

30/100

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A/T.A No. 422/2000

R.A/C.P No.

E.P/M.A No.

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CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI. 5

ORIGINAL APPLICATION NO. 622/2000

.. MO. Aynb. Khan .. Applicant.

versus

Union of India & Ors .. Respondents.

For the Applicant(s) Mr. D. Sarkar
M. Chanda
Mrs. N. D. Goswami
Mr. G. V. Chakrabarty

For the Respondents. .. C. S. C. / G. A. D. Roy

NOTES OF THE REGISTRAR	DATE	ORDER
<p>This application is in order for the Court to do as it may see fit.</p> <p>77/072</p> <p>Dated..... 6/12/00</p> <p><u>AM</u> Dy. Registrar 6/12</p>	7.12.2000	<p>Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.</p> <p>Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. Central Govt Standing Counsel for the respondents.</p> <p>Application is admitted. Call for the records. Issue usual notices.</p> <p>Pendency of this application shall not be a bar for the respondents to consider the case of the applicant.</p> <p>List on 8.1.2001 for written statement and further orders.</p> <p><u>[Signature]</u> Vice-Chairman</p>
<p>NO Steps & Envelopes are by 6.12.00</p> <p>Steps are not received till today 29/12</p> <p>Steps are received. 27/12/00</p>	8.1.01	<p>On the prayer of learned counsel for the respondents 4 weeks time is allowed for filing of written statement. List on 7.2.01 for filing of written statement and further orders.</p> <p><u>[Signature]</u> Member</p> <p><u>[Signature]</u> Vice-Chairman</p>

Notice prepared and sent to D/S for encls. to respondents No. 1 to 3 by Regd Post. vide D/No 076/14 dttd 1/1/2001.

26/12/00

(2)

1.3.2001

Reply to the original application on behalf of Respondent No. 1 has been filed by G. Case.

28.3.01

Written statement has been filed.

The applicant may file rejoinder if any within 3 weeks. List on 27.4.01 for orders

K. U. Sharma
Member

[Signature]
Vice-Chairman

[Signature]
lm

27.4.2001

Written statement has been filed. T applicant may file rejoinder, if any, within 1 weeks from today. List for orders on 16.5.01.

K. U. Sharma
Member

[Signature]
Vice-Chairman

nk m

20.3.01

Circuit Court - was fixed & cancelled at Agantala. So, this case was not listed in due time.

Placed in orders on 28.3.01.

16.5.01

Mr. M. Chanda, learned counsel for the applicant submitted that respondents no.3 is wrongly shown as Chief Secretary instead of Secretary, Forest and sought for rectification/correction of the designation of the respondents no.3. Prayer allowed and the applicant shall now take fresh step in respect of respondents no.3.

Respondents no.1 & 2 have already filed written statement.

K. U. Sharma
Member

[Signature]
Vice-Chairman

bb

19.6.01

Mr. J. L. Sarker, learned counsel has prayed to correct the ^{description} ~~designation~~ of the respondent No.3. Prayer allowed. Correction shall be carried out during the course of the day.

The learned counsel for the applicant prays for and granted two weeks ^{for stay} time to serve ~~the copy~~ the unserved response.

List on 1-8-2001 for further orders

K. U. Sharma
Member

[Signature]
Vice-Chairman

bb

Order dtd. 16/5/01 Communicated to the parties Counsel, 1951 L.S.2. dtd. 29/5/01

[Signature]
23/5/01

Order dtd 19/6/01 Communicated to the parties Counsel. vide memo.

No. dtd.
[Signature]
21/6/01

Fresh Steps on Respondent No 3 are received. Notice prepared and sent to DLS for issuing the Respondent No 3 vide D/No. 2233

dtd. 25/6/01. Correction made by *[Signature]* 22/6/01. Mr. Petrocelli for applicant.

Notes of the Registry

Date

Order of the Tribunal

01-08-01

Respondent no. 1 has filed the written statement. Notice on the respondents is sent by the registered post. Service is duly completed. The other respondents may file written statement, if any, within 4 weeks.

List on 30-08-2001 for order.

I C Ushara
Member

[Signature]
Vice-Chairman

The respondents did not file any written statement though time granted. The other respondents may file written statement within 3 weeks from today.

List the matter for hearing on 4/10/01.

[Signature]
Vice-Chairman

On the prayer of both the counsel for the parties, the case is adjourned and it shall be taken up for hearing on 27/11/01.

I C Ushara
Member

[Signature]
Vice-Chairman

W/S filed on behalf of R.No. 1, other respondent not yet filed.

[Signature]
29.8.01

mb
30.8.01

W/S filed on behalf of R.No. 1, other respondent has not been filed.

[Signature]
3.10.01

mb
4.10.01

26.11.2001

Reprinder submitted by the applicant in reply to the W/S.

27/11

Heard Mr. J. K. Sankar, learned Counsel for the applicant & Mr. A. Desai, Sr. C.G. for the respondent.

Hearing concluded,
Judgment reserved.

[Signature]
27/11

[Signature]
27/11/02

Notes of the Registry

Date

Order of the Tribunal

29.1.2002

Copy of the Judgment
has been put to the
Office for issuing
the same to the Applicant
by post.

21.12.01

mb

Judgment delivered in open court
kept in separate sheets. The application
is dismissed in terms of the orders.
No order as to costs.

[Signature]

Member

[Signature]

Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 422 of 2000.

Date of Decision..21-12-01...

Mohd. Ayub Khan

Petitioner(S)

S/Sri J.L.Sarkar, M.Chanda.

Advocate for the
Petitioner(s)

-Versus-

Union of India & Ors.

Respondent(s)

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

Advocate for the
Respondent(s)

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

THE HON'BLE MR. K.K. SHARMA, ADMINISTRATIVE MEMBER.

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

Judgment delivered by Hon'ble : Admn. Member.

K. K. Sharma

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 422 of 2000.

Date of Order : This the 21st Day of December, 2001.

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

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

Mohd. Ayub Khan,
Chief Conservator of Forests,
Agartala, Tripura.

. . . Applicant

By Advocate S/Sri J.L.Sarkar, M.Chanda.

- Versus -

1. Union of India,
represented by the Secretary
to the Govt. of India,
Ministry of Environment & Forests.
Paryavaran Bhawan, C.G.O.Complex,
New Delhi.
 2. Union public Service Commission,
represented by its Chairman,
Dholpur House,
Shahjahan Road, New Delhi.
 3. The State of Tripura,
represented by Secretary,
Department of Forests,
Government of Tripura, Agartala,
Tripura.
 4. The State of Manipur,
represented by the Secretary,
Department of Forests,
Manipur, Imphal.
 5. Shri R.S.Lal,
C.C.F.,
Manipur, Imphal.
 6. Shri Rohmingliana Lushai,
C.C.F.,
Tripura, Kanjaban,
Agartala.
 7. Dr. Ashbindu Singh,
C/O Principal C.C.F.,
Manipur, Imphal.
 8. Sri Seibar Singsit
C.C.F.,
Manipur.
- . . . Respondents.

By Advocate Sri A.Deb Roy, Sr.C.G.S.C for
respondents No.1 & 2.

(Signature)

K.K.SHARMA, ADMN.MEMBER,

The only relief claimed in this application is the benefit of promotion to Indian Forest Service (IFS) from the year 1976.

2. Mr J.L.Sarkar, learned counsel appearing for the applicant submitted that the applicant is a appointee to the Tripura Forest Service having joined on 1.4.1967. At present the applicant is working as Chief Conservator of Forests (CCF), Agartala, Tripura. The applicant became eligible for promotion to IFS with effect from 1.4.75. However, no meeting of the Selection Committee for Manipur-Tripura cadre was held for selection to IFS in 1975. Four officers senior to the applicant were appointed to the IFS by Notification dated 13.4.1977. No Selection Committee meetings were held for the years 1977, 1978 and 1979. The meeting of the Selection Committee was held in 1980. The applicant's name was approved for appointment to IFS and he was appointed to IFS with effect from 14.5.1981. The applicant was allotted the year of allotment 1975 vide letter dated 15.1.1985 (Annexure-7 to the O.A). One Dr. Ashbindu Singh, direct recruit to IFS of 1977 made a representation against the applicant's year of allotment 1975 and claimed seniority. On the basis of this representation the year of allotment of the applicant was revised to 1977. The recruitment quota considered by the Ministry of Environment and Forests while fixing the cadre strength at that time was based on notifications dated 20.1.72, 3.1.74 and 20.4.77. The applicant has referred to the order of the Jabalpur Bench of the Central Administrative Tribunal in O.A.394/90 and claimed that the number of posts to be filled by promotion is to be calculated 33 and 1/3 percent of the items No.1, 2 and 5 of the Cadre Schedule. The order

11/1/85

contd..3

got promotion in the year 1976 if the authority had taken into consideration of the posts under item 5 of the Cadre Regulation, namely, deputation reserve. This position has been accepted by the Calcutta and Jabalpur Benches of the Tribunal and the same has also been confirmed by the Supreme Court. Government of India by Notifications dated and 31.12.97 & 12 22.11.90/(Annexure-11/to the O.A.) amended the rules of IFS (Fixation of Cadre Strength) Regulations on 31.12.97 by which a deputation reserve has been included for fixation of the cadre strength, ~~and hereby~~ State deputation reserve at the rate of 25% has been included in the Cadre Strength. This amended Notification had been given effect from 1.1.1998. It is submitted by the applicant that the same procedure deserved to be adopted with retrospective effect and the selection made in the year 1976 deserves to be reviewed by adopting the same method. By non adoption of avenues of promotion the applicant had been deprived of promotional benefit to the cadre of IFS during the year 1976. The applicant submitted his representation dated 14.9.99 to the Secretary to the Government of India, Ministry of Environment and Forests, New Delhi. The applicant had represented for re-determination of the year of allotment and consideration for appointment to IFS. It is stated that in the Central Government Notification No. 16016/29/75-AIS(IV) dated 26.2.77 of the Department of Personnel and Administration where 3 posts were shown under item No.5, namely, State deputation reserve. As per this Notification the senior posts had been shown as 25 and deputation reserve vacancy shown as 3. Three deputation reserve posts are added and the total number of posts came to 28 and promotional posts should be 9 against 8 posts shown in the cadre schedule and out of the 9 posts Tripura would have got 5 posts and the applicant would have become

K. K. Sharma

eligible for promotion to IFS on 1.6.76 long before the revised cadre schedule from 26.2.77. Thus the applicant is entitled to be promoted to IES with effect from 13.4.77 i.e. the date his immediate senior in the State Forest Service Sri S.K.Mukherjee was promoted and the year of allotment ought to have been fixed as 1970. The applicant has challenged the selection and prays for revision of selection held in 1976. Learned counsel for the applicant relied on the Judgment of the Supreme Court in S.Ramanathan vs. Union of India & Ors., reported in 2001(2) SCC 118 and the judgment of the Central Administrative Tribunal, Jabalpur Bench in K.K.Goswami vs. Union of India & Ors. and also the judgment of the Calcutta Bench in O.A.994/90.

3. The respondent No.1 has filed a written statement. No written statement has been filed on behalf of respondent No.2, Union public Service Commission and respondent No.3, State of Assam. Mr A.Deb Roy, learned Sr.C.G.S.C referring to the written statement submitted that the vacancy position has been settled by the amendment of Rule 9 which was amended in the year 1989. With this amendment it is provided that the number of posts at any time should not exceed more than 33% of posts at serial No.1 and 2 of the Fixation of Cadre Strength Notification. As per this amendment only senior level posts and senior posts under Central Government are to be considered for the purpose of fixing the promotion quota. He also submitted that the applicant has filed the application at a very belated stage, when the recruitment rules had been amended with effect from 22.8.89 to exclude the state deputation reserve for calculation of promotion vacancies, the applicant cannot raise the issue at this belated stage. This issue has been considered by the Chandigarh Bench of the C.A.T in Vinod Kumar Jhajhria in

IC Usharma

O.A. No.1122/HR/96 dated 14.10.97. The respondents have also relied on the judgment dated 19.4.2000 of the Supreme Court in Tamilnadu Administrative Service Officers' Association vs. Union of India & Ors., reported in AIR (2000) S.C 1898.

4. We have given our anxious consideration to the submissions made on behalf of the parties and have also perused the documents submitted alongwith the application. The relief claimed by the applicant pertains to the year 1976. The applicant's case is that he should have been promoted to IFS from ~~x~~ the year 1976 instead of he was given promotion to IFS with effect from 13.4.1977. The application was filed on 6.12.2000. Under Section 19 of the Administrative Tribunals Act 1985 limitation has been prescribed. Under sub-section 2 of Section 21 of the Act this Tribunal has been given power to look into grievances arising during the period 3 years preceeding the setting up of the Tribunal. The Administrative Tribunals Act came into operation in the year 1985. Thus this Tribunal can look into the grievances arising upto the year 1982 subject to other limitation. Prima facie applicant's case is barred by limitation of Section 21. Apart from this the judgment on the basis of which the applicant has made this application ^{was} also passed long back. O.A.No.394/90 - K.K.Goswami vs. Union of India & Ors. was decided on 29.6.94. The SLP arising from this judgment was decided on 24.8.95. The application on this ground itself is liable to be dismissed. Not only that the same issues have been considered by the Chandigarh Bench in Vinod Kumar Jhajhria - O.A.1122/HR/96 dated 14.10.97 and by the Supreme Court in Tamilnadu Administrative Services Officers' Association & another vs. Union of India & Ors.

K. L. Shah

contd..7

decided on 19.4.2000 and reported in AIR 2000 SC 1898. In this case the Members of Tamilnadu and Haryana State Administrative Service Officers sought direction from the Supreme Court to the respondents to encadre of State Deputation Reserve post, ex cadre post and temporary post manned by the IAS Officers for a continuous period of 3 years. Their plea was that some posts which have not been included in item No.1 of the schedule to the IAS (Fixation of Cadre Strength) Regulation were being manned by IAS Officer and these posts were in existence for decades together and such posts have not been encadred. Consequent to the failure of the respondents to encadre these posts, the petitioners were denied their legitimate right of being selected to the IAS. It was held by the Supreme Court as under :

"... It is a well-settled principle in service jurisprudence that even when there is a vacancy, the State is not bound to fill up such vacancy nor is there any corresponding right vested in an eligible employee to demand that such post be filled up. This is because the decision to fill up a vacancy or not vests with the employer who for good reason; be it administrative, economical or policy, decide not to fill up such post(s)..."

The Chandigarh Bench of the Tribunal in Shri. DuVinaodh vs. Kumar Jhajharia's case also held as under :

"... While the first notification amended the cadre strength regulations in respect of Madhya Pradesh cadre in order to increase the number of vacancies in promotion quota in the IFS of the said cadre after taking into account the senior duty posts as also Central Deputation Reserved i.e. item Nos.1, 2 and 5 of the cadre Strength Regulations. However, by the second notification issued on the same date, the recruitment rules were also amended according to which the number of persons recruited under Rule-8 in any State would not at any time exceed 33 1/3 percent of the number of posts shown against items 1 and 2 of the Cadre Strength in relation to that State in the Schedule to that Cadre Strength Regulations.

With ~~ref~~ the issuance of the aforesaid Notification, it was made known to all

10/11/00

14

the State Forest Officers' serving in different States that the Notification of the Govt. of India was explicit not to provide promotion quota more than 33 1/3 percent of the number of posts shown against item No.1 and 2 of the Cadre Strength in the Schedule. Thus if any member of the State Forest Service had any grievance, he ought to have challenged the legality of the above stated provisions within the prescribed period of limitation. As pleaded by the applicant himself, he became eligible for appointment to the IFS in the year 1988. He did not challenge the above stated provisions till he filed the present O.A. in the year 1997. Even in the year 1993, the applicant was considered and placed in the select list, and the promotion quota was calculated in terms of the above stated Regulation. The applicant did not question the said method of calculation of promotion quota within the period of limitation even after his placement in the select list of 1996. In this background, if the claim of the applicant is accepted at this stage the retrospective increase in the promotion quota in the IFS Cadre of Haryana is bound to adversely affect the seniority of those directly recruited IFS Officers who have been appointed during this long interval of 8 years from the year 1989 till date. None of them has been impleaded in the array respondents in the present O.A.

Similarly in Tamilnadu Administrative Service Officers'

Case the Supreme Court has held as under :

"The petitioners further contend that similar relief was granted in the case of applicants who filed original applications before the Jabalpur Bench and Calcutta Benches of the Tribunal, and there is no reason why the petitioners should be denied such benefits. The Union of India has explained in the counter affidavit that those are isolated cases where promotions were given on the basis of the directions issued in the original applications as well as contempt petitions, and the same should not be treated as a binding precedent in every other case. We notice that as per the statutory provisions, the encadring of posts can be done only on certain fact situations existing and further it will have to be done on a review to be conducted by the Central Government in consultation with the State Governments and on being satisfied

K. L. Sharma

that an enhancement in the cadre strength of encadring of certain posts is necessary in the administrative interest of the States concerned. Until such encadrement takes place, nobody including the petitioners could stake a claim to consider their case for promotion to those ex-cadre posts. Therefore, such right to be considered for promotion, in our considered view, would arise only from the date of encadrement which having been done with effect from 1998 only, we do not think that as a matter of right the petitioners are entitled for retrospective seniority.

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

The learned counsel for the applicant has referred to the Supreme Judgment in S.Ramanathan vs. Union of India & Ors., reported in (2001) 2 SCC 118 for the submission that if statutory power is given to a authority, duty is cast on the authority to comply with the requirement of law and a relief due to an applicant could not be denied on the plea of administrative chaos, unless based on materials on record. He submitted that in view of this judgment, as the statutory duty was cast on the respondents to properly consider the case of the applicant in the light of the judgment in K.K.Goswami's case and the judgment of the Calcutta Bench of the Tribunal.

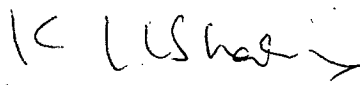
5. We have perused the judgment of S.Ramanathan's case. In this case the triennial review under Rule 4(2) of IPS Cadre Rules, which was due in 1987 but was initiated in 1989 and was completed in 1991. The applicant in that case had approached the Central Administrative Tribunal for appropriate directions. There also a plea was taken that the applicant

10/1/91

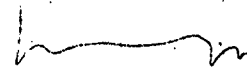
had approached the Tribunal beyond limitation. It was held in that case as under :

" . . . We are not persuaded to accept this submission inasmuch as the appellants approached the Tribunal, the moment the competent authority redetermined the cadre strength in the year 1991, and, therefore, it cannot be said that there has been laches on the part of the appellants to approach the Administrative Tribunal. . . ."

