the relevant period, but I have not been promoted to the grade of Conservator of Forests.

In this connection, I have represented at least five times in the past. I have also apprised yourself about it in person. But so far the promotion has not been given to me inspite of my working against the posts of Conservator of Forests and the existence of a vacancy. The reason for not giving me promotion is not clear. I feel it is an injustice and unequal treatment to me. It may be mentioned that Officers of 1983 batch in IPS in the State has already been promoted long ago. I am totally frustrated and this situation has adverse effect on my working and personal life.

Sir, you being the head of the bureaucracy and All India Services should consider my case of promotion to Super Tenure Scale w.e.f. 14.08.1997, i.e., the date of my working as Conservator of Forests on an urgent basis so that I can regain my confidence in the system and discharge my duties as member of the Indian Forest Service.

An early action may kindly be taken on my case

With kind regards,

Yours sincerely,

(Dr J P. Yadav)

Attested

Clerk - 01

1.11.2000.

*Divisional Forest Office,
Research Division, Agartala.*

- 49 -

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b

To
 The Chief Secretary
 Government of Tripura
 Agartala

Attention: Shri R.C.M. Reddy, Additional Secretary to the Government of Tripura)

Subject: Appointment to Super Time Scale of Pay of the Conservator of Forests

Sir.

18/11/99

The Government of Tripura has promoted me to the Super Time Scale of Pay of the Conservator of Forests (Rs. 16400-450-20000) vide Notification No. F.2(10)-GA(P&T)/93 dated 18-11-1999 of the General Administration (Personnel & Training) Department (copy enclosed as Annexure I, for the sake of ready reference). The date of appointment to the Super Time Scale is effective from 18-11-1999, i.e., the date of issue of the said Notification.

I am greatly shocked to find that the promotion has been given the effect from 18-11-1999. The Government and the Forest Department know it very well that I am working as Conservator of Forests (CF) w.e.f. 14-08-1997 on a regular basis in a substantive vacancy against a cadre post in the Super Time Scale of Pay of CF of Indian Forest Service (IFS) in Tripura State. I have claimed for giving the scale on several occasions and on getting personal audience, you assured me of taking care of my service interests. I am aggrieved and dismayed with the Notification of 18-11-1999, which amounts to miscarriage of justice. It is discriminatory and against natural justice in light of the following facts:

1. Because I was posted as CF, Northern Circle, Kumarghat vide Notification No. F.35(16)/GA/88 dated 05-08-1997 of the General Administration (P&T) Department (then Appointment and Services Department), Government of Tripura. I joined the post on 14-08-1997 and thereafter held it upto 31-05-1999. Since 01-09-1999 on transfer vide Notification No. F.33(1)-GA/97 dated 18-05-1999 (copy enclosed as Annexure II, for the sake of ready reference), I am holding the post of CF, Social Forestry, Agartala. My posting as CFs was neither *ad hoc* nor a stop gap arrangement against a leave vacancy. I was posted to the cadre posts as a cadre officer as per Rule 8 of the IFS (Cadre) Rules, 1966. I also worked with full duties of the posts on a regular basis.
2. Because at the time of my posting as CF, there existed vacancies in CF cadre posts. The Government did not have any intention to keep these posts vacant or held in abeyance as is clear from the fact that it did not obtain the approval of the Central Government as required as per Rule 10 of IFS (Cadre) Rules, 1966

A. T. M. S.

cleo - m
 1.11.2000.
 Divisional Forest Officer,
 Research Division, Agartala.

for periods exceeding six months, and thereby it is obvious that my appointment as CF, Northern Circle and subsequently as CF, Social Forestry was on a regular basis.

3. Because according to Rule 8 of IFS (Cadre) Rules, 1968, any member of the Service appointed to hold a post specified in Schedule III shall, for so long as he holds the post, be entitled to draw the pay indicated for the post in the said schedule. The posts of the CFs that I held are specified in Schedule III. Inspite of the fact that I held the posts and performed the full-fledged job of CF on a regular basis, I was denied the pay of CF in violation of the Rule 8 of IFS (Cadre) Rules, 1968. There are clear court rulings in this regard that if an officer holds a post for which a definite scale of pay is prescribed, he cannot be awarded a lower scale (D.N. Sharma v. State of H.P. 1973(2) Services Law Reporter 595: 1973 All India Services Law Journal 858).
4. Because I was eligible and working against the IFS cadre posts, I claimed for promotion to the Super Time Scale on several occasions (copies of my representations are enclosed as Annexures III, IV, V, VI, VII, VIII and IX, for the sake of ready reference). As per the established convention, though an Officer can not claim promotion as a matter of right, the appropriate authority is bound to consider the genuine claim of a person entitled for promotion. Non-consideration of a genuine claim of an employee, otherwise qualified for consideration, vitiates the exercise of jurisdiction in the matter and subjects the action to the scrutiny of the Court as it is clear from the ruling in the case of Anil Chand v. State of Orissa, All India Reporter 1970 Orissa 19 and B. Chandragupta v. Chairman, Post and Telegraph Board, 1970 Services Law Reporter.
5. Because the State Government has acted in a biased manner while issuing the Notification dated 18-11-1999 as my senior Shri Atul K. Gupta (MT-82) was promoted to CF from the date of his holding the charge of CF, whereas I, being in a similar position, have been denied the benefit of CF Scale for as long as 2 years 3 months and 4 days. Moreover, I have been equated with my junior Shri Ashok Kumar (MT-84). This act of the Government is discriminatory on two accounts. One, I have been denied the CF Scale like my senior; two, I have been equated with a junior officer in an arbitrary manner. It is strange that duration of working in the post of CF Scale was not taken into account at all.
6. Because withholding promotion amounts to penalty and arbitrary deferment of promotion to an arbitrary date after 2 years 3 months and 4 days is in fact punishment as clearly stated in the court ruling in the case of N. Srinath v. State of Mysore, 1973 All India Services Law Journal 41:1972 SLR 449. Due to arbitrary and unjust Government Notification, I not only suffered mental

A. I. S. S. T.
11-11-2000

Divisional Forest Officer,
Research Division, Agartala.

agony and loss of prestige but also it has caused me huge financial loss, which attracts the provisions of Article 311 of the Constitution. A well established proposition in the matter of enforceability of service condition is that promotion can never be claimed as a matter of right but at the same time, the constitutional principle of equality enshrined in Articles 14 and 16 requires that where occasion arises for consideration of a claim of promotion than the employee is entitled to be considered on merit. The power to keep such consideration in abeyance or to postpone actual grant of promotion which might otherwise be available to a person is a power which curtails the right and the constitutional protection thereof appertaining to the position of a public servant (B. Chandragupta v. Chairman, P&T Board, 1970 Services Law Reporter 284).

7. Because there is no bar in giving me promotion from retrospective effect and it has been clearly decided in court of law that if the promotion of an employee has been deferred because of the pendency of the disciplinary enquiry against him, then on exoneration the case for promotion to the higher post w.e.f. the date when his promotion fell due has to be reconsidered. (O.P. Gupta v. Municipal Corporation of Delhi, 1977(2) Services Law Reporter 850). Pendency of a disciplinary proceeding can not be made ground for deferring the consideration of the case of an employee for promotion (B. George v. I.G. Police, 1973 2-Ser Services Law Reporter 131).

In view of the above, my claim to the Super Time Scale of Pay of CF from 14-08-1997, i.e., the date from which I am continuously holding the posts of the Conservators of Forests, is genuine, justified and in accordance with the various court rulings in this regard. I would, therefore, request you to reconsider my case and arrange to issue a revised Notification giving it effect from 14-08-1997. I shall remain grateful for your kind consideration and justice. An action into the matter is solicited.

With kind regards,

Yours faithfully,

J.P.Yadav

(Dr. J.P.Yadav)

Conservator of Forests, Social Forestry
O/o the Principal Chief Conservator of Forests
Tripura, Agartala

Copy to the Principal Chief Conservator of Forests, Tripura.

Principal Secretary (Finance), Govt. of Tripura, Agartala.

Attested
cc - m

1.11.2008,

Divisional Forest Officer,
Research Division, Agartala.

GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

NO.F.10(5)-GA/82 :

Dated, Agartala, the 12th June, 1997.

NOTIFICATION

In the interest of public service, the Governor is pleased to order as follows:-

(i) On repatriation from Central Deputation/ Study Leave from U.K., Shri A. K. Gupta, IFS (MT: 82) is appointed to the post of Conservator of Forests, in the scale of Rs. 4500-5700/- and is posted as Conservator of Forests, Southern Circle, Udaipur vice Shri J. S. Lalhal, IFS (MT), (transferred).

(ii) Shri J. S. Lalhal, IFS (MT), Conservator of Forests, Southern Circle, Udaipur is transferred & posted as Conservator of Forests in the Office of the PCCF, Tripura with effect from the date he takes over and until further orders.

