

GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 187/2001 (1Fs)
R.A/C.P No.
E.P/M.A No.

- ✓ 1. Orders Sheet.....Pg.....to 01
2. Judgment/Order dtd. 22-5-01 Pg. 01 to 05
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....Pg.....to 45
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
- ✓ 10. Any other Papers.....Pg. 01 to 05
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

Bent 12/17
SECTION OFFICER (Judl.)

FORM NO.4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::::::::: GUWAHATI

ORDER SHEET

APPLICATION NO ...187....OF 2001.

Applicant (s) *Shri B. Singh, IFS.*

Respondent (s) *UOI & ORS. **

Advocate for Applicants (s) *Mr S.R. Sen, Mr P.D. Bujar Baruah*

Advocate for Respondent (s) *D. Mazumdar & N.N. Singhania,*

CASE

Govt. Advocate, Meghalaya.

Notes of the Registry

Date

Order of the Tribunal

22.5.01

This application is in form
but not in form. Coordination
Petition is filed vide
M. P. N. C. F.
for Rs. 1000/- vide
IPO/ED 062954
Dated 16.5.2001

Dr. Registrar.

WB
21/5/2001

bb

*Requests - three copies
has been filed only.*

30.5.2001

*copy of the Judgment has been
sent to the Office for study
The time to the Applicant of
wells to the L/Advocate for the
Respondent.*
SS

Heard counsel for the parties.

This application is disposed of at the
admission stage itself, as per order
recorded separately.

No order as to costs.

Member

Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./X. No. 187 of 2001

DATE OF DECISION -22.5.2001-....

Shri Balvinder Singh, I.F.S. APPLICANT(S)

Mr. S. R. Sen ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Others RESPONDENT(S)

Mr. B.C.Pathak, Addl. C.G.S.C. ADVOCATE FOR THE
Mrs.B.Dutta, Govt.Adv.Meghalaya RESPONDENTS.

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 ?

5. Judgment delivered by Hon'ble **Vice-Chairman**



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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
Original Application No. 187 of 2001

Date of Order : This is the 22nd Day of May, 2001

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

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

Shri Balvinder Singh, I.F.S.
Principal Chief Conservator
of Forests, Meghalaya,
Sylvan House,
Lower Lachumiere, Shillong

... Applicant.

By Advocate Mr. S. R. Sen

- Vs -

1. Union of India,
represented through
the Ministry of Environment
and Forests, Paryavaran Bhawan,
C.G.O. Complex, Lodi Road,
New Delhi - 110 003.
2. The Secretary
to the Government of India,
Ministry of Environment and
Forests, Paryavaran Bhawan,
C.G.O. Complex, Lodi Road,
New Delhi - 110 003.
3. State of Meghalaya,
Represented through
the Secretary, Government of
Meghalaya, Forests and Environment
Department,
Shillong - 793 001. ... Respondents.

By Mr.B.C.Pathak, Addl.C.G.S.C.,
Mrs. B.Dutta, Govt. Advocate, Meghalaya.

O R D E R

CHOWDHURY J.(V.C.)

This application is under Section 19 of the
Administrative Tribunals, 1985 asking for a direction to
consider the case of the applicant for the promotion to
the post of Inspector General of Forests and Special
Secretary (presently redesignated as Director General of

Forests and Special Secretary). In this application, the applicant submitted that he is the seniormost Indian Forest Service Officer serving in the country (allotted to the year 1964). He is presently serving as Principal Chief Conservator of Forests, Meghalaya. When the post of Inspector General of Forests and Special Secretary to the Government of India, Ministry of Environment and Forests, fell vacant on 30-11-96 a DPC was held and a panel of three suitable Indian Forest Service Officers were made. The concerned authority recommended the name of the applicant to the appointment Committee for appointment as Inspector General of Forests and Special Secretary to the Government of India, Ministry of Environment and Forests. Consequent to the recommendation the concerned authority sought for the Vigilance Clearance Certificate from the Forest Secretary to the Government of Meghalaya. The Government of Meghalaya expressed its inability to grant vigilance clearance on the grounds that a Commission of Inquiry was in progress pertaining to the investigation of the allegations of large scale illicit felling of trees and theft of timber thereof and encroachment of Govt. land in the Reserved Forests under Dainadubi Range of Garo Hills Forests Division, Tura.

2. The Government of Meghalaya, as a matter of fact ordered an Inquiry against the applicant under Rule 8 of the All India Services (Discipline and Appeal). Because of the non-submission of the Vigilance Clearance Certificate, the applicant was passed over and next Officer in the panel Shri C.P. Oberoi, I.F.S. an Officer

junior to him was preferred. It has now been stated that the disciplinary proceeding was conducted, the applicant was exonerated and vide order dated 8-5-2001, Forest and Environment Deptt., Govt. of Meghalaya cleared the name of the applicant. The present incumbent (Inspector General of Forests and Special Secretary) is also to superannuate on 31-5-2001. By communication dated 1-3-2001, Ministry of Environment and Forests, Government of India informed the Chief Secretary to the Govt. of Meghalaya that the Ministry of Environment and Forests had decided to undertake the exercise of selection of an Officer for the post of Director General of Forests and Special Secretary and amongst the candidates the applicant's name was also under consideration. The Government of India accordingly, asked for the following information :-

- i) Willingness of the officer to serve on central deputation as Director General of Forests and Special Secretary and also the willingness of the State Government to spare the services of the officer(s) in the event of his selection ;
- iii) Vigilance Clearance ;
- iii) Integrity Certificate.

The Government of Meghalaya, in turn, informed the Government of India vide letter dated 15-3-2001 about the consent and willingness of the officer to serve on Central deputation. By the said letter the Govt. of Meghalaya also informed that it would release the officer, if selected for the appointment. By the said communication, the Govt. of Meghalaya, said that vigilance clearance was being submitted shortly. The disciplinary proceeding against the applicant dropped on 8-3-2001 and Govt. of Meghalaya,

4

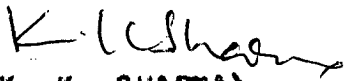
by its communication dated 8-5-2001 sent back the Vigilance Clearance Certificate to the respondents.

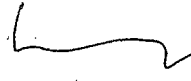
3. By this application the applicant now sought for a direction on the respondents to consider his case for the post since as on 8-5-2001 he was eligible to be considered. Mr. S.R.Sen, learned Senior counsel appearing for the applicant submitted that the applicant had already submitted a representation before the authority narrating all his grievances. Since he had made a representation, we are of the opinion that his representation is atleast required to be considered.

4. We have heard Mr. B. C. Pathak, learned Addl. C.G.S.C. appearing for the respondents No.1 & 2 and Mrs. B. Dutta, learned Govt. Advocate appearing for the State of Meghalaya. Considering all the aspects of the matter, we are of the opinion that ends of justice would be met if, we direct the authorities to consider the case of the applicant as per his representation filed on 9-5-2001. Accordingly, we direct the respondents to consider the representation of the applicant, submitted on 9-5-2001 and pass necessary order thereon. The applicant may also submit a fresh representation narrating all his grievances, preferably, within ten days from today. The applicant is directed to submit a copy of the representation dated 9-5-2001 alongwith this order of this Tribunal to enable the respondents to consider his case as per law within ten days. The respondents are also directed to consider and dispose the said representation preferably within two months

from the receipt of the order as per law. Till completion of the aforesaid exercise, we order upon the respondents not to make the regular appointment in the post of Director General of Forests and Special Secretary to the Government of India when the said post falls vacant on 31-5-2001 on the superannuation of Shri C. P. Oberoi, Director General of Forests and Special Secretary to the Govt. of India.

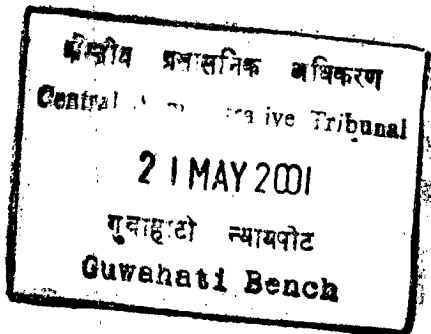
With this, the application accordingly stands disposed of. No order as to costs.


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN

bb

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI.



O.A. No. 187 of 2001.

Sri Balvinder Singh, IFS,

...Applicant.

-Vs-

Union of India & Ors.

.....Respondent.

I N D E X

<u>Sl.No.</u>	<u>Description of Document</u>	<u>Annexure</u>	<u>Pages</u>
1.	Original Application -	-	1 -13
2.	Verification -	-	14
3.	Telegram dated 10.1.97 -	1 -	15
4.	Letter No.MPG, 24, dated 27.1.97 -	2 -	16
5.	Notification dated 10.9.96 -	3 -	17
6.	Notification dated 16.6.97 -	4 -	20
7.	Letter dated 1.3.2001 -	5 -	22
8.	Letter dated 15.3.2001 -	6 -	23
9.	Notification dated 8.5.2001 -	7 -	24
10.	Certificate -	8 -	26
11.	Representation dated 9.5.2001 -	9 -	27
12.	Guidelines -	10 -	29 -45

Signature

F/c

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O. A. NO. _____ OF 2001

Shri Balvinder Singh, I.F.S.

----- Applicant

= VERSUS =

Union of India and ors.

----- Respondents

Details of the application

Particulars of the Applicant

- (i) Name of the applicant : Shri Balvinder Singh, I.F.S.
- (ii) Father's Name : (Late) Shri Jagdip Singh
- (iii) Age of the applicant : 58 years
- (iv) Designation and Office
in which employed : Principal Chief Conservator
of Forest, Meghalaya
- (v) Office Address : Principal Chief Conservator
of Forest, Meghalaya,
Sylvan House,
Lower Lachumiere, Shillong.

Filed by -
10
Through Shri Jagdip Megamda
Advocate
17/5/2001

- (vi) Address of service of : As above.
all Notices

Respondents with Address

1. Union of India,
represented through
the Ministry of Environ-
ment And Forests,
Paryavaran Bhawan,
C.G.O. Complex,
Lodhi Road,
New Delhi - 110 003.
2. The Secretary
to the Government of India,
Ministry of Environment
and Forests, Paryavaran
Bhawan, C.G.O. Complex,
Lodhi Road,
New Delhi - 110 003.
... Respondent
3. State of Meghalaya,
Represented through
the Secretary, Government
of Meghalaya, Forests and
Environment Department,
Shillong - 793 001
... Proforma Respondent

1. Particulars of the Order
against which the application
is made.

The application is made
against the holding of
Departmental Promotion Committee
on 30.4.2001 for selection of
Candidate for appointment for
the post of Director General
of Forests and Special Secretary
to the Government of India.

The Committee of
Secretaries met
on 30.4.2001 at
New Delhi.

2. Jurisdiction of the Tribunal

The applicant declares that the subject matter took place at Shillong and as such, it is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation :

The application is filed within the period of Limitation.

4. Facts of the case :

- 4.1 That the applicant is the seniormost Indian Forest Service Officer serving in the country, allotted to the year 1964 in the I.F.S. Cadre and at present serving as Principal Chief Conservator of Forests, Meghalaya. His date of super-annuation is 31-12-2002.

The Petitioner earlier served on deputation to Government of India, Ministry of Environment and Forests, New Delhi, from 1984 to 1990, as Co-Ordinator, Forest Soil cum Vegetation Survey and as Director Forest Education at Forest Research Institute and Colleges, Dehradun. During his deputation period he was awarded the Brandis Prize for his outstanding Forest Research work in Forest Soil and Vegetation Co-relationship.

- 4.2 That the Petitioner has worked with utmost sincerity and dedication with full responsibility in the post held by him and has a good service record to his credit.

- 4.3 That ~~before~~ the post of Inspector General of Forests and Special Secretary to the Government of India, Ministry of Environment and Forest, the highest post in the Forest Service involving lot of responsibilities was held by one Shri Mohammed Faizuddin Ahmed, I.F.S. who proceeded on superannuation on 30.11.96.
- 4.4 That before the super-annuation of Mohammed Faizuddin Ahmed on 30.11.96, Ministry of Environment and Forests, Government of India on the basis of recommendation of the Departmental Promotion Committee of Secretaries to Govt. of India, which met on 18.11.96, made a panel of three suitable Indian Forest Service Officers and recommended the name of your Petitioner to the Appointment Committee for appointment as Inspector General of Forests and Special Secretary to the Govt. of India, Ministry of Environment and Forests.
- 4.5 That consequent to the recommendation, Ministry of Environment and Forests, Govt. of India vide their letter Express Telegram F. No.12034/3/96-IFS-I, dated 10.1.1997 asked for submission of State Vigilance Clearance, willingness of the Officer with upto date Bio-Data from the Forest Secretary to the Government of Meghalaya. Since the Candidature of your Petitioner was being considered for appointment at the level of Secretary or equivalent posts under Central Government.

A copy of the telegram dated 10.1.97 is annexed herewith as Annexure I.

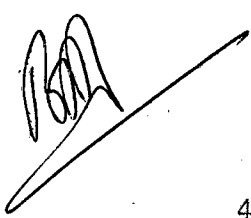
4.6 That since a copy of the telegram dated 10.1.97 was also endorsed to your Petitioner, therefore, your Petitioner submitted his willingness for appointment at the level of Secretary or equivalent posts under Central Government and requested the Principal Secretary to the Government of Meghalaya, Forest and Environment Department for submission of State Vigilance Clearance, on top most priority, vide his letter No. MPG.24, dated 27.1.97.

A copy of the letter No. MPG 24, dated 27.1 .97 is annexed herewith as Annexure II.

4.7 That the Government of Meghalaya expressed its inability to grant vigilance clearance on the grounds that a Commission of Inquiry was in progress to investigate into the allegations of large scale illicit felling of trees and theft of timber thereof and encroachment of Govt. land in the Reserved Forests under Dainadubi Range of Garo Hills Forest Division, Tura.

A copy of Govt. Notification No. POL 156/96/1, dated 10.9.96 is annexed herewith as Annexure III.

4.8 That thereafter, Govt. of Meghalaya, Forest and Environment Department vide their Notification No. FOR-58/97/6 dated 16-6-97 ordered an enquiry against



against the Petitioner under Rule 8 of the All India Services (Discipline and Appeal) Rules, 1969 read with Article 311 of the Constitution of India.

Copy of the Notification dated 16.6.97 is annexed herewith as Annexure IV.

- 4.9 That though the Petitioner was considered for appointment at the level of Secretary or equivalent posts under Central Government but due to Non-submission of Vigilance Clearance Certificate by the Government of Meghalaya he was deprived of his appointment to the said post and the next Officer in the panel Shri C.P.Oberoi, I.F.S. who is junior to the Petitioner was given appointment to the post of Inspector General of Forests and Special Secretary to the Government of India, Ministry of Environment and Forests.
- 4.10 That Shri C.P.Oberoi, IFS, is to superannuate on 31.5.2001 as such, Govt. of India, Ministry of Environment and Forests vide their letter No.A. 12026/3/2000-IFS-I dated 1-3-2001, informed the Chief Secretary to the Govt. of Meghalaya that the name of your Petitioner, Shri Balvinder Singh, IFS, serving in the State of Meghalaya is among the Candidates under consideration for the post of Director General of Forests and Special Secretary, Ministry of Environment and Forests, Govt. of India and asked for submission of the following information/ documents to the Ministry at the earliest, by 15.3.2001 :

- (i) Willingness of the Officer to serve on Central Deputation as Director General of Forests and Special Secretary and also willingness of the State Govt. to spare the services of the Officer(s) in the event of his selection.
- (ii) Vigilance Clearance.
- (iii) Integrity Certificate.

A copy of the letter No.A.12026/3/2000-IFS-I dated 1-3-2001 is annexed herewith as Annexure V.

- 4.11 That Government of Meghalaya vide their letter No. RCC 13/93/269 dated 15.3.2001 informed Government of India, Ministry of Environment and Forest that Shri Balvinder Singh, IFS (AM 64) has given in writing his consent and willingness to serve on Central Deputation as Director General of Forests and Special Secretary. The State Government will release the Officer, if selected for appointment. It was further informed that a separate report on vigilance Clearance and Integrity of the Officer is being submitted shortly.

A copy of the letter dated 15.3.2001 is annexed herewith as Annexure VI.

- 4.12 That it may be submitted here that the enquiry initiated against the Petitioner vide Govt. Notification No.FOR-58/97/6 dated 16.06.97, after completion Order was passed vide Notification No.FOR-58/97/466 dated 8.5.2001 whereby the Order was passed as follows -

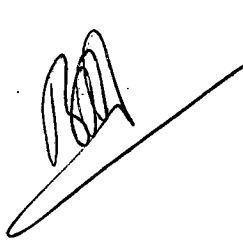
" On careful consideration of the matter and having regard to the explanation of the Officer, the evidence on record, the circumstance of the case and the Enquiry Report, the Governor of Meghalaya, is pleased to drop all the charges framed against Shri Balvinder Singh, IFS, Principal Chief Conservator of Forest, vide Memo No. FOR-58/97/6 dated 16.6.97. ,

The Officer is accordingly exonerated ".

A copy of the Notification No.FOR-58/97/446 dated 8.5.2001 is annexed herewith as Annexure VII.

4.13 That it is submitted that as the charges against the Petitioner were not proved and the Petitioner was exonerated of all the charges levelled against him, under the law, the Petitioner~~x~~ is entitled to all the benefits with regard to promotion etc. in his service career with effect from the date his junior were given promotion with all other benefits.

4.14 That a State delegation, lead by the Hon'ble Finance Minister, Meghalaya, visited China to study the latest developments in the cultivation and industrial use of bamboo, w.e.fr. 16th April, 2001. The following Officers were also members included in the above said delegation and were outside the country on official tour to China w.e. fr. 16th April to 29th April, 2001.

- 
- (i) Chief Secretary to the Government of Meghalaya
 - (ii) Principal Secretary to the Government of Meghalaya,
Forests and Environment Department,
 - (iii) Principal Chief Conservator of Forests, Meghalaya
(Balvinder Singh)

4.15 That after return from China, Principal Secretary to the Government of Meghalaya, Forests & Environment Department processed all the papers desired by the Government of India, vide their letter No.A.12026/3/2000-IFS-I, dated 1st March,2001 and consequently the Chief Secretary to the Government of Meghalaya,vide his D.O.No.CS/FOR/2001, dated 08-05-2001 submitted Vigilance Clearance and Integrity Certificate to the Government of India on 08-05-2001 through fax and through a special messenger rushed the papers to New Delhi for delivery of post copy on 09.05.2001.

A copy of this Certificate is enclosed as Annexure VIII.

4.16 That it is learnt that Departmental Promotion Committee of Secretaries in the Ministry of Environment & Forests met on 30th April,2001 for recommending the names of suitable Indian Forest Service Officers for appointment to the post of Director General of Forests & Special Secretary to the Government of India. In this process the above said Committee dropped/excluded the name of Shri Balvinder Singh, IFS for want of non-submission of Vigilance Clearance and Integrity Certificate by the State Government and recommended the names of two persons namely :

Shri S.K.Pandey
Principal, Chief Conserva-
tor of Forests, Himachal
Pradesh.

Shri S.K.Sharma
Additional Director
General of Forests,
Govt. of India

and the matter is under process.

4.17 That the Petitioner vide his letter No. MPG.24 dated 9th May, 2001 made a representation to the Secretary to the Government of India, Ministry of Environment & Forests, New Delhi that since the State Government is pleased to issue Vigilance Clearance and Integrity Certificate after concluding the disciplinary proceedings against him, therefore, since he was the only Officer recommended for appointment to the post of Inspector General of Forests & Special Secretary to the Government of India (now re-designated as Director General of Forests) on the basis of the recommendation of the Departmental Promotion Committee of Secretaries to the Government of India, MOEF, which met on 18.11.1996, therefore, he must be given appointment to the post of Inspector General of Forests, Government of India, w.e.f. the date of appointment was made in favour of his junior in the panel i.e. Shri C.P.Oberoi, IFS at present Director General of Forests & Special Secretary to the Government of India. (Due to superannuation on 30.5.2001). Further, the Petitioner has fervently appealed to the Secretary to the Government of India, MOEF to dispense justice to him in the matter of giving consideration for selection to the post of Director General of Forests as he has been deprived of his legitimate due at that period of time in the year 1996 after the superannuation of Mohammed Faizuddin Ahmed, Indian Forest Service on 30.11.1996, due to reasons not attributable to him. The Disciplinary & Appeal Rules and Guidelines are amply clear about the manner in which relief is to be granted to an incumbent on honorable conclusion of any Disciplinary Proceedings. (In this context

(In this context reference may be made to Para-11 and Para 18 of General Guidelines for promotion etc. And functioning of Screening Committee).

Copy of Representation dated 9.5.2001 and Guideline for promotion to various grades are annexed herewith as Annexures IX and X respectively.

5. Grounds for relief with legal provisions :

It is submitted that the Petitioner being the only person selected and considered for appointment to the post of Inspector General of Forests and Special Secretary to the Government of India on the basis of the recommendation of the Departmental Promotion Committee of Secretaries to the Government of India which met on 18.11.96 but due to the non-clearance of the Vigilance by the State Government due to the pending enquiry, he was not promoted to the said post, but after the conclusion of the said enquiry, whereby the Petitioner has been honorably exonerated of all the charges, Under the provision, Rules of Central Services, Seal Cover Procedure in respect of persons under cloud) the Petitioner is entitled for promotion and his due date of promotion will be w.e.f. the date his junior has been promoted for the post.

6. That as the Petitioner was already selected, recommended and considered for appointment in pursuance to the

recommendation of the Departmental Promotion Committee which met in 1996, the holding of the second Departmental Promotion Committee on 30.4.2001 for selection and appointment to the post of Director General of Forests was not called for and as per the provisions of law for cases where sealed cover procedure is required to be adopted for persons under cloud, under six monthly Review, also the petitioner deserves to be promoted/appointed to the post for which he was already selected.

7. Details of the Remedies exhausted.

The applicant filed a Representation dated 9.5.2001 to the Secretary to the Government of India, Ministry of Environment and Forests, New Delhi which is still pending for consideration.

8. Matters filed in any other Court.

No application or Petition has been filed before any other Court.

9. Relief sought :

It is prayed that further processing of papers related to the appointment of an Officer to the post of Director General of Forests and Special Secretary to the Government of India, in pursuance to the Departmental Promotion Committee, which met on 30.4.2001 in New Delhi, be stayed and no regular appointment be made till disposal of the Representation submitted to the Secretary to the Government of India, Ministry of Environment & Forests, New Delhi dated 9.5.2001 and disposal of this Petition.

And the Petitioner be accorded promotion/ appointment to the post of the Inspector General of Forests (New Director General of Forests) as per the provision of Rules and Guidelines being followed by the Government of India w.e.f. 27.2.97 (AN) i.e. the date on which Shri C.P.Oberoi (Officer Junior to the Petitioner) was given appointment to the higher post of Inspector General of Forests.

10. Interim Relief :

Further proceeding/processing of papers related to the appointment of an Officer to the post of Director General of Forests in pursuance to the Departmental Promotion Committee, which met on 30.4.2001 be stayed till disposal of this Petition.

11. Particulars of the Postal Order.

DEMAND DRAFT
(Postal Order) No. 062954

Date. 16.5.2001

Issued from. Central Bank of India, Shillong

Payable at : Guwahati

12. List of enclosures :

1. Annexure I
2. Annexure II
3. Annexure III
4. Annexure IV
5. Annexure V
6. Annexure VI
7. Annexure VII
8. Annexure VIII
9. Annexure IX
10. Annexure X.

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

I, Shri Balvinder Singh, I.F.S. Son of
(Late) Jagdip Singh, aged about 58 years, working as
Principal Chief Conservator of Forests, Meghalaya,
the Petitioner in this Petition, do hereby solemnly
verify that the statements made in Paras | to ||
of this Petition are true to the best of my knowledge
and belief, which are also matters of record and the
rest are my humble submission before the Court and I
sign this Verification this 17 Day of May, 2001.


BALVINDER SINGH)
DEPONENT

Annexure - I

(Page 2)

24

STATE

EXPRESS

- 15 -

TELEGRAM

FOREST SECRETARY
GOVT. OF MEGHALAYA
SHILLONG.

REPEAT

PRINCIPAL CHIEF CONSERVATOR OF FORESTS
GOVT. OF MEGHALAYA
SHILLONG.

F.NO.12034/3/96 - IFS I (.) FROM A S H MURTI UNDER SECRETARY (.)
CANDIDATURE OF FOLLOWING IFS OFFICER OF YOUR STATE CADRE BEING
CONSIDERED FOR APPOINTMENT AT THE LEVEL OF SECRETARY OR EQUIVA-
LENT POSTS UNDER CENTRAL GOVT. OF INDIA (.) MINISTRY URGENTLY
NEEDS FOLLOWING DOCUMENTS IN RESPECT OF SHRI BALVINDER SINGH
INDIAN FOREST SERVICE LATEST BY TWENTYFIFTH JANUARY 1997 POSI-
TIVELY (AA) STATE VIGILANCE CLEARANCE (BB) WILLINGNESS OF THE
OFFICER WITH UPTO DATE BIODATA (.) MATTER MOST URGENT

PARYAVARAN

N.T.T.N

No.12034/3/96-IFS-1

(P.C.MAMGAIN)
SECTION OFFICER
Min.of Env. and Forests
Paryavaran Bhavan, Lodi Road,
New Delhi, Dated 10th Jan 1997.

*Certified
photocopy to original
Advocate
17/5/2001*

Analyzing 2

16-11

GOVERNMENT OF MEGHALAYA
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS: SHILLONG

NO. MFC. 24

Dated Shillong, January 27, 1997

From : Shri Balvinder Singh, IFS.,
Principal Chief Conservator
of Forests, Meghalaya, Shillong.

To : The Principal Secretary to the Govt. of Meghalaya,
Forest and Env. Deptg.

Sub : Appointment at the level of Secretary of Equivalent
Posts under Central Govt. of India.

Ref : State Express Telegram No. F.No. 12034/3/96 - from
Shri P.C. Mangain, Section Officer, Min. of Env.
& Forests, Paryavaran Bhavan, Lodi Road, New
Delhi, dated 10-1-97.

Sir,

As desired by Shri A.S.N. Murti, Under Secy., Govt. of India, Min. of Env. & Forests, New Delhi, vide (BD)., I hereby categorically stated that I am willing for consideration for appointment at the level of Secretary or Equivalent Posts under Central Govt. of India. Further, I am enclosing herewith my upto date bio-data as desired. Regarding (AA), State Vigilance Clearance may kindly be sent from your end.

The matter may be treated on "TOPMOST PRIORITY".

Yours faithfully,

Enc: as above

Sd/-
Principal Chief Conservator
of Forests, Meghalaya
Shillong.

*certified
photocopy of
original
[Signature]
Advocate*

Annexure-3

GOVERNMENT OF MEGHALAYA
POLITICAL DEPARTMENT

NOTIFICATION

ORDERS BY THE GOVERNOR

NO.POL 156/96/1, Dated Shillong, the 10th Sept.1996.

Whereas reports have been received alleging that large scale illicit felling of trees and theft of timber thereof and encroachment of Government land has been taking place in the Reserved Forests under Dainadubi range of Garo Hills Forest Division of the State, resulting in huge losses to the State Exchequer.

Thereas it is considered necessary to assess the losses thus suffered and inquire into the factors that led to such losses and to fix responsibility on the functionaries responsible for protection of the Reserved Forests.

Now, therefore, the Governor of Meghalaya is pleased to constitute a one man Inquiry Commission to be headed by Shri Ranzan Dutta, I.A.S. Principal Secretary, Finance etc. with the following terms of reference -

1. Assess the total numbers of trees felled, land encroached and the losses suffered by the Government therefrom ;
- ii. Inquire into and ascertain the factors that led to the destruction and damage to Government properties and losses suffered therefrom.

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- iii) Fix responsibility for the lapses if any, of the Government officials that resulted in the aforesaid mentioned widespread losses : and ascertaining involvement of persons other than Government officials, if any, for such losses ; and
- iv) suggest remedial measures so that such cases do not recur in future.

The Commission shall submit its report within a period of 30 ~~xxx~~ days from the date of issue of this Notification .

Sd/-K.K.Sinha

Chief Secretary to the Govt. of
Machalaya.

Memo No. POL.156/96/1-(A) Dated Shillong the 10th Sept, 1996.

Copy forwarded to :-

1. The Private Secretary to Chief Minister for favour of information of Chief Minister.
2. Private Secretary to Minister-in-Charge Forest for favour of information of the Minister.
3. Shri Ranjan Dutta, I.A.S. Principal Secretary, Finance Department. For favour of information and necessary action.
4. Principal Secretary Forests and Environment Deptt. Necessary instruction may kindly be issued for providing all the necessary assistance in this matter
The expenditure involved in the working of the

- 3 -

Commissioner shall be met from the Budget of the Directorate of Forest and Environment Department. The Secretariat and other assistance that may be required by the Commissioner shall be made available by the P.C.C.F. Meghalaya.

5. The Private Secretary to Chief Secretary to Govt. of Meghalaya, Shillong.
6. The Principal Chief Conservator of Forests, Meghalaya, Shillong for information and necessary action.
7. The Director, Printing & Stationery Govt. of Meghalaya for favour of publication in the next issue of the Gazette.

By Orders of the Governor of Meghalaya,

Sd/- Illegible,

Commissioner & Secy. to the Govt. of
Meghalaya, Political Deptt.

.....

GOVERNMENT OF MEGHALAYA
POLITICAL DEPARTMENT

NOTIFICATION
ISSUED BY THE GOVERNOR

No. POL. 156/96/1.

Dated Shillong, the 10th Sept., 1996.

Whereas reports have been received alleging that large scale illicit felling of trees and theft of timber thereof and encroachment of Government land has been taking place in the Reserved Forests under Painsadubi range of Garo Hills Forest Division of the State, resulting in huge losses to the State Exchequer.

Therefore it is considered necessary to assess the losses thus suffered and inquire into the factors that led to such losses and to fix responsibility on the functionaries responsible for protection of the Reserved Forests.

It is, therefore, the Governor of Meghalaya is pleased to constitute a one man Inquiry Commission to be headed by Shri H. K. Datta, J.A.S., Principal Secretary, Finance etc. with the following terms of reference :-

- i. Assess the total numbers of trees felled, land encroached and the losses suffered by the Government therefrom;
- ii. Inquire into and ascertain the factors that led to the destruction and damage to Government properties and losses suffered therefrom;
- iii. Fix responsibility for the losses if any, of the Government officials that resulted in the aforementioned widespread losses; and ascertaining involvement of persons other than Government officials, if any, for such losses; and such
- iv. Suggest remedial measures so that/cases do not recur in future.

The Commission shall submit its report within a period of 30 days from the date of issue of this Notification.

Sd/- K.K. SIMHA
Chief Secretary to the Govt. of Meghalaya,

16/9/96-77
16/9/96

Contd... 2/-

Memorandum No. 100/1 (A), Dated Shillong, the 10th Sept., 1996.

Copy forwarded to :-

1. The Private Secretary to Chief Minister for favour of information of Chief Minister.
2. Private Secretary to Minister-in-Charge Forest for favour of information of the Minister.
3. Shri Ramon Datta, I.A.S., Principal Secretary, Finance Department, for favour of information and necessary action.
4. Principal Secretary Forests and Environment Department. Necessary instruction may kindly be issued for providing all the necessary assistance in this matter. The expenditure involved in the working of the Commission shall be met from the Budget of the Directorate of Forest and Environment Department. The Secretariat and other assistance that may be required by the Commission shall be made available by the F.C.C.F., Meghalaya.
5. The Private Secretary to Chief Secretary to Govt. of Meghalaya, Shillong.
6. The Principal Chief Conservator of Forests, Meghalaya, Shillong for information and necessary action.
7. The Director, Printing & Stationery Govt. of Meghalaya for favour of publication in the next issue of the Gazette.

By Orders of the Governor of Meghalaya,

[Signature]
Commissioner & Secretary to the Govt. of Meghalaya,
Political Department

31.3.01

GOVERNMENT OF MEGHALAYA
FOREST AND ENVIRONMENT DEPARTMENT

ORDERS BY THE GOVERNOR
MEMORANDUM

Dated Shillong, the 16th June, 1997

No. FOR. 58/97/6 : The Governor of Meghalaya proposes to hold an enquiry against Shri B. Singh, I.F.S., Principal Chief Conservator of Forests, Shillong, under Rule 8 of the All India Services (Discipline and Appeal) Rules 1969 read with article 311 of the Constitution of India, as to why any of the penalties specified in Rule 6 of the aforesaid Rules should not be imposed on him on charges of misconduct. The substance of the imputations of misconduct in respect of which the enquiry is proposed to be held is set out in the statement of articles of charge enclosed at Annexure - I. A statement of imputations of misconduct in support of the articles of charge is enclosed at Annexure-II. A list of documents by which the articles of charge are proposed to be sustained is enclosed at Annexure -III.

2. Shri B. Singh is hereby directed to submit within ten days of the receipt of this memorandum, a written statement of his defence and also to state as to whether he desires to be heard in person.

3. Shri B. Singh is informed that an enquiry will be held in respect of those articles of charge as are not admitted by him. He should therefore specifically admit or deny each article of charge.


4. Shri B. Singh is further informed that if he does not submit the written statement of defence within the stipulated period and does not want to be heard in person or otherwise fails or refuses to comply with the provisions of Rule 8 of the All India Services (Discipline and Appeal) Rules, 1969 or the orders/directions issued in pursuance of the said Rules, the enquiry against him may be held ex-parte.

*Certified
photocopy of original
of Shri B. Singh
Advocate.*

5. The receipt of the Memorandum may be acknowledged.

32

By order and in the name of the
Governor,


(J. P. Singh) 16.6.92


Principal Secretary to the
Government of Meghalaya,
Forest Department.

To,

✓ Shri B. Singh, I.F.S.,
Principal Chief Conservator of Forests, Meghalaya,
Shillong, PIN 793001.

Copy to:-

Secretary to the Government of India, Ministry of Environment &
Forests, Paryavaran Bhawan, New Delhi for kind information.

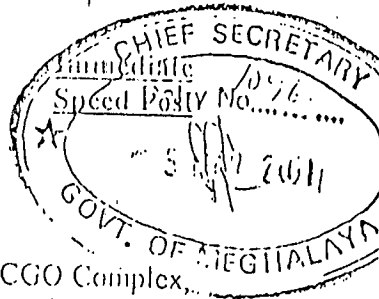

(J. P. Singh) 16.6.92

Principal Secretary to the
Government of Meghalaya,
Forest Department.

Annexure - 5

- 22 -

No.A.12026/3/2000-IFS-I
Government of India
Ministry of Environment & Forests



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

Dated the 1st March, 2001

To

The Chief Secretary,
Government of Meghalaya, Shillong

Sub: Selection of an IFS officer for appointment to the post of Director General of Forests & Special Secretary, MoEF - regarding.

Sir,

I am directed to say that the Ministry of Environment and Forests has already undertaken the exercise of selection of an IFS officer for the central deputation post of the Director General of Forests & Special Secretary in the pay of Rs.26,000/- fixed. The following officer(s) of your state cadre are among the candidates under consideration for the post:-

Shri Balvinder Singh, IFS (AM:64)

2. I am accordingly to request you to kindly send the following information/documents to the Ministry at your earliest by 15th of March, 2001:-

- ✓ i) Willingness of the officer to serve on central deputation as Director General of Forests and Special Secretary and also the willingness of the State Government to spare the services of the officer(s) in the event of his selection;
- ✓ ii) Vigilance Clearance;
- ✓ iii) Integrity Certificate.

Yours faithfully,

(R.B.S. Ratwat)
Director

*certified
photocopy of
original
Shaili
Advocate.*

GOVERNMENT OF MEGHALAYA
FOREST & ENVIRONMENT DEPARTMENT, SHILLONG

No. RCC.13/93/269

Camp: New Delhi, the 15th Mar. 2001

From : Shri P.J. Bazeley,
Principal Secretary to the Govt of Meghalaya
Forest & Environment Department, Shillong.To: Shri R.B.S. Rawat
Director, Ministry of Environment & Forest
Govt of India, New Delhi.Sub : Selection of IFS Officer for appointment to the post
Director General of Forests & Environment & Special
Secretary, MOEF-regarding.

Ref : Your letter No.A.12026/3/2000-IFS-1 dated 1.3.2001

Sir,

In referring to your captioned communication, I am directed to say that Shri Balvinder Singh, IFS (AM-'64) has given in writing, his consent and willingness to serve on Central deputation as Director General of Forest & Special Secretary. The State Government will release the said Officer, if selected for such appointment. A copy of letter dated 8.3.2001 received from Shri Balvinder Singh in this regard is enclosed.

A separate report on vigilance clearance and integrity of the Officer is being submitted shortly.

Yours faithfully



(P.J. Bazeley)

Principal Secretary to the Govt of Meghalaya
Forest & Environment Department, Shillong

For immediate kind attention of
Shri R.B.S. RAWAT, Director
G.O.P. Min. of Env. & Forests.

Certified
photocopy of
original
Bazeley
Advocate

Annexure - 4

- 24 -

25

GOVERNMENT OF MEGHALAYA
FOREST & ENVIRONMENT DEPARTMENT

NOTIFICATION

No. FOR.58/97/466

Dated Shillong, the 8th May, 2001.

- Read
- (1) Memorandum under Rule 8 of the AIS (Discipline & Appeal) Rules, 1969 (as adopted by Government of Meghalaya) under Article 311 of the Constitution of India served on Shri B. Singh, IFS vide Government letter No. FOR. 58/97/6 dated 16.06.97.
 - (2) The Written Explanation dated 25.06.97 submitted by Shri B. Singh, IFS.
 - (3) The Report of the Forest Inquiry Commission on the charges against Shri B. Singh, IFS and findings thereon as submitted by Justice T.C. Das (Retd).

Conclusion - The charges drawn up against the Officer have not been factually made out and substantiated beyond doubt.

ORDER

On careful consideration of the matter and having regard to the explanation of the Officer, the evidence on record, the circumstances of the case and the Enquiry Report, the Governor of Meghalaya is pleased to drop all the charges framed against Shri B. Singh, IFS, Principal Chief Conservator of Forest vide Memorandum No. FOR.58/97/6 dated 16.06.97.

The Officer is accordingly exonerated.

[Signature]

[J.P. Singh]

Chief Secretary to the Government of Meghalaya.

*Certified
photocopy
to original
[Signature]
Advocate*

Memo No. FOR.58/97/466-A

Dated, Shillong the 8th May, 2001.

Copy forwarded to -

1. Private Secretary to Chief Minister Meghalaya for information of the Chief Minister.
2. Private Secretary to Minister forest & Environment, Meghalaya, Shillong.
3. Secretary to the Government of India, Ministry of Environment & Forests, Paryavaran Bhavan, CGO Complex, New Delhi.
4. Shri B. Singh, Principal Chief conservator of Forests, Meghalaya, Shillong.
5. Director of Printing & Stationery, Meghalaya for publication in Meghalaya Gazette.
6. Personnel & AR (A) Department for information.
7. Political Department with reference to I/D No. FOR.58/97 dated 08.05.2001.

By order etc.,


Chief Secretary to the Government of Meghalaya.

Annexure-8

26

Shri J. P. Singh, I.A.S.
CHIEF SECRETARY
GOVERNMENT OF MEGHALAYA
SHILLONG-793001



(0364) 224801 (Office)
(0364) 223003 (Residence)
Fax (0364) 225978
e-mail : cs-mogha@x400.nicgw.nic.in

D.O No. CS/FOR/2001

Dated 08.03.2001

To

The Secretary Environment & Forest,
Government of India,
Paryavaran Bhavan,
C.G.O. Complex,
New Delhi
Fax-011-4360678

Subject:- Selection of IFS Officer for appointment to the Post of Director General & Special Secretary Ministry of Environment and Forest.

Sir,

With reference to your letter No. 12026/3/2000-01 IFS-I dated 1st March 2001, I wish to convey that there is no vigilance case pending against Shri Balvinder Singh, IFS, PCCF Meghalaya. Nothing has come to the notice of Govt. that casts reflection on the integrity of Shri B. Singh, IFS.

The officer is willing to serve on deputation to Govt. of India.

This for favour of information & necessary action at your end.

Your faithfully,

(Shri J.P. Singh)

Copy

By post for Confirmation to the Secretary Environment & Forest,
Govt. of India, New Delhi.

(Shri J.P. Singh)

For & Environment,
Govt. of Meghalaya
Shri J.P. Singh

Certified
photocopy to
original
Shri J.P. Singh
Advocate

-27-
GOVERNMENT OF MEGHALAYA *Annexure - 9.*
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
MEGHALAYA: SHILLONG

No. *NP.C. 34*

Dated Shillong, 09 May 01.

From,

Balvinder Singh I F S,
Principal Chief Conservator of Forests,
Meghalaya, Shillong

To,

The Secretary to the Government of India,
Ministry of Environment & Forests,
Parivaran Bhawan, C.G.O. Complex,
Lodhi Road, New Delhi - 110 003.

(Through proper channel).

Sub: SELECTION/APPOINTMENT TO THE POST OF DIRECTOR GENERAL OF
FORESTS & SPECIAL SECRETARY, M.O.E.F.

Sir,

I am to request you to kindly recall that during the year 1997, when the post of Inspector General of Forests (now re-designated as Director General of Forests) had fallen vacant, mine was the sole name recommended by the Departmental Promotion Committee (meeting held on 18-11-96) and forwarded to the Appointment Committee of Cabinet for appointment as Inspector General of Forests, Government of India. However, to my utter disadvantage, I could not be favoured with the appointment order to the said post. The reason for this deprivation was attributed to non issuance of Vigilance and Integrity Certificate by the State Government for reasons not known to me. Subsequently, Disciplinary Proceedings were initiated against me and in the mean time Shri C.P. Oberoi was given appointment to the post, which I believe must have been done in total conformity to the Statutory Rules/procedure for promotions.

Shri C.P. Oberoi is to superannuate on 31-05-2001. The Government of India vide their letter No.A12026/3/2000-IFS-I, dated 01-03-2001 had indicated that my candidature is again under consideration and sought for my willingness, the State Government's willingness to spare my services and also the Vigilance/Integrity Certificate.

The State Government have been pleased to conclude my Disciplinary Proceedings exonerating me fully of all the charges. The Vigilance/Integrity Certificate has also been furnished vide Chief Secretary's, Government of Meghalaya, D.O. No.CS/FOIR/2001, dated 08/05/2001.


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original.
J. J. J.
Advocate*

-28-

In this context, I fervently appeal to you to dispense with justice to me in the matter of giving consideration for selection for the post of Director General of Forests as I have been deprived of my legitimate dues at that point of time, due to reason not attributable to me. The Disciplinary & Appeal Rules are amply clear about the manner in which relief is to be granted to an incumbent on honourable conclusion of any Disciplinary Proceedings. Hence I presume I shall get rightful consideration from you in the imminent appointment process.

Anticipating your kind consideration,

Yours faithfully;



(BALVINDER SINGH)
Principal Chief Conservator of Forests
Meghalaya, Shillong.

Memo.No. MPG-24-A

Dated Shillong, 09 May 01.

Copy to :


Hon'ble Shri T.R. Balu, Union Minister for Environment & Forests, Government of India, Paryavaran Bhawan, C.G.O. Complex, Lodhi Road, New Delhi - 110 003 for his kind attention and necessary action.


Principal Chief Conservator of Forests
Meghalaya, Shillong.

Memo No. MPG-24-B

Dated Shillong 09 May 01.


Copy in advance to the Secretary to the Government of India, Ministry of Environment & Forests, Paryavaran Bhawan, C.G.O. Complex, Lodhi Road,, New Delhi - 110 003.


Principal Chief Conservator of Forests,
Meghalaya, Shillong.

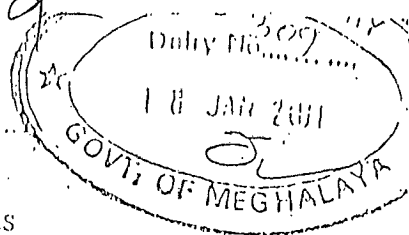
Memo No. MPG-24-C

Dated Shillong 09 May 01.

Copy in advance to the Director General of Forests & Special Secretary to the Government of India, Ministry of Environment & Forests, Paryavaran Bhawan, C.G.O. Complex, Lodhi Road, New Delhi - 110 003.


Principal Chief Conservator of Forests,
Meghalaya, Shillong.

Annexure 10
No. 2001979/2000-IFS.II
Government of India
Ministry of Environment & Forests



New Delhi, dated the 22nd December, 2000.

To

The Chief Secretaries of all the
State Governments and Union Territories.

Subject : Indian Forest Service - Promotion to various grades -
Guidelines regarding.

Sir,

I am directed to say that the Central Government has issued detailed guidelines for functioning of Departmental Promotion Committees (DPCs) and for promotion of members of the Indian Forest Service to the Senior Scale and Super time Scale from time to time. These guidelines, inter alia, lay down conditions for determining the eligible officers' suitability for different grades in the Service, crucial dates of promotion in these grades, composition and working of the DPCs, procedures to be adopted in cases of officers against whom disciplinary/court proceedings are pending or whose conduct is under investigation etc.

In view of the multiplicity of these guidelines, it has been decided to consolidate the same at one place and also modify them to take care of the changes which have since taken place in the structure of the Service. Accordingly, the relevant guidelines for the Indian Forest Service as contained in Annexures I and II are being issued.

It is requested that in the interest of uniformity and objectivity, these guidelines may be followed strictly, while granting promotion to the members of the Indian Forest Service in different grades. Members of the DPCs may also be suitably briefed on these guidelines at the time the meetings are held. Prior approval of the Central Government must be obtained before any deviation

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from any of these guidelines is contemplated/proposed in exceptional circumstances.

Yours faithfully,


(Mira Mehrishi)

Joint Secretary to the Government of India

Copy to the Ministry of Personnel, Public Grievances & Pension (Department of Personnel & Training) w.r.t. their endorsement No. 20011/4/92-AIS.II, dated the 28th March, 2000.

PRINCIPLES REGARDING PROMOTION OF MEMBERS OF THE INDIAN FOREST SERVICE AND COMPOSITION OF DEPARTMENT PROMOTION COMMITTEES

I. APPOINTMENT TO SENIOR TIME SCALE

An officer is eligible for appointment to the Senior Time Scale on completion of 4 years' service, subject to the provisions of rule 6A of the (Recruitment) Rules, 1966. A Committee consisting of the Principal Conservator of Forests and two officers of at least Chief Conservator of Forest level of the State Government concerned shall evaluate the performance of eligible officers for deciding their suitability for promotion to posts in Senior Time Scale. Subject to availability of posts, this scale can be allowed from or after 1st January during the relevant year in which officers become eligible for this scale.

II. APPOINTMENT TO THE JUNIOR ADMINISTRATIVE GRADE

An officer is eligible for appointment in the Junior Administrative Grade on completing 9 years of service. This grade is non-functional and shall be admissible without any screening, as a matter of course, to all the officers in the Senior Time Scale from 1st January of the relevant year, except in cases where any disciplinary/criminal proceedings are pending against the officer.

III. APPOINTMENT TO THE SELECTION GRADE

An officer of the Junior Administrative Grade shall be eligible for appointment to the Selection Grade on completion of 13 years of service as provided in the proviso to rule 3(3) of the IFS (Pay) Rules, 1968. A Committee consisting of the Chief Secretary, Principal Secretary-in-charge of Forest, Principal Conservator of Forests of the State Government and Additional Principal Conservator of Forests wherever available, shall screen the eligible members of the Indian Forest Service for promotion in this grade. This grade will be available from or after 1st January of the relevant year subject to availability of vacancies in this grade.

The members of the Service who are working in the Select Grade and have completed 14 years of service shall be eligible for appointment to the post of Conservator of Forests in the scale of Rs. 16400-450-20000 *at any time during the year* of their eligibility, subject to availability of vacancies in this grade. The Screening Committee to consider officers for promotion in this scale would consist of the Chief Secretary, Principal Secretary looking after the work of Forests and Principal Chief Conservator of Forests in State Government and Additional Principal Chief Conservator of Forests wherever available as members.

V. PROMOTION TO THE POST OF CHIEF CONSERVATOR OF FORESTS.

The zone of consideration for promotion in this grade may consist of the officers who have completed 18 years' service. Promotion of officers thus cleared could be made *at any time during the relevant year*, provided vacancies in this grade are available. The Screening Committee to consider officers for promotion in this scale will consist of Chief Secretary, Principal Secretary looking after the work of Forests, Principal Chief Conservator of Forests and one officer in the grade of Additional Principal Chief Conservator of Forests or holding higher post working in the Forest Department in State Government concerned, as members.

In case no officer is available with requisite number of years of service, the DPC may make appropriate relaxation in this regard after seeking approval of Government of India.

VI. PROMOTION TO THE POST OF ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS.

The zone of consideration for promotion in this grade would consist of all the members of the Service who have completed 25 years of service. Appointment in this grade would be made from amongst the officers thus cleared, *at any time during the relevant year* and subject to the provisions of rule 9(7) of the I.F.S. (Pay) Rules, 1968. The Screening Committee for this purpose shall consist of the Chief Secretary, Principal Secretary looking after the work of Forests and Principal Chief Conservator of Forests and one non-I.F.S. Officer of the rank of Chief Secretary serving in the State /Additional Director General of Forests, Ministry of Environment & Forests, Government of India when the former is not available.

- 33 -

PROMOTION TO THE POST OF PRINCIPAL CHIEF CONSERVATOR
OF FORESTS.

2 The zone of consideration for promotion in this grade would consist of all the members of the Service who have completed 28 years of service. Appointment in this grade would be made from amongst the officers thus cleared, at any time during the relevant year and subject to the provisions of rule 9(7) of the I.F.S. (Pay) Rules, 1968. The Screening Committee for this purpose shall consist of the Chief Secretary, Principal Chief Conservator of Forests and Principal Secretary looking after the work of Forests and an officer not less than the rank of Additional Secretary in the Government of India/Additional Director General of Forests, Ministry of Environment & Forests, Government of India when the former is not available.

In case no officer is available with requisite number of years of service, the DPC may make appropriate relaxation in this regard after seeking approval of Government of India.

GENERAL GUIDELINES FOR PROMOTION ETC. AND
FUNCTIONING OF SCREENING COMMITTEES

1. FUNCTIONS OF SCREENING COMMITTEES

It should be ensured while making promotions that suitability of candidates for promotion is considered in an objective and impartial manner. For this purpose, Screening Committees (hereafter referred to as Committees) as mentioned in Annexure. It should be formed for different grades whenever an occasion arises for making promotions/confirmations etc. The Committees so constituted shall adjudge the suitability of officers for :-

- (a) Promotions in various grades, including ad-hoc promotions in cases where disciplinary proceedings/criminal prosecutions are prolonged;
- (b) Confirmation; and
- (c) Assessment of the work and conduct of probationers for the purpose of determining the suitability for retention in service or their discharge from service or extending their probation.

The Committee shall also undertake the Quarterly review cases which have been placed in the Sealed Cover, as prescribed in para 19 supra.

2. FREQUENCY AT WHICH COMMITTEES SHOULD MEET

Meetings of the Committees should be convened at regular intervals to draw panels for filling up vacancies arising during the course of a year. For this purpose, it is essential for the concerned State Government to initiate action to fill up the existing as well as anticipated vacancies well in advance of the expiry of the previous panel by collecting relevant documents like ACRs, integrity certificates, seniority list etc. for placing before the Committees. Meetings of the Committees may be convened every year on a pre-determined date e.g. 1st of May or June. All the cadres should lay down a time schedule for holding the Committee meetings and the Secretary-in-charge of the Personnel Department of the State Government and Principal Chief Conservator of Forests shall ensure that they are held regularly. Holding of these meetings should not be delayed or postponed on one or the other administrative ground or on the ground that the necessary material for placement before the Committees is not ready. The requirement of convening regular meetings of the Committees can be dispensed with only after a certificate

- 35 -

has been issued by the Secretary-in-charge of the Personnel Department Principal Chief Conservator of Forests to the effect that there are no vacancies to be filled by promotion or no officers are due for promotion/confirmation during the year in question.

3. DETERMINATION OF VACANCIES

It is essential that the number of vacancies in respect of which a panel is to be prepared should be estimated as accurately as possible. For this purpose, the vacancies to be taken into account should be the clear vacancies arising in a grade due to death, retirement, resignation, promotions and deputation. As regards *vacancies arising due to deputation, only those cases of deputation for periods exceeding one year* should be taken into account, taking due note of the number of deputationists likely to return to the cadre. Purely short term vacancies arising as a result of the officers proceeding on leave, training or on deputation for a short-term period or as a result of *over-utilisation of the sanctioned State Deputation Reserve not approved by the Central Government*, should not be taken into account for the purpose of preparation of a panel. In cases where there has been delay in holding the Committee meetings for a year or more, vacancies should be indicated year-wise separately, by also including the names of officers in the zone of consideration who would have been eligible and available for consideration had the meeting(s) of the DPC taken place in time but have since retired or expired.

4. PAPERS TO BE PUT UP FOR CONSIDERATION BY COMMITTEES

4.1 The proposals should be completed and submitted to the Committee well in time. No proposal for holding a Committee meeting should be sent until and unless at least 90% of the up-to-date and complete ACRs are available. Every effort should be made to keep the ACR dossiers up-to-date lest this aspect is advanced as the reason for not holding the Committee meetings in time. The officer referred in para: 2 above would be responsible for monitoring and the completion of the ACR dossiers as per the existing instructions in this regard. In respect of cases relating to confirmation and assessment of the work and conduct of probationers, they would ensure the timely submission of the Assessment Reports etc.

4.2 The folder of ACRs/Assessment Reports should be checked to verify whether the ACRs for individual years/relevant periods are available. If the ACR for a particular year/particular period is not available and for valid/justifiable reasons it cannot be made available, a certificate should be recorded to that effect and placed in the folder.

- 36 -

The integrity certificate on the lines indicated below should be
furnished to the Committees constituted to consider cases for promotion or
confirmation:-

"The records of service of the following officers;
who are to be considered for promotion/confirmation
in the grade have been carefully scrutinised and it
is certified that there is no doubt about their integrity."

If there are names of persons in the list of eligible candidates, whose
integrity is suspected or has been held in doubt at one stage or the other, the
fact should specifically be recorded by the officer-in-charge of the Personnel
Department and brought to the notice of the Committee. The integrity certificate
would be withheld only in cases where one or the other contingencies as indicated
in para 11.1 supra has arisen. It should be ensured that the information thus
furnished is factually correct and complete in all respects. Cases where incorrect
information has been furnished should be investigated and suitable action taken
against the person responsible for it.

5. CONSIDERATION OF OFFICERS ON DEPUTATION ETC.

The names of officers who are on deputation for a period exceeding one
year shall also be included in the list submitted to the Committee for
consideration for promotion/confirmation in case they fulfil the prescribed
eligibility conditions. In cases where a certain number of years of service in
the lower grade is prescribed as a condition for becoming eligible for
consideration for promotion to the higher grade and/or for confirmation, the
period of service rendered by an officer on deputation should be treated as
comparable service in his cadre for the purposes of promotion as well as
confirmation. This is subject to the condition that the deputation is with the
approval of the competent authority and it is certified that but for deputation, the
officer would have continued to be in the relevant grade in his cadre. The same
would apply in cases of officers who are on leave/study leave duly sanctioned
by the competent authority or training under the various training schemes which
are treated as duty for all purposes.

6. PROCEDURE TO BE OBSERVED BY COMMITTEES

Each Committee should decide its own method and procedure for
objective assessment of the suitability of the candidates. While merit has to be
recognised and rewarded, advancement in an officer's career should not be
regarded as a matter of course. It should be earned by dint of hard work, good

-37-

conduct and result oriented performance as reflected in the annual confidential report and based on strict and rigorous selection process. The misconception about "Average" performance also requires to be cleared. While "Average" may not be taken as adverse remark in respect of an officer, it cannot also be regarded as complimentary to the officer. Such performance should be regarded as routine and undistinguished. Nothing short of above-average and noteworthy performance should entitle an officer to recognition and suitable rewards in terms of career progression.

7. CONFIDENTIAL REPORTS

7.1 The Annual Confidential Reports are the basic inputs on the basis of which assessment is to be made by each Committee. The evaluation of ACRs should be fair, just, and non-discriminatory. The Committee should consider ACRs for equal number of years in respect of all officers falling within the zone of consideration for assessing their suitability for promotion. Where one or more ACRs have not been written for any reason, the Committee should consider the available ACRs. If the Reviewing Authority or the Accepting Authority as the case may be, has over-ruled the Reporting Officer or the Reviewing Authority respectively, the remarks of the Accepting Authority should be taken as the final remarks for the purposes of assessment. While making the assessment, the Committee should not be guided merely by the overall grading that may be recorded in the ACRs but should make its own assessment on the basis of the overall entries made in the ACRs.

7.2 In the case of each officer, an overall grading should be given which will be either "Fit" or "Unfit". There will be no benchmark for assessing suitability of officers for promotions.

7.3 Before making the overall grading, the Committee should take into account whether the officer has been awarded any major or minor penalty or whether any displeasure of any higher authority has been conveyed to him. Similarly, the Committee would also take note of the commendations received by the officer during his service career. The Committee would also give due regard to the remarks indicated against the column of integrity.

The list of candidates considered by the Committee and the overall grading thus assigned to each candidate would form the basis for preparation of the panel for promotion.

- 38 -

8. PREPARATION OF YEAR-WISE PANELS WHERE THE COMMITTEE HAVE NOT MET FOR A NUMBER OF YEARS

8.1 Where for any reasons beyond control, the Committee has not met in a year(s) even though vacancies arose during that year(s), the first Committee that meets thereafter should follow the procedures indicated below.

(a) Determine the actual number of vacancies that arose in each of the previous year(s) immediately preceding and the actual number of vacancies proposed to be filled in the current year separately.

(b) Consider in respect of each of the years only those officers including the officers who have retired/died in the meanwhile, who would be within the zone of consideration with reference to the vacancies of each year starting with the earliest year onwards.

(c) Prepare a panel by placing the panel of the earlier year above the one for the next year and so on.

8.2 Where a Committee has already met in a year and further vacancies arise during the same year, the following procedure should be followed :-

(a) For vacancies due to death, voluntary retirement, new creations etc. belonging to the category which could not be foreseen at the time of placing the facts and the matter before the Committee, another meeting of the Committee should be held for drawing up a panel for the vacancies thus arising. If for any reason, the Committee cannot meet for the second time, the procedure of drawing up of year-wise panel, as indicated above, may be followed when it meets next for preparing panels in respect of vacancies that arise in the subsequent year.

(b) In cases of non-reporting of vacancies due to error or omission, whereby such an error artificially restricted the zone of consideration, a Review DPC should be held taking into consideration the total vacancies in the year.

(c) For the purpose of evaluating the merit of the officers while preparing year-wise panels, the scrutiny of the record of the service of the officer should be limited to the records that would have been available had the Committee met at the appropriate time. However, if on the date of such meeting, departmental proceedings against an officer are in progress and the sealed cover procedure is to be followed, such procedure should be observed even if departmental proceedings were not in existence in the year to which the

vacancy related. The officer's name should be kept in the sealed copy proceedings are finalized.

- 39 -

(d) While promotions will be made in the order of the consolidated panel, such promotions will have only prospective effect if it is in a functional grade, involving higher duties and responsibilities, even in cases where the vacancies relate to earlier years. In cases of promotions in non-functional grades, not involving higher duties and responsibilities, promotions may be allowed from the due dates retrospectively.

9. CONFIRMATION

In the cases of confirmation, which is now a one-time affair during one's entire service, the Committee should not determine the relative merit of officers but it should assess the officers as "Fit" or "Not Yet Fit" for confirmation in their turn on the basis of their performance as assessed with reference to their records of service. In case the Committee finds a probationer 'Not Yet Fit', it shall record reasons for the same.

10. PROBATION

In the case of probation, the Committee should not determine the relative grading of officers but only decide whether they should be declared to have completed the probation satisfactorily within the meaning of the IFS (Probation) Rules, 1968. If the performance of any probationer is not satisfactory, the Committee may advise whether the period of probation should be extended or whether he should be discharged from service, within the meaning of these Rules.

11. PROCEDURE TO BE FOLLOWED IN RESPECT OF OFFICERS AGAINST WHOM DISCIPLINARY/COURT PROCEEDINGS ARE PENDING OR WHOSE CONDUCT IS UNDER INVESTIGATION

11.1 At the time of consideration of the cases of officers for promotion, details of such officers in the zone of consideration falling under the following categories should be specifically brought to the notice of the concerned Screening Committees :-

- (a) Officers under suspension;
- (b) Officers in respect of whom a chargesheet has been issued and disciplinary proceedings are pending;

- 40 -

(c) Officers in respect of whom prosecution for criminal charge is pending.

11.2 The Screening Committee shall assess the suitability of the officers coming within the purview of the circumstances mentioned above, along with other eligible candidates, without taking into consideration the disciplinary case/criminal prosecution which is pending. The assessment of the Committee including "Unfit for Promotion" and the grading awarded by it will be kept in a sealed cover. The cover will be superscribed "FINDINGS REGARDING THE SUITABILITY FOR PROMOTION TO THE SCALE OF IN RESPECT OF SHRI..... NOT TO BE OPENED TILL THE TERMINATION OF THE DISCIPLINARY CASE/CRIMINAL PROSECUTION AGAINST SHRI.....". The proceedings of the Committee need only contain the note "THE FINDINGS ARE CONTAINED IN THE ATTACHED SEALED COVER." The same procedure will be adopted by the subsequent Screening Committees till the disciplinary case/criminal prosecution against the officer concerned is concluded.

12. ADVERSE REMARKS

12.1 Where adverse remarks in the Confidential Report of the officer concerned have not been communicated to him, this fact should be taken note of by the Committee while assessing * the suitability of the officer for promotion/confirmation. In a case where a decision on the representation of an officer against adverse remarks has not been taken or the time allowed for submission of representation is not over, the Committee may defer the consideration of the case until a decision on the representation is arrived at.

12.2 An officer whose increments have been withheld or who has been reduced to a lower stage in the time-scale, cannot be considered on that account to be ineligible for promotion as the specific penalty of withholding promotion has not been imposed on him. The suitability of the officer for promotion should be assessed by the Committee as and when occasions arise. They will take into account the circumstances leading to the imposition of the penalty and decide whether in the light of overall service records of the officer and the fact of the imposition of the penalty, he should be considered for promotion or not. Even where the Committee considers that despite the penalty the officer is suitable for promotion, the officer may be promoted only after the currency of the penalty.

- 41 -

13. VALIDITY OF THE COMMITTEE PROCEEDINGS WHEN ONE MEMBER IS ABSENT

In such cases and provided that the Chairman was not absent, the proceedings of the Committee shall be legally followed and can be acted upon. It should, however, be ensured that the member was duly invited but he absented himself for one reason or the other and there was no deliberate attempt to exclude him from the Committee's deliberations and provided further that the majority of the members constituting the Committee represented in the meeting.

14. PROCESSING OF RECOMMENDATIONS OF THE COMMITTEES

14.1 The recommendations of the Committee are advisory in nature and should be duly placed before the State Government for approval. There may, however, be occasions when the State Government may find it necessary to disagree with the recommendations. In any case, however, the decision to agree or disagree with the recommendations should be taken within a period of 3 months from the date the Committee forwards its recommendations.

14.2 Where the State Government proposes to disagree with the recommendations of the Committee, it may refer the matter again to the Committee for reconsideration of their earlier recommendations. If the Committee re-iterates its earlier recommendations giving also the reasons in support thereof, the State Government shall take a decision either to accept or to vary the recommendations of the Committee, by giving reasons to be recorded in writing, and such a decision shall be final.

15. VIGILANCE CLEARANCE WHILE IMPLEMENTING THE COMMITTEE RECOMMENDATIONS

A clearance from vigilance angle should be available before making actual promotion or confirmation of officers approved by the Committee to ensure that no disciplinary proceedings are pending against the officers concerned.

16. ORDER IN WHICH PROMOTIONS TO BE MADE

The officers placed in the approved panels for promotion are to be considered for appointment to higher grades in the order of their inter-se position in the respective panels, except in cases where disciplinary/court proceedings are pending against an officer. The procedure to be adopted in cases

-42-

Officers against whom disciplinary/court proceedings are pending has been
d down in the succeeding paragraphs.

17. PROMOTION OF OFFICERS ON DEPUTATION

If a panel contains the name of an officer who is away from the cadre and is on deputation in public interest for a period exceeding one year, including an officer who has gone on study leave/training, the officer shall be eligible for his regaining the temporarily-lost promotion in the higher grade on his return to the cadre. It has to be borne in mind that seniority of members of Indian Forest Service which is initially fixed, is not to undergo any change throughout their career and early or late promotion of an officer vis-a-vis other officer(s) in a particular grade is to have no impact on their seniority. Therefore, such an officer need not be reconsidered by a fresh Committee, if subsequently held, while he continues to be on deputation/study leave/training. This would be ir-respective of the fact whether or not he has got the benefit of proforma promotion under the 'Next-Below Rule'.

18. SEALED COVER CASES - ACTION AFTER COMPLETION OF DISCIPLINARY/CRIMINAL PROSECUTION

18.1 If the proceedings of the Committee for promotion contain findings in a sealed cover, on conclusion of the disciplinary case/criminal prosecution, the sealed cover or covers shall be opened. In case the officer is completely exonerated, the due date of his promotion will be determined with reference to the findings of the Screening Committee kept in sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such findings. The officer shall be promoted even if it requires to revert the junior-most officiating person. Such promotion would be with reference to the date of promotion of his junior and in these cases, the officer will be paid arrears of salary and allowances.

18.2 If a penalty is imposed on the officer as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next Screening Committee in the normal course, having regard to the penalty imposed on him. In such cases, the question of arrears may be decided by taking into account all the facts and circumstances of the disciplinary/criminal proceedings. Where arrears of salary or a part thereof are denied, the reasons for doing so shall be recorded.

19. QUARTERLY REVIEW OF SEALED COVER CASES. 43

2 It is necessary to ensure that the disciplinary case/criminal prosecution instituted against an officer is not unduly prolonged and all efforts to expeditiously finalize the proceedings are taken so that the need for keeping the cases of officers in sealed cover/covers is limited to the barest minimum. The concerned State Governments shall comprehensively review such cases on the expiry of three months from the date of convening of the first Screening Committee which had adjudged his suitability and kept its findings in the sealed cover. Such a review should be done subsequently also after every three months. The review shall, inter-alia, cover the progress made in the disciplinary proceedings/criminal prosecution, and further measures required to be taken to expedite their completion. The material/evidence collected in the investigations would also be scrutinised to determine in cases involving suspension whether there is a prima-facie case for initiating disciplinary action or sanctioning prosecution against the officer. If as a result of such a review, the State Govt. comes to a conclusion that there is prima facie no case, the sealed cover would be opened and the officer concerned would be given his due promotion with reference to the position assigned to him by the DPC. 54

Same procedure is to be followed in considering the cases of confirmation.

20. AD HOC PROMOTIONS IN CASES WHERE DISCIPLINARY PROCEEDINGS/CRIMINAL PROSECUTIONS ARE PROLONGED.

As appointment of the members of the Indian Forest Service to various grades is made on regular basis and the provision of one-time confirmation exists in their cases, the concept of grant of ad hoc promotion is alien to them. Unlike Central Government servants, ad hoc promotions are not to be allowed in their cases even if the disciplinary cases/criminal prosecutions instituted against them are found to have been prolonged. In their cases, only quarterly review of their disciplinary/criminal cases is to be undertaken and efforts are to be made to expedite their completion.

21. SEALED COVER PROCEDURE APPLICABLE TO OFFICERS IN WHOSE CASES CONTINGENCIES OF PARA 11.1 SUPRA ARISE BEFORE ACTUAL PROMOTION.

In the case of an officer recommended for promotion by the Screening Committee where any of the circumstances mentioned in para 11 above arise before actual promotion, sealed cover procedure would be

ed. The subsequent Committee shall assess the suitability of officers along with other eligible candidates and place their assessment in sealed cover. The sealed cover/covers will be opened on conclusion of the disciplinary case/criminal prosecution. In case the officer is completely exonerated, he would be promoted as per the procedure outlines in para 18 above and the question of grant of arrears would also be decided accordingly. If any penalty is imposed upon him as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover shall not be acted upon, as outlined in para 18.2 above.

22. VALIDITY OF THE PANEL

A panel for promotion recommended by the Committee and approved by the State Governments shall be valid till all the officers placed in the panel have been promoted. This will, of course, exclude officers who are away on deputation but they do not opt to rejoin the cadre in the higher post or are on study leave or training.

23. REVIEW COMMITTEE MEETING

23.1 The proceedings of any Committee may be reviewed only if the Committee had not taken all the material facts into consideration or if material facts were not brought to their notice or if there were grave errors in the procedure followed by them. Special review may also be done in cases where adverse remarks in an officer's ACRs are expunged or modified. The Review Committee would consider only those officers who were eligible as on the date of meeting of the Original Committee. They would also restrict their scrutiny of the ACRs for the period relevant to the first Committee meeting. If any adverse remarks relating to the relevant period were toned down or expunged, the modified ACRs should be considered as if the original adverse remarks did not exist at all. Before doing so, the appointing authority would scrutinise the relevant cases with a view to decide whether or not a review by the Committee is justified, keeping in mind the nature of the adverse remarks toned down or expunged. While considering a deferred case or review of the case of a superseded officer, if the Committee finds the officer fit for promotion/confirmation, it would place him at the appropriate place in the relevant panel after taking into account the toned-down remarks or expunged remarks, as the case may be.

23.2 If the officers placed junior to the above-said officer have been promoted, the latter should be promoted immediately and if there is no vacancy, the junior-most person officiating in the higher grade should be reverted to.

- 45 -

accommodate him. On promotion, his pay should be fixed at the stage it would have reached had he been promoted from the date the officer immediately below him was so promoted, but no arrears for the past periods would be admissible. In the case of confirmation, if the officer concerned is recommended for confirmation on the basis of a review, he should be confirmed from the due date.

24. AVAILABILITY OF VACANCIES.

Whenever promotions are vacancy based, while computing the available vacancies for filling up the same by promoting officers placed in the panel, care should be taken to ensure that the total ex-cadre posts created in various grades for the purpose do not exceed in sum the permissible quota of State

Deputation Reserves indicated in the respective Cadre Schedules. Provisions of rule 9(7) of the IFS (Pay) Rules, 1968 would also require to be followed while making promotions in the highest grade of the Service.

25. SUPERSESSION OF OFFICERS

If an officer has not been included in the panel for promotion to any of the grades, the detailed reasons for his supersession may be recorded in writing. Such officers would be eligible for reconsideration after earