

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 160/2000

R.A/C.P No.

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 160/2000

OF 199

Applicant(s) Sri J. Millang.

Respondent(s) State Assamchal Pradesh and, ors.

Advocate for Applicant(s) Mr. A.K. Roy
Mr. R.K. Paul.

Advocate for Respondent(s) C.G. Se.
G.A. Assamchal Pradesh.

Notes of the Registry	Date	Order of the Tribunal
<p>9.5.00</p> <p>Learned counsel Sri A.K.Roy, for the applicant. Issue notice to the respondents by registered post as to why the application shall not be admitted. Notice returnable on 12.6.2000.</p> <p>Put upon on 12.6.2000 for consideration of admission.</p> <p>Member(J).</p> <p>10-5-2000</p> <p>Service of notices prepared and sent to D. Section for issuing of the same to the respondents Through Registered post with A/D vide D.No. 1377 & 1378 Dtd. 15.5.2000.</p>	<p>9.5.00</p> <p>12.6.00</p>	<p>Learned counsel Sri A.K.Roy, for the applicant. Issue notice to the respondents by registered post as to why the application shall not be admitted. Notice returnable on 12.6.2000.</p> <p>Put upon on 12.6.2000 for consideration of admission.</p> <p>Member(J).</p> <p>Present: Hon'ble Mr.D.C.Verma, Judicial Member.</p> <p>None for the applicant. Mr.S.K. Medhi, learned counsel for respondent No.1. Mr.E.C.Pathak, learned Addl. C.G.S.C. for respondent No.2.</p>

Notes of the Registry	Date	Order of the Tribunal
<p>9-6-2000</p> <p>① Service report are still awaited.</p> <p>② No. written statement has been filed.</p> <p>27/6/00</p> <p>Notice duly served on Respondents No 1 & 2.</p> <p>No. written statement has been filed.</p> <p>No written statement has been filed.</p> <p>23/10/2000</p> <p>Notice sent vide D/No 1377 to 1378 dtd 15/5/2000</p> <p>25/10/00</p> <p>① Notice duly served on R/No. 1 & 2, other respondents are still awaited.</p> <p>② No. wfs has been filed.</p> <p>23/11/2000</p>	<p>12.6.00</p> <p>1m</p> <p>25-7-00</p> <p>22-8-00</p> <p>27.9.00</p> <p>pg</p> <p>27/10/2000</p> <p>24.10.00</p> <p>pg</p> <p>25/10/2000</p>	<p>Both the respondents seek time to file written statement. Time is granted. List on 25.7.00 for orders and for the filing of written statement.</p> <p>Member(Judicial)</p> <p>There is no bench ordered on 22.8.00.</p> <p>There is no bench ordered on 22.9.00.</p> <p>Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.</p> <p>Heard Mr A.K.Roy, learned counsel for the applicant and Mr B.C.Pathak, learned Addl.C.G.S.C for the respondents.</p> <p>List on 24.10.0000 for admission and to enable the respondents to file written statement, if any, as a last chance.</p> <p>Vice-Chairman</p> <p>Heard Mr A.K.Roy, learned counsel for the applicant and Mr B.C.Pathak, learned Addl.C.G.S.C for the respondents.</p> <p>Application is admitted. Issue usual notice. Call for the records.</p> <p>List on 24.11.2000 for written statement and further orders.</p> <p>Vice-Chairman</p>

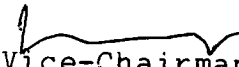
Notes of the Registry

Date

Order of the Tribunal

24.11.00

Written statement has not been filed. Mr. B.C.Pathak, learned Addl. C.G.S.C. seeks further three weeks time. Prayer allowed. List it on 18.12.2000 for orders.



Vice-Chairman

nkm

4-12-2000

18.12.00

No representation. List on 2.1.2001 for further orders.


Member(A)


Vice-Chairman

trd

2.1.01

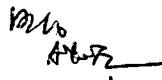
The State of Arunachal Pradesh has filed the written statement. The respondent No.2 Union of India is yet to file written statement. On the prayer of Mr.B.C.Pathak, Addl.C.G.S.C. four weeks time is allowed for filing of written statement. List on 1.2.2001 for orders.


Vice-Chairman

lm

1-2-

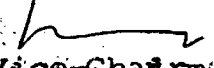
Circuit General Shikha
Advised to 20.2.2001


1-2-

20-2-01

Written statement has filed by the State of Arunachal Pradesh. The Union of India has yet to file the written statement. List on 22.3.01 for filing of written statement as a last chance. The applicant may also file rejoinder if any within 3 weeks.


Member


Vice-Chairman


lm

24-11-2000

Written statement
has been filed by the
respondent No 1.

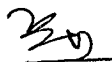
Boro

Written statement
filed on behalf of
R.No. 1, respondent
No-2 has not yet filed



15.12.2000

① No. written statement
filed by the R.No.2.

② No. Rejoinder has
been filed.


21.3.01

No. Rejoinder has
been filed.


23.4.01

Notes of the Registry	Date	Order of the Tribunal
① Wls filed on behalf of R.No. 1, other respondents has not yet filed.	22.3.01	List on 24.4.01 to enable the respondents to file written statement. K C Ushary Member Vice-Chairman
lm	24.4.01	List on 18.5.01 to enable the respondents to file written statement. K C Ushary Member Vice-Chairman
23.4.01	18.5.01	No written statement has so far been filed by the respondents no.2 though time was granted. ^{the} Respondents no.1 has already filed written statement. List of hearing on 20.6.2001. In the meantime the respondent no.1 may file written statement within two weeks from today. K C Ushary Member Vice-Chairman
17.5.2001 A reply/additional statement for and on behalf of the applicant against the W/S filed by the Respondent No. 1.	20.6.01	Judgment delivered in open court, kept in separate sheets. The application is dismissed in terms of the order. No order as to costs. K C Ushary Member Vice-Chairman
bb.		
bb.		
The case is ready for hearing as regards W/S and Rejoinder.		
19.6.01		
Received on behalf of the Applicant Indranil Gogoi Advocate 29/06/01		

Copy of W/S has been sent to the D/Sec. for issuing the same to the L/Adv for the Respondent.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No...160..... of 2000.

DATE OF DECISION. 20-6-2001....

Shri T. Millang, I.F.S. ----- PETITIONER(S)

Mr.A.K.Roy & Mr.R.K.Paul ----- ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

The State of Arunachal Pradesh & Ors. ----- RESPONDENT(S)

Mr.B.C.Pathak, Addl.C.G.S.C. & ----- ADVOCATE FOR THE
G.A.A.P. Mr.H.Roy. ----- RESPONDENT(S)

THE HON'BLE MR. JUSTICE R.R.K.TRIVEDI, 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 Vice-Chairman.

20/6/2001

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 160 of 2000.

Date of Order : This is the 20th Day of June, 2001.

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN.

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

Shri T. Millang, I.F.S.,
Chief Wildlife Warden,
Mizoram, Aizawl. . . . Applicant.

By Advocate Mr.A.K.Roy & Mr.R.K.Paul.

- Vs -

1. The State of Arunachal Pradesh
represented by the Principal Secretary
Environment and Forests Department,
Govt. of Arunachal Pradesh, Itanagar.
2. The Union of India
represented by the Secretary,
Environment and Forests Deptt.,
Govt. of India, C.G.O. Complex,
Paryavaran Bhawan, Lodhi Road,
New Delhi - 110 003. . . . Respondents.

By Advocate Mr.B.C.Pathak & G.A.A.P. Mr.H.Roy.


O R D E R


R.R.K.TRIVEDI J.(V.C.) :

After we have heard Mr. A. K. Roy, learned
counsel for the applicant ^{to some extent} / ² it appears that the grie-
vances of the applicant is exclusively against the State
of Arunachal Pradesh, respondent No.1, which allegedly
did not release the applicant to join the promotional
post of Conservator of Forests, Mizoram after being
promoted to the Indian Forest Service. As Union of
India is in ^{now} way concerned with the cause of action
which has given rise to this application, in our opinion,
the application is not maintainable in this court.

This application is accordingly dismissed as not maintainable. However, the applicant may approach the appropriate forum for the relief.

There shall, however, be no order as to costs.


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(R. R. K. TRIVEDI)
VICE CHAIRMAN

BB

3/6 5 MAY 2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Administrative Tribunal Act 1985)

O.A. NO 160 /2000

Shri T. Millang

.....APPLICANT

- VERSUS -

State of A.P & Others

.....RESPONDENTS

I N D E X

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9.	Annexure - A7	18
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For office use :

Date :

Signature :-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Administrative Tribunal Act 1985)

10
Filed by the applicant
through -
Ashok Kr. Ray
Advocate.

O.A. NO 160 / 2000

BETWEEN

Shri T. Millang , IFS

Chief Wildlife Warden

Mizoram, Aizawl

.....APPLICANT

- AND -

1. The State of Arunachal Pradesh

represented by the Principal Secretary

Environment and Forests Department,

Govt. of A.P, Itanagar

2. ~~The State of Arunachal Pradesh~~

2. The Union of India , represented by the
Secretary , Environment and Forests Dept.

Govt. of India , C.G.O. Complex,
Paryavaran Bhawan, Lodhi Road,
New Delhi- 110 003. ✓

.....RESPONDENTS

1. Particulars of orders against which this application
is made

This application is made against the action ~~in~~
of the respondents in non-payment of pay-scale of Conservator
of Forests for the period w.e.f. 17.6.96 to 30.4.99 to the
applicant .

2. Jurisdiction :-

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

Recd

3. Limitation :-

That the applicant also declares that this application is made within the time limits as has been prescribed under section 21 of the Administrative Tribunal Act 1985.

4. Fact of the case :-

i) That the applicant was promoted to the India Forest Service (IFS) (AGMUT) cadre ~~xxxx~~ and was posted as Conservator of Forests at Mizoram vide order under NO. 42011/2/95-IFS-I dated 2.2.96 . The applicant was also ready to join at Mizoram in compliance with the order of the Govt. of India , but as the Govt. of Arunachal Pradesh did not release him he could not join his new assignment . Instead of releasing him , the Govt. of Arunachal Pradesh deputed him as General Manager of Arunachal Pradesh Forests Corporation Ltd. vide order dated 12.6.96 . Be it stated here that the said post of General Manager is equivalent post of Conservator of Forests bearing the same pay scale i.e. Rs. 4500-100-5700/- . In compliance with the said order dated 12.6.96 , the applicant joined to the post of General Manager , at Deomali on 17.6.96.

Copy of the order dated 2.2.96 and order dated 12.6.96 are annexed herewith as

Annexure - A1 and A2 respectively.

ii) That the applicant states that he was ^{released} ~~reverted~~ from the said post of General Manager and was posted as Conservator of Forests , Southern Arunachal Circle vide order dated 22.10.96 . After the said order the applicant was released from the said post of General Manager on 8.11.96 and took charge of Conservator of Forests , Southern Arunachal Circle on 28.10.96 vide notification dated 28.10.96 .

Copy of the order dated 22.10.96 and notification dated 28.10.96 are annexed as Annexures- A3 & A4 respectively.



✓

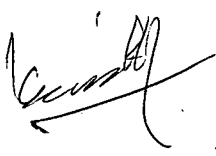
iii) That the applicant states that he continued his service as Conservator of Forests under the Gov t. of Arunachal Pradesh for the period w.e.f. 28.10.96 to 30.4.99. Thereafter he was released by the Govt. of Arunachal Pradesh vide order dated 9.4.99 to enable the applicant to join his new assignment as Conservator of Forests under Mizoram Government in pursuance of the Govt. of India's orders dated 22.2.96 and 9.3.98 and accordingly he joined under the Mizoram Govt. and at present he is working as Chief Wildlife Warden ,Mizoram ,Aizawl.

One copy of the order dated 9.4.99 is annexed as Annexure -A5.

iv) That the applicant states that though he was deputed to the post of General Manager ,Arunachal Pradesh Forests Corporation Ltd (APFC Ltd) and worked w.e.f. 17.6.96 to 8.11.96 and thereafter he was posted as Conservator of Forests under the Govt. of Arunachal Pradesh and continued there upto 30.4.99 ,but he was not paid the pay-scale of Conservator of Forests . Being aggrieved the applicant submitted his representation dated 12.5.97 i.e, when he was at Arunachal Pradesh , to the Secretary ,Environment and Forests praying to send his retention order and to allow him to draw the pay of Conservator of Forests ,but the respondent did not consider the same and hence he submitted further two representations dated 11.1.99 and 15.3.99.

Copy of the representations dated 12.5.97 , 11.1.99 and 15.3.99 are annexed herewith as Annexure - A6 and A7 and A8 respectively.

v) That the applicant states that inspite of the aforesaid three representations ,the Govt. of Arunachal



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did not take any action to redress the grievance of the applicant . In the meantime ,he was released by the Govt. of Arunachal Pradesh to enable the applicant to join at Aizawal. As he was not paid his due payscale of Conservator of Forests for the period 17.6.96 to 30.4 .99 ,the applicant submitted his last representation dated 8.7.99 to the Principal Secretary ,Environment ~~xx~~ and Forests, stating in details about his grievance and prayed for the due payscale .

Copy of the representation dated 8.7.99 is annexed herewith as Annexure - A9.

vi) That the applicant states that inspite of his repeated representations ,the respondents neither gave any reply ~~xx~~ on the matter nor passed any order regarding payment ~~x~~ salary payscale of Conservator of Forests to the applicant for the period w.e.f. 17.6.96 to 30.4.99 during which he was retained by ~~and~~ worked under the Govt. of Arunachal Pradesh and hence he approach this Hon'ble Tribunal by filling this Original Application.

5. Grounds for reliefs :-

- i) For that the applicant was deputed as General Manager w.e.f 17.6.96 to 8.11.96 and thereafter he was posted as Conservator of Forests and worked upto 30.4.99 and hence he is entitled to the payscale attached to the post.
- ii) For that the pay scale for the post of General Manager ,A.P.F.C Ltd. is same to that of the Conservator of Forests .
- iii) For that the applicant was promoted and posted to the post of Conservator of Forests ?Mizoram by the Govt. of India ,but he was not released by the Govt. of Arunachal Pradesh and was retained and utilised his service for the state and hence the Govt. of Arunachal Pradesh is duty bound to pay the pay scale of Conservator of Forests.

iv) For that had the applicant was not retained by the Govt. of Arunachal Pradesh, he could have joined in Mizoram as per the order of the Govt. of India and he would have entitled all the benefits attached to the post of Conservator of Forests and ~~for~~ to any equivalent post.

v) For that non-payment of pay scale of Conservator of Forests for the period w.e.f. 17.6.96 to 30.4.99 is denial of due benefits and facility attached to the post.

vi) For that action of the respondent is denial of natural justice and administrative fair play.

vii) For that non-payment of due pay scale straightly away violates the fundamental rights as has been guaranteed under Article 14, 16 and 21 of the Constitution of India

viii) For that at any rate the action of the respondents is not maintainable in the eye of law.

ix) For that the action of the Govt. of Arunachal Pradesh is arbitrary, whimsical and unlawful and is not sustainable in the eye of law.

6. Details of remedies availed :-

That the applicant declares that he has taken recourse to all the remedies available to him but failed to get justice and hence there is no other alternative efficacious remedy open to him other than to approach this Hon'ble Tribunal.

7. The matter not previously filed and /or pending before any court :

That the applicant further declares that

he has not previously filed any application ,writ petition, or suit regarding the matter before any court ,authority or any other bench of this Hon'ble Tribunal nor any such application ,writ petition or suit is pending before any of them .

8. Reliefs sought for :-

Under the fact and circumstances stated above the applicant prays for the following reliefs :-

- i) To direct the respondent i.e., Govt. of Arunachal Pradesh to give the pay scale of Conservator of Forests to the applicant for the period w.e.f. 17.6.96 to 30.4.99 and pass necessary order allowing the applicant to draw the balance amount for the aforesaid period, with yearly increments;
- ii) To grant any other relief as Your Lordships may deem fit and proper.
- iii) Cost of the application.

9 . Interim relief, if any :-

Under the fact and circumstances stated above the applicant do not pray any interim relief.

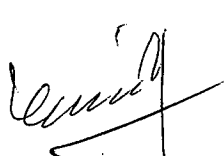
10.

11. Particulars of Indian Postal Order :-

- i) I.P.O NO :- OG 495240
- ii) Date of Issue :- 28-4-2000
- iii) payable at : Guwahati

12. List of enclosures :

As stated in the Index.



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

I, Shri Tulmin Millang, son of late S. Millang
aged about 50, resident of Aizwal, Mizoram,
Kruxachal Vaddan, now working as Chief Wildlife
Warden, Mizoram, Aizwal, do hereby verify that the
contents of paragraphs 1 to 12 of the application are
true to my personal knowledge and belief and that I have
not suppressed any material fact of the case.

And I sign this verification on this the
30th day of April 2000 at Guwahati.

Place : Guwahati
30/4/2000
Date :- 30/4/2000



SIGNATURE OF APPLICANT

ANNEXURE - A

तार

Telegram : PARYAVARAN,
NEW DELHI

दूरभाष :

Telephone :

टेलिक्स (द्विभाषीय) :

Telex : (bi-lingual) : W-66185 DOE IN

FAX : 4360678

भारत सरकार

पर्यावरण एवं वन मंत्रालय

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT & FORESTS

पर्यावरण भवन सी० जी ओ० कॉम्प्लेक्स

PARYAVARAN BHAWAN, C.G.O. COMPLEX

लोदी रोड, नई दिल्ली-110003

LODHI ROAD, NEW DELHI-110003

ORDER

No. 42011/2/95-IFS-1

Dated the 12nd February, 1996

Consequent upon their appointment on promotion to the level of Conservator of Forests in the scale of Rs.4500-150-5700/-, postings and transfers in respect of the following IFS Officers of AGMUT Joint Cadre are hereby ordered with immediate effect and until further orders:

S.No.	Name & Designation	From	To
	S/Shri		
1.	N.N. Zhasa IFS (AGMUT:81) Conservator of Forests	Arunchal Pradesh Constituent Unit	A&N Islands Admn. Constituent Unit
2.	Madhawa Trivedy IFS (AGMUT:82) Conservator of Forests	A&N Islands Admn. Constituent Unit	A&N Islands Admn. Constituent Unit
3.	Omkar Singh IFS(AGMUT:82) Conservator of Forests	A&N Islands Admn. Constituent Unit	Arunachal Pradesh Constituent Unit
4.	T. Millang IFS (AGMUT : 2)	Arunchal Pradesh Constituent Unit	Mizoram Constituent Unit

This issues with the approval of the Competent Authority.

317
16.2.96.

[Signature]

[Signature]
(O.K. Goyal)
Director

Copy to:

1. The Chief Secretary, Andaman & Nicobar Islands Admn.,
Port Blair.

2. The Chief Secy. (Ops) of Andaman & Nicobar Islands Admn.

: 2 :

3. The Chief Secretary, Govt. of Mizoram, Aizawl.
4. The Chief Secretary, Govt. of Goa, Panaji.
5. The Chief Secretary, Govt. of Daman Diu and Dadra and Nagar Haveli Administration, Silvassa -396230.
6. The Principal Chief Conservator of Forests, Andaman and Nicobar Islands Administration, Port Blair.
7. The Conservator of Forests, Govt. of Goa, Panaji.
8. The Principal Chief Conservator of Forests, Govt. of Mizoram, Aizawl.
9. The Deputy Accountant General, Andaman and Nicobar Islands Port Blair.
10. The Accountant General, Arunachal Pradesh, Itanagar.
11. The Accountant General, Mizoram, Aizawl.
12. The Forest Secretary, Govt. of Goa, Panaji.
13. The Forest Secretary, Govt. of Mizoram, Aizawl.
14. The Forest Secretary, Govt. of Arunachal Pradesh, Itanagar.
15. The Forest Secretary, Andaman and Nicobar Islands Administration, Port Blair.
16. S/Shri N.N. Jhasa/ Madhawa Trivedy/ Omkar Singh and T. Millang through Principal Chief Conservator of Forests concerned.
17. Guard file./ Spare copies-10

Attested by.

At Ray
Advocate

28/4/2000

21/5/00

O R D E R

The Governor of Arunachal Pradesh is pleased to place the services of Shri T. Millang, IFS (1982) on deputation with the Arunachal Pradesh Forest Corporation Ltd. initially for a period of 1(one) year for posting him as General Manager (Territory) Deomali vice Shri N.N. Zhasa IFS transferred.

The terms & conditions of this deputation shall be governed by the standard terms & conditions applicable in case of deputation of IFS officers to the Corporation.

Shri T. Millang, IFS shall handover the charge of Itanagar Social Forestry Division to Shri M.S. Megi, IFS DCF(P) who is allowed to hold the additional charge of Divisional Forest Officer Itanagar Social Forestry Division in addition to his own duties & without any extra remuneration till a regular incumbent Divisional Forest Officer is posted.

(G.P. Shukla) 12/6/96
Secretary (Env't. & Forests)
Govt. of Arunachal Pradesh
Itanagar.

Memo.No.FOR.263/D(A)-2/83(Pt) 18,549-64 Dtd Itanagar the 12th June '96

Copy to:-

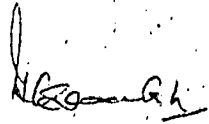
1. The Secretary to Hon'ble Governor, A.P., Itanagar.
2. The P.P.S to Hon'ble Chief Minister, A.P., Itanagar.
3. The P.S to Hon'ble Minister (Env't. & Forests), A.P., Itanagar.
4. The P.S to Hon'ble Dy Minister (Env't & Forests), A.P., Itanagar.
5. The P.S to ~~the~~ all Minister /speaker/Dy Speaker of A.P Itanagar/ Naharlagun.
6. The Dy Secretary to the Govt of India, Ministry of Env't. & Forests, Deptt. of Env't. & Forests Paryavaran Bhawan, CGO Complex Lodi Road, New Delhi.
7. The P.S to Chief Secretary, A.P., Itanagar.
8. The Commissioner (P & AR), A.P., Itanagar.
9. All Dy Commissioners/ Addl Dy Commissioners, A.P-


Contd....2/-

Attested by
Advocate
30/4/2000

To
Shri T. Millang IFS
D/o Shri. S. D. D.
(Signature)

- 11 -
- 20
10. The Chief Conservator of Forests, Wildlife, Itanagar.
 11. All Conservator of Forests, A.P.
 12. The Managing Director, APFC Ltd. Itanagar for information.
 13. All Divisional Forest Officers, A.P. including Dy. Chief Wildlife Warden, Naharlagun.
 14. The Director of Information & Public Relation, Govt. of A.P. Naharlagun with the request to publish in the official Gazette accordingly.
 15. The Director of Accounts, Govt. of A.P. Naharlagun.
 16. The Principal, A.P. Forest School, Roing.
 17. The Ex-officio Director, SFRI, Chimpur.
 18. The Officers concerned for necessary action.
 19. All branches of this office.
 20. Personal file of the officers concerned.
 21. Ten spare copies.


 (G.P. SHUKLA) 2/6
 Secretary (Env. & Forests)
 Arunachal Pradesh, Itanagar.

Attested by

 Admstr.
 30/5/2000

ANNEXURE - A3
80

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT & FORESTS

11. No. Govt

O R D E R

21

The Governor of Arunachal Pradesh is pleased to order for reversion of Shri T. Millang, IFS from Arunachal Pradesh Forest Corporation Ltd., to the Department of Env. & Forests, Govt. of Arunachal Pradesh, with immediate effect.

On reversion from A.P.F.C.L., Shri T. Millang, IFS is posted as Conservator of Forests, Southern Arunachal Circle, with HQ at Deomali, vide Shri M.L. Deori, IFS, transferred.

It is further ordered that, Shri M.L. Deori, IFS shall be relieved of the charge of Conservator of Forests (SAC), Deomali within 5 (five) days from the date of issue of this order for his taking over charge of Director, State Forests Research Institute, Chimpu (Itanagar), vide order No. FOR.308/E(A)/95/Pt/18650-75, dtd. 12.06.96 and that Shri M.L. Deori, IFS, shall stand relieved from the charge of Conservator of Forests (SAC), Deomali from the date, Shri T. Millang, IFS, relieves him of the charge or on expiry of the period of 5 (five) days from the date of issue of this order which ever is earlier.

G.P. Shukla
(G.P. Shukla) 22/10/96
Secretary (Env. & Forests)
Govt. of Arunachal Pradesh
Itanagar

Memo No. FOR.308/E(A)/95/31653-752 Dated Itanagar the 22nd 96
Copy to:- 04/96

1. The Secretary to Hon'ble Governor, A.P., Itanagar.
2. The Special Secretary to Hon'ble Chief Minister, A.P., Itanagar.
3. The P.S. to Hon'ble Minister (E&F), A.P., Itanagar.
4. The P.S. to Hon'ble Minister of State (E&F), A.P., Itanagar.
5. The P.S. to all Ministers/Speaker/Dy. Speaker of A.P. Itanagar/Naharlagun.
6. The Dy. Secretary to the Govt. of India, Ministry of Environment & Forests, Deptt. of Env. & Forests, Parayavaran Bhawan, CGO Complex, Lodi Road, New Delhi.
7. The P.S. to Chief Secretary, A.P., Itanagar.

Contd...2/-

8. The Commissioner (P&AR), A.P., Itanagar.
9. All Dy. Commissioners/Addl. Dy. Commissioners, A.P.
10. The Chief Conservator of Forests, Wildlife, Itanagar.
11. All Conservator of Forests, A.P.
12. The Managing Director, APFC Ltd., Itanagar for information.
13. All Divisional Forest Officers, A.P. including Dy. Chief Wildlife warden, Naharlagun.
14. The Director of Information & Public Relations, Govt. of A.P., Naharlagun with the request to publish in the official Gazette accordingly.
15. The Director of Accounts, Govt. of A.P. Naharlagun.
16. The Principal, A.P. Forest School, Roing.
17. The Director, SFRI, Chimpur.
18. The officers concerned for necessary action.
19. All branches of this office.
20. Personal file of officers concerned.
21. Ten spare copies.

G.P. Shukla

(G.P. Shukla 22/10/76

Secretary - (Env. & Forests)
Govt. of Arunachal Pradesh
Itanagar

Attested by

Al Ray

Advocate

30/11/2000


ANNEXURE - A4
79.

GOVT. OF ARUNACHAL PRADESH
OFFICE OF THE CONSERVATOR OF FORESTS
SOUTHERN ARUNACHAL CIRCLE
P.O. DEOMALI::DIST. TIRAP

N O T I F I C A T I O N

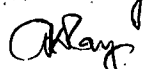
In pursuance of the Secretary (Environment & Forests) Govt. of Arunachal Pradesh, Itanagar's order issued under Memo No. FOR.308/E-(A)/95/31653-752 dt. 22.10.96 and W.T. Message No. 2738-39 dt. 25.10.96 issued under Memo No. FOR/308/E(A)/95/32923-25 dt. 25/10/96 I have assumed the charge of the Conservator of Forests, Southern Arunachal Circle, Deomali in the A.N. of to-day the 28th Oct '96 ex parte and hereby notify the same to (1) the Treasury Officer, Khonsa and (2) the Branch Manager, State Bank of India, Khonsa/Deomali.

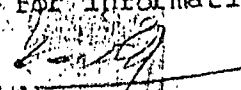
The specimen signature of the undersigned is enclosed herewith along with the copies of above Govt. orders.


(T. MILLANG) IFS
CONSERVATOR OF FORESTS
SOUTHERN ARUNACHAL CIRCLE
DEOMALI.

Memo No. SAC/E-77/96/2982-3031
Dt. Deomali, the 28th Oct '96.
Copy to:-

1. The Accountant General, Central & A.P. Shillong along with a copy of certificate of transfer of charges for information and necessary action.
2. The Principal Chief Conservator of Forests, A.P. Itanagar along with a copy of certificate of transfer of charges in duplicate for favour of information.
3. The Managing Director, APFC Ltd. Itanagar for favour of information.
4. All Conservator of Forests, i/c Chief Wildlife Warden, A.P. Itanagar for information.
5. The Field Director, Tiger Project, Miao for information.
6. All Divisional Forest Officers, Arunachal Pradesh, for information.
7. The Deputy Commissioner, Lohit/Dibang valley/Tirap and Changlang Dist.
8. The Addl. Deputy Commissioner, Roing.
9. The Director of Accounts, A.P. Naharlagun.
10. All Divisional Manager, APFC Ltd.
11. The Branch Manager, SBI, Deomali/Khonsa.
12. The General Manager (r) Cash Crop, APFC Ltd. Deomali for information.
13. The Treasury Officer, Khonsa for information.

Attested by

Attested
35/10/2000


(T. MILLANG) IFS
CONSERVATOR OF FORESTS
SOUTHERN ARUNACHAL CIRCLE
DEOMALI.

KP/28/10/96

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT & FORESTS
ITANAGAR

NO.FOR/3/E(A)/97/13,664-793

Dtd. Itanagar, the 9th April/99

O R D E R

In pursuance to the Govt. of India, Ministry of Env. & Forests, New Delhi's order NO.42011/2/95-IFS-I dt. 1/2/96 & NO.FOR/42011/2/97-IFS-I dt. 9/3/98, the Governor of Arunachal Pradesh is pleased to order that following I.F.S. Officers shall stand relieved of their duties from the Govt. of Arunachal Pradesh immediately from the date of handing over their respective charges so as to enable them to join their new assignment as Conservator of Forests under Mizoram Govt. where posted on promotion. They should hand over charge positively before 30/4/99.

1. Shri T. Millang, IFS,
Deputy Conservator of Forests
Incharge Southern Circle, Deomali.
2. Shri L.K. Pait, IFS,
Deputy Conservator of Forests,
Incharge Central Circle, Pasighat.
3. Shri M. Mamsom, IFS,
Deputy Conservator of Forests,
Incharge Western Circle, Banderdewa.

(S.R. Mehta)

Principal Secretary (Env. & Forests)
Govt. of Arunachal Pradesh,
Itanagar. 9.4.99

MEMO NO.FOR.3/E(A)/97/13,664-793 Dtd. Itanagar the, 9th April/99

Copy to :-

1. The Secretary to Hon'ble Governor, Govt. of A.P., Itanagar.
2. The Secretary to Hon'ble Chief Minister, Arunachal Pradesh, Itanagar.
3. The P.S. to Hon'ble Minister (E&F), A.P., Itanagar.
4. The P.S. to all Ministers/Speaker/Dy. Speaker of Itanagar/Waharlagun, A.P.
5. The Director to the Govt. of India, Ministry of Env. & Forests, Dept. of Environment & Forests, Paryavaran Bhawan, C.G.O. Complex, Lodi Road, New Delhi.
6. The P.S. to Chief Secretary, Govt. of A.P., Itanagar.
7. The All Commissioners/Secretaries, Govt. of A.P., Itanagar.

Contd. P.2/-

- 2 -
- 25
8. The Chief Secretary, Govt. of Mizoram, Aizwal.
 9. The Chief Secretary, Andaman & Nicobar Islands Administration, Portblair.
 10. The P.C.C.F. & Secretary (E&F), Andaman & Nicobar Islands, Portblair.
 11. The P.C.C.F. & Secretary (E&F), Govt. of Mizoram, Aizwal.
 12. The All Heads of Departments, Itanagar, A.P.
 13. The All Dy. Commissioners/Addl. Dy. Commissioners, A.P.
 14. The All Chief Conservator of Forests, A.P., Itanagar.
 15. The All Conservator of Forests, Arunachal Pradesh.
 16. The Managing Director, A.P.F.C.LTD., Chimpou, Vna-Vihar, Itanagar, Arunachal Pradesh.
 17. The Director, State Forest Research Institute, Chimpou, Van-Vihar, Itanagar, A.P.
 18. The Principal, A.P. Forest Training School, Roing, A.P.
 19. All Divisional Forest Officers, A.P. including Dy. Chief Wildlife Warden, Naharlagun.
 20. The Field Director, Project Tiger, Miao.
 21. The Director of Information & Public Relations, Naharlagun, Arunachal Pradesh with the request to publish in the official Gazette accordingly.
 22. The officers concerned for necessary action.
 23. All branch of this office for information.
 24. The personal file of officers concerned.
 25. For spare copies.
 26. Master copy file.

(S.R. Mehta)
Principal Secretary (Env. & Forests)
Govt. of Arunachal Pradesh,
Itanagar. 9.4.99.

Attested by
AKR
Adm. cat.
30/4/2000

GOVT. OF ARUNACHAL PRADESH
OFFICE OF THE CONSERVATOR OF FORESTS
SOUTHERN ARUNACHAL CIRCLE
D.O. DEOMALI, DIST. TIRAP.

Memo No. SAC/E-77/96/1937- 38

dt. 12.5.97

112

To

The Secretary Environment & Forests,
Govt. of Arunachal Pradesh, Itanagar.

Sub:-

Sending of Retention order from GOI.

Sir,

I beg to submit that through initially on my promotion to the post of the Conservator of Forests, I was posted to Mizoram by the GOI, the Arunachal Pradesh State Govt. had kindly requested the Govt. of India to retain me in Arunachal Pradesh and deputed me to APFC Ltd. as General Manager(T) vide its order issued under Memo No. FOR.263/D(a)-2/83/(pt)/18,549-649 dtd. 12/6/96 and thereby retained me in Arunachal Pradesh. In compliance with the said order I had joined my duties in the APFC Ltd. as General Manager(on 17.6.96.

But it is sad that till today even after lapse of about one year from the date of my deputation to the APFC Ltd. my retention from the GOI has not been sent. As a result though I was promoted to conservator of Forests, on 02/02/96 by GOI. I have been drawing my monthly salary at selection grade pay scale(i.e. Rs.4100/-) leading to financial hardship.

I therefore, request you to kindly pursue with GOI early to send my retention order immediately. Further I request you to kindly issue necessary order for allowing me to draw CF's pay scale w.e.f. from 17/6/96 the date I had joined my duties in the APFC Ltd. as General Manager.

Yours faithfully,

12/5/97

Sd/-(T.MILLANG)
CONSERVATOR OF FORESTS
SOUTHERN ARUNACHAL CIRCLE
DEOMALI.

Copy to:-

1. The Managing Director, APFC Ltd. Itanagar with request to issue necessary order for allowing the undersigned to draw GM's pay scale w.e.f. 17/6/96 to 08/11/96.
2. The Director, Ministry of Environment & Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi for his information and necessary action. He is requested to send retention order as early as possible.

Sd/-(T.MILLANG)
CONSERVATOR OF FORESTS
SOUTHERN ARUNACHAL CIRCLE
DEOMALI.

Attested by
A. Ray
Adm. Secy.
30/4/2000

To

The Principal Chief Conservator of Forests
and Secretary (Environment & Forests)
Govt. of Arunachal Pradesh, Itanagar.

Sub:- Payment of the CF's scale.

Ref:- GOI's order 42011/2/95 IFS I dt.02.02.96

Sir,

With reference to the GOI's order quoted above under reference, I beg to inform you that on my promotion to the post of Conservator of Forests, I was deputed to the APFC Ltd. and posted as GM(T) (which is an equivalent post of CF) vide Govt's order FOR.263/EA-2/83/P/18445-545 dt.12/6/96. Accordingly I had joined in the office of the Managing Director, APFC Ltd. Itanagar on 17/6/96(FN) and I had assumed the charge of the General Manager(ITP) instead of General Manager(T) due to political reason and had continued in the post till 28/10/96(FN). Thereafter I was reverted to my parent Department(E&F) and posted me as Conservator of Forests, Southern Arunachal Circle, Deomali vide Govt's order FOR.308/E(A)/95/3/653-752 dt.22/10/96. In compliance with the order I had assumed the charge of the Conservator of Forests, Southern Arunachal Circle, Deomali on 28/10/96(AN).

From the facts stated above, it may kindly be seen that I have completed more than 2(two) years in the post of the Conservator of Forests or its equivalent post(GM) but still I am drawing scale of selection grade only losing monthly a considerable amount since 17/7/96.

I therefore, request you to kindly allow me to draw salary of the CF w.e.f. 17/7/96 since I have been discharging duties of the CF or its equivalent post(GM) with responsibilities and jobs of the CF since 17/7/96. In this connection kindly refer to the CF, SAC, Deomali's letter No. SAC/E-77/96/1937-39 dt.12/5/97 wherein I had requested you for payment of the CF's scale but no reply has so far been received from your end.

Yours faithfully,

(T. MILLANG)
CONSERVATOR OF FORESTS
DEOMALI.

Memo No. SAC/E-77/96/223

Dt. Deomali, the/ 11th /Jan'99.

Forwarded to:-

The Principal Chief Conservator of Forests,
Arunachal Pradesh, Itanagar for favour of
his information and necessary action please.

Attested by
Attny

Adro cati
26/4/2000

(T. MILLANG)
CONSERVATOR OF FORESTS
SOUTHERN ARUNACHAL CIRCLE
DEOMALI.

The Principal Chief Conservator of Forests
and Principal Secretary (Env. & Forests),
Govt. of Arunachal Pradesh,
Itanagar.

Sub : Payment of the CF's scale w.e.f.
17.07.96.

Ref : My petition dated 12th May/97 and 11th
Jan/99.

Sir,

In continuation of my previous petitions cited under reference which were forwarded to your office by the Conservator of Forests, Southern Arunachal Circle, Deomali vide his memo Nos. SAC/E-77/96/1937-39 dtd. 12.5.97 and SAC/E-77/96/203 dtd. 11/01/99, I beg to inform you that till to-day, I have not received any kind of reply or information on the subject from your office. I have been patiently awaiting approval of the Government for payment of the CF's scale to me with effect from 17.7.96 but I am sad that no deserving action has so far been taken by the Government.

I, therefore, once again request you to kindly take this matter with the Government for approval of payment of the CF's scale to me w.e.f. 17/7/96 at the earliest possible time and to communicate such approval within a month from the date of writing of this petition failing which I shall be compelled to take shelter from the Court of law.

Receipt of this petition may kindly be acknowledged.

Yours Faithfully,

(T. MILLANG) IFS
CONSERVATOR OF FORESTS
DEOMALI

Memo No. SAC/E-77/96/1185 Dt. Deomali, the 15th March/99
Forwarded to:-

The Principal Chief Conservator of Forests,
& Principal Secretary (Env. & Forests),
Govt. of Arunachal Pradesh, Itanagar for his
information and early needful necessary
action please.

Attested by
Advocate
30/4/2000

(T. MILLANG)
CONSERVATOR OF FORESTS
SOUTHERN CIRCLE
DEOMALI

5/K
...

GOVERNMENT OF MIZORAM
OFFICE OF THE CHIEF WILDLIFE WARDEN
ENVIRONMENT AND FOREST DEPARTMENT
MIZORAM :::: AIZAWL

No.G.13011/1/94-CWLW/75

: Dated Aizawl, the 3rd th, July/1999.

To, -

The Principal Secretary,
Environment & Forests,
Govt.of Arunachal Pradesh,
Itanagar.

Through Proper Channel.

Subj :- Payment of the CF's pay scale for the period from 17.6.'96 to 30.4.'99.

Ref :- My petitions dated 12th, May, '97, 11th Jan. '99 and 15th March, '1999.

Sir,

In continuation of my previous petitions quoted above which were forwarded by the C.F. SAC Deomali vide Memo Nos.SAC/E-77/96/1937-39 dated 12.5.'97. even nos./203 dated 11/01/99 and 1183 dated 15/3/99, I beg to request you once again to kindly look into the matter personally by yourself and consider my earnest and genuine demand at the earliest.

In this connection, I would like to inform you that I was promoted to the post of C.F. and transferred to Mizoram vide the Govt.of India, Ministry of Environment & Forests, New Delhi's order 42011/95-IFS-1 dated 2/2/96 and accordingly I was fully prepared and ready to join my duties in Mizoram immediately since it was a matter of my promotion with higher pay scale and the effective date of my promotion was from the date of my joining in Mizoram as per the Govt.of India's order mentioned above. But instead of releasing me from Arunachal Pradesh to enable me to join in Mizoram, The State Govt. vide your order No.FOR 263/D(A)-2/83(pt)/18549-649 dated 12.6.'96. had deputed me to the APFC Ltd for posting me as General Manager which is an equivalent post of C.F. of the Forest Department with the same pay scale (Rs.4500-100-5700). In compliance with the State Govt's order, I had joined my duties in the A.P.F.C. Ltd. on 17.6.1996 and continued in the A.P.F.C. Ltd upto 8.11.96(Forenoon).

Contd....2/-

I was reverted to the Forest Department from the A.P.F.C. Ltd. and posted me as C.F. S.A.C. Deomali vide your order FOR 308/E(A)/95/31,653-752 dated 22.10.96. and in compliance with your order, I had joined as CF, S.A.C. Deomali on 28/10/96 (Afternoon) and had been continuing in the post upto 30.4.99 till I was released by the State Govt. from Arunachal Pradesh.

Since posted as G.M. A.P.F.C. Ltd. and as CF S.A.C. Deomali, I had been discharging duties of the GM/CF with the responsibilities and jobs of the GM/CF w.e.f. 17/6/96 to 30/4/99 for almost 3 years without payment of the GM/CF's pay scale. It is very much regretted that despite my 3(three) petitions submitted to you as quoted above, for payment of the said pay, the State Govt. is silent and no response to my petitions has been made so far. It is a very sad affair and injustice on the part of the Govt. that though I was used as GM/CF for the period mentioned above, the State Govt. did not pay me the due pay scale of the post I held during the period. If the Government was unable to pay me the GM/CF's pay, I should have been released from Arunachal Pradesh to enable me to join in Mizoram as CF in compliance with the Govt. of India's order mentioned above.

In this connection, kindly refer to your orders and letters posting me as GM/CF and addressing me as GM/CF as detailed below -

- 1) FOR 263/EA-2/83/p/18,445-545 dated 12.6.1996 and FOR 263/D(A)-2/83(pt) 18,549-649 dated 12.6.1996-deputation order (to the APFC Ltd) and posting order for posting me as General Manager APFC Ltd.
- 2) FOR 308/E(A)/95/31,653-752 dated 22.10.1996 - reversion order (from the APFC Ltd to Fprest Deptt.) and posting order as CF, S.A.C. Deomali.
- 3) FOR 366/E-2/31/Vol-I/62990-96 dated 24.2.1999 order to take the charge of the CF. E.A.C. Tezu addressing me as C.F. S.A.C. Deomali.
- 4) (a) FOR/51/74/E(A)-2/10,551 dated 18.3.1998.
 (b) FOR 430/EA-2/95/23,622-30 dated 8.7.98. Addressed the undersigned
 (c) FOR/CC-1/10/98/1260 dated 1.12.1998. as C.f.
 (d) FOR 208/ACCT/94/36,476-81 dated 23.10.98.
 (e) FOR/5174/E(A)-2/Vol-I/1827 dated 28.1.98.
- 5) FOR/51/74/EA-2/21,483-84 dated 10.7.96. Addressed me as General Manager (T) A.P.F.C. Ltd.



From the above correspondences/orders, it is obvious that I was posted as GM APFC Ltd. and as CF and I was used as GM and CF by the State Govt. from 17/6/96 to 30.4.99 for which my demand for payment of the CF's pay scale is fully justified and may kindly be paid early. After posting me as GM and CF and addressing me by these designations from 17/6/96 for about a period of 3(three) years as mentioned above, now you have addressed me by the new designation - as "Deputy Conservator of Forests - Incharge Southern Arunachal Circle, Deomali" vide your release order No. FOR 3/E(A)97/13,664-793 dt. 9/4/99 from which it appears that when the State Govt. wanted my services in the State, I was posted as GM/CF and addressed me by these designations but when I was released from the State my designation was changed as "Deputy Conservator of Forests, Incharge Southern Arunachal Circle Deomali" which is absurd, shocking and a great humiliation to me which cannot be accepted by anybody. I request you to change the Designation "DCF Incharge S.A.C. Deomali" as mentioned in your order mentioned above with the original designation "C.F., S.A.C. Deomali" as was done so while posting me there vide your posting order No. FOR 308/E(A)/95/31,653-752 dated 22/10/1996.

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Sir, kindly note that this is my last and final petition on the subject. If nothing is heard or received from you on this subject and the C.F.'s pay scale is not given to me in retrospective effect from 17/6/96 to 30/4/99 within 3(three) months from the date of this petition, I shall be compelled to take shelter from the Court of Law to get my genuine pay scale.

Yours faithfully,

(Signature)
(T. MILLANG)

Chief Wildlife Warden,
Mizoram, Aizawl.

Memo No. G-13011/1/94-CWLW/75 : Dated Aizawl, the 8th, July/1999.
Advance Copy to:-

- 1) The Principal Secretary, Environment & Forests, Govt. of Arunachal Pradesh, Itanagar.
- 2) The Chief Secretary, Govt. of Arunachal Pradesh, Itanagar. For their kind information and necessary action.
- 3) The P.S. to Hon'ble Chief Minister, Arunachal Pradesh, Itanagar.
- 4) The P.S. to Hon'ble Minister, E & F Arunachal Pradesh, Itanagar.
- 5) The Managing Director A.P.F.C. Ltd. Itanagar.

Chief Wildlife Warden,
Mizoram, Aizawl.

SC Attested by
(Signature)
Adm. Secy.
20/4/2000

(Signature)

834 24 NOV 2000
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH :

O. A. NO. 160/2000

IN THE MATTER OF :

Shri T. Millang

..... APPLICANT.

- Versus -

The State of Arunachal Pradesh
and Others.

..... RESPONDENTS.

- AND -

IN THE MATTER OF :

A Written Statement for and on
behalf of the respondent No. 1 -
The State of Arunachal Pradesh.

WRITTEN STATEMENT FOR AND ON BEHALF OF THE
RESPONDENT NO. 1.

1. That the present application is without any cause of action and hence liable to be rejected.
2. That the application is bad for non-joinder of necessary party inasmuch as State of Mizoram has not been arrayed as a party.

contd..... P/2

Deed

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3. That the application also suffers from suppression of material facts which were within the knowledge of the applicant and as such the same is liable to be rejected.

4. That though the present application has been filed on the alleged grievance of non-payment of the scale of pay of Conservator of Forest for the period 17.6.96 to 30.4.99, the said grievance is not justified as per the existing law. It may be mentioned that as per Government Order No. FOR.283/CORP/84/22131-230 dated 23.6.98, the post of General Manager in APFC Ltd. was equated to the status and responsibilities to the post of Deputy Conservator of Forests (DCF), Selection Grade or Junior Administrative Grade (JAG) with effect from 15.3.94. The said notification has neither been challenged nor brought to the notice of this Hon'ble Tribunal.

5. That the application is also not complete inasmuch as, the applicant has failed to state as to what scale of pay he is claiming and what is the difference of pay that he was drawing. As such, the applicant is not entitled to any relief for want of this very relevant information.

6. That without prejudice to the preliminary objections raised hereinabove, the contentions and averments made in the application is hereby replied to

contd.... P/3

Heedley

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~~to~~ on merits. Be it stated herein that save and except the statements of the application which are specifically admitted hereinafter, the rest are denied.

7. That no comments are offered with regard to the statements made in paragraphs 1, 2 and 3 of the application. However, it is stated that no cause of action lies for this application as the claim for enhanced pay-scale is without any basis.

8. That the statements made in paragraph 4(i) of the application are not wholly correct and there is suppression of material facts which were known to the applicant. It is absolutely incorrect that the applicant was ready to join at Mizoram in compliance with the order of the Government of India and that the Government of Arunachal Pradesh did not release him. On the other hand, the applicant himself wrote a letter dated 24.2.96 to the Principal Chief Conservator of Forests, Government of Arunachal Pradesh, requesting to retain him at the present post till April, 1996 on personal grounds. Thereafter, due to exigencies of service and other relevant factors, the State Government requested the Government of India vide letter dated 12.6.96 for retaining the applicant in the State. The services of the applicant was placed on State deputation as General Manager (Territorial) to the Arunachal Pradesh Forest Corporation Ltd. though he reported at Deomali to take charge of General Manager(T)

contd.... P/4

[Handwritten signature]

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on 16.7.96 but he could not do so. Subsequently, the applicant joined as General Manager (I.T.P) on 19.8.96. Further, the statement made that the post of General Manager is equivalent to the post of Conservator of Forest bearing same pay scale is incorrect and hence denied. As stated earlier, vide order No. FOR.283/CORP/84/22131-230 dated 23.6.98, the post of General Manager in APFC Ltd. was equated to the post of Deputy Conservator of Forest (DCF), Selection Grade or Junior Administrative Grade with effect from 15.3.94.

Copies of the letter dated 24.2.96 and order dated 23.6.98 are annexed hereto and marked as Annexures - I and II respectively.

9. That the statements made in paragraphs 4(ii) and 4(iii)-being matters of records of the case, nothing is admitted which is inconsistent with and/or contrary to what appears from the said records.

10. That the statements made in paragraph 4(iv) of the application are not wholly correct. As stated earlier, since the post of General Manager is equivalent to the post of Deputy Conservator of Forest, there cannot arise any claim for granting higher pay scale of Conservator of Forests. Further, the order dated 23.6.98 by which the post of General Manager in the APFC Ltd. was equated with the post of Deputy Conservator of

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of Forest with effect from 15.3.94 has not been challenged by the applicant.

11. That with regard to the statements made in paragraph 4(v) of the application, it is to be stated that the representations of the applicant were attended to the case of the applicant was duly referred to the Govt. of India vide letter No. FOR-51/94/E(A)-2/Vol-I/324-26 dated 24.9.99. However, the Govt of India vide letter No. A.42011/2/97-IFS-I dated 17.11.99 communicated its decision not to grant the pay scale of Conservator of Forests to the applicant with effect from 17.6.96 as the applicant was appointed to the Conservator of Forest pay scale with the condition that the order will take effect from the date of taking over charge in the respective constituent units of the Officer concerned (including the applicant) vide posting order dated 2.2.96. A copy of the said communication dated 17.11.99 was also endorsed to the applicant which the applicant has suppressed before this Hon'ble Tribunal.

Copies of the letters dated 24.9.99 and 17.11.99 are annexed hereto and marked as Annexures- III and IV respectively.

12. That the statements made in paragraph 4(vi) of the application are absolutely incorrect and hence denied. It is incorrect that the representations of the applicant were not replied to or that the applicant was not informed about any decision in the matter.

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Deputy

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13. That the grounds for relief as stated in paragraph 5 of the application are without any basis or justification. The post of General Manager of the APFC Ltd. which the applicant was holding is equivalent to the post of Deputy Conservator of Forest only and as such, the applicant is not legally entitled to the pay-scale of Conservator of Forest. Further, the Government of India vide its Communication dated 17.11.99 (a copy of which was also endorsed to the applicant) informed that the entitlement to the pay-scale of the Conservator of Forest was conditional to the clear stipulation in the order of posting dated 2.2.96 that the order will take effect from the date of taking over charge in the respective constituent units. It is denied that there has been any violation of Articles 14, 16 and 21 of the Constitution of India or that the action of the answering respondent is arbitrary, whimsical and unlawful, as has been alleged.

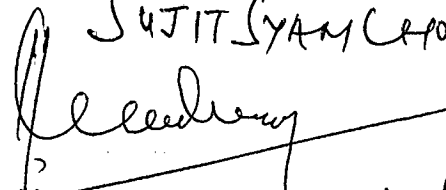
14. That the reliefs sought for in paragraph 8 of the application are without any legal basis on justification and as such, untenable in law. In view of the existing law, the applicant is not entitled to any relief.

15. That it is humbly submitted that there is no cause of action in the instant application. Further, the application having been filed with material suppression of facts which were within the knowledge of the applicant, the same is not maintainable and deserves to be dismissed.

contd..to..Verification.

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

I, Shri Sujit Syam Choudhury, IFS,
Chief Conservator of Forests, Wildlife of the Department
of Environment & Forests, Arunachal Pradesh, Itanagar,
and duly authorised to verify this written statement,
do hereby solemnly affirm and say that the statements
made in the Written Statement are true to my knowledge,
belief and information derived from the records. And
I sign this verification on this 22nd day of November,
2000 at Guwahati.

SUJIT SYAM CHOUDHURY

Signature 22/11/2000

ANNEXURE-I

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE DIVISIONAL FOREST OFFICER
ITANAGAR SOCIAK FORESTRY DIVISION.
ITANAGAR

Memo No. SFI/27/93/1879-8/ Dt. Itanagar the 24th Feb/96.

To : The Principal Chief Conservator of Forests,
Govt. of Arunachal Pradesh, Itanagar.
(Through the Proper Channel)

Sub :- G.O.I's order issued under the memo.No.42011/95-
IFS-I Dt. 2nd Feb/96 and your letter No.FOR-72/
E-A/92/5424-36. Dt. 19th, Feb/96.

Sir,

With reference to the Govt. of India's order and your letter cited above, I beg to inform that the construction of my dwelling house at Itanagar has not yet been completed. A portion of the construction work is yet to be completed which may take for a period of one month. There is no body to look after the work of construction. Hence, my presence at Itanagar upto the end of March/96 is required for supervision and completion of the house.

I, therefore request you to kindly retain me in the present place of posting and same post upto the 2nd week of the month of April/96 to enable me to submit the time found reports/returns like accounts, 20 point programme etc. for the month of March/96.

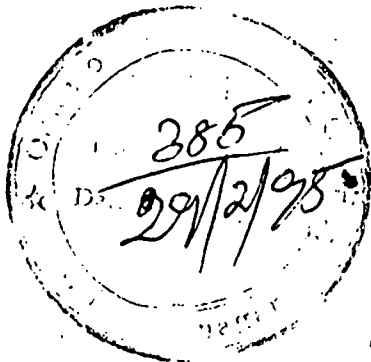
Yours faithfully,

(T. MILLANG) DCF.

Copy to:-

1. The Director, G.O.I's Ministry of Environment and Forests, for his kind information. This has a reference to the G.O.I's order cited above.
2. Copy to the Principal Chief Conservator of Forests, Govt. of Mizoram, AIZAWL for his kind information. He is requested to kindly arrange accommodation for the undersigned who will arrive at AIZAWL in the 2nd week of April/96.

(T. MILLANG) DCF.



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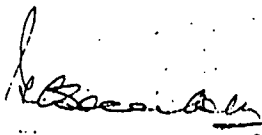
ANNEXURE-I

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT & FORESTS
ITANAGAR.

ORDER

In the interest of public service, the Governor of Arunachal Pradesh is pleased to order that the posts of the General Managers in the Arunachal Pradesh Forest Corporation shall stand equated in status and responsibility to the posts of Deputy Conservator of Forests (DCF) Selection Grade (SG) of Junior Administrative Grade (JAG) according as the officers of the rank of Dy. C.F. (SG) or Dy. C.F. (JAG) are appointed to hold the said post.

This order will take effect from 15/03/1994.


G.P. Shukla) 23/6/98
Secretary (Envt. & Forests)
Arunachal Pradesh :: Itanagar.

Memo.No.For. 283/CORP/84/22,131-230 Dtd. Ita. 23rd June/98

Copy to :-

1. The Secretary to Hon'ble Governor, A.P., Itanagar.
2. The Special Secretary to Hon'ble Chief Minister, A.P., Itanagar.
3. The P.S. to Hon'ble Minister (E&F), A.P., Itanagar.
4. The P.S. to Hon'ble Minister of State (E&F), A.P., Itanagar.
5. The P.S. to all Ministers/Speaker/ Dy. Speaker of A.P., Itanagar/Naharlagun.
6. The Dy. Secretary to the Govt. of India, Ministry of Environment & Forests, Deptt. of Env't. & Forests, Parvavaran Bhawan, CGO Complex, Lodi Road, New-Delhi.
7. The P.S. to Chief Secretary, A.P., Itanagar.
8. The Commissioner (P&AR), A.P., Itanagar.
9. All Dy. Commissioners/Addl. Dy. Commissioners, A.P.
10. The Chief Conservator of Forests, Wildlife, Itanagar.
11. All Conservator of Forests, A.P.
12. The Managing Director, APFC Ltd., Itanagar for information.
13. All Divisional Forest officers, A.P. including Dy. Chief Wildlife Warden, Naharlagun.
14. The Director of Information & Public Relations, Govt. of A.P., Naharlagun with the request to publish in the official Gazette accordingly.
15. The Director of Accounts, Govt. of A.P., Naharlagun.
16. The Principal, A.P. Forest School, Roing.
17. The Director, SFRI, Chimpu.

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18. The officer concerned for necessary action.

19. All Branches of this office.

20. Personal file of officer concerned.

21. The General Manager, APFC Ltd.

22. Ten spare copies.

N. G. Shukla 23/6/98
(G.P. Shukla)
Secretary (Env't. & Forests)
Arunachal Pradesh :: Itanagar.

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GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT & FORESTS Registered/
ITANAGAR.

ANNEXURE - III

NO.FOR.51/74/EA-2/Vol-I/324-20 Dtd.Ita. thSept/99

To,

Shri R.B.S. Rawat,
Director to Govt. of India,
Ministry of Environment & Forests,
Paryavaran Bhawan, CGO Complex,
Lody Road, New Delhi - 110 003.

Subj:- Appointment of Shri T. Millang, IFS on promotion
to the post of C.F. in the pay scale of Rs.16400-
450-20000/-

Sir,

This is to inform you that the Ministry vide order No. 42011/2/95-IFS-I dated- 2/2/96 had conveyed approval to the appointment/promotion of Shri T. Millang, IFS as Conservator of Forests along with others and posted to Mizoram vide order even No. dated- 2/2/96. As per order, the effect of promotion as Conservator of Forests will take effect from the date of taking over charge of the post of Conservator of Forests in respective constituent unit by the officer concerned.

In this connection, it may be stated that on receipt of the Govt. of India(MOE&F)'s order No. 42011/2/95-IFS-I dated- 2/2/96, Shri T. Millang, IFS had submitted one representation vide No. SFI/27/93/1879-81 dated- 24/2/96 with the request to allow him to continue in Arunachal Pradesh upto April/96 (copy enclosed). However, considering the interest of the State, it was decided by the State Govt. to retain Shri T. Millang, IFS in Arunachal Pradesh against the State deputation post of General Manager(T), Arunachal Pradesh Forest Corporation Limited in the rank of Conservator of Forests and accordingly, the Ministry was requested that his order of posting to Mizoram on promotion as Conservator of Forests vide Govt. of India's order dated- 2/2/96 to be suitably modified and post him in the rank of Conservator of Forests giving effect of the promotion w.e.from - the date he takes over the charge of the post of General Manager on state deputation with Arunachal Pradesh Forest Corporation Limited vide this Govt.'s order No.For.263/EA-2/83/P/158 dated- 12/6/96 (copy enclosed). Accordingly, the services of Shri T. Millang, IFS were placed on deputation for posting him as General Manager(T) in Arunachal Pradesh Forest Corporation Limited w.e.from 17/6/96(AN) vide Govt.'s order No.For.263/EA-2/83/P/18549/49 dated- 12/6/96(copy - enclosed).

Thereafter, on reversion from Arunachal Pradesh Forest Corporation Limited he was posted as Conservator of Forests, Southern Arunachal Circle, Deomali vide Govt.'s order No.For.308/RA-95/31653-752 dated- 22/10/96(copy enclosed) and accordingly took over the charge of Conservator of Forests, Deomali on the afternoon of 28/10/96.

Although the Ministry was requested to consider for retention of Shri Millang, IFS as Conservator of Forests in Arunachal Pradesh vide letter No.For.263/EA-2/83/P/158 dated- 12/6/96 but the Ministry was not considered and directed the State Govt. to release Shri T. Millang, IFS from Arunachal Pradesh on his posting to Mizoram. In this connection, Ministry's letter F.No.22011/1/95-IFS-I(PT) dated- 12/16-12-97 (2) No.A.42011/2/97-IFS-I dated- Nov/98 (3) F.No. 22011/1/95-IFS-I dated- 6/9-3-98 (4) No.42011/2/97-IFS-I dated 6/5/99 and (5) No.42011/2/97/IFS-I dated- 7/8-7-99 may kindly be referred to.

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In pursuance of the Govt. of India (MOE&F)'s order, Shri T. Millang, IFS has been released from the charge of Conservator of Forests, Southern Circle, Deomali with effect from 30/4/99 (AN) on his posting to Mizoram where he has reported for duty on 17/5/99.

Now, Shri T. Millang, IFS has submitted representation vide No. G.13011/1/94-CWLW/75 dated- 8/7/99 requesting to allow him Conservator of Forest's pay scale w.e. from - 17/6/96 i.e. from the date he joined in Arunachal Pradesh Forest Corporation Limited on deputation and make payment of arrears from 17/6/96 to 30/4/99 till the date he was in Arunachal Pradesh. Copy of the representation is enclosed herewith for ready reference.

In this connection, it may be stated that the post of General Manager in Arunachal Pradesh Forest Corporation has been equated in status and responsibilities to the post of Deputy Conservator of Forests (S.G./IAG) with retrospective w.e. from 15/3/94 vide Govt.'s order No.283/CORP/84/22,131-230 dated- 23/6/98 (copy enclosed).

It may be added that Shri T. Millang, IFS, DCF was ordered by the State Govt. to hold the charge of the Cadre post of Conservator of Forests, Southern Arunachal Circle, Deomali as three Conservator of Forests available in the unit at that time were on deputation/holding Ex-Cadre posts (Viz. Shri K.D. Singh, IFS on deputation as Managing Director, Arunachal Pradesh Mineral Dev. and Trading Corporation, Itanagar, Shri Avinash Kumar, IFS on deputation as Managing Director, Arunachal Pradesh Forest Corporation Limited, Itanagar and Shri M.L. Deeri, IFS holding the Ex-Cadre post of Director, State Forest Research Institute, Itanagar) by which there were no Conservator of Forests here to hold the 2 Cadre posts of Central Circle, Pasighat and Southern Circle, Deomali at that time.

Ministry is therefore, requested to kindly consider and convey their decision on the request of Shri T. Millang, IFS for giving him the promotion and pay scale of Conservator of Forests from 28/10/96 (AN) in Arunachal Pradesh from the date of his taking over the charge of the post of Conservator of Forests, Southern Circle, Deomali in Arunachal Pradesh.

Early decision in the matter is solicited.

Enclo : As above.

Yours faithfully,

(S.R. Mehta)
Principal Secretary (Env't. & Forests)
Arunachal Pradesh :: Itanagar.

Copy to :-

1. Shri T. Millang, IFS, Chief Wildlife Warden, Environment & Forests, Mizoram, Aizwal. This has a reference to his representation No. G.130/11/1/94-CWLW/75 dated- 8th July/99.
2. The Principal Chief Conservator of Forests, Govt. of Mizoram, Aizwal.
3. Master copy file.

ANNEXURE IV

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No.A.42011/2/97-IFS-I
Government of India
Ministry of Environment and Forests

Paryavaran Bhawan, CGO Complex,
Lodi Road, New Delhi - 110 003.

Dated the 17th November, 1999

To

Principal Chief Conservator of Forests,
Government of Arunachal Pradesh,
Itanagar.

Sub: Appointment of Shri T. Millang, IFS on promotion to
the post of Conservator of Forests in the pay scale
of Rs.16,400-450-20,000/- - regarding.

Sir,

I am directed to refer to your letter No.FOR.51/74/EA-2/Vol.I/324-26 dated the 24th September, 1999 on the above subject and to say that the request of the State Government to grant Conservator of Forests scale to Shri T. Millang, IFS (AGMUT) with effect from 17.6.96 cannot be agreed to as the officers were appointed to the Conservator of Forests scale vide this Ministry's Order No.42011/2/97-IFS-I dated 9.3.98 with the condition that the orders will take effect from the date of taking over the charge in the respective constituent units of the officer concerned, as ordered vide posting order of even number dated 9.3.98. The officer may be informed accordingly.

Yours faithfully,

G.P. Haldar

(G.P. Haldar)

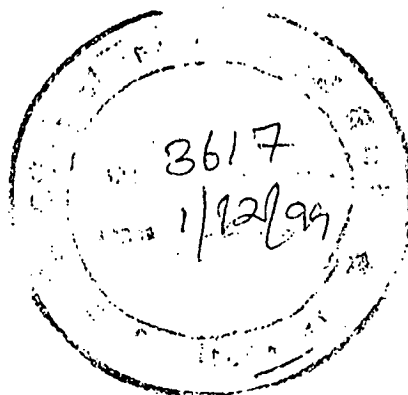
Under Secretary to the Govt. of India

CCF & Pr. Secy. (F & F)

CCF (A & D)

CCF (REV)

CCF (H.S.)



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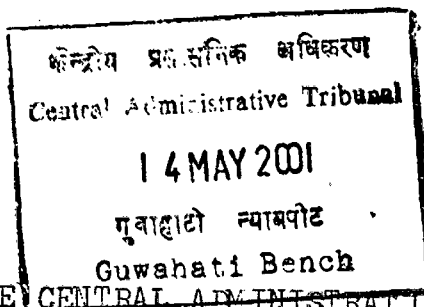
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Memo. No. For. 51/74/EA-2/Vol-I/38508-09

Copy to :-

1. Shri T. Millang, IFS, Chief Wildlife Warden, Govt. of Mizoram, Aizawl for information.

2. The Principal Chief Conservator of Forests, Govt. of Mizoram, Aizawl for information and with reference to this office No. For. 51/74/EA-2/Vol-I/324-26 dated- 24/9/99.

RL
(Rabindra Kumar) DCF (HQ) & Spl. Asstt.
for Principal Chief Conservator of Forests
& Principal Secretary (Envt. & Forests)
Arunachal Pradesh : Itanagar.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Filed by the applicant
46
through -
A. Shakti Kumar Ray
Advocate.
14/05/2001

O.A.NO. 160/2000

IN THE MATTER OF :

Shri T. Millang

- Versus -

State of Arunachal Pradesh & Others

- AND -

IN THE MATTER OF :

A reply /Additional statements for
and on behalf of the applicant against
the written statements filed by the
Respondent NO.1 i.e., State of A.P.

The applicant most respectfully begs to state as follows :-

1. That with regard to the statements made in paragraphs 1,2,and 3 of the written statement ,this applicant begs to state that respondents stated the same without any basis . The state of Mizoram is not necessary party in as much as no relief has been prayed for against the state of Mizoram . There is sufficient cause of action against the State of Arunachal Pradesh. The applicant also states that he has not suppressed any fact which is in his knowledge . Rather the respondent No. 1 has suppressed the fact and misled this Hon'ble Tribunal as is evident from the following fact.

2. That with regard to the statements made in

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paragraphs 4 and 5 of the written statement ,the applicant begs to state that he was General Manager for the period w.e.f. 17.6.96 to 8.1.96 and thereafter he took the charge of Conservator of Forest w.e.f.28.10.96 and hence the Government Order NO. FOR.283/CORP/84/22131-230 dated 23.6.98 can not affect the status and pay scale for the above period in as much as a Govt. Order can not have retrospective effect . Hence ,the applicant should get the pay scale of Conservator of Forest i.e, Rs.4500-100-5700/- p.m instead of scale of pay of Dy. Conservator of Forest i.e.Rs.4100/-.

3. That with regard to the statements made in paragraphs 8 and 10 of the written statement ,the applicant reiterate all the statements made in the original application and states that he requested the state Govt. not to release till April 1996 as he was constructing his house at that time ,but thereafter he was ready to go to his promotional post but the State Govt. did not released him and deputed as General Manager . Accordingly ,he reported for joining as General Manager at Deomali to take charge but the then General Manager did not hand over charge immediately . Later on was given to him and he worked as General Manager till the joining as Conservator of Forest , Southern Arunachal Circle.and thereafter worked as Conservator of Forest till 30.4.99 and hence he is very much entitled to the pay scale of conservator of forest.

4. That with regard to the statements made in paragraphs 11 ~~and~~ 12 and 13 of the written statements the applicant states that he was retained by the state



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Govt. and not by the Central Govt. and hence it is the duty of the state Govt. to pay the proper scale of pay and in as much as he worked in the higher post and hence that can not be denied .

5. That non payment of proper pay as is attached to the post is violation of fundamental rights and is illegal and hence the same is not sustainable in the eye of law.

Under the fact and circumstances states above the applicant is entitled to get the full relief prayed in the original application .

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

I, Shri Tulmin Millang, son of Late S. Millang , aged about 50 years , resident of Aizal ,Mizoram do hereby verify that the statements made in paragraphs 1 to 4 above are true to my knowledge and belief and rests are my humble submissions before this Hon'ble tribunal and I have not suppressed any material fact.

And I sign this verification on this the 6th day of May 2001 at Guwahati .



DEPONENT