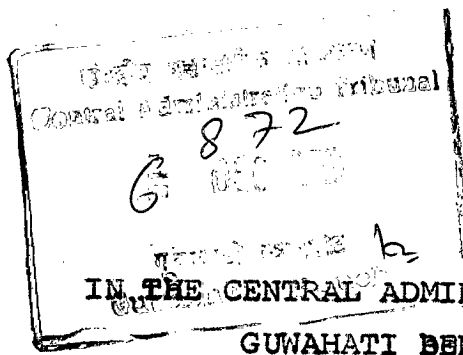
In the case referred to by the learned counsel the issue was alive as the applicant had taken steps to move the Central Administrative Tribunal in time. Here in this case we find no reason for the belated filing of the application. Considering all the facts the application is liable to be dismissed. Accordingly the same is dismissed. There shall, however, be no order as to costs.



(K.K.SHARMA)
ADMINISTRATIVE MEMBER



(D.N.CHOWDHURY)
VICE CHAIRMAN



13

Filed
Shri N.D. Goswami
Advocate
30/11/2000

(An Application under Section 19 of the Administrative Tribunals Act, 1985).

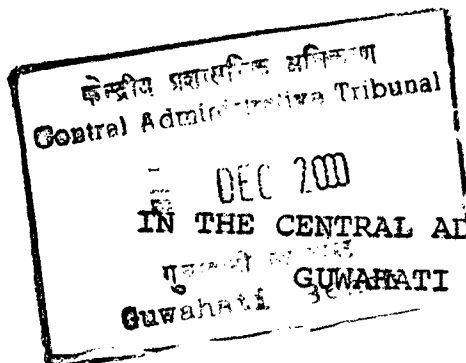
Title of the Case : O.A. No. 422/2000
Mohd Ayub Khan : Applicant
-versus-
Union of India & Ors. : Respondents

I N D E X

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Filed by
Advocate

Mohd. Ayub Khan



(An Application under Section 19 of the Administrative
Tribunals Act, 1985).

Original Application No. 422/2000

BETWEEN

Mohd. Ayub Khan

Chief Conservator of Forests

Agartala

Tripura

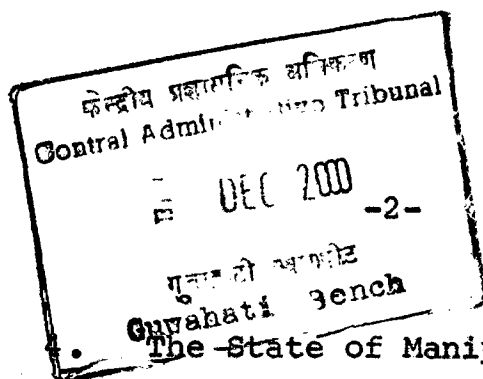
..... Applicant

-AND-

1. Union of India
represented by the Secretary
to the Government of India,
Ministry of Environment and Forests,
Paryavaran Bhawan, C.G.O. Complex,
New Delhi.
2. Union Public Service Commission,
represented by the Chairman, U.P.S. C.,
Dholpur House,
Shajahan Road, New Delhi.
3. The State of Tripura,
Represented by the Chief Secretary, *Am'*
Department of Forests,
Government of Tripura, Agartala,
Tripura.

Contd.....

Mohd. Ayub Khan.



represented by the Secretary,
Department of Forests,
Government of Manipur,
Imphal, Manipur.

5. Shri R.S.Lal,
Chief Conservator of Forests,
C/o Principal Chief Conservator of Forests,
Manipur, Imphal.
6. Shri Rohmingliana Lushai
Chief Conservator of Forests,
Tripura, P.O. Kunjaban,
Agartala
7. Dr. Ashbindu Singh
C/o Principal Chief Conservator of
Forests, Manipur,
Imphal.
8. Sri Seibar Singsit
Chief Conservator of Forests,
Manipur
(Presently on deputation as Deputy Director
General, I.C.F.R.E., P.O. New Forest,
Dehradun).

.... Respondents

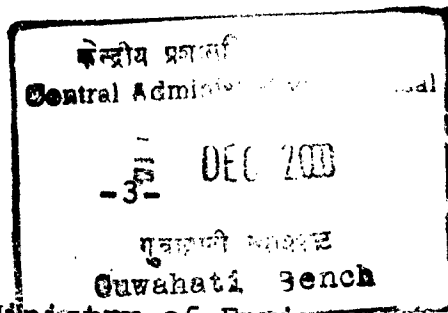
DETAILS OF APPLICATION

1. Particulars of the order against which this appli-
cation is made.

Deemed refusal of the Secretary to the Government

Contd...

Mahol. Ayub Khan.



of India, Ministry of Environment & Forests to dispose of the applicant's representation dated 14.9.1999 in regard to the correct determination/fixation of his seniority and the year of allotment in the Indian Forest Service.

Subject in brief : Indian Forest Service Manipur/Tripura Cadre : Determination for seniority and the year of allotment of promotee officers in terms of the provisions of Rule 3(2) (c) of the Indian Forest Service Regulation of Seniority Rules, 1968.

2. Jurisdiction of the Tribunal.

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

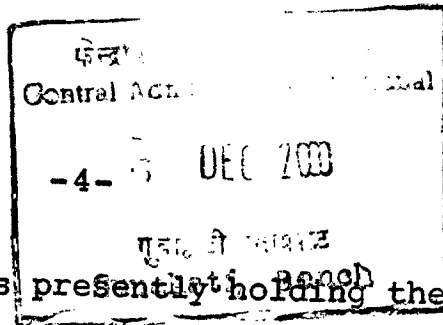
3. Limitation

The applicant declares that no final order has been made by the Government or other authority or officer or other persons competent to pass such order with regard to the representation dated 14.9.99 made by the applicant and a period of one year expired thereafter, hence the instant application is being filed on the expiry of one year from the date of said representation. Therefore, this application fulfils the requirement of the law of limitation as laid down under Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

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

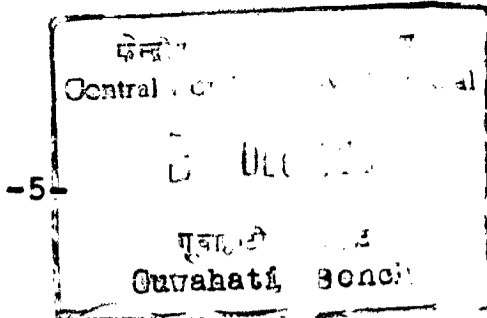
Mahd. Ayub Khan



applicant is presently holding the post of Chief Conservator of Forests under the Principal Chief Conservator of Forests, Tripura. The respondent nos. 5 to 8 are the IFS officers and they have been arrayed as party respondents as an abundant caution because the subject matter of the application involves the correct determination of the applicant's seniority and the fixation of his year of allotment. The applicant is aggrieved by the method and manner in which his year of allotment has been fixed.

4.2 On the recommendation of the Union Public Service Commission, New Delhi the applicant was selected by the Government of Tripura as probationer for undergoing training in Indian Forest College, Dehradun for subsequent appointment as Divisional Forest Officer in Tripura Administration (Union Territory). Accordingly he joined the Indian Forest College, Dehradun on 1.4.1967 and on successful completion of the training he was appointed as Divisional Forest Officer with effect from 24.4.1969 vide Memo No. 2-2(1)/For-69/1826-30 dated 25.4.1969 of Government of Tripura, Forest Department. His appointment to the aforesaid post was made substantive with effect from 19.11.1974. The post of Divisional Forest Officer was redesignated as Conservator of Forests by the Govt. of Tripura vide their Notification No. F.2-2(1)-For-75/1644-738 dated 28.8.1978. It is relevant to mention here that Hon'ble Governor of Tripura was pleased to confirm the service of the applicant as Divisional Forest Officer vide Notification issued under letter No. F.2-1(2)/For-75/1666-75 dated 23.8.75 with effect from 19.11.74 against

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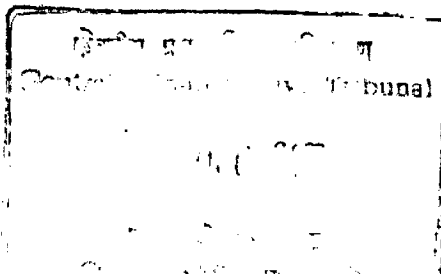
a permanent post under Forest Department, Government of Tripura.

Copy of the Office Order dated 24.4.1969, Notification dated 23.8.1975 and Notification dated 28.8.1978 are annexed as Annexures-1, 2 & 3 respectively.

4.3 That the applicant became eligible for promotion to the IFS cadre (hereinafter eluded to IFS) with effect from 1.4.1975. It would be appropriate to refer to the law governing the IFS and the relevant rule framed thereunder in order to effectively show as to how the applicant became eligible for promotion to IFS with effect from 1.4.1975.

4.4 That the Indian Forest Service is one of the All India Services common to the Centre and to the States. The statutory basis for the establishment of the All India Services was provided by Chapter I of part XIV of the Constitution (Article 308 to 314) supplemented by the All India Services Act, 1951, passed by the Parliament as envisaged in Article 312 of the Constitution. The Act of 1951 was initially applicable to the Indian Administrative Service and the Indian Police Service but it was subsequently extended by Amendment Act 22 of 1963 to cover the Constitution of three new All India Services one of which was the Indian Forest Service. Section 3 of the Act of 1951 empowers the Government of India to make, after consultation with State Governments, rules for the regulation of recruitment and the conditions of service of persons appointed, to an All India Services.

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4.5 That pursuant to the amendment of 1963, mutual consultations were held between the Union Government and the various State~~es~~ Governments and the broad pattern already in existence for the Indian Administrative Service and the Indian Police Service was decided to be adopted for the Indian Forest Service also. Once this decision was taken the statutory rules followed. These were five sets of rules framed between 1966 and 1968.

- i) The IFS (Cadre) Rules 1966
- ii) The IFS (Recruitment) Rules, 1966
- iii) The IFS (Promotion) Rules, 1968
- iv) The IFS (Pay) Rules, 1968
- v) The IFS (Regulation of Seniority) Rules, 1968.
- iv) The IFS (Fixation of Cadre Strength) Rules,

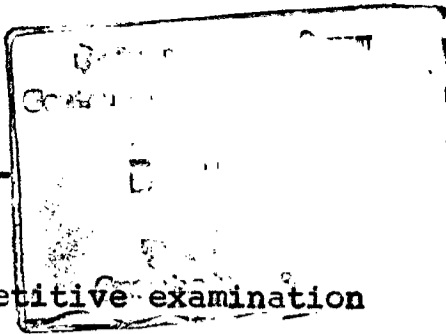
4.6 That in pursuance of Sub-Rule (i) of Rule 8 of the IFS (Recruitment) Rules, 1966, the Central Government in consultation with the State Governments and the Union Public Service Commission, framed the IFS (Appointment by Promotion) Regulations, 1966.

For the purpose of the instant case four of the above mentioned Rules, namely (i) The IFS (Cadre) Rules, 1966 (ii) The IFS (Recruitment) Rules (iii) The IFS (Regulation of Seniority) Rules and (vi) the IFS (Fixation of cadre strength) Rules alongwith the IFS (Appointment by Promotion) Regulations, are highly relevant and the relevant provisions of the same would be referred to in this application.

4.7 That under Sub-rule (2) of Rule 4 of the IFS (Recruitment) Rules, recruitment to the IFS is mainly by two of the following methods, namely;

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- i) by competitive examination
- ii) by promotion of substantive members of the State Forest Services.

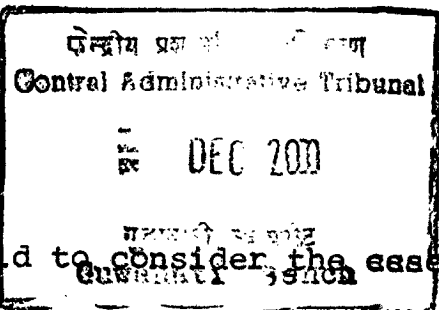
4.8 That the regulation 5 of the I FS (Appointment by Promotion) Regulation provides for the preparation of a list of suitable officers of the State Forest Services by the Selection Committee. This regulation also lays down that each selection committee shall ordinarily meet at interval not exceeding one year. Third proviso to Sub regulation (2) of Regulation 5 further lays down that the Selection Committee shall not consider the case of a member of the State Forest Services unless on the first day of January of the year in which it meets, he is substantive in the State Forest Services and has completed not less than eight years of continuous service in the State Forest Services.

4.9 That as the applicant had completed 8 years of continuous service in the State Forest Service and was in a substantive capacity in the State Forest Services with effect from 1.4.1975 he was eligible for promotion to the IFS w.e.f. the said date, in terms of the 3rd Proviso of the Sub regulation (2) of Regulation 5 of the IFS (Appointment by Promotion) Regulations.

4.10 That it is stated that 8 years service as required under the rule for consideration for appointment by promotion to the IFS cadre, the applicant became eligible for consideration to the I FS cadre on 1.4.1975. In this connection it is relevant to mention here that although the applicant was eligible during the year 1975 but no meeting of selection committee for Manipur-

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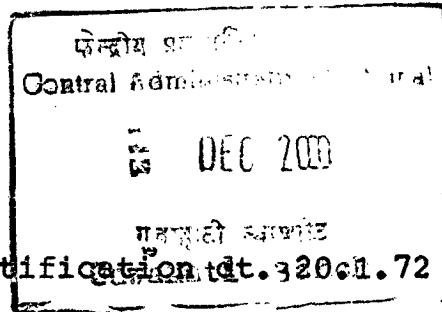
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Tripura cadre was held to consider the case of the eligible candidates for appointment to IFS by promotion in terms of the Recruitment Regulation 5 of the IFS (Appointment by promotion Regulation).

4.11 That it is stated that the Central Government by Notification No. 6-41/71-AIS(IV)-D dated 20.1.1972 fixed the cadre strength of the State cadre of Manipur-Tripura. By the said Notification the total authorised strength of the Joint Cadre was fixed 12, of which 8 ~~xxxxxxx~~ posts were to be filled up by promotion in accordance with Rule 8 of the IFS (Recruitment Rules, 1966).

The Central Government again by Notification No. 6.59/72-AIS(IV) dated 3.1.1974 fixed the cadre strength of the Joint Cadre of Manipur-Tripura. By the said Notification total authorised strength of the Joint Cadre of Manipur-Tripura was fixed as 24, of which 6 posts were to be filled up by promotion in accordance of Recruitment Rules, 1966 and necessary amendments were made in the cadre strength Regulation 1966. It is also relevant to mention here that the Central Government by another Notification No. 16016/29/75-AIS(IV) dated 26.2.1977 amended the cadre strength by the IFS (Fixation of Cadre Strength) Amendment Regulation 1977 under which the cadre strength for the Joint cadre of Manipur-Tripura increased. Under the said amendment the total authorised strength for the Joint Cadre of Manipur-Tripura was increased from 24 to 35 and consequently the promotional post to be filled up by the members of the State Forest Service for the State of Manipur-Tripura was increased from 6 to 8.

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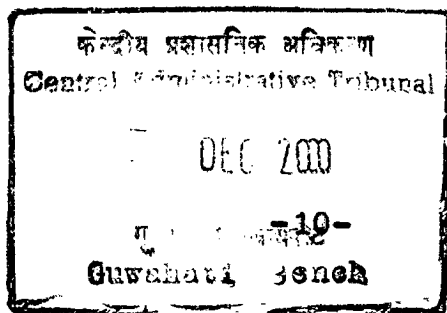
Copy of the Notification dt. 320.1.72 and Notification dated 3.1.1974 and Notification dated 26.2.77 are annexed as Annexures- 4,5 and 6 respectively.

4.12 That it is stated that under Rule 3 of the Appointment by Promotion Regulation 1966 a Joint Cadre Committee consisting of the Chairman of the Union Public Service Commission or any other member of the Commission, Chief Secretaries of the States of Manipur and Tripura, Principal Chief Conservator of Forests of Manipur and Tripura and the nominee of the Central Government not below the rank of Joint Secretary was to be constituted for the purpose of selection of suitable members from amongst the members of the State Forest Service of Manipur and Tripura for appointment to IFS in terms of Rule 4(ii) (b) of the Recruitment Rules 1966.

The IFS (Appointment by promotion) Regulation 1966 sub regulation (2) of Regulation 5 and Joint Cadre Rules 1972 Schedule I and III provided that the total number of posts to be filled by promotion in a Joint Cadre will be divided amongst constituent States as per agreement which have been arrived at under sub rule 3 of Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966.

The Joint Cadre Authority shall ordinarily meet at an interval not exceeding one year and prepare list of such members of the State Forest Service as are held by them to be suitable for promotion to the service. The Committee shall consider for inclusion in the said list the cases of members of State Forest Service up to a number not less than 5 time the number referred to in

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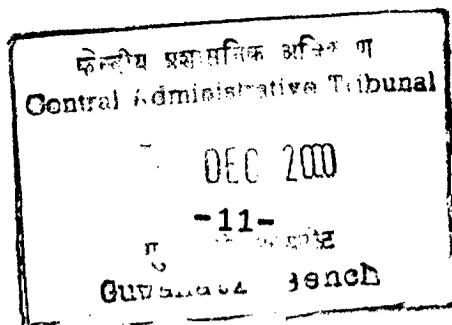
Sub Regulation 1 of Regulation 5 of IFS (Appointment by Promotion) Regulation 1966. The list shall be prepared separately in respect of each State Forest Service. The number of the Members of the State Forest Service included in each such part of the list shall have to be not more than twice the number of substantive vacancies anticipated in the course of the period of 12 months commencing from the date of preparation of the list.

In the explanation (ii) to Regulation 5 of the Appointment by Promotion Regulation, 1966, it has been provided that in computing the period of continuous service for the purpose of the Regulation there shall be included any period during which an officer undertook training in diploma course in the Indian Forest College, Dehradun or such other training as may be approved by the Central Government in consultation with the U.P.B.C., in any other Institution.

The Committee, however, shall not consider the cases of members of State Forest Service until on the first day of January of the year in which it meets, he is substantive in the State Forest Service and has completed not less than 8 years of continuous service (whether officiating or substantive) in the post included in the State Forest service including the period of training for two years.

4.13 That it is stated that the list of eligible officers as are found suitable for promotion to the IFS and prepared by the Committee in terms of the Regulation 5 of the Appointment by Promotion Regulation, 1966

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shall be submitted to the Union Public Service Commission, by the concerned State Government alongwith records of all the members of the State Forest Service included in the list and the records of State Forest Service who are proposed to be superseded by the recommendation made in the list and reasons for supersession and the observation of the State Government on the recommendation of the Committee for their consideration and approval of the list and the list as finally approved by the UPSC shall form the Select List of the members of the State Forest Service. The select list which is approved by the UPSC shall be in force until list is reviewed and revised under Regulation 5(4) of the said Regulation and removed the name of such persons in the manner provided in the said Regulation.

4.14 That it is stated that six senior posts were available for filling up by promotion, 3 each from the State of Manipur and Tripura in 1976. This strength was revised by the Central Government vide the Notification dated 25.2.1977 increasing the strength of senior promotion posts to 8, of which 4 posts to the State of Manipur as agreed by the Joint Cadre Authority of Manipur and Tripura under Rule 3(2) of the Cadre Rules 1966. At that time the following State Forest Service Officers in Tripura - part of the Joint Cadre held the substantive posts of Divisional Forest Officer re-designated as Assistant Conservator of Forests and had also completed 8 years service as required under the Sub Regulation 2 of Regulation 5 of IFS (Appointment by promotion) Regulation 1966 :

Sl.No.	Name of Officer	Substantive w.e.f
1	Shri N.N.Dey	15.9.71

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2. Shri M.K.Biswas 12.11.1971
3. Shri D. Dutta Roy 19.11.1974
4. Shri R.M. Dutta 19.11.1974
5. Shri S.K.Mukherjee 19.11.1974
6. Shri M. A.Khan 19.11.1974
7. Shri V.K.Sood 19.11.1974
8. Shri R.N.Singh 19.11.1974
9. Shri A.K.Singh 19.11.1974

4.15 That the Joint Cadre Committee for the State of Manipur and Tripura held its meeting on 17.09.1996 for selection and preparation of a list of suitable officers from amongst the members of the State Forest Service under the States of Manipur & Tripura. On the recommendation of the Committee the select list was prepared with the following officers :

Tripura Part

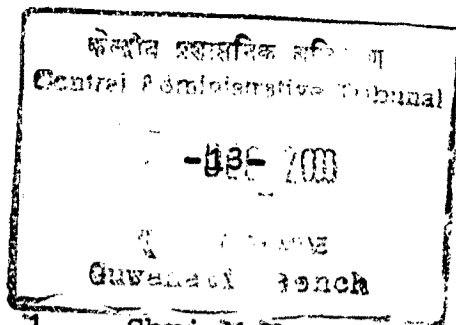
1. Shri M.K.Biswas,
2. Shri D. Dutta Roy,
3. Shri R.M.Dutta
4. Sri S.K.Mukherjee

Manipur Part

1. Sri N.Kunjo Singh
2. Sri Nganthoi Singh

After the select list was approved by the U.P.S.C. and on the basis of the 4 senior posts available at that time the following State Forest Service Officers in Tripura were appointed to the senior post of IFS with effect from the dates as indicated against each :

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1. Shri M.K.Biswas 5.2.1977
2. Shri D.Dutta Roy 5.2.1977
3. Shri R.M.Dutta 5.2.1977
4. Shri S.K.Mukherjee 13.4.1977

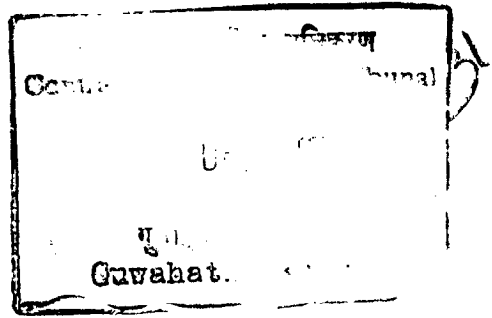
It is relevant to mention here that Shri S.K. Mukherjee who was immediate senior to the applicant in the State Forest Service was appointed to I.F. S. vide Notification No. 17013/3/77-AIS(IV) dated 13.4.77 of the Ministry of Environment and Forests and was allotted 1970 as year of allotment vide order No.18014/10/31-IFS-II dated 15.1.1985.

4.15 That your applicant begs to state that after filling up of 4 senior posts in 1977 as stated above no meeting of the Joint Cadre Committee of Manipur and Tripura was held for next 3 years i.e. 1977, 1978 and 1979 contrary to the mandatory provision of IFS (Appointment by Promotion) Regulation, 1966, sub regulation 5 which provides that the Joint Cadre Committee shall ordinarily meet at an interval not exceeding one year for preparation of select list of such members of the State Forest Service as held by them to be suitable for promotion to the service. It was only in December 1980 that the Joint Cadre Committee met for preparation of Select List. The cases of all eligible State Forest Service Officers who held substantive posts in Tripura were considered and the committee recommended the following names in order of seniority :

1. Shri M.A. Khan
2. Shri V.K.Sood

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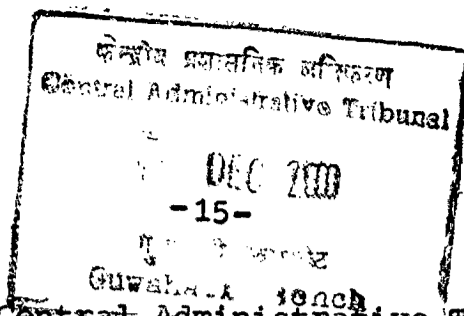


The aforesaid Select List was approved by the UPSC on 21.1.1981 and the applicant was appointed to officiate to the senior post of IFS under Rule 8 of IFS (Recruitment Rules) 1966 with effect from 14.05.1981. The officiating appointment was later on confirmed with effect from 14.2.1982 vide Ministry's No.18013/13/83-IFS.II dated 9.10.1984. Thereafter the applicant was also allotted year of allotment 1975 vide Ministry's letter No. 18014/10/81-IFS.II dated 15.1.1985 below Shri R.Lusai, a direct recruit who was appointed to senior scale with effect from 1.1.1979.

Copy of the order dated 15.1.1985, Notification dated 9.10.1984 are annexed as Annexures-7 & 8 respectively.

4.16 That it is stated that meanwhile Dr. Ashbindu Singh (1977) direct recruits to the IFS borne in the Joint Cadre of Manipur-Tripura (Manipur-Part) submitted representations against the year of allotment 1975 and claimed seniority above the applicant. On the basis of those representations the Ministry vide their Office Memo No.18014/10/82-IFS-II dated 13.2.1989 revised the year of allotment to 1977 so far as the applicant is concerned. It is also relevant to mention here that the strength of promotion quota was computed by the Ministry of Environment and Forests while fixing the cadre strength vide Notification dated 20.1.1972, 3.1.1994 and 20.4.1977.

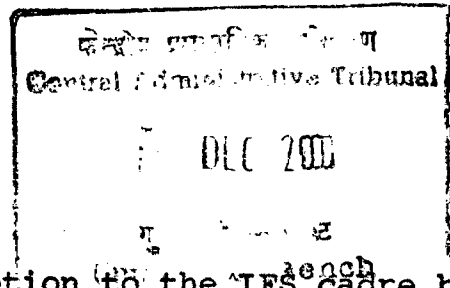
4.17 That your applicant begs to state that it has been held by the Central Administrative Tribunal, Jabalpur Bench in O.A. No. 394/90 and the Hon'ble Calcutta Bench



of the Central Administrative Tribunal in O.A. No. 994/90 that the number of posts to be filled by promotion is to be calculated 33 and 1/3 percent of the items No. 1+2+5 of the Cadre Schedule with 20% of item No.1 against Central Deputation Reserve and 25% of item No.1 against internal Deputation Reserve, i.e. against items No. 2 and 5, respectively. The said orders of Hon'ble Tribunals were finally upheld by the Hon'ble Supreme Court by its order dated 24.2.95 in the SLP (C) No. 3464 of 1995. It is therefore, necessary that the same method of determining the number of posts to be filled by promotion should be adopted in all the States including Manipur-Tripura, namely 33 and 1/3 percent of items no. 1+2+5 from the year 1973.

It is stated that due to non-inclusion of item Nos. 2 and 5 while calculating 33 and 1/3 percent for promotion quota the applicant was excluded for consideration in the selection held on 27.09.1976. As such non-consideration of promotion of the applicant caused irreparable loss to the service prospects of the applicant. If the same procedure method and manner was adopted for calculating the promotion quota as settled by the Hon'ble Jabalpur and Calcutta Bench of the Central Administrative Tribunal in O.A. No. 394/90 and 994/90 in that event two posts would have been increased. In item No.5 as per Notification dated 3.1.1974 8 posts were shown against item no.5 whereas posts under State deputation reserve would have been taken into consideration in that event two posts would have been increased against item No.5 and the applicant would have fallen within the zone of

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consideration for promotion to the IFS cadre but due to non-computation of the method determined by the Hon'ble Jabalpur Bench and Calcutta Bench of the Central Administrative Tribunal the case of the applicant was not considered.

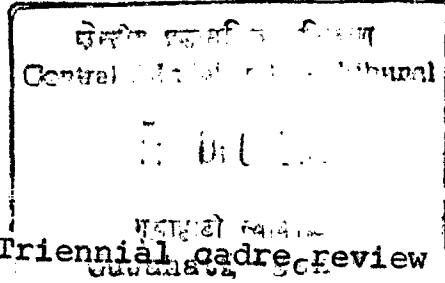
Copy of the judgement and order dated 29.6.94 passed in O.A. No. 394/90 referred to above and the judgement and order dated 24.8.95 passed in SLP (C) No. 3464 of 1995 are annexed as Annexures 9 & 10 respectively.

4.18 That under Rule 4(1) of the IFS (Cadre) Rules, the strength and composition of each of the cadre constituted under rule 3 shall be as determined by regulations made by the Central Govt. in consultation with the State Govt. in this behalf. Pursuant to this rule 4(1), the Central Government in consultation with the respective State Govt. had framed the IFS (Fixation of Cadre Strength) Regulations, 1966.

Rule 4(2) of the IFS (Cadre) Rules, provides that the Central Government shall, at the interval of every three years, re-examine the strength and composition of each such cadre in consultation with the State Government concerned and may make such alterations therein as it deems fit.

4.19 That the failure to hold the mandatory Triennial cadre review on its due date thus violated the Rule 4(2) of the IFS (Cadre) Rules. If the Triennial cadre review would have held at least the same would resulted in addition of 2 (two) more senior scale posts, it is

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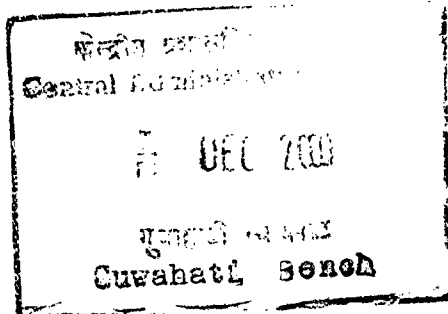


obvious that had the Triennial cadre review held on its schedule date the applicant would have got the advantage of the same as the relevant time the applicant was holding the cadre post.

4.20 That the applicant was promoted to IFS vide Government of India, Ministry of Environment & Forests Notification No.17013 15/80-AIS (X IV) dated 14.5.81. This appointment of the applicant to IFS was made under sub-rule (1) of Rule 8 of IFS (Recruitment) Rules, 1968 and sub-rule (1) of Rule 9 of the IFS (Appointment by Promotion) Regulations, 1966. Pursuant to this appointment, applicant was allotted the Manipur-Tripura cadre of the IFS under sub-rule (1) of Rule 5 of the IFS (Cadre) Rules, 1966.

4.21 That the applicant was appointed to IFS vide order dated 14.5.1981 but his year of allotment initially determined as 1975 but subsequently the same was re-determined as 1977 and he was placed below respondent nos. 5,6,7 and 8. It is stated that Shri R. Lusai, IFS, was the junior most among the direct recruit Indian Forest Service Officers in Manipur-Tripura cadre. Sri R. Lusai officiating since 1975, Sri S. Singsit a directly recruited IFS Officer in the Manipur- Tripura cadre was officiating in senior post with effect from 12.11.1980 and Sri Ashbindu Singh is also another direct recruit IFS officer in the Manipur-Tripura cadre, year of allotment of the applicant has been revised as 1977 instead of 1975 following the representation of the above private respondents, whereas the present applicant earned eligibility by completing 8 years regular service during the

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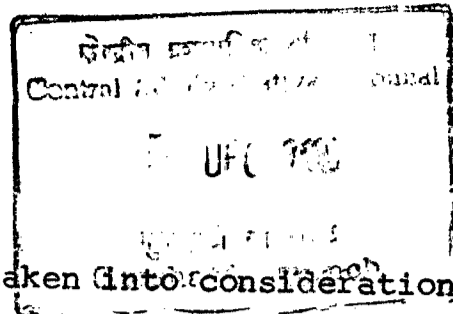


year 1976 for consideration of appointment to the post of IPS for Manipur-Tripura cadre the case of the applicant was not considered by the Joint cadre of Manipur-Tripura as because item 5 of the Regulation of the I.F.S. (Appointment by promotion) Regulations not taken into consideration while calculating the promotion post of IFS. As a result altogether 8 posts for promotion were taken into consideration for Manipur and Tripura State but due to non-inclusion of posts fall under item 5 i.e. post meant for State deputation reserve, as a result only 8 posts are shown for promotion quota in place of 10 posts. If the method and manner of calculation of 33 1/3% of promotion quota would have ~~taken~~ into consideration as per law laid down by the Hon'ble Jabalpur and Calcutta Bench of the Hon'ble Central Administrative Tribunal which was subsequently confirmed by the Hon'ble Supreme Court. In that event the applicant would have considered for promotion amongst the two additional posts as shown above which would have been increased in the promotion quota of 33 1/3 percent of the IFS cadre.

It is also stated that the applicant is placed below the respondent nos. 5 to 8 in the seniority list as because non-consideration of promotion of the applicant in 1976 selection due to wrong calculation of vacancy position as the post indicated in item 5 of the Recruitment Regulation of fixation of cadre strength was not taken into consideration by the respondents while calculated the vacancy position.

It is categorically stated that the applicant would have been appointed in the 1976 selection if the

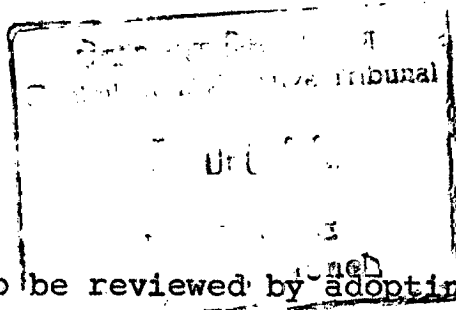
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authority would have been taken into consideration of the post under item 5 of the cadre regulation for filling up promotional post.

It is stated that after the judgement and order dated passed by the Calcutta and Jabalpur Bench of the Central Administrative Tribunal and the same have also confirmed by the Hon'ble Supreme Court. Government of India vide its Notification issued under letter No.16016/6/90-AIS(II)-A dated 22.11.90 amended the rule of IFS (Fixation of Cadre Strength) which is called as Indian Forest Service (Fixation of Cadre Strength) Amendment Regulation 1990 which came into force on the date of publication ~~deputation~~ in the official Gazette. In the said Notification deputation reserve has been included for fixation of cadre strength. It would be further evident from the Govt. of India Notification issued under No.11033/15/95-AI S(II)-C dated 31.12.1997 whereby regulation regarding fixation of cadre strength Regulation 1966 of the Indian Forest Service has been amended and the same is came into force with effect from 1.1.1998 whereby State deputation reserve at the rate of 25% of item 1 has been included for fixation of cadre strength by way of amendment. But unfortunately amended Notification given effect with effect from 1.1.1998. It is stated that since the Government of India decided to including item 5 State deputation reserve as 25% of item 2 of fixation cadre strength the same procedure deserves to be adopted with retrospective effect and the procedure for calculation of the promotion post of 33 1/3 percent should have been implemented in an uniform manner. As such the selection

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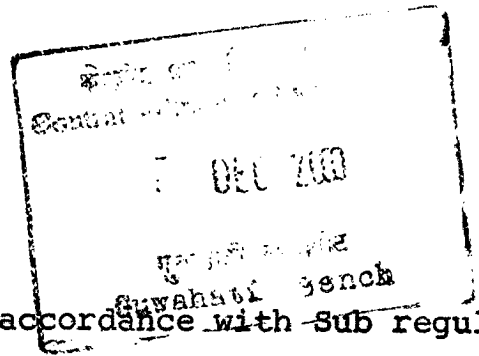


held in 1976 deserves to be reviewed by adopting the same method and manner as laid down in the amended Notification dated 22.11.1990 and Notification dated 31.12.1997. But due to non-adoption of uniform policy by the Government of India so far fixation of cadre strength is concerned the applicant has been deprived of promotional benefit to the cadre of IFS in the selection held during the year 1976. It is categorically stated that if the method and manner now adopted by the Government of India by amending the recruitment Regulation relating to fixation of cadre strength of Indian Forest Service in that event the applicant would have been included in the 1996 Select List and appointed to the IFS cadre w.e.f. 13.4.77 as because two posts would have been increased under promotion quota of 33 1/3 percent. Therefore selection held in 1976 is liable to be reviewed and the applicant is entitled for consideration for promotion under the promotion quota.

A copy of the Notification dated 22.11.90 and 31.12.1997 are annexed as Annexures 11 and 12 respectively.

4.22 That your applicant submitted a detailed representation on 14.9.99 addressed to the Secretary, Ministry of Environment and Forests, New Delhi through proper channel praying inter alia for re-fixation of year of allotment in the Indian Forest Service. In the said representation the applicant also inter alia prayed for re-determination of year of allotment and seniority on the ground that for consideration for appointment by promotion to the IFS, post of Deputy Conservator of

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Forests (Senior post) in accordance with sub regulation 2 of Regulation 5 of the IFS (Appointment by promotion) Regulation 1966 ought to have been taken into consideration. It is also stated that the strength of promotion quota was computed by the Ministry of Environment and Forests while fixing the cadre strength vide Notification dated 20.1.72, 3.1.72 and also vide Notification dated 20.4.77 and thereafter taking into consideration the post give at serial Nos. 1 and 2 of the cadre schedule but without taking into consideration of the senior duty post of Deputy Conservator of Forests in accordance with the sub regulation (2) of Regulation 5 of the IFS (Appointment by Promotion) Regulation 1966. He has also stated that the learned Jabalpur and Calcutta Bench calculated 33 1/3 percent of the promotion quota after taking into consideration item 1+2+5 of the Cadre Schedule under provision of Rule 9(1) of the Indian Forest Service Recruitment Rules were amended. The applicant categorically pointed out that in the cadre of IFS Manipur and Tripura Joint Cadre fixation given by the Central Govt. vide Notification No. 16016/29/75-AIS (IV) dated 26.2.77 of Department of Personnel and Administration revised from the amended senior post under the Joint Cadre of Manipur and Tripura and 4 posts under Central Government against which 8 promotion posts shown in accordance with Rule 8 of IFS (Recruitment Rules) 1966. There were 3 posts shown against item 5 i.e. State deputation reserve. Thus the total promotional post against item nos. 2 and 5 comes to 28 and 33 1/3% works out to 9. Thus there should be 9 promotion posts against 8 posts shown in the cadre schedule. The state of Tripura consti-

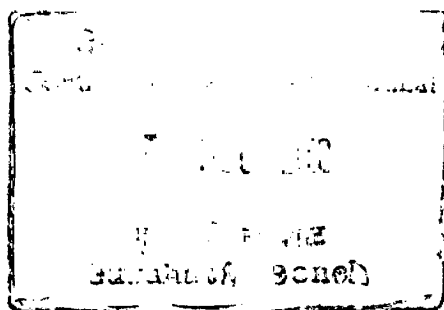
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tuted of the joint cadre having more number of senior posts would get 5 out of 9 posts under promotion quota as against 4 originally provided. It is also pointed out that the applicant was eligible for promotion to the senior post of IFS with effect from 1.6.76 itself long before cadre schedule was revised on 26.2.1977, therefore he is entitled to be promoted to the IFS cadre with effect from 13.4.77 i.e. the date his immediate senior in the State Forest Service Shri S.K.Mukherjee was promoted and year of allotment ought to have been fixed as 1970. But surprisingly no reply is given and the authorities are silent over the representation of the applicant even after a lapse of one year as such in the compelling circumstances finding no other alternative the applicant is approaching this Hon'ble Tribunal for ~~redirection~~ protection of his right for promotion under the uniform pattern as adopted by the Government of India by way of amending the recruitment regulation (Fixation of Cadre Strength) of Indian Forest Service, 1956. ✓

In the circumstances stated above the selection held in the year 1976 is liable to be reviewed taking into consideration the amended regulation for adopting fair and just policy of promotion to the cadre of IFS. It is a fits case for the Hon'ble Tribunal to interfere with and be pleased to direct the respondents to consider the promotion of the applicant by holding review selection adopting the method and manner as provided by the amended Notification of cadre schedule as stated above and further be pleased to direct the respondents to re-determine the year of allotment of the applicant and also be pleased to

Mahad. Ayub Khan



direct the respondents to refix the seniority of the applicant above the private respondents on the basis of the findings of the review selection.

DA. A copy of the representation dt 14.9.99 is enclosed as Annexure - 13

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

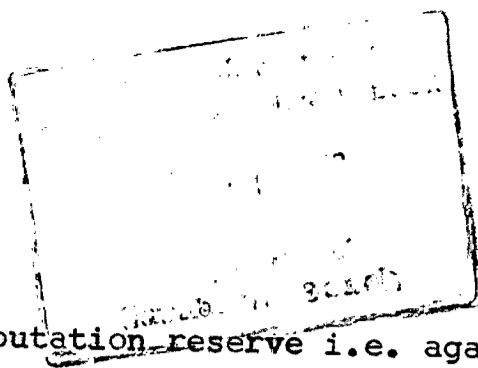
5. Grounds for relief(s) with legal provision(s).

5.1 For that non-computation of vacancies available against item No.2 and 5 (i.e. against 20% Central Deputation Reserve and 25% internal Deputation reserve) under the relevant Rule of Cadre Schedule resulted nonconsideration of the case of the applicant during the selection for appointment by promotion.

5.2 For that the applicant adversely affected as a result of exclusion of his case from consideration ~~xxx~~ for selection in the year 1976 as because the respondents has violated the statutory rule of IFS Cadre schedule while computing the vacancies for the recruitment year 1976.

5.3 For that the Hon'ble Tribunal as well as the Hon'ble Supreme Court upheld and confirmed the method of determination of vacancies, and also taking into consideration of the vacancies against the ~~25%~~ item 2 and 5 (that the number of posts to be filled up by promotion is to be calculated 33 1/3 percent of the item 1+2+5 of the cadre schedule with 20% of item I against Central Deputation reserve and 25% of item No.1

Mahesh Ayub Khan



against internal Deputation reserve i.e. against item 2 and 5 respectively) of the Cadre Schedule under provision of Rule 9(1) of Indian Forests Service Rule.

- 5.4 For that adoption of wrong procedure for computation of vacancies in violation of the I FS Cadre Rules in the recruitment year 1976 the present applicant was excluded from consideration for selection held in the year 1976 although vacancies were available and as a result the applicant was subsequently considered and appointed in the year 1981 and as a consequence of which the year of allotment initially determined as 1975 and subsequently again redetermined as 1977, whereas correct computation of vacancies would have resulted 1970 as the year of allotment. As such selection held in the year 1976 is liable to be reviewed taking correct vacancy position of the year 1976 which will antedated the promotion of the applicant with effect from 13.4.77.
- 5.5 For that wrong calculation of vacancy position for the recruitment year 1976 excluded the applicant for consideration for appointment by promotion to the cadre of Indian Forest service which ultimately resulted continuous wrong and adversely affected the promotional prospect, determination of correct allotment year, fixation of pay of the applicant, and also will effect the pensionary benefit of the applicant. Selection as required under the rule, did hold every year contd...as such the case of the applicant, has not considered, in each recruitment year

Mahdi Ayub Khan

6. Details of remedies exhausted:

That the applicant states that he has no other alternative and other efficacious remedy than to file this application; Representations through proper channel were submitted by the applicant but to no result.

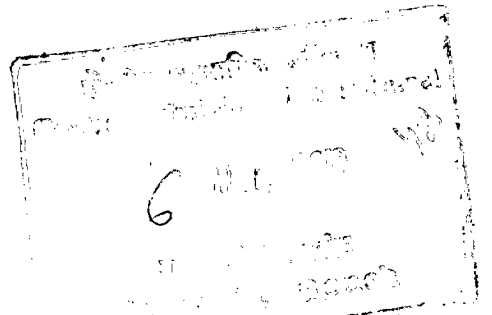
7. Matters no previously filed or pending with any other court :

The applicant further declare that he had not previously filed any application, writ petition or ~~MX~~ suit regarding the matter in respect of which this 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. Reliefs sought for :

In view of the facts and circumstances stated above in paragraph 4 above, the applicants pray for the following reliefs :

- 8.1 That the respondents be directed to grant the benefit of the increases strength of the promotion quota of IFS be allowed from 1976 itself by holding review selection.
- 8.2 That the respondents be directed to antedated the promotion of the applicant to the cadre of IFS w.e.f. 13.4.1977 i.e. at least from the date of appointment of Shri / S.K. Mukherjee immediate senior of the applicant, appointed by promotion to the cadre of IFS from State Forest Service and further be pleased to direct the respondents for determination of correct seniority and to fix year of allotment as 1970 of the applicant.
- 8.3 Costs of the application.



8.4 Any other relief or feliefs to whcih the applicants are entitled to, as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for :

Pending disposal of this application, an observa-
tion be made that pendency of this application shall not
be a bar for the respondents to grant the reliefs sought
for in this application. The applicant also prays that
the instant application be disposed of expeditiously.

10.

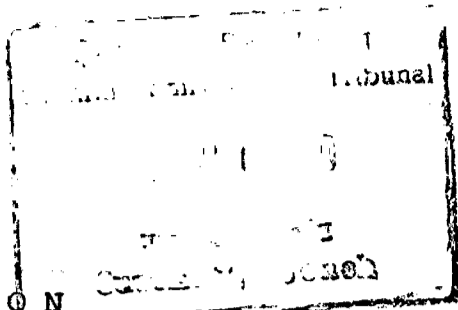
This application is filed through advocate.

11. Particulars of the I.P.O.

- | | | |
|------------------|---|-------------------|
| i. I.P.O. No. | : | 66771072 |
| ii. Date | : | 4-12-2000 |
| iii. Issued from | : | G.P.O, Guwahati. |
| iv. Payable at | : | G.P.O., Guwahati. |

12. List of enclosures :

As stated in the Index.



VERIFICATION

I, Mohd. Ayub Khan, applicant in the instant application, aged about 56 years, presently holding the post of Chief Conservator of Forests, Agartala, Tripura, do hereby verify that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 6th day of December, 2000.

Mohd. Ayub Khan,

Signature

- 28 -

Annexure - I

No. F.2-2(1)/For-69/ 1826-30
 GOVERNMENT OF TRIPURA.
 FOREST DEPARTMENT.

Dated, Agartala, the 24/4 April, 1969.

OFFICE ORDER:

The Chief Commissioner is pleased to appoint Mohd. Ayub Khan as Divisional Forest Officer temporarily on Rs.400'00 per month in the pay scale of Rs.400-45-760/- plus admissible allowances with effect from the date of assuming charge and post him to the Office of Conservator of Forests at Agartala until further orders.

By order of the Chief

S. K. Khan
 Secretary,
 Government of Tripura.

Copy forwarded to:-

- 1) The Accountant General, Assam & Nagaland, Agartala Branch, Agartala. Sri Khan has been appointed against the temporary post of Divisional Forest Officer created vide Forest Department Memo No. F.2-1(1)/For-69/ 1406-07 dated 24.4.69.
- 2) The Conservator of Forests, Tripura.
- 3) Mohd. Ayub Khan.
- 4) Personal file.
- 5) Accounts Section.

.....

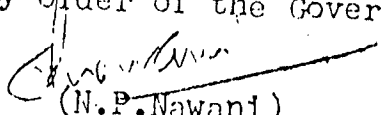
DATED, KUNJABAN
THE 23rd August, 1975.

NOTIFICATION.

The Governor is pleased to confirm the following personnel as Divisional Forest Officer, (Class II) in the scale of Rs. 400-45-760/- with effect from the 19th November, 1974 against the existing permanent posts under Forest Department, Government of Tripura.

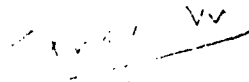
1. Sri Rasamoy Datta.
2. Sri S.K. Mukherjee.
3. Sri Md. Ayub Khan.
4. Sri V.K. Sood.
5. Sri R.N. Singh.
6. Sri A.K. Singh.

By order of the Governor,


(N.P. Nawani)
Secretary,
Government of Tripura.

Copy forwarded to:-

- 1) The Accountant General, Tripura, Agartala.
- 2) The Gazette Department, Government of Tripura, Agartala for publication.
- 3) The Appointment and Services Department, Government of Tripura, Agartala.
- 4) The Secretary, Tripura Public Service Commission, Agartala.
- 5) The Conservator of Forests, Tripura.
- 6) Sri Rasamoy Datta, Divisional Forest Officer/Sri S.K. Mukherjee, Divisional Forest Officer/Sri Md. Ayub Khan, Divisional Forest Officer/Sri V.K. Sood, Divisional Forest Officer/Sri R.N. Singh, Divisional Forest Officer/Sri A.K. Singh, Divisional Forest Officer.
- 7) Personal files of the Officers.
- 8) Guard file.


Secretary,
Government of Tripura.

Dated, Agartala.
The 28.8, 1978.

NOTIFICATION.

The Governor of Tripura, in consultation with the Tripura Public Service Commission, is pleased to order that the designation of the posts of the "Divisional Forest Officer" in the Forest Deptt. will be changed to that of "Assistant Conservator of Forests" with immediate effect. These re-designated posts of Assistant Conservator of Forests will continue to remain in the existing classification and scale of pay of Rs.500-40-900-50-1300/- (EB after 8th & 15th stages).

The Assistant Conservator of Forests/Deputy Conservator of Forests placed in-charge of a Division will continue to function as Divisional Forest Officer of the respective Forest Divisions.

By order of the Governor,

D. F. Bagchi
(D. F. Bagchi) 25/8/78
Secretary,
Government of Tripura.

THE DIVISIONAL
FOREST OFFICER
AGARTALA
2456
DATE 31/8/78
NO. 4-3

Copy to :-

1. The Special Secretary to the Governor, Tripura, Agartala.
2. The Secretary to the Chief Minister, Tripura, Agartala.
3. P.S. to all Ministers.
4. The Chief Secretary, Government of Tripura, Agartala.
5. All Departments/Heads of Departments.
6. The Secretary, Tripura Public Service Commission, Agartala.
This refers to the Commission's letter No.F.30(8)-TPSC/76 dated 12.10.76.
7. The Superintendent of Press, Govt. of Tripura, Agartala for publication of the Notification in the Tripura Gazette.
8. The Accountant General, Tripura, Agartala. The existing D.F.Os. list of which is enclosed herewith will continue to hold the posts of A.C.F. in their existing scale of pay as per terms of their appointments as D.F.O. Necessary pay slips in favour of the officers as A.C.F. may kindly be issued accordingly.
9. The Dy. Chief Conservator of Forests, Tripura, Agartala.
10. The Dy. Conservator of Forests, Working Plan, Agartala.
11. The Treasury Officer, Agartala/All Sub-Treasury Officers.
12. The Divisional Forest Officer, North/Manu/Ambassa/Teliamura/Sadar/Research/Training/Udaipur/South. Direction Division.
13. Shri. *M. A. Khan* A.C.F., *Research Division*

M. A. Khan
Secretary,
Government of Tripura.

No. F-3/FRD-78/3865 dt. 31/8/78
Sri M. A. Khan, A.C.F. D.F.O.
Research for information please.

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

48 72

No.6/41/71-AIS(IV)-(D)
GOVERNMENT OF INDIA
CABINET SECRETARIAT
(DEPARTMENT OF PERSONNEL)

...

New Delhi-1, the 20th January, 1972.
30 Pusa, 1893.

NOTIFICATION

48 (E)

G.S.R. In exercise of the powers conferred by sub-section (2) of section 61 of the North-Eastern Areas (Re-organisation) Act, 1971 (81 of 1971) read with sub-rule (1) of rule 3 of the Indian Forest Service (Cadre) Rules, 1966 and of all other powers hereunto enabling, the Central Government hereby constitutes for the States of Manipur-Tripura a joint cadre of the Indian Forest Service with effect on and from the 21st day of January, 1972.

(Anna R. George)

Joint Secy. to the Govt. of India.

No.6/41/71-AIS(IV)-(D), New Delhi-1, the 20th January, 1972.

Copy forwarded for information to:-

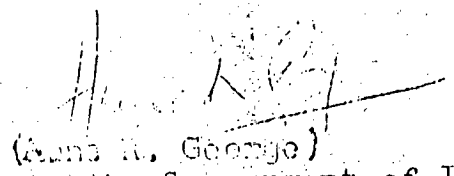
1. All State Governments (with 5 spare copies).
2. All Union Territories (except Delhi, Pondicherry, Laccadive and Chandigarh (with 2 spare copies).
3. Ministry of Law (Legislative Department).
4. The Ministry of Food, Agriculture, Community Development and Cooperation (Department of Agriculture), AIS Section, New Delhi (with 5 spare copies).
5. The Accountant General, Commerce, Works and Miscellaneous, New Delhi
6. The Accountant General, Central Revenue, New Delhi.
7. All Accountants General.
8. The Comptroller & Auditor General of India, New Delhi.
9. The Inspector General of Forests, Department of Agriculture, New Delhi (with 5 spare copies).
10. The Secretary, Union Public Service Commission, New Delhi.
11. The Lok Satta Secretariat, New Delhi (Committee Branch New Delhi).

49

: 2 :

12. The Rajya Sabha Secretariat, New Delhi, with reference to their C.M.No.RS.12(1)/67-Com., dated the 11th September, 1967 and C.M.No.RS.7(1)/69-Com., dated the 27th January, 1969 for use of the Committee on Subordinate Legislation (with one spare copy).

13. The President, Forest Research Institute & Colleges, Dehra Dun.



(Anna R. George)
Joint Secretary to the Government of India.

Copy to AIS(I)/AIS(II)/AIS(III)*AIS(V) Sections.
*with 2 spare copies.

PUBLISHED IN THE EXTRAORDINARY GAZETTE OF INDIA PART II
SECTION 3 SUB-SECTION (1) dated 20.1.72

90 77

No. 6/41/71-AIS(IV)-(A)
GOVERNMENT OF INDIA
CABINET SECRETARIAT
(DEPARTMENT OF PERSONNEL)

....

New Delhi-1, the 20th January, 1972.
30 Fausa, 1893.

45(E) NOTIFICATION

G.S.R. In exercise of the powers conferred by sub-section (4) of section 61 of the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971) and sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), read with sub-rule (1) of rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Government hereby makes the following regulations further to amend the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, namely:-

1. (1) These regulations may be called the Indian Forest Service (Fixation of Cadre Strength) Amendment Regulations, 1972.
- (2) They shall come into force on the 21st day of January, 1972.
2. In the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966,
 - (a) for the heading "Assam" and the entries occurring thereunder, the following shall be substituted, namely:-

ASSAM-MEGHALAYA

1. Senior Post under the State Governments	27
<u>ASSAM</u>	
Chief Conservator of Forests	1
Conservator of Forests	2
Dy. Conservator of Forests	14
Working Plan Officer	2
Forest Utilisation Officer	1
Planning Officer	1
Silviculturist	1
<u>MEGHALAYA</u>	
Conservator of Forest	1

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OR MPPPI

34

2

Dy. Conservator of Forest	2	
Working Plan Officer	1	
Joint Director-cum-Planning Officer	1	
	<u>27</u>	
2. Senior Posts under the Central Government		2
		<u>29</u>
3. Post to be filled by promotion in accordance with rule 8 of the Indian Forest Service (Recruitment) Rules, 1966	9	
4. Posts to be filled by direct recruitment		20
5. Deputation Reserve @ 15% of 4 above		3
6. Leave Reserve @ 11% of 4 above		2
7. Junior posts @ 20% of 4 above		4
8. Training Reserve @ 5% of 4 above		1
		<u>30</u>
Direct Recruitment Post		30
Promotion posts		0
		<u>30</u>
Total Authorised Strength		<u>30</u>

(b) After the heading "Maharashtra" and the entries occurring thereunder, the following shall be inserted namely:-

MANIPUR-TRIPURA

1. Senior posts under the State Governments		7
<u>MANIPUR</u>		
Conservator of Forests.	1	
Deputy Conservator of Forests	2	
<u>TRIPURA</u>		
Conservator of Forests	1	
Deputy Conservator of Forests	3	
	<u>7</u>	
2. Senior posts under Central Government		1
		<u>8</u>
3. Posts to be filled by promotion in accordance with rule 8 of the Indian Forest Service (Recruitment) Rules, 1966.	2	

+80
5276

4. Posts to be filled by direct recruitment	6
5. Deputation Reserve @ 15% of 4 above	1
6. Leave Reserve @ 11% of 4 above	1
7. Junior posts @ 20% of 4 above	1
8. Training Reserve @ 5% of 4 above	1
<u>Direct Recruitment posts</u>	<u>10</u>
Promotion post	<u>2</u>
Total Authorised Strength	<u>12</u>

(c) Under the heading "Union Territories" for the existing entries, the following entries shall be substituted, namely:-

UNION TERRITORIES

1. Senior posts under the Union Territories	25
<u>Posts under the Andaman & Nicobar Administration</u>	
Chief Conservator of Forests	1
Conservator of Forests	2
Deputy Conservator of Forests	3
Deputy Conservator of Forests Depct Division	1
Deputy Conservator of Forests, Mill Division	1
Deputy Conservator of Forests Silviculture	1
Deputy Conservator of Forests Working Plan	1
<u>Posts under the Government of Goa, Daman & Diu</u>	
Conservator of Forests	1
Deputy Conservator of Forests	2
<u>Post under the Dadra and Nagar Haveli Administration</u>	
Deputy Conservator of Forests	1
<u>Posts under the Arunachal Pradesh Administration</u>	
Conservator of Forests	1
Deputy Conservator of Forests	9

53

Post under the Government of Mizoram

Deputy Conservator of Forest	1	
	<hr/> 25	7
2. Senior posts under the Central Government		<hr/> 32
3. Posts to be filled by promotion in accordance with rule 8 of the Indian Forests Service (Recruitment) Rules, 1966	10	
4. Posts to be filled by direct recruitment		22
5. Deputation Reserve @ 15% of 4 above		3
6. Leave Reserve @ 11% of 4 above		2
7. Junior posts @ 20% of 4 above		4
8. Training Reserve @ 5% of 4 above		1
		<hr/> 32
Direct Recruitment Posts.		18
Promotion quota Posts		<hr/> 42
Total Authorised Strength		<hr/> <hr/> 42

Sd/-

(Anna R. George)

Joint Secretary to the Government of India.

No.6/41/71-AIS(IV)-(A), New Delhi-1, the January, 1972.

Copy forwarded for information to:-

1. All State Governments (with 5 spare copies)
2. All Union Territories (except Delhi, Pondicherry, Laccadive and Chandigarh) (with 2 spare copies).
3. The Ministry of Food, Agriculture, Community Development and Cooperation (Department of Agriculture), AIS Section, New Delhi (with 5 spare copies).
4. The Accountant General, Commerce, Works and Miscellaneous, New Delhi.
5. The Accountant General, Central Revenues, New Delhi.
6. All Accountants General.
7. The Comptroller and Auditor General of India, New Delhi.
8. The Inspector General of Forests, Department of Agriculture, New Delhi (with 5 spare copies).

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

No.6/59/72-AIS(IV)
Government of India
Cabinet Secretariat
Department of Personnel & Administrative Reforms

.....
New Delhi-1, dated the ~~December, 1973~~ 3-4-74

NOTIFICATION

G.S.R.....In exercise of the powers conferred by sub section (1) of Section 3 of the All India Services Act, 1951, (61 of 1951) read with rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Government, in consultation with the State Governments concerned, hereby makes the following regulations further to amend the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, namely:-

1. (1) These Regulations may be called the Indian Forest Service (Fixation of Cadre Strength) Fourth Amendment Regulations, 1973.

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

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

(a) for the heading "Bihar" and the entries occurring thereunder, the following shall be substituted, namely:-

"BIHAR"

1. Senior posts under the State Government	
Chief Conservator of Forests	1
Additional Chief Conservator of Forests	1
Conservator of Forests	4
Conservator of Forests, Development Circle	1
Conservator of Forests, Departmental Working Circle	1
Conservator of Forests, Working Plan and Resources Circle	1
Conservator of Forests, Kendu Leaf Circle	1
Deputy Conservator of Forests	27
Deputy Conservator of Forests, Afforestation Division	7
Deputy Conservator of Forests, Departmental Working Divisions, Hazaribagh and Monghyr	2
Deputy Conservator of Forests, Forest Resources Survey Division	1
Deputy Conservator of Forests, Planning Cell	1

54

Deputy Conservator of Forests, Director Biological Park, Patna	1
Deputy Conservator of Forests, Research	1
Deputy Conservator of Forests, Utilisation	1
Deputy Conservator of Forests, Working Plan	3
	<u>54</u>

2. Senior posts under the Central Government 4
58

3. Posts to be filled by promotion in accordance with rule 8 of the Indian Forest Service (Recruitment) Rules, 1966 19

4. Posts to be filled by direct recruitment	39
5. i) Deputation Reserve @ 15% of 4 above	6
ii) ad hoc deputation reserve	1
6. Leave Reserve @ 11% of 4 above	4
7. Junior posts @ 20% of 4 above	8
8. Training Reserve @ 5% of 4 above	2
Direct Recruitment Posts	<u>60</u>
Promotion Posts	19
TOTAL AUTHORISED STRENGTH	<u>79</u>

N.B. The addition of an ad hoc deputation reserve of one is to be utilised only for manning the post of Managing Director, Forest Development Corporation.

(b) Under the heading "Gujarat" for the existing entries namely:-

"Conservator of Forests	4
Conservator of Forests, Extension Circle, Baroda	1"

the following entry shall be substituted, namely:-

"Conservator of Forests	5"
-------------------------	----

(c) for the heading "Manipur-Tripura" and the entries occurring thereunder, the following shall be substituted, namely:-

"MANIPUR-TRIPURA"

1. Senior posts under the State Governments 17

MANIPUR

Chief Conservator of Forests	1.
Conservator of Forests	1.
Deputy Conservator of Forests	4
Deputy Conservator of Forests, Forest Resources Survey Division	1

34

TRIPURA

Chief Conservator of Forests
 Conservator of Forests
 Deputy Conservator of Forests

1
 2
 7
 17

2. Senior posts under Central Government

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

1
18

6

4. Posts to be filled by direct recruitment

5. Deputation Reserve @ 15% of 4 above

6. Leave Reserve @ 11% of 4 above

7. Junior posts @ 20% of 4 above

8. Training Reserve @ 5% of 4 above

12
 2
 1
 2
 1
 18
 6
 24

Direct Recruitment Posts
 Promotion posts
 TOTAL AUTHORISED STRENGTH

(d) for the heading "Mysore", read "Karnataka" and in the entries thereunder, for the entry

"Additional Technical Assistant to Chief Conservator of Forests (Development)" read "Deputy Conservator of Forests (Headquarters)".

(e) for the heading "Rajasthan" and the entries occurring thereunder, the following shall be substituted, namely:-

"RAJASTHAN"

1. Senior posts under the State Government

31

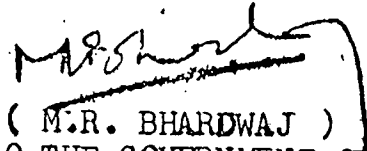
Chief Conservator of Forests 1
 Deputy Chief Conservator of Forests 1
 Conservator of Forests 3
 Conservator of Forests, Soil Conservation 1
 Conservator of Forests, Departmental Operations 1
 Conservator of Forests, Drought Prone Area 1
 Deputy Conservator of Forests 13
 Deputy Conservator of Forests, Departmental Operations 3
 Deputy Conservator of Forests, Projects 2
 Silviculturist 1
 Technical Assistant to Chief Conservator of Forests 1
 Soil Conservation Officer 1
 Working Plan Officer 2

31

2. Senior posts under the Central Government

2
33

3. Posts to be filled by promotion in accordance with rule 8 of the Indian Forest Service (Recruitment) Rules, 1963.	11
4. Posts to be filled by direct recruitment	22
5. Deputation Reserve @ 15% of 4 above	3
6. Leave Reserve @ 11% of 4 above	2
7. Junior posts @ 20% of 4 above	4
8. Training Reserve @ 5% of 4 above	1
Direct Recruitment Posts	<u>32</u>
Promotion Posts	<u>11</u>
TOTAL AUTHORISED STRENGTH	<u>43</u> "


(M.R. BHARDWAJ)

UNDER SECRETARY TO THE GOVERNMENT OF INDIA,

No. 16016/29/75-AIB (IV)
Government of India
Cabinet Secretariat

Department of Personnel and Administrative Reforms

.....

New Delhi, the 26th February, 1977.

NOTIFICATION

G.S.R. No. 93(B) In exercise of the powers conferred by sub-section (1) of Section 3 of the All India Services Act, 1951, (61 of 1951) read with rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Government, in consultation with the State Governments concerned, hereby makes the following regulations further to amend the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, namely :-

1. (i) These regulations may be called the Indian Forest Service (Fixation of Cadre Strength) Second Amendment Regulations, 1977.
- (ii) They shall come into force on the date of their publication in the Gazette of India,

2. For the existing schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, the following shall be substituted, namely :-

***	<u>ANDHRA PRADESH</u>	***
***	***	***
***	<u>ASSAM-MEGHALAYA</u>	***
***	***	***
***	<u>BIHAR</u>	***
***	***	***
***	<u>GUJARAT</u>	***
***	***	***
***	<u>HARYANA</u>	***
***	***	***
***	<u>HIMACHAL PRADESH</u>	***
***	***	***
***	<u>JAMMU & KASHMIR</u>	***

PLA FOR
HALD...

KARNATAKA

*** ***

KERALA

*** ***

MADHYA PRADESH

*** ***

MAHARASHTRA

*** ***

MANIPUR-TRIPURA

1. Senior posts under the State Governments
MANIPUR

81

Chief Conservator of Forests	1
Conservator of Forests	1
Deputy Conservator of Forests	6
Deputy Conservator of Forests, Forest Resources Survey Division	1
Deputy Conservator of Forests, Wild Life	1

TRIPURA

Deputy Chief Conservator of Forests	1
Conservator of Forests	2
Deputy Conservator of Forests	7
Deputy Conservator of Forests, Wild Life	1
<hr/>	<hr/>
	21

2. Senior posts under Central Government
@ 20% of 1 above

4

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

8

25

4. Posts to be filled by direct recruitment

5. Deputation Reserve @ 15% of 4 above

6. Leave Reserve @ 11% of 4 above

7. Junior posts @ 20% of 4 above

8. Training Reserve @ 10% of 4 above

77 ✓

3 ✓

2 ✓

3 ✓

2 ✓

Direct Recruitment posts : 27

Promotion posts : 8

TOTAL AUTHORISED STRENGTH: 35

27

8

35

116-35

10-12

- 43 -

No.18014/10/81-IFS.II
Government of India
Ministry of Environment & Forest
Department of Forest & Wild Life

Annexure - 7

Krishni Bhavan, New Delhi
Dated, the 15 January, 1985.

ORDER

The following State Forest Service officers were appointed to the Indian Forest Service Manipur & Tripura cadre by promotion vide Notification number mentioned against them.

<u>S.No.</u>	<u>Name of the officer</u>	<u>* Notification No.</u>
1.	Sh. Sujit Kumar Mukherjee	17013/3/77-AIS(IV) dt 13.4.1977
2.	Sh. Md.Ayub Khan	17013/5/80-AIS(IV) dt 14.5.1981

2. Shri G.K.Prasad (RR-1970) who was appointed to the senior scale w.e.f. 1.4.1975, is the junior most direct recruit officiating in a senior post prior to the date of appointment of Shri Sujit Kumar Mukherjee. In view of this he will be assigned 1970 as the year of allotment and will be placed below Shri K.M.Dutta(SFS-1970) in terms of Rule 3(2)(c) of Indian Forest Service(Regulation of Seniority) Rules, 1968.

3. Shri R.Lushai (RR-1975) is the junior most direct recruit who was officiating in a senior scale post prior to the appointment of Shri Md.Ayub Khan to IFS. In view of this the year of allotment of Shri Khan would be 1975 and he will be placed below Shri R.Lushai(RR-1975) in terms of Rule 3(2)(c) of the Indian Forest Service (Regulation of Seniority) Rules, 1968.



(M.V. KESAVAN)

DEPUTY SECRETARY TO THE GOVT. OF INDIA

Copy forwarded for information and necessary action to:

1. Secretary, Govt. of Manipur, Imphal.
2. Secretary, Govt. of Tripura, Appointment & Services Deptt, Agartala.
3. Accountant General, Tripura, Agartala.
4. Accountant General, Manipur, Imphal.
5. The officers concerned.

(M.V. KESAVAN)

DEPUTY SECRETARY TO THE GOVT. OF INDIA

Krishni Bhavan, New Delhi,
Dated, the 9th October, 1984.

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 members of the Indian Forest Service, borne on the joint cadre of Manipur-Tripura of the Indian Forest Service with effect from the date shown against each:-

- | | |
|------------------------|-----------|
| 1. Shri M.K. Biswas | 5.3.1978 |
| 2. Shri D. Dutta Ray | 5.3.1978 |
| 3. Shri Rasamey Dutta | 5.3.1978 |
| 4. Shri S.K. Mukherjee | 13.4.1978 |
| 5. Shri Mohd Ayub Khan | 14.5.1982 |

Sd/- K.S. ACHAR
DESK OFFICER

The Manager,
Government of India Press,
Faridabad, (HARYANA) with a copy of Hindi version

18013/3/83-IFS. II New Delhi, dated the 9.10.84
Copy forwarded for information and necessary action to :

1. The secretary, Government of Tripura, Appointment and Services Department, AGARTALA with reference to their letter No.F.10(13)-OA/80 dated the 6/8th July, 1983 with five spare copies for the officers concerned.
2. The Accountant General, Tripura, Agartala.
3. Chief Conservator of Forests, Government of Tripura, Agartala.

Sd/- K.S. ACHAR)
DESK OFFICER

No.F.2-2(1)/IFS/APPTT/53689-74
Government of Tripura
Office of the Chief Conservator of Forests,
Tripura, Agartala.

Dated, Agartala, the 11th Nov'84.

Copy to:-

1. Shri M.K. Biswas, EXPLORER C.F. Southern Circle.
2. Shri D. Dutta Ray, Dy. Conservator of Forests Working Plan & Northern region.
3. Shri Rasamey Dutta, Dy. Conservator of Forests Head Quarter.
4. Shri S.K. Mukherjee, I.F.S. Dy. Director wild life preservation, Delhi.
5. Shri Mohd Ayub Khan, Forest Survey of India, Deputy Director (Forestry) Govt. of India 25-Suhgash Road, Dehra Dun.
6. Personal file of Shri.....

Chief Conservator of Forests,

COURT NO. 16/45
SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Annexure - 8
SECTION IVA 27
Annexure - 9

ANNEXURE - 10

Petitioner (n) for Special Leave to Appeal (Civil / CR) No. (a) 3464/95
(From the Judgment and order dated 29.6.94
Tribunal, Jabalpur Bench, in O.A. No. 394/90
Union of India

Central Administrative
(of the XXXXX of)

Petitioner (n)

15898

Respondent(s)

K.K. Goswami
(with application) for stay, c/delay & stay in the respective SLPs
with SLP(C) 6455/95 against the order dt. 26.7.94 passed by the CAT
Date: 24.0.95 Calcutta in O.A. No. 994/90
This / These Petition (s) was/were called on for hearing today.
and 11940/95 against the order dt. 29.6.94 passed
by the CAT, Jabalpur, in O.A. 394/90

CORAM
Hon'ble Mr. Justice
Hon'ble Mr. Justice
Hon'ble Mr. Justice

S.C. Agrawal
D.P. Mishra

Certified to be true copy
J. S. Chandel
Assistant Registrar - (Judg.)
24/8/95
Supreme Court of India
Romant Sharma, Adv.

For the petitioner (n)
in 3464/95 & 6465/95 Mr. H. N. Goswami, Sr. Adv., Mr. Romant Sharma, Adv.,
in 11940/95 Mr. Anand Kumar, Adv. & Mr. CV Subba Rao, Adv.
For the Respondent(s)
in 3464/95 & 6465/95 Mr. Raju Ramudindran, Adv., Mr. Mukul Mudgal, Adv.,
in 11940/95 Mr. Trinuraj Nay, Adv.
in 6455/95 Dr. Shankar Ghosh, Sr. Adv., Mr. P.K. Chakraborty, Adv.

UPON hearing counsel the Court made the following
O.R.D.E.R.

All the three original leave petitions are dismissed.

(V.K. SHARMA)
Court Master
(S.D. SHARMA)
Court Master

Rajiv
24/8/95

THE HONORABLE CHIEF JUSTICE
OF THE SUPREME COURT OF INDIA
NEW DELHI

80801

URGENT FEES 5/0

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28/1/95

COURT No.

6

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Application (s) for Special Leave to Appeal (Civil / Cr) No. (s) 3464/95
from the Judgement and order dated 29.6.94
Tribunal, Jabalpur Bench, in O.A. No. 394/90
Union of India

Central Administrative
(of the XXXXX of)

Petitioner (s)

Versus

Respondent(s)

K.K. Goswami
(with appln (a) for stay, w/delay & stay in the respective SLPs)
(with SLP (c) 6455/95 against the order dt. 25.7.94 passed by the CAT,
Calcutta in O.A. No. 994/90
This / These Petition (s) was/were called on for hearing today.
dt. 24.8.95 and 11940/95 against the order dt. 29.6.94 passed
by the CAT, Jabalpur, in O.A. 394/90

DRAM:
Honble Mr Justice S.C. Agrawal
Honble Mr Justice S.P. Bhattacha
Honble Mr Justice

For the petitioner (s):
3464/95 & 6455/95: Mr. N. H. Goswami, Sr. Adv., Mr. Hemant Sharma, Adv.,
Mr. Anil Katiyar, Adv. & Mr. CV Subba Rao, Adv.
in 11940/95: Mr. Surendra Sharma, Adv.

For the Respondent(s)
in 3464/95 &
11940/95: Mr. Raju Ramachandran, Adv., Mr. Mukul Nudgal, Adv.,
Mr. Trinadh Ray, Adv.
in 6455/95: Dr. Shankar Das, Sr. Adv., Mr. P.K. Ghakraborty, Adv.

UPON hearing counsel the Court made the following
ORDER

All the three special leave petitions are dismissed

(S. S. SHARMA)
C. J.

(S. S. SHARMA)
Court Judge

24/8/95

- 46 -

Annexure - 10
JUN 10 1987
65

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

(1) O.A.No.394 of 1990

K.K.Goswami

Versus

Union of India through Secretary to
Govt. of India, Ministry of Forests &
Environment & Another

- Applicant

- Respondents

(2) C.C.P.No.37 of 1992

(arising out of T.A.81 of 1986 decided on 9.6.1987)

- Applicant

K.K.Goswami

Versus

Shri.R.Rajamani, IAS, Secretary,
Government of India, Ministry of
Environment & Forests, New Delhi
& Another

- Respondents

- For the Applicant
- For respondent-Union of
India.

- For respondent-State of M.P.

Counsel :

Shri.N.Panchapakeshan
Shri.S.C.Sharma

Shri.S.K.Seth

Coram
Hon'ble Shri.D.K.Agrawal - Vice Chairman
Hon'ble Shri.R.Hariharan - Member (A)

J U D G M E N T

(Delivered on this the 29th day of June, 1994)

In O.A.394 of 1990 the applicant Shri.K.K.Goswami, has prayed that the respondents be directed to promote him to I.F.S cadre on the basis of 1984 select list or alternatively direct the respondents to consider his case for promotion to I.F.S. in the years 1986, 1987 and 1985 in terms of the order of the Tribunal in T.A.81 of 1986, K.K.Goswami and another vs. Union of India and another passed on 9th June, 1987.

2. In C.C.P.No.37 of 1992 the allegation of the applicant is that the respondents have not complied with the judgment of the Tribunal dated 9.6.1987 in T.A.81 of 1986 as clarified vide order dated 15.12.1988 passed in M.A.139 of 1988, Shri. S. R. Shrivastava & 2 others vs. Govt.

3. The facts are that Shri.K.K.Goswami (applicant) filed a petition before the High Court of Madhya Pradesh at Jabalpur which on transfer to the Tribunal was registered as T.A.81 of 1986. In this petition the applicant had challenged the erroneous fixation of the number of posts to be filled up by the State Forest Officers in the I.F.S cadre of Madhya Pradesh and prayed for his appointment to the Indian Forest Service against the corrected and increased number of posts. The Tribunal decided the case (TA 81/86) on 9th June, 1987 and upheld the contention of the petitioners that number of posts available for promotion were 105 and not 90 as indicated in Government of India's notification dated.11.7.1984. A direction was issued to the respondent -Govt. of India to make necessary correction to the said notification.

4. The petitioners' interest in filing the petition (T.A.81/86) and demanding increase in the promotion quota was that they would become entitled to be promoted to IFS earlier. However, the Tribunal did not issue any specific direction in the order passed on 9.6.1987. All the same it was observed by the Tribunal in clear terms that the respondents should review the position of the petitioners in the context of the revised cadre strength in the light of the directions/ observations contained in paragraph 5 of the judgment in regard to the select list of 1984. In this regard, following observations were made by the Tribunal in that judgment: -

"10. On the question of promotion of the petitioners we do not consider it necessary to give any direction at the present stage. It is open to the respondents to review the position of the petitioners in the context of the revised cadre strength in the light of directions in the preceding paragraph and observations contained in para 5 of this judgment in regard to the select list of 1984."

(emphasis supplied)

Contd....3/-

Further, by an order dated 16.12.1988 in K.A.139/88, relating to T.A.81/86, the Tribunal clarified its decision in T.A.81/86 as under :

3. Our order passed in T.A.A.81 of 1986 (K.K.Goswami Vs. Union of India) also stipulates a review of the earlier Select Committee proceedings subsequent to 1984 in the light of the revised cadre strength of I.P.S in M.P. with reference to paras 9 and 10 of the Judgment. The retrospective position as stood in 1984 with reference to the revised cadre strength should also be reviewed by the duly constituted Screening Committee heading by the Member of the U.P.S.C., irrespective of the delay in issue of the Notification.

Thus, despite the fact that a mandamus was not issued, was a clear observation asking the respondents to review the position of the petitioners in the light of the observations made in the body of the judgment with reference to the select list of 1984.

5. In compliance of the judgment of the Tribunal, the Government of India issued Notification No.16016/1/89-AIS(II) dated.23.2.1989 indicating the promotion posts at 105 for the period 11.7.1984 to 20.5.1988 and 109 for the period 21.5.1988 to 21.2.1989. However, no action has been taken so far to review the promotions made between 1984 and 1989 for increased number of promotion posts. This has led to the filing of the present petition.

6. By an affidavit dated.23.5.1994 filed by Shri. Sarveshwar Jha, Jt. Secretary, Govt. of India, Ministry of Environment & Forests, it has been stated that the directions contained in para 9 of the judgment dated.9.6.1987 have been implemented by the retrospective amendment of the I.P.S.

(Fixation of Cadre Strength) Regulations, 1967 vide notification dated.22.2.1989. In the reply filed to the original Application, the respondent-Government of India contended that the increase in the number of vacancies due to

retrospective increase in the number of promotion posts by notification dated 22.2.1989 was fortuitous and it is not obligatory on the part of the respondent to fill up the actual vacancies to the maximum extent.

7. The respondent No.2 Shri K.J.S. Bhatia, the then Principal Secretary, Forests, Government of Madhya Pradesh, has filed an affidavit to the effect that he has made all attempts to persuade the Government of India to review the position but the Government of India has not agreed to hold a review DPC.

8. The respondents have not disputed the averment of the applicant that his position was 43 in the select list of 48, prepared on 21.11.1984. This select list was prepared with reference to 23 vacancies and the corrected strength of 90. Consequent on the upward revision retrospectively in the number of promotion posts from 90 to 105 by notification dated 22.2.1989, the number of vacancies to be filled from the select panel dated 21.11.1984 increased from 24 to 39. The applicant has also averred that since all the eligible candidates had been considered and empanelled in the select list prepared on 21.11.1984, there would not be any change in the zone of consideration due to increased in the number of vacancies. This averment has also not been contradicted by the respondents.

9. In the conspectus of the facts and circumstances it is clear that the judgment dated 9.6.1987 in TRA 81/86 has not been properly appreciated by the respondent-Govt. of India. We, however, hold that there has been no wilful

69

disobedience of the Tribunal by the respondents. We are at the same time unable to approve the stand taken by the respondent-Government of India tha increased in the number of promotional posts is fortuitous and no relief is admissible to the applicant. Such a stand would render the entire litigation nugatory. The real import of para 10 of the judgment dated 9-6-1987 was that, pending the re-fixation of the strength in the promotion quota, it was not possible to give any specific direction "at the present stage". Now that the notification dated 22.2.1989 has been issued, increasing the number of promotion posts from 90 to 105 during the period 11.7.1984 to 20-5-1988 and from 105 to 109 during the period 21.5.1988 to 22.2.1989, it is possible for the State Government to review the case of the applicant with reference to the revised vacancy position. In fact, there is a specific direction of the Tribunal to do so. It appears that the State Government instead of reviewing the position of promotion of the petitioners in TRA 81 of 1986, in pursuance of the increased quota of promotion for the State Forest Service Officers, began pleading with the Government of India for holding a review DPC. The affidavit of the Principal Secretary, Forest, Government of Madhya Pradesh is also to the effect that despite his best efforts, the Government of India has not agreed to hold the review DPC.

10. Taking into account the pleadings of the parties as contained in paragraph 22 and 42 of the reply of respondent no.1 it would be clear that the applicant was placed at serial number 43 of the select list of the Selection Committee.

It appears to be no difficulty as to why the Government cannot be directed to appoint the applicant to IPS on the basis of select list of 1984. However, we consider it more appropriate to direct the respondents to convene a review DPC within a period of three months of communication of this judgment to consider the promotion of the applicant with reference to his position in the panels for 1985 (prepared on 21.11.1984) and onwards, the number of vacancies in accordance with notification dated 22.2.1989 and also keeping in view our order dated 13.12.1991 reserving the post for the applicant.

In the result the petition (O.A.394/90) and C/P 37/92 are disposed of with the observations contained in the body of the judgment. The notices issued to the respondents in C/P 37/92 are discharged.

Parties are left to bear their own costs.

Sd -

(R. Hariharan)
Member (A)

Sd/-

(D.K. Agrawal)
Vice Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

CARAVS Building,
15, Civil Lines,
JABALPUR (MP).
PIN - 402 001

Dated : 11-6-1987

Communication of order u/r-20, Central Administrative Tribunal
(Procedure) Rules 1985.

From :

The Registrar,
Central Administrative Tribunal
Jabalpur Bench,
JABALPUR.

To,

Shri R. N. S. Swami, Son of L. N. S. Swami
Resident - B. F. 95, Malhar - Apartments,
Shivaji Nagar, Bhopal (M.P.)

Registration No. T.A. 81/86

Between

R. N. S. Swami and Family APPLICANT

and

Amarendra Chandra RESPONDENT
Bhopal (M.P.)

Sir,

I am directed to forward herewith a copy of Judgment/Order
dated 9-6-1987 passed by this Tribunal Bench comprising
of Hon'ble Shri S.K.S. Chis Vice Chairman and Hon'ble Shri
K.B. Khare Member, in the above noted case, for information and
necessary action, if any.

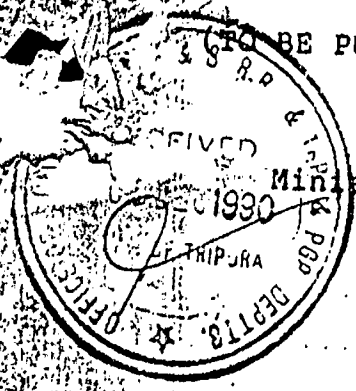
Please acknowledge receipt.

Yours faithfully,

Registrar
for REGISTRAR 11-6-87

J.K.P.

ANN. - 11
 Annexure - 11
 (Shri. D. S. ...)
 on 6.12.90



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

No.16016/6/90-AIS(II)-A
 Government of India
 Ministry of Personnel, Public Grievances & Pensions
 Department of Personnel & Training

New Delhi, the 22-11-90

NOTIFICATION

GSR No.....In exercise of the powers conferred by sub-section (1) of Section 3 of the All India Services Act, 1951 (61 of 1951), read with rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Government, in consultation with the Governments of Manipur and Tripura, hereby makes following regulations further to amend the Indian Forest Service (Fixation of Cadre Strength) REgulations, 1966, namely:-

1. (1) These regulations may be called the Indian Forest Service (Fixation of Cadre Strength) Fourth Amendment Regulations, 1990.
- (2) They shall come into force on the date of their publication in the official Gazette.
2. In the Schedule to the Indian Forest Service (Fixation of Cadre Strength), REgulations, 1966, for the heading "Manipur-Tripura" and the entries occurring thereunder the following shall be substituted, namely:-

MANIPUR - TRIPURA

1. <u>Senior Duty Posts in the State Government (Manipur)</u>	23
Principal Chief Conservator of Forests	1
Chief Conservator of Forests (Wildlife)	1
Chief Conservator of Forests (General)	1
Conservator of Forests	3
Deputy Conservator of Forests	7
Deputy Conservator of Forests (REsources Survey Division)	1
Deputy Conservator of Forests (Wildlife)	1
Deputy Conservator of Forests (Working Plan)	2
Deputy Conservator of Forests (Social Forestry)	1
Deputy Conservator of Forests (Soil Conservation)	2
Deputy Conservator of Forests (Headquarters)	1
Deputy Conservator of Forests (Research, Silviculture & Training)	1
Deputy Conservator of Forests (Rubber)	1

78/HSY(A&S)/90
 S-12-90

M.4770

Senior Duty posts under the State Government (Tripura)

23

Principal Chief Conservator of Forests

1

Chief Conservator of Forests

2

Conservator of Forests

3

Deputy Conservator of Forests

9

Deputy Conservator of Forests (Wildlife)

1

Deputy Conservator of Forests (Working Plan)

2

Deputy Conservator of Forests (Headquarters)

1

Deputy Conservator of Forests (Research)

1

Deputy Conservator of Forests (Training)

1

Deputy Conservator of Forests (Planning & Development)

1

Deputy Conservator of Forests (Planning & Social forestry)

1

Total senior-duty posts of Manipur & Tripura Cadre

46

2. Central Deputation Reserve @ 20% of 1 above

9

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

18

4. Posts to be filled by direct recruitment

37

5. Deputation Reserve @ 25% of 1 above

11

6. Junior Posts, Leave Reserve & Training Reserve

14

Direct Recruitment Posts

62

Promotion Posts

18

Total Authorised Strength

80

~~41576~~
41576

Prakash
(CHANDER PRAKASH)
DESK OFFICER

77

1. 2. 3. 4. 5.

26.	6/59/72-AIS(IV)	20.7.74	812	3.8.74
27.	16015/8/74-AIS(IV)	31.3.75	2227	16.8.75
28.	16016/29/75-AIS(IV)	24.12.75	71	17.1.76
29.	16016/16/75-AIS(IV)	16.6.76	407(E)	16.6.76
30.	6/59/72-AIS(IV)-A	6.7.76	1064(E)	24.7.76
31.	16016/29/75-AIS(IV)-A	6.7.76	444(E)	6.7.76
32.	16016/29/75-AIS(IV)	3.8.76	750(E)	3.8.76
33.	16019/29/75-AIS(IV)	26.2.77	93(E)	26.2.77
34.	16019/29/75-AIS(IV)	5.10.77	631(E)	5.10.77
35.	16016/29/75-AIS(IV)-A	6.1.78	13(E)	6.1.78
36.	16016/8/75-AIS(IV)	13.7.78	360(E)	13.7.78
37.	16016/29/75-AIS(IV)-	29.8.78	435(E)	29.8.78
38.	16016/18/80-AIS(IV)-A	25.8.80	486(E)	25.8.80
39.	16016/25/79-AIS(IV)-A	30.9.80	552(E)	30.9.80
40.	16016/7/80-AIS(IV)-A	3.11.80	626(E)	3.11.80
41.	16016/8/80-AIS(IV)-A	4.11.80	631E	4.11.80
42.	16016/12/80-AIS(IV)-A	16.1.81	20E	16.1.81
43.	16016/16/80-AIS(IV)	23.1.81	31E	23.1.81
44.	16016/2/80-AIS(IV)	27.2.81	84E	27.2.81
45.	16016/2/80-AIS(IV)-	28.4.81	456	9.5.81
46.	16016/20/80-AIS(IV)-A	23.5.81	360E	23.5.81
47.	16016/21/80-AIS(IV)-A	2.6.81	376E	2.6.81
48.	16016/18/80-AIS(IV)-	19.6.81	385E	9.6.81
49.	16016/22/80-AIS(IV)-A	16.11.81	602E	16.11.81
50.	16016/2/81-AIS(IV)	17.11.81	604E	17.11.81
51.	16016/14/80-AIS(IV)	10.12.81	653E	10.12.81
52.	16016/8/81-AIS(IV)	11.12.81	657E	11.12.81
53.	16016/3/81-AIS(IV)-A	1.4.82	254E	1.4.82
54.	16016/13/81-AIS(IV)-A	26.4.82	354E	26.4.82
55.	16016/17/80-AIS(IV)-B	27.4.82	355E	27.4.82
56.	16016/1/80-AIS(IV)-A	31.5.82	470E	31.5.82
57.	16016/17/79-AIS(IV)-A	20.8.82	530E	30.8.82
58.	16016/9/81-AIS(IV)-B	12.1.83	24E	12.1.83
59.	16016/2/84-AIS(IV)-A	28.2.85	126E	23.2.85
60.	16016/2/84-AIS(IV)-A	26.3.85	308E	26.3.85
61.	16016/3/85-AIS(IV)-A	29.3.85	327E	29.3.85
62.	16016/4/85-AIS(IV)-A	12.6.85	489E	12.6.85
63.	16016/1/85-AIS(II)-A	25.3.86	266	12.4.86
64.	16016/2/86-AIS(II)-A	6.3.86	654	30.8.86
65.	16016/3/86-AIS(II)-A	5.9.86	763	20.9.86
66.	16016/7/36-AIS(II)-A	3.9.86	793	27.9.86
67.	16016/6/86-AIS(IV)-A	8.9.86	796	23.9.86
68.	16016/3/86-AIS(II)-A	13.9.86	835	4.10.86
69.	16016/4/86-AIS(II)-A	13.9.86	837	4.10.86
70.	16016/5/86-AIS(II)	1.10.86	830	18.10.86
71.	16016/9/85-AIS(II) A	24.2.87	164	14.3.87
72.	16016/2/87-AIS(II)-A	15.5.87	407	30.5.87
73.	16016/6/87-AIS(II)-A	31.3.87	619	15.8.87
74.	16016/10/87-AIS(II)-A	16.10.87	302	31.10.87
75.	16016/4/87-AIS(II)-A	27.10.87	826	7.11.87
		28.10.87	835	14.11.87

NOTE

The Principal regulations were notified vide Notification No.6/1/66-AIS(IV) dated 31.10.1966 as GSR No.1572 in the Gazette of India - Extraordinary of 31.10.1966 and Indian Forest service (Fixation of Cadre Strength) REgulations, 1966 has been amended vide Nottifications given below:-

S.No.	Notification No.	Date of Notifica-tion	GSR No.	Date of publications
1.	2.	3.	4.	5.
1.	6/1/66-AIS(IV)	31.10.66	1573	31.10.67
2.	6/1/66-AIS(IV)	27.12.66	17	7.1.67
3.	6/1/66-AIS(IV)	27.4.67	653	6.5.67
4.	6/2/66-AIS(IV)	1.5.67	654	6.5.67
5.	6/2/66-AIS(IV)	5.5.67	639	13.5.67
6.	6/6/68-AIS(IV)	31.5.68	1603	8.6.68
7.	6/1/68-AIS(IV)	31.7.69	1687	9.8.69
8.	6/1/69-AIS(IV)	8.1.70	80	17.1.70
9.	6/1/69-AIS(IV)	9.3.70	495	21.3.70
10.	6/11/70-AIS(IV)	24.3.70	545	4.4.70
11.	6/6/70-AIS(IV)	30.9.70	1802	24.10.70
12.	6/1/71-AIS(IV)	23.1.71	135	24.1.71
13.	6/1/71-AIS(IV)(ii)	23.1.71	136	24.1.71
14.	6/36/70-AIS(IV)	26.4.71	665	8.5.71
15.	6/41/71-AIS(IV)-A	20.1.72	45(E)	20.1.72
16.	6/41/71-AIS(IV)-C	21.1.72	47(E)	20.1.72
17.	6/41/71-AIS(IV)-D	20.1.72	48(E)	20.1.72
18.	6/36/72-AIS(IV)	30.11.72	478(E)	4.12.72
19.	6/48/72-AIS(IV)	2.4.73	192(E)	2.4.73
20.	6/59/72-AIS(IV)	23.6.73	321(E)	27.6.73
21.	6/59/72-AIS(IV)	10.8.73	391(E)	10.8.73
22.	6/59/72-AIS(IV)	3.1.74	142	9.2.74
23.	6/59/72-AIS(IV)	2.2.74	29(E)	2.2.74
24.	6/59/72-AIS(IV)	17.6.74	273(E)	17.6.74
25.	6/59/72-AIS(IV)	5.7.74	300(E)	5.7.74

78

1.	2.	3.	4.	5.
77.	16015/11/87-AIS(II)-A	28.10.37	836	14.11.37
78.	16016/7/87-AIS(II)-A	6.4.33	432E	5.4.33
79.	16016/7/38-AIS(II)-A	4.5.33	546E	4.5.33
30.	23062/1/89-AIS(II) A	10.5.33	404	21.5.33
81.	16016/7/88-AIS(II)-A	3.8.38	831E	3.8.33
32.	11031/35/83-AIS(II)-C(A)	10.3.39	352E	10.3.39
83.	16016/3/39-AIS(II) -	27.10.39	332	11.11.39
84.	16016/2/39-AIS(II)-A	1.12.39	915	15.12.39
85.	16016/3/39-AIS(II)-A	15.12.39	933	30.12.89
86.	16016/3/90-AIS(II)-A	31.3.90		
87.	16016/2/90-AIS(II)-A	6.9.90		

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To

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Annexure-12

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

Government of India

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

New Delhi, the 31st December, 1997

NOTIFICATION

G.S.R.No. 740 E. In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 and read with sub-rules (1) and (2) of rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Government, in consultation with the Governments of the States concerned, hereby make the following regulations to amend the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, namely :-

1. (1) These Regulations may be called the Indian Forest Service (Fixation of Cadre Strength) Third Amendment Regulations, 1997.

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

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

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

3. State Deputation Reserve @ 25% of Item 1 above	20
4. Training Reserve @ 3.5% of Item 1 above	3
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	39
6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	13
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	93
Direct Recruitment Posts	93
Promotion Posts	39
Total Authorised Strength	132

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

3. State Deputation Reserve @ 25% of Item 1 above	23
4. Training Reserve @ 3.5% of Item 1 above	3
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	46
6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	16
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	110
Direct Recruitment Posts	----- 110
Promotion Posts	46
Total Authorised Strength	----- 156" -----

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

"3. State Deputation Reserve @ 25% of Item 1 above	18
4. Training Reserve @ 3.5% of Item 1 above	2
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	35
6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	12
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	83
Direct Recruitment Posts	----- 83
Promotion Posts	35
Total Authorised Strength	----- 118" -----

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

"3. State Deputation Reserve @ 25% of Item 1 above	26
4. Training Reserve @ 3.5% of Item 1 above	4
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	52

6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	17
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	121
Direct Recruitment Posts	----- 121
Promotion Posts	52
Total Authorised Strength	----- 173" -----

89

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

3. State Deputation Reserve @ 25% of Item 1 above	16
4. Training Reserve @ 3.5% of Item 1 above	2
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	31
6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	10
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	73
Direct Recruitment Posts	----- 73
Promotion Posts	31
Total Authorised Strength	----- 104" -----

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

3. State Deputation Reserve @ 25% of Item 1 above	10
4. Training Reserve @ 3.5% of Item 1 above	1
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	20
6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	7
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	49
Direct Recruitment Posts	----- 49

Promotion Posts	- 63 -	20
Total Authorised Strength		----- 69" -----

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

3. State Deputation Reserve @ 25% of Item 1 above	16
4. Training Reserve @ 3.5% of Item 1 above	2
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	32
6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	11
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	75

Direct Recruitment Posts	75
Promotion Posts	32

Total Authorised Strength	107"

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

3. State Deputation Reserve @ 25% of Item 1 above	15
4. Training Reserve @ 3.5% of Item 1 above	2
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 50 % of Items 1, 2, 3 and 4 above	45
6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	10
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	55

Direct Recruitment Posts	55
Promotion Posts	45

Total Authorised Strength	100"

(ix) Under the heading "Karnataka" for entries 3, 4, 5 and 6 and entries relating thereto, the following shall be substituted, namely :-

64-
3. State Deputation Reserve @ 25% of Item 1 above

25

4. Training Reserve @ 3.5% of Item 1 above

4

5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above

49

6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above

16

7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)

116

Direct Recruitment Posts

116

Promotion Posts

49

Total Authorised Strength

165"

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

3. State Deputation Reserve @ 25% of Item 1 above

14

4. Training Reserve @ 3.5% of Item 1 above

2

5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above

27

6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above

8

7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)

62

Direct Recruitment Posts

62

Promotion Posts

27

Total Authorised Strength

89"

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

3. State Deputation Reserve @ 25% of Item 1 above

59

4. Training Reserve @ 3.5% of Item 1 above

8

5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above

115

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

Direct Recruitment Posts	270
Promotion Posts	115

Total Authorised Strength	385"

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

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

Direct Recruitment Posts	130
Promotion Posts	55

Total Authorised Strength	185"

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

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

Direct Recruitment Posts	61

1-54
2-10
3-13
4-02

79
33 1/3% of 79
= 26

Promotion Posts	26
Total Authorised Strength	----- 87" -----

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

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

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

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

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

64

3. State Deputation Reserve @ 25% of Item 1 above	7
4. Training Reserve @ 3.5% of Item 1 above	1
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1968, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	13
6. Leave Reserve and Junior Posts Reserve @ 18.5% of Item 1 above	4
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	32
Direct Recruitment Posts	32
Promotion Posts	13
Total Authorised Strength	45"

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

3. State Deputation Reserve @ 25% of Item 1 above	17
4. Training Reserve @ 3.5% of Item 1 above	2
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	33
6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	11
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	79
Direct Recruitment Posts	79
Promotion Posts	33
Total Authorised Strength	112"

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

3. State Deputation Reserve @ 25% of Item 1 above	5
4. Training Reserve @ 3.5% of Item 1 above	1
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	10

6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	3
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	24
Direct Recruitment Posts	----- 24
Promotion Posts	10
Total Authorised Strength	----- 34" -----

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

3. State Deputation Reserve @ 25% of Item 1 above	22
4. Training Reserve @ 3.5% of Item 1 above	3
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	43
6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	14
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	102
Direct Recruitment Posts	----- 102
Promotion Posts	43
Total Authorised Strength	----- 145" -----

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

3. State Deputation Reserve @ 25% of Item 1 above	43
4. Training Reserve @ 3.5% of Item 1 above	6
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	85
6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	28
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	198
Direct Recruitment Posts	----- 198

Promotion Posts

85

Total Authorised Strength

283

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

3. State Deputation Reserve @ 25% of Item 1 above	15
4. Training Reserve @ 3.5% of Item 1 above	2
5. Posts to be filled by promotion under Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, not exceeding 33 1/3% of Items 1, 2, 3 and 4 above	29
6. Leave Reserve and Junior Posts Reserve @ 16.5% of Item 1 above	9
7. Posts to be filled up by Direct Recruitment (Items 1+2+3+4+6-5)	68
Direct Recruitment Posts	68
Promotion Posts	29
Total Authorised Strength	97

(Madhumita D. Mitra)
Desk Officer

Note 1 :

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

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

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

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

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

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

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

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

- Prior to the issue of this Notification, the total authorised strength of the Karnataka (IFS) Cadre was 165.
- Prior to the issue of this Notification, the total authorised strength of the Kerala (IFS) Cadre was 89.
- Prior to the issue of this Notification, the total authorised strength of the Madhya Pradesh (IFS) Cadre was 385.
- Prior to the issue of this Notification, the total authorised strength of the Maharashtra (IFS) Cadre was 185.
- Prior to the issue of this Notification, the total authorised strength of the Manipur-Tripura (IFS) Cadre was 87.
- Prior to the issue of this Notification, the total authorised strength of the Nagaland (IFS) Cadre was 33.
- Prior to the issue of this Notification, the total authorised strength of the Orissa (IFS) Cadre was 121.
- Prior to the issue of this Notification, the total authorised strength of the Punjab (IFS) Cadre was 45.
- Prior to the issue of this Notification, the total authorised strength of the Rajasthan (IFS) Cadre was 112.
- Prior to the issue of this Notification, the total authorised strength of the Sikkim (IFS) Cadre was 34.
- Prior to the issue of this Notification, the total authorised strength of the Tamilnadu (IFS) Cadre was 145.
- Prior to the issue of this Notification, the total authorised strength of the Uttar Pradesh (IFS) Cadre was 283.
- Prior to the issue of this Notification, the total authorised strength of the West Bengal (IFS) Cadre was 97.

Note 2: The Principal Regulations were notified vide Notification No.6/1/66-AIS(IV) dated 31.10.1966 as GSR No.1672E dated 31.10.1966. These regulations have has been further amended on the following occasions in respect of the various cadres:-

<u>S.No.</u>	<u>GSR No.</u>	<u>Date of Publication</u>	<u>S.No.</u>	<u>GSR No.</u>	<u>Date of Publication</u>
1.	1673	30.10.66	48.	386(E)	9.6.81
2.	17	7.1.67	49.	602(E)	16.11.81
3.	653	6.5.67	50.	604(E)	17.11.81
4.	654	6.5.67	51.	653(E)	10.12.81
5.	689	13.5.67	52.	657(E)	11.12.81
6.	1083	8.8.68	53.	294(E)	1.4.82
7.	1887	9.8.69	54.	354(E)	26.4.82
8.	80	17.1.70	55.	356(E)	27.4.82
9.	485	21.3.70	56.	778(E)	31.5.82
10.	545	4.4.70	57.	530(E)	20.8.82
11.	1802	24.10.70	58.	24(E)	12.1.83
12.	135	24.1.75	59.	126(E)	28.2.85
13.	136	24.1.71	60.	308(E)	26.3.85
14.	665	8.5.71	61.	327(E)	29.3.85
15.	45(E)	20.1.72	62.	489(E)	12.8.85
16.	47(E)	20.1.72	63.	266	12.4.88
17.	48(E)	20.1.72	64.	654	30.8.88
18.	478(E)	4.12.72	65.	783	20.9.86
19.	192(E)	2.4.73	66.	798	27.9.86
20.	321(E)	27.6.73	67.	796	27.9.86
21.	391(E)	10.8.73	68.	835	4.10.86
22.	142	9.2.73	69.	837	4.10.86
23.	28(E)	2.2.74	70.	880	18.10.86
24.	273(E)	17.6.73	71.	164	14.3.87
25.	300(E)	5.7.74	72.	407	30.5.87
26.	812	3.8.74	73.	61	15.8.87
27.	2227	16.8.75	74.	802	31.10.87
28.	71	17.1.76	75.	826	7.11.87
29.	407(E)	18.6.76	76.	835	14.11.87
30.	1064	24.7.76	77.	836	7.11.87
31.	444(E)	6.7.76	78.	432(E)	6.4.88
32.	750(E)	3.8.76	79.	548(E)	4.5.88
33.	93(E)	28.2.77	80.	404	21.5.88
34.	631(E)	5.10.77	81.	834(E)	3.8.88
35.	13(E)	6.1.78	82.	352(E)	10.3.89
36.	360(E)	13.7.78	83.	832	11.11.89
37.	436(E)	29.8.78	84.	916	16.12.89
38.	486(E)	25.8.80	85.	933	30.12.89
39.	562(E)	30.9.80	86.	590	22.9.90
40.	626(E)	3.11.80	87.	603	29.9.90
41.	631(E)	4.11.80	88.	728	8.12.90
42.	21(E)	16.1.81	89.	730	8.12.90
43.	31(E)	23.1.81	90.	125(E)	5.3.91
44.	84(E)	27.2.81	91.	246	13.4.91
45.	458(E)	9.5.81	92.	473	24.8.91
46.	360(E)	23.5.81	93.	527	14.9.91
47.	276(E)	2.6.81	94.	565	5.10.91

<u>S.No.</u>	<u>GSR No.</u>	<u>Date of Publication</u>	<u>S.No.</u>	<u>GSR No.</u>	<u>Date of Publication</u>
95.	584	19.10.91	106.	375	12.8.95
96.	538(E)	6.8.93	107.	480	18.11.95
97.	685(E)	4.11.94	108.	479	18.11.95
98.	687(E)	4.11.93	109.	503	2.12.95
99.	514	22.10.94	110.	537	9.12.95
100.	513	22.10.94	111.	75(E)	5.2.96
101.	321(E)	31.3.95	112.	77(E)	5.2.96
102.	213	29.4.95	113.	231	8.6.96
103.	278	10.6.95	114.	233	8.6.96
104.	264	3.6.95	115.	589E	26.12.96
105.	339	22.7.95	116.	587E	26.12.96
			117.	585E	26.12.96
			118.	17E	17.1.97

(Madhumita D. Mitra)
Desk Officer

To

The Manager,
Government of India Press,
Mayapuri, Ring Road,
New Delhi.

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No.11033/15/95-ATS(II) - C

New Delhi, the 31st December, 1997.

A copy forwarded for information to:

1. The Chief Secretaries of all States and Union Territories. (with 10 spare copies each).
2. The Ministry of Home Affairs (IPS-I), New Delhi. (with 10 spare copies).
3. Ministry of Environment & Forests (IFS), CGO Complex, New Delhi (with 10 spare copies).
4. The Comptroller and Auditor General of India, New Delhi.
5. The Secretary, Union Public Service Commission, New Delhi. (with 10 spare copies).
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(Madhumita D. Mitra)
Desk Officer

INTERNAL DISTRIBUTION:

AIS(I)-Promotion Desk/RO(CM) Section
Spare copies - 400.

To
The Secretary,
Ministry of Environment & Forests,
C.G.O.Complex,
Lodhi Road,
New Delhi.

Trough Proper Channel.

Subject:- Refixation of year of allotment of Shri M.A. Khan, IFS(MT-77) in the Indian Forest Service - regarding .

Sir,

I have the honour to state that on successful completion of 2 years training in Forestry for the Diploma course in the Indian Forest College, Dehra Dun, I was appointed as Divisional Forest Officer in Tripura w.e.f. 25.4.69. The post was subsequently redesignated as Assistant Conservator of Forests. I completed 8(eight) years qualifying service long before 1-1-1976 including the period of two years training at Dehra Dun for the Diploma Course, for consideration for appointment to the Indian Forest Service post of Deputy Conservator of Forests(Senior post) in accordance with the Sub-Regulation 2 of Regulation 5 of the Indian Forest Service(Appointment by Promotion) Regulation 1966.

- 2. The cadre strength of the Indian Forest Service, Joint Cadre of Manipur-Tripura was revised vide Notification No.16016/29/75-AIS(IV) dated 26.2.1977 of the Department of Personnel and Administrative Reform, Cabinet Secretariat, Government of India raising the strength of promotion quota posts from 6 to 8. Fifty percent of it i.e. 4(four) posts automatically went to Manipur and another 4(four) to the Tripura constituent of the Joint Cadre. Shri S. K. Mukherjee, who was immediate senior to me in the State Forest Service was appointed to the newly created post of Deputy Conservator of Forests, as aforesaid vide Notification No.17013/3/77-AIS(IV) dated 13.4.1977 of Ministry of Environment & Forests. He was also assigned 1970 as the year of allotment vide order No.18014/10/31-IFS-II dated 15.1.85.
- 3.6 The strength of promotion quota was computed by the MOEF while fixing the cadre strength vide Notification dated 20.1.1972, dated 3.1.1974 dated 20.4.1977 and thereafter taking into consideration the posts given at sl.no.1 and 2 of the Cadre Schedule.
- 3.1. It has been held by the Central Administrative Tribunal, Jabalpur Bench in the O.A. No.394 of 1990 and by the CAT Calcutta Bench in the O.A. No.994 of 1990 that the number of posts to be filled by promotion is to be calculated at 33 and 1/3 percent of the items No.1+2+5 of the Cadre Schedule till the provisions of Rule 9(1) of the Indian Forest Services(Recruitment Rules) were amended in February

Attested
A. S. Adw.

19. The said orders of Honourable Tribunals were finally upheld by the Hon'ble Supreme Court by its order dated 24.2.99 in the SLP(c) No.3464 of 1995. It is, therefore, necessary that the same method of determining the number of posts to be filled by promotion should be adopted in all the States including Manipur-Tripura, namely 33 and $\frac{1}{3}$ percent of items no.1+2+5 from the year 1973 and up to February 1989, when the Rule 9(1) was amended.
4. In the Cadre Schedule of I.F.S. Manipur-Tripura Joint Cadre as fixed by the Central Government vide Notification No.16016/29/75-AIS(IV) dated 26.2.77 of Department of Personnel and Administrative Reforms, there are 21 Senior posts under the Joint Cadre of Manipur-Tripura and 4 posts under Central Government against which 8(eight) promotion posts are shown in accordance with Rule 8 of Indian Forest Service(Recruitment) Rules, 1966. There are 3(three) posts against item No.5 i.e. Deputation Reserve. Thus the total posts against items No.1, 2 and 5 comes to 28 and 33 and $\frac{1}{3}$ percent works out to 9. Thus there should be 9 promotion posts as against 8 posts shown in the Cadre Schedule. Tripura Constituent of the Joint Cadre having more number of Senior posts would get 5 out of 9 posts under promotion quota, as against 4 originally provided.
 5. As stated earlier I was eligible to be promoted to the Senior post of Indian Forest Service w.e.f. 1.6.76 itself i.e. long before the Cadre Schedule was revised on 26.2.77. As such I deserved to be promoted to I.F.S. cadre post w.e.f. 13.4.1977 i.e. the date my immediate Senior in the State Forest Service Shri S.K. Mukherjee was promoted and to be assigned 1970 year of allotment just below him.
 6. It is, therefore, requested that my year of allotment may kindly be refixed as 1970 treating my promotion to the Senior IFS Cadre post w.e.f. 13.4.1977 i.e. the date Shri S.K. Mukherjee was promoted.

Yours faithfully,

M.A. Khan
(M.A. Khan) 14/9/99

Chief Conservator of Forests.

Advance copy forwarded to the-
Secretary,
Ministry of Environment & Forests,
Paryavaran Bhawan, C.G.O. Complex,
Lodhi Road,
New Delhi----- for favour of taking necessary action please.

*Accepted
D. S. J. Adh.*

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केन्द्रीय प्रशासनिक अधिकरण
 Central Administrative Tribunal
 1 FEB 2001
 गुवाहाटी नगर
 Guwahati Bench

26/2/01
 (A. DEB ROY)
 Sr. C. G.

C. A. T., Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

O.A. No. 422 of 2000

Shri Md. Ayub Khan Applicant

Versus

Union of India and Others Respondents

S.No.	Description	Page No.
01	Reply to the Original Application	01 to 07

THROUGH

(A. Deb Roy)
 Sr. Central Govt. Standing Counsel,
 Hengrabari Housing Colony,
 L.I.G. - 3 (Top Floor)
GUMAHATI - 781 006

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

OA No.422/2000

Shri Md. Ayub Khan Applicant

Versus

Union of India and Others Respondents

Reply on behalf of Respondent No.1

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

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

3. That the applicant through this application has prayed for a direction to consider his case for promotion to the Indian Forest Service (IFS) from 1976 by re-calculating the promotion vacancies in the Manipur-Tripura Joint cadre after taking into


(रवीश सनेहवाल)
(R. SANEHWAL)

अवर सचिव / Under Secretary
पर्यावरण और वन विभाग
Ministry of Env. & Forests
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

account the State Deputation Reserve also alongwith Senior duty posts under the State Government and the Central Deputation Reserve. The applicant has relied upon the judgment delivered by the Jabalpur Bench of this Hon'ble Tribunal in the case of K.K. Goswami and the similar judgment delivered by the Calcutta Bench in the case of D.K. Basu to press his claim.

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

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

Shri K.K. Goswami, an SFS officer of Madhya Pradesh, challenged this rule arguing, among other things, that the Senior duty posts included the State Deputation Reserve also. The Jabalpur Bench of this Hon'ble Tribunal before whom the matter came up for examination held that the State Deputation Reserve was also covered under the Senior duty posts. The SLP filed against the judgment was dismissed by the Supreme Court. The Central Government, therefore, implemented the Tribunal's decision by amending the Schedule to the Cadre Strength Regulations in respect of Madhya Pradesh cadre vide notification dated 22.2.89 as personal to that individual case. On the

R. Sanjwal
 (रविश सनेहवाल)
 (R. SANEHWAL)
 जवर सचिवा/Under Secretary
 पर्यावरण वन संरक्षण
 Ministry of Env. & Forests
 भारत सरकार/Govt. of India
 नई दिल्ली/New Delhi

same date another notification was issued amending rule-9 of the Recruitment Rules which reads as under:

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

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

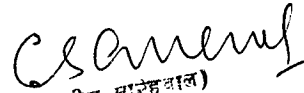
4. It is submitted that in terms of this amendment, it was clearly stipulated that for the purposes of calculating promotion vacancies in a particular State cadre only items No.1 & 2 mentioned in the Schedule to the Cadre Strength Regulations, i.e. the Senior duty posts under the State Government and the Central Deputation Reserve, would be taken into account. Since the Recruitment Rules were

R. Santhwal
(R. SANETHWAL)
अवर सचिव/Under Secretary
पर्यावरण एवं वन विभाग
Ministry of Env. & Forests
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

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

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

15. With the issuance of the aforesaid notification, it was made known to all the State Forest Officers serving in different States that the notification of the Govt. of India was explicit not to provide promotion quota more than 33 1/3 percent of the number of posts shown against items No.1 and 2 of the Cadre Strength in the Schedule. Thus, if any member of the State Forest Service had any grievance, he ought to have challenged the legality of the above stated provisions within the prescribed period of limitation. As pleaded by the applicant himself, he became eligible for appointment to the IFS in the year 1988. He did not challenge the above stated provisions till he filed the present OA in the year 1997. Even in the year 1993, the applicant was considered and placed in the

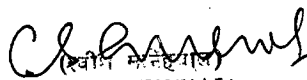

(रवीश गानेशवाल)
(R. GANESHWAL)
अवर सचिव/Under Secretary
पर्यावरण एवं वन विभाग
Ministry of Env. & Forests
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

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

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

7. It is further submitted that the Tamil Nadu Administrative Service officers Association filed W.P. No.613/94 before the Supreme Court praying for giving retrospective effect to the computation of promotion posts in all the three All India Services on the basis of the judgment rendered by the Jabalpur Bench of the Hon'ble Tribunal in K.K. Goswami case. The claim of the petitioner was rejected by the Hon'ble Supreme Court vide judgment dated 19.04.2000 reported as JT 2000 (5) SC 86. The Hon'ble Supreme Court has held as under:-

"The petitioners further contend that similar relief was granted in the case of applicants


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

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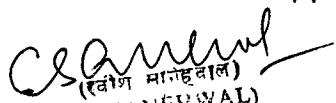
who filed original applications before the Jabalpur and Calcutta Benches of the Central Administrative Tribunal, and there is no reason why the petitioners should be denied such benefits. The Union of India has explained in the counter affidavit that those are isolated cases where promotions were given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

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

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

PRAYER

In view of the position explained in the foregoing paragraphs, the instant application is


(R. SANERWAL)
अवर सचिव/Under Secretary
पर्यावरण रक्षा व वन विभाग
Ministry of Env. & Forests
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

devoid of any merit. It is, therefore, respectfully prayed that the same may be dismissed by this Hon'ble Tribunal by awarding costs in favour of the answering respondent.

New Delhi

Dated: 16.2.2001

R. Sanehwal

For Respondent (रवीश सानेहवाल)
(R. SANEHWAL)
अवर सचिव/Under Secretary
पर्यावरण एवं वन मंत्रालय
Ministry of Env. & Forests
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

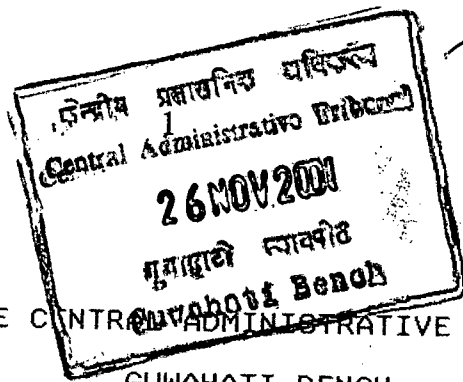
VERIFICATION

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

Verified at New Delhi on this the 16th day of February, 2001.

R. Sanehwal

For Respondent (रवीश सानेहवाल)
(R. SANEHWAL)
अवर सचिव/Under Secretary
पर्यावरण एवं वन मंत्रालय
Ministry of Env. & Forests
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

In the matter of :

O.A. No. 422 of 2000

Md. Ayub Khan

-vs-

Union of India & Ors.

And

In the matter of

Rejoinder submitted by
the applicant in reply
to the written statement
submitted by the Respondent No.1.

*Filed by the applicant
through advocate Sri
G. N. Chakravarty on 26.11.01
[Signature]*

The applicant above named most humbly and respectfully begs to state as under :

1. That the applicant categorically denies the statement made in paragraph 3 of the written statement to the extent that the full facts have not been furnished therein. The applicant states that on the basis of the judgment delivered by the Jabalpur Bench of Hon'ble Tribunal in the case of Sri K.K.Gowsami and the similar judgment delivered by the Calcutta Bench in the case of Sri D.K.Basu, the respondent no.1 (the Union of India) vide Notification No. 11033/15/95-AIS (II) dated 3.12.1997, issued by the Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training, revised the cadre strength providing for state deputation reserve @ 25% of item No.1, i.e. the total Senior duty posts of Manipur-Tripura Joint Cadre provided in Schedule to the Cadre Strength Regulation and 3.5 of item No.1 as training reserve. These posts together with the sl. No. 1 & 2 of the Schedule to the cadre strength

- 85 -

Regulations have been taken into consideration for computation of the promotion quota. The revised quota of promotion posts as aforesaid has been determined on the basis of the total cadre strength of Manipur Joint cadre, but the benefit of the enhanced promotion quota has been given too the new entrants of State Forest Service Officers from 1998 onwards which is evident from the letter No. 16021/1/98-IFS.II dated 27.02.1998 of the Ministry of Environment and Forests. The applicant in the present O.A. claims to be given the benefit of the enhanced quota of promotion posts from 1976 onwards in order to dispense justice.

Copy of letter No. 16021/1/98IFS.II dated 27.2.1998 is annexed herewith as **Annexure-I**.

2. That with regard to the statement made in paragraph 3 (repeated at page 2) of the written statement, the applicant begs to state that pursuant to the judgment delivered by the Jabalpur Bench of the Hon'ble Tribunal in the case of Shri K.K.Gowami, the Central Government implemented the decision by amending the schedule to the cadre strength Regulation of Madhya Pradesh cadre vide Notification dated 22.02.1989 as person to that individual case as stated by the respondent. But the fact is that, the benefit of the judgment was not only given to Shri K.K.Goswami, but also to all the affected officers born in Madhya Pradesh cadre of Indian Forest Service. Since the judgment of the Hon'ble Tribunal, Jabalpur Bench relates to some mistake committed by Central Government in computation of the promotion quota, to be provided in the schedule to the cadre strength Regulation, the benefit of the judgment should have been extended not only to Madhya Pradesh but also to all other states and Union Territories of the country. The judgment

delivered by Jabalpur and Calcutta Benches of the Hon'ble Tribunal were eventually upheld by the Hon'ble Supreme Court vide its order dated 24.02.1999 in the Special Leave Petition (C) No. 3464 of 1995.

3. That the applicant categorically denies the statement made in paragraph 4 of the written statement and begs to state that the contention of the Central Government that the Recruitment Rules were amended on 22.02.1989 stipulating that for the purposes of calculating promotion vacancies for a particular state cadre, only item no. 1 & 2 mentioned in the schedule to the cadre Strength Regulation, i.e. Senior Duty post under the State Government and the central deputation reserve would be taken into account stands contradictory to the action taken by the Central Government vide Notification dated 31.12.1997. By the aforesaid Notification dated 31.12.1997 the Central Government revised the cadre strength providing for state deputation reserve @ 25% of Item No. 1 mentioned in the schedule to the cadre strength Regulation, i.e. the Senior Duty Post under the Statement. When the Central Government itself has ignored the amendment of 22.02.1989 in the Recruitment Rules while determining the promotion quota vide Notification dated 31.07.1997, the Union of India cannot take the plea that the applicant cannot raise the issue of calculation of promotion vacancies by taking into account the state deputation reserve at this so called belated state.

The O.A. No. 1122/HR/96 before the Chandigarh Bench of the Hon'ble tribunal, which was decided on 14.10.1997 is not relevant to the present O.A. filed by this applicant, since the cadre strength was revised taking into consideration the State deputation reserve @ 25% of item No.1 in the schedule to the Cadre Strength Regulation, i.e. Senior Duty Post

after 14.10.1997, i.e. the date of judgment in the above O.A. before the Chandigarh Bench of Hon'ble Tribunal.

Moreover, in the above O.A. before the Chandigarh Bench of Hon'ble Tribunal a number of directly recruited officers, who were not senior to the applicant, were not impleaded as respondents. The case of the applicant in the present O.A. is entirely different.

4. That with regard to the statement made in paragraph 7 of the written statement, the applicant begs to submit that the writ petition No. 613/1994 before the Hon'ble Supreme Court filed by the Tamil Nadu Administrative Service Association is also not relevant to the present O.A. No. 422 of 2000 filed by the applicant before the Hon'ble Tribunal. The above Writ Petition sought for encadrement of Ex-cadre/Non-cadre post to the Indian Forest Service cadre, which was not agreed to by the Hon'ble Supreme Court on account of the fact that it was not in accordance with the existing rules relevant to the service. Since the encadrement was not agreed to by the Hon'ble Supreme Court the petitioners were not entitled to lodge claim to consider their cases for promotion to those ex-cadre posts.

But in the present O.A. the applicant was eligible to be considered for promotion to the Indian Forest Service Cadre post when the first joint cadre committee meeting was held in 1976. There is no claim for encadrement of any ex-cadre post. The applicant's claim is very much genuine and legitimate. It is reiterated that the Central Government vide Notification dated 31.07.1977 has revised the cadre strength of Manipur-Tripura Joint Cadre of IFS providing for State deputation reserve @ 25% item No. 1 mentioned in the schedule to the cadre strength Regulation, i.e. the Senior

Duty Post under the State Government and 3.5% of Item No. 1 as training reserve. While the promotion quota has been revised and enhanced taking into consideration the State deputation reserve and on the basis of the total strength of the Manipur-Tripura Joint Cadre, the benefit of the enhanced promotion quota has not been provided, instead the benefit has been given to the new entrants of the State Forest Service Officers aspiring to be absorbed in the Indian Forest Service. the applicant is very much entitled to the benefit of the enhanced promotion quota with effect from 1976, itself.

5. That the applicant further begs to state that the applicant was eligible to be promoted to the Senior Post of Indian Forest Service w.e.f. 01.0.1976 itself, i.e. long before the cadre schedule was revised on 26th February, 1977. As such he deserves to be promoted to the I.F.S. cadre post with effect from 13.04.1977, i.e. the date of his immediate senior in the State Forest Service Shri S.K.Mukherjee was promoted and too be assigned 1970 year of allotment just below him.
6. That in the facts and circumstances, the applicant humbly submits that he is entitled to the reliefs prayed for, and the O.A. deserves to be allowed with cost.

VERIFICATION

I, Md. Ayub Khan, aged about 57 years, presently holding the post of Chief Conservator of forest, Agartala, Tripura, do hereby verify that the statements made in paragraphs 1 to 6 in this rejoinder are true to my knowledge and the rests are my humble submission before the Hon'ble Tribunal and I have not suppressed any material fact.

And I sign this verification on this the 22nd day of October, 2001.

Mohd. Ayub Khan.



MOST IMMEDIATE/ BY SPEED POST

File No. 16021/1/93-IFS.II
Government of India
Ministry of Environment and Forests

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

February, 27, 1998

To

1. The Chief Secretaries.
(All States)
2. The Principal Chief Conservator of Forests.,
(All States)

Subject:- Indian Forest Service - Amendments to the IFS (Fixation of Cadre Strength) Regulations, 1966 and IFS (Appointment by Promotion) Regulations, 1966 taking effect from 1.1.1998 - Follow up action regarding -

Sir,

I am directed to refer to the Government of India (Ministry of Personnel & Public Grievances and Pensions) Notifications No. 11033/15/95-AIS(II)-C, dated the 31st December, 1997 and 14015/52/96-AIS(I)-C, dated the 31st December, 1997 bringing the above mentioned amendments into force w.e.f. 1st January, 1998 and to say as follows:

- a) It has been decided that the increase in promotion posts sanctioned under notification No. 11033/15/95-AIS(II)-C, dated the 31st December, 1997 in respect of the Indian Forest Service Cadres are to be given effect in a phased manner. The recruitment to the promotion posts when made in each Cadre during the year may be limited to the promotion posts as on 31.12.1997 plus one third of the net increase in the promotion posts as on 01.01.1998, ignoring the fractions, if any. Similarly, the recruitment in 1999 will be enhanced by half of the balance increase, ignoring the fractions, if any, and the remaining increase will be added to the recruitment in the year 2000. The immediate charge on the increase in the promotion posts in the respective State Cadres will be the persons who stand included in the waitlisted part of Select Lists prepared in 1997 and in force. The waitlisted officers could accordingly be considered for appointment to the I.F.S. against the vacancies made available from 1.1.1998 in the first instance.

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CC/Min

- b) In respect of the States where Select Lists are yet to be drawn up for previous years including the year 197-98, it is necessary that a decision is taken by the State Government concerned in consultation with the Union Public Service Commission on the method of preparation of Select Lists (year-wise or combined) for the previous years during which the Selection Committee could not meet.
- c) The position in respect of each State/Joint Cadre on the number of posts upto which recruitment would be made during the year 1998 are given in the Statement annexed to this letter. A copy of this letter is also being endorsed to the Union Public Service Commission for information and necessary action.

It is requested that necessary action for preparation of the 1998 Select List for all the Cadre would have to be initiated in accordance with the amended provisions of the (IFS Appointment by Promotion) Regulations, 1966 which came into force with effect from the 1st January, 1998. All the State Government/Joint Cadre Authorities are requested to take necessary action accordingly, under intimation to this Ministry.

This may kindly be taken up on Priority basis.

Yours faithfully,

R. Sanehwal

R. SANEHWAL)

UNDER SECRETARY TO THE GOVT. OF INDIA

Encl. As above.

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STATEMENT SHOWING THE SANCTIONED STRENGTH UPTO 31ST DECEMBER, 1997
AND REVISED STRENGTH W.E.F. 1.1.1998 OF DIRECT RECRUIT AND
PROMOTEE OFFICERS OF INDIAN FOREST SERVICE.

S.No.	CADRE	TOTAL CADRE STRENGTH	DIRECT RECRUIT		PROMOTEE OFFICERS		INCREASE ALLOWED		
			SANCTIONED STRENGTH	REVISED STRENGTH	SANCTIONED STRENGTH	REVISED STRENGTH	DURING THE YEARS 1998	1999	2000
1	2	3	4	5	6	7	8	9	10
1.	ANDHRA PRADESH	132	100	93	32	39	2	2	3
2.	ASSAM-MEGHALAYA	118	90	83	28	35	2	2	3
3.	BIHAR	173	131	121	42	52	3	3	4
4.	GUJARAT	104	79	73	25	31	2	2	2
5.	HARYANA	69	52	49	17	20			1
6.	HIMACHAL PRADESH	107	81	75	26	32	2	2	2
7.	JAMMU & KASHMIR	100	64	55	36	45	3	3	3
8.	KARNATAKA	165	125	116	40	49	3	3	3
9.	KERALA	89	68	62	21	27	2	2	2
10.	MADHYA PRADESH	385	292	270	93	115	7	7	8
11.	MAHARASHTRA	185	140	130	45	55	3	3	4
12.	MANIPUR-TRIPURA	87	66	61	21	26	1	2	2
13.	NAGALAND	33	25	23	8	10	-	1	1
14.	ORISSA	121	92	85	29	36	2	2	3
15.	PUNJAB	45	34	32	11	13	-	1	1
16.	RAJASTHAN	112	85	79	27	33	2	2	2
17.	**SIKKIM	30	26	21	8	9	-	-	1
18.	TAMIL NADU	145	110	102	35	43	2	3	3
19.	ARUNACHAL PRADESH	156	118	110	38	46	2	3	3
20.	UTTAR PRADESH	283	215	198	68	85	5	6	6
21.	WEST BENGAL	97	74	68	23	29	2	2	2
TOTAL		2736	2067	1906	673	830	46	52	59

* Revised vide Cadre Review notification dated 29.1.1998.

Chand