2. Charge handing over and taking over shall be completed by 20th June, 1997 latest.

By order of the Governor,

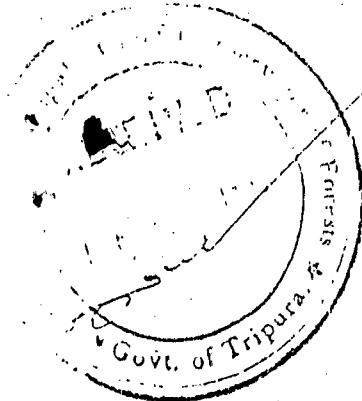
D. Bhattacharya
(D. Bhattacharya)
Under Secretary to the 13/6/97
Government of Tripura.

Copy to :-

1. Chief Secretary, Tripura, Agartala.
2. Chief Secretary, Manipur, Imphal.
3. Special Secretary to Governor, Tripura, Rajbhawan, Agartala.
4. Secretary to Chief Minister, Tripura, Agartala.
5. Office of the Deputy Chief Minister, Tripura, Agt.

A. Ileslet
cc
1.1. 20 FF.
Divisional Forest Officer,
Research Division, Agartala

contd., p/2.



Page -2

6. Offices of all Ministers, Tripura, Agartala.
7. Principal Secretary/all Commissioners/
all Secretaries, Tripura.
8. Secretary, Government of India, Ministry of
Environment & Forests, Panayavaran Bhavan, C.G.O,
Complex, Lodi Road, New Delhi-110003.
9. Forest Department/Finance (Estt. Branch) Department,
Tripura.
10. Principal Chief Conservator of Forests, Tripura,
Agartala.
11. Conservator of Forests, Southern Circle, Udaipur/
Western Circle, Agartala.
12. Accountant General (A&E), Tripura, Agartala.
13. Treasury Officer, Agartala, West Tripura/
South Tripura, Udaipur.
14. Manager, Govt. Press, Agartala for publication.
15. Shri J. K. Gupta, IFS, C/o P.C.C.F., Tripura.
16. Shri J. S. Lalhal, IFS (MT), Conservator of Forests,
Southern Circle, Udaipur.
17. Personal File.
18. Guard File.

D. Bhattacharya (D/B/S/9)
(D. Bhattacharya)
Under Secretary to the
Government of Tripura.

Allected
Uo - m
1.11.2001
Divisional Forest Officer,
Research Division, Agartala

susanta//

Central Administrative Tribunal
11 MAR 2002
Guwahati Bench

Filed by the
State of Tripura
through
Manash Panjan Pathak
Advocate
11/03/2002

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

O.A. NO. 407 OF 2000

Shri Jagadish Prasad Yadav

.....APPLICANT.

- VS -

Union of India India and Others

.....RESPONDENTS.

- AND -

IN THE MATTER OF:

Written Statement submitted for and on behalf of the Respondent Nos. 1, 2, 3 and 4 to the application filed by the Applicant in O.A. 407 of 2000.

The humble Respondents beg to submit the Written Statement as follows:

- 1) That with regard to the statements made in paragraph 1 of the application, the answering Respondents state that the position as far as they are concerned will be explained in the subsequent/below given paragraphs.
- 2) That with regard to the statements made in paragraph 2 of the application, the jurisdiction of the Hon'ble Tribunal is not disputed.
- 3) That with regard to the statements made in paragraph 3 of the application, the Respondents have no comments to offer and the Hon'ble Tribunal shall decide the same.
- 4) That the contention of the applicant made in Paragraph 4.2 of the application is admitted and the Respondents state that the applicant was a direct recruit IFS Officer of 1983 batch and was allocated Manipur-Tripura Joint Cadre in Tripura Part. He is now holding the post of Conservator of Forests (SF) in the Office of the Principal Chief Conservator of Forests, Tripura.

5) That with regard to the statements made in Paragraph 4.3 of the application, it is admitted that the applicant was appointed to the Indian Forest Service vide Government of India Ministry of Environment & Forests, Department of Personnel A.R.Notification dated 20-4-1983 on the result of the IFS Examination, 1982.

6) That the Respondents admit the contention of the applicant made in paragraph 4.4 of the application as much as they are borne on record.

7) That with regard to the statements made in Paragraph 4.5 of the application, the Respondents state that in pursuance of Government Order VIDE notification dated 5th August, 1997 the applicant, Shri J.P.Yadav, IFS (MT: 83) Deputy Conservator of Forests, Tripura, on repatriation from Central Deputation/Study Leave fro U.K. was posted on transfer (but not appointed) in the Northern Circle, Kumarghat vice Shri A.K.Singh, IFS (MT: 81) Conservator of Forests, Northern Circle, Kumarghat transferred. That in the said Order it was also stated that the applicant would hold the charge of Conservator of Forests, Northern Circle, Kumarghat in addition.

A copy of the aforesaid Notification dated 5-8-1997 is annexed herewith and marked as ANNEXURE – A.

8) That with regard to the statements made in Paragraph 4.6 of the application, the Respondents state that the applicant, Shri J.P.Yadav, IFS (MT: 83) Deputy Conservator of Forests, Tripura under the Forests Department was transferred vide Notification dated 5/8/97 and posted to hold the charge of Conservator of Forests, Northern Circle, Kumarghat in addition vice Shri A.K.Singh, IFS (MT: 81) Conservator of Forests, Northern Circle, Kumarghat transferred to Agartala. It is apparent from the said transfer order, that the applicant in addition shall also hold the charge of Conservator of Forests, Northern Circle, Kumarghat. Therefore it is clear that the applicant performed his duties as Deputy Conservator of Forests with additional charge of Conservator of Forests, Northern Circle, Kumarghat at that relevant period up to 30-06- 1999. Thereafter the applicant was further transferred to Agartala as In-Charge Conservator of Forests (SF) in the Office of the Principal Chief Conservator of Forests, Tripura.

9) That as regard the statements made in Paragraph 4.7 of the application, the Respondents state that as per the IFS Cadre Schedule Fourth Amendment Regulation, 1995, there are 5 (five) posts of Conservator of Forests in the Scale of Rs. 16,400/- to Rs. 20,000/- (Supertime Scale). That out of the said five posts, 3 (three)

posts are Territorial i.e. (i) Conservator of Forests Western Circle; (ii) Conservator of Forests Southern Circle; (iii) Conservator of Forests Northern Circle and one for Conservator of Forests, Development & Planning and the other for Conservator of Forests, Social Forestry. That when Shri Yadav took over the charge of Conservator of Forests, Northern Circle, Kumarghat, he was holding the Senior Time Scale of Deputy Conservator of Forests Rank i.e. Rs. 10,000/- to Rs. 15,200/. That the Applicant was just ordered to take over the charge of the posts of Conservator of Forests, Northern Circle, Kumarghat vice Shri A.K.Singh, Conservator of Forests, Northern Circle, Kumarghat transferred. Therefore the contention of the Applicant that at the time when he took over the charge of Conservator of Forests, Northern Circle, Kumarghat he was in the pay scale of DCF in the Selection Grade of pay i.e. Rs. 14,300/- to Rs. 18,300/- and that he functioned as Conservator of Forests in an independent capacity with full duties, responsibilities and status of the post is totally incorrect. That the Applicant was granted Selection Grade Scale of Rs. 14,300/- to Rs. 18,300/- w.e.f. 01-01-1996 vide Government Order No. F.10 (5)-GA (P&T)/79(L) dated 3rd may 1999 after maintaining the relevant guideline issued by the Government of India. That the Applicant Shri J.P.Yadav, IFS (MT) DCF was just ordered to hold the charge of Conservator of Forests, Northern Circle, Kumarghat in addition vice Shri A.K.Singh Conservator of Forests, Northern Circle, Kumarghat transferred.

Copies of the Notification dated 4th July 1995 issued by the Government of India, Ministry of Personnel, P.G. & Pension, Department of Personnel & Training consisting the Indian Forest Service (fixation of cadre strength) Fourth Amendment Regulation 1995 and the State Government Order dated 3rd May 1999 are annexed herewith and marked as ANNEXURE - B & C respectively.

10) That the answering Respondents deny the correctness of the statements made in Paragraph 4.8 of the Application. That the Applicant was never been appointed/promoted to the IFS Supertime Scale post of Conservator of Forests under the Government of Tripura. That on repatriation from Central Deputation/study leaves from U.K., the Applicant Shri Yadav, DCF, Tripura was just ordered to hold the charge of Conservator of Forests, Northern Circle, Kumarghat in addition vice Shri A.K.Singh, the then Conservator of Forests, Northern Circle, Kumarghat transferred. It is pertinent to mention herein that there is Government of India Guideline regarding the manner of computation towards eligibility for appointment of IFS Officer to the Senior Time Scale / Junior Administrative Grade / Selection Grade and on the basis of the said

Guideline, the Applicant Shri J.P.Yadav, IFS, DCF Tripura was promoted to the post of Conservator of Forests in the Supertime Scale of Rs. 14,4000/- - Rs. 20,000/- w.e.f. 18-11-1999 vide Notification No. F.2 (18)-GA (P&T)/93 dated 18-11-1999.

Copies of the Communication dated 27th April 1987 issued by the Government of India, Ministry of Personnel, P.G. & Pension, Department of Personnel & Training regarding the manner of computation towards eligibility for appointment of IFS Officer to the Senior Time Scale / Junior Administrative Grade / Selection Grade and the State Government Order dated 18th November 1999 are annexed herewith and marked as ANNEXURE - D & E respectively.

11) That with regard to the statements made in Paragraphs 4.9 to 4.12 of the Application, the Respondents state that the Applicant Shri J.P.Yadav, IFS (MT: 83), Deputy Conservator of Forests who was holding the charge of Conservator of Forests, Northern Circle, Kumarghat was transferred as In-Charge Conservator of Forests (Social Forestry) in the Office of the Principal Chief Conservator of Forests, Tripura vide GA (P&T) Department Notification No. F. 38(1)-GA/97 dated 18-5-1999. That the State Government, on the basis of the Guideline issued by the Forest Ministry, Government of India and after considering the seniority and merit of the eligible Officer [i.e. 3 Officers namely Shri Sanatan Talukdar, IFS (MT: 81), Shri J.P.Yadav, IFS (MT: 83) and Shri Ashok Kumar, IFS (MT: 84)] and the Committee found them fit for promotion to the Supertime Scale for appointment as Conservator of Forests in the Scale of pay of Rs. 16,400/- - Rs. 20,000/. That the Screening Committee of the State decide that Shri J.P.Yadav and Shri Ashok Kumar may be given Supertime Scale post of Conservator of Forests from the date of issuing the order in the existing vacancy. That in view of the above the date of promotion of the Applicant to the post of Conservator of Forests vide Notification No. F.2 (18)-GA (P&T)/93 dated 18-11-1999 is correct.

A copy of the Notification dated 18th May 1999 issued by the State Government is annexed herewith and marked as ANNEXURE - F.

12) That with regard to the statements made in Paragraphs 4.13 of the Application, the Respondents state that the Applicant Shri J.P.Yadav, IFS (MT: 83), Deputy Conservator of Forests has been promoted to the Supertime Scale post of Conservator of Forests, Tripura in due course complying all the necessary formalities such as Government of India Guidelines etc. Therefore, further correction of the promotion order by the Government giving retrospective effect from 14-8-1997 as prayed by the Applicant does not arise.

13) That the answering Respondents deny the correctness of the statements made in Paragraph 4.14 of the Application and states that the Government in the General Administration (Personnel & Training) Department after maintaining all formalities and following the necessary Guideline issued by the Government of India, Ministry of Environments and Forests has promoted the Applicant to the Supertime Scale post of Conservator of Forests, Tripura w.e.f. 18-11-1999 vide Notification No. F.2 (18)-GA (P&T)/93 dated 18-11-1999.

14) That as regards the grounds taken in Paragraph 5 of the application the answering Respondents state and submit that those are not tenable in law as well as in facts and circumstances of the instant case. The answering Respondents submit that the applicant is not entitled to the relief prayed for in the Original Application.

15) That as regards the relief sought for in Paragraph 8 of the application, the answering Respondents submit that in view of the facts and circumstances stated above, the applicant is not entitled to any relief prayed for and as such the application is liable to be dismissed.

VERIFICATION

I, Shri Rabisankar Bhattacharya, Son of Radhika Mohan Bhattacharjee, Liaison Officer, Government of Tripura, Tripura Bhawan, Guwahati do hereby verify that the statements made in paragraphs 1 TO 14 of the Written Statement are true to my knowledge, information and belief derived from the relevant records and the rests are my humble submission before this Hon'ble Tribunal and I sign this verification on this the 11th day March, 2002.

Rabisankar Bhattacharya

S I G N A T U R E

*Liaison Officer,
Govt. of Tripura, Tripura Bhawan
Guwahati-28*

GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

NO. F.35(14)-GA/83:

Dated, Agartala, the 5th August, 1997.NOTIFICATION

In the interest of public service, the Governor is pleased to order transfer and posting of the following IFS Officers with immediate effect and until further orders:-

- (i) On repatriation from Central deputation/Study Leave from U.K., Shri J.P. Yadav, IFS, (MT:83). Deputy Conservator of Forests is transferred and posted in the Northern Circle, Kumarghat vice Shri A.K. Singh, IFS (MT:81), Conservator of Forests, Northern Circle, Kumarghat (transferred). Sri Yadav will also hold the charge of Conservator of Forests, Northern Circle, Kumarghat in addition.
- (ii) Shri A.K. Singh, IFS (MT:81), Conservator of Forests, Northern Circle, Kumarghat is transferred and posted in the office of the Principal Chief Conservator of Forests, Agartala.
- (iii) Shri J.P. Yadav, IFS will move first to release Shri A.K. Singh, IFS.

Ad-8/197
(A.C. Roy)
Under Secretary to the
Government of Tripura.

Copy to :-

1. Chief Secretary, Tripura, Agartala.
2. Special Secretary to Governor, Raj Bhavan, Agartala.
3. Secretary to Chief Minister, Tripura, Agartala.
4. Office of the Deputy Chief Minister, Tripura, Agartala.
5. Minister of Forest, Tripura, Agartala.

Contd. p. 2

*Passes
D.C. Office*

No. 16016/8/94-AIS(II)-A
 Government of India
 Ministry of Personnel, P.G. & Pensions
 Department of Personnel & Training

New Delhi, the 4th July, 1995.

NOTIFICATION

GSR No..... In exercise of the powers conferred by sub-section (i) 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 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, 1995.

(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 there under the following shall be substituted, namely : -

MANIPUR TRIPURA

1. Senior Duty posts under the Government of Manipur and Tripura

54.	Senior Duty posts in the State Government (Manipur)	27
Principal Chief Conservator of Forests		1
Chief Conservator of Forests		2
Conservator of Forests (Territorial)		2
Conservator of Forests (Headquarters)		1
Conservator of Forests (Functional)		1
Conservator of Forests (Social Forestry)		1
Deputy Conservator of Forests (Territorial) (Southern Divn., Tezpur, Western Divn., Jiribam, Central, Eastern, Northern, Thoubal, Bishnupur)		9
Deputy Conservator of Forests (Resource Survey Divn)		1
Deputy Conservator of Forests (Wildlife Headquarters & Manipur Zoological Park)		1
Deputy Conservator of Forests (Working Plan)		2

Contd.... P/2

*All India
Services
B*

Deputy Conservator of Forests (Social Forestry)	1
Deputy Conservator of Forests (Soil Conservation)	2
Deputy Conservator of Forests (Wild Life) (Kaibul National Park & Yangon-pokpi wildlife sanctuary)	1
Deputy Conservator of Forests (Research, Silviculture & Training)	1
Deputy Conservator of Forests (Rubber)	1
Senior Duty Posts under the State Govt. (Tripura)	27
Principal Chief Conservator of Forests	1
Chief Conservator of Forests	1
Conservator of Forests (Territorial)	2
Conservator of Forests (Development & Planning)	3
Conservator of Forests (Social Forestry)	1
Deputy Conservator of Forests (Territorial), (Kandhampur, Northern Divn., Mebu, Ambasa, Telimura, Sadar, Udaipur, Southern Divn., Ganti Forest Divn.)	9
Deputy Conservator of Forests (Wildlife)	1
Deputy Conservator of Forests (Working Plan)	2
Deputy Conservator of Forests (Headquarters)	1
Deputy Conservator of Forests (Research)	1
Deputy Conservator of Forests (Training)	1
Deputy Conservator of Forests (Planning & Development)	1
Deputy Conservator of Forests (Social Forestry)	3
Total senior duty posts of Manipur & Tripura Cadre	54
2. Central Deputation Reserve @ 20% of 1 above	10
3. Posts to be filled by promotion in accordance with rule 8 of the Indian Forest Service (Recruitment Rules, 1966) @ $33\frac{1}{3}$ % of 1 and 2 above	21
4. Posts to be filled by direct recruitment (1+2+3)	43
5. Deputation Reserve @ 25% of 1 above	13
6. Junior Posts, Leave Reserve & Training Reserve @ 20% of 2 above	10
Direct Recruitment Posts	66
Promotion Posts	21
Total Authorised Strength	87

Sd/-

(MADHUMITA D. MITRA)
DESK OFFICER

GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION DEPARTMENT
PERSONNEL & TRAINING
DEPARTMENT

N.O.P.10(5)-GA(MT)/19(1)

Dated, Agartala the 21st May, 1999.

9-

NOTIFICATION

The Governor is pleased to appoint the following IFS (MT) Cadre Officers of Tripura Part to the selection grade of Indian Forest Service in the scale of Rs. 14,300 - 400 - 10,300/- with effect from the date mentioned against each.

1. Shri J.P. Yadav IFS(MT-03) w.e.f. 01-01-1996.
2. Shri C. Krishnan IFS(MT-04) w.e.f. 01.01.1997.
3. Shri G.S. Raju, IFS(MT-05) w.e.f. 01.01.1998.

By order of the Governor

(B. K. DasGupta)

Under Secretary to the
Government of Tripura

29/5/99

Copy to :-

1. The Chief Secretary, Tripura/Manipur.
2. The Principal Chief Conservator of Forests, Tripura/Manipur.
3. The Accountant General, Tripura.
4. The special Secretary to the Governor, Tripura.
5. The Secretary to Chief Minister, Tripura.
6. The Secretary to the Govt. of India, Ministry of Environment & Forests, Paryavaran Bhawan, C.G.O. Complex, Lodhi Road New Delhi 110003.
7. The Office of the All Minister, Tripura.
8. All Principal Secretary/Secretaries, Tripura.
9. The Chief Conservator of Forests (General/Wildlife) Tripura.
10. The Conservator of Forests, Northern Circle/Western Circle/Southern Circle/Social Forestry/Planning & Development.
11. The Divisional Forest Officer, Sajal, Agartala/Working Plan No. I & II, Agartala/Research, Agartala/Training Division, Sopchiala/Udaipur/Baghipur/Gumti/Talismura/Manu/Ambassa/Kanchanpur/Kishleshwar.
12. Shri J.P. Yadav, IFS, Incharge, Conservator of Forests, Northern Circle.
13. Shri C. Krishnan, IFS, DFO, Research Division, Agartala.
14. Shri G.S. Raju, IFS, Dy. Secretary, Department of Personnel, Government of India, New Delhi, Pin - 110003.
15. Treasury Officer, Agartala/North, Kishleshwar.

B80
532-5/99
10-5-99

(B. K. DasGupta)

Under Secretary to the

Government of Tripura.

Agartala 79

Sc. 20014-22/87-IFS-II
 Government of India
 Ministry of Environment & Forest
 M. o. Environment, Forests & Wildlife
 Parivarshan Bhawan
 CGO Complex, Lodi Road,
 New Delhi-110003.

Dated: 10 April, 1987

To

The Chief Secretaries to
 All the State Governments.

Subject: IFS(Pay) Rules, 1968 - Appointment to the Senior
 Time Scale, Junior Administrative Grade - Manner of
 computation for eligibility for appointments.

Reference: IFS(Pay) Rules as amended in this Department's
 Notification No. 11030/17/87-AIS(II), dated 13th
 March, 1987.

Sir,

In continuation of the Ministry of Personnel, Public
 Grievances and Pensions (Department of Personnel & Training)
 letter No. 11030/22/87-AIS(II) dated 31.3.87, the position
 regarding appointment of Indian Forest Service officers to
 the Senior Time Scale, Junior Administrative Grade and
 Selection Grade is clarified below.

1. According to the proviso to sub-rule (1) of rule 3
 of the IFS(Pay) Rules, 1968, as amended in this Department's
 Notification dated 13th March, 1987, a member of the service
 shall be appointed to the Senior Time Scale on completing
 4 years of service subject to the provisions of sub-rule(2)
 of Rule 6A of the IFS(Recruitment) Rules, 1966. Similarly,
 he shall be appointed to the Junior Administrative Grade on
 completing 9 years of service. Further, under the proviso
 to sub-rule (3) of rule 3, no member of the service shall be
 eligible for appointment to the Selection Grade unless he
 has entered the 14th year of service. For the purpose of
 these appointments, completion of 4 years, 9 years and 13
 years of service are to be calculated from the year of
 allotment.

2. A question has been raised with regard to the method
 of computation of years of service under these rules. It
 has been noted that the probationary training of direct
 recruits commences in the month of April-May and therefore,
 they will be completing 4 years, 9 years or 13 years of
 service, as the case may be, in the month of April or May.

.....2/-

S/ S
 D. P. ASST-GM
 14/5/87

Parivarshan
 Bhawan

However, some of the officers might join later, creating a situation where the seniors become eligible for promotion later than their juniors in service. In order to remove such anomalies, it has been decided that the 1st day of April of the relevant year shall be reckoned for the purpose of computing the requisite number of years of service under these rules.

4. The position in so far as direct recruits are concerned is clarified as under:-

(a) Appointment to Senior Time Scale

An officer shall be eligible for appointment to the Senior Time Scale at any time after 1st April of the year in which he completes 4 years of service depending on the availability of a vacancy in that year subject to the provisions of the IFS (Recruitment) Rules, 1966. For example, an officer whose year of allotment is 1983 may be appointed to the Senior Time Scale on or after 1.4.1987.

(b) Appointment to the Junior Administrative Grade

An officer shall be allowed the Junior Administrative Grade on 1st April of the year in which he completes 9 years of service. This grade is non-functional and shall be admissible, without any screening, to all the officers in the Senior Time Scale who have completed 9 years of service on the said date. For example, an officer whose year of allotment is 1978 shall be allowed the Junior Administrative Grade on 1.4.1987.

(c) Appointment to the Selection Grade

An officer shall be eligible for appointment to the Selection Grade at any time after 1st April of the year in which he completes 13 years of service subject to the provisions of the Indian Forest Service (Pay) Rules, 1968 and subject to the availability of a vacancy in the Selection Grade. For example, an officer whose year of allotment is 1974 shall be eligible for appointment to the Selection Grade on or after 1.4.1987.

5. With regard to the officers appointed to the Service by promotion/selection, the date of computing their eligibility to the Junior Administrative Grade and the Selection Grade, on completion of 9 years and 13 years of service respectively, shall be the first day of the month following the month in which the officer has completed the prescribed number of years of service.

6. These instructions will not adversely affect those officers who have been promoted to the Senior Scale or Selection Grade prior to 13th March, 1987, the date on which the Pay Rules have been amended.

Yours faithfully,

(M.V. Kesavan)

Deputy Secretary to the Govt. of India

Copy to:-

All Ministries/Departments in the Government of India.

(M.V. Kesavan)

Deputy Secretary to the Govt. of India

Government of Tripura
General Administration (Personnel & Training)
Department.

No.F.2(18)-GA(P&T)/93

Dated, Agartala, the 19/11/1999

NOTIFICATION

The Governor is pleased to appoint the following IFS Officers of Tripura Part of Joint Manipur-Tripura Cadre to the post of Conservator of Forests, Tripura (Cadre post of IFS(MT) in the pay scale of Rs.16400-450-27000/- (IFS Supertime Scale) with effect from the date of issue of this order in the existing vacancy.

- 1). Shri J.P.Yadav, IFS, (MT-83) (RR)
- 2). Shri Ashok Kumar, IFS(MT-84) (RR)

2. The above officers will work as Conservator of Forests for the Circle/Department now assigned to them until further orders.

By order of the Governor,

R.C. M. Reddy
(R.C. M. Reddy)

Additional Secretary to the
Government of Tripura.

contd-

*D.S.C.
D.M.R.*

GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATIVE DEPARTMENT
(PERSONNEL & TRAINING)

NO. 38(1)-GA/97

Dated, Agartala, the 12th May, 1999.

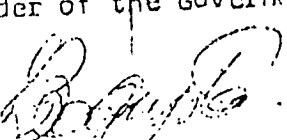
NOTIFICATION

In the interest of public service, the Governor is pleased to order transfer and posting of the following IFS Officers to the place and the post as noted against them with immediate effect and until further orders :-

Sl. No.	Name of Officers	From	To
1.	Shri S. Talukdar, IFS	Deputy Conservator of Forests (HQ) & Joint Secretary, Forests, Tripura, Agartala.	Managing Director, T.R.P.C. Ltd., Agartala on deputation.
2.	Shri J. P. Yadav, IFS	In-charge Conservator of Forests, Northern Circle, Dumanjhat.	In-charge Conservator of Forests, social forestry, Agartala.
3.	Shri A. Kumar, IFS	Managing Director, T.R.P.C. Ltd., Agartala.	In-charge, Conservator of Forests, Northern Circle, Agartala.

The Governor is further pleased to order that Shri A.K. Singh, IFS, Managing Director, TRPC Ltd., Agartala is relieved from the additional charge of Conservator of Forests (HQ), Tripura and Shri S.K. Paney, IFS, Deputy Conservator of Forests, Planning & Development, Tripura will hold the charge of Deputy Conservator of Forests (HQ) and joint Secretary, Forests, Tripura, in addition, with immediate effect and until further orders.

By order of the Governor,


 (O.S.K. Das Gupta)
 Under Secretary to the
 Government of Tripura.

Copy to:-

1. Chief Secretary, Tripura, Agartala.
2. Principal Secretary to Governor, Tripura, Itajbhevan, Agartala.
3. Secretary to Chief Minister, Tripura, Agartala.
4. Offices of all Ministers, Tripura, Agartala.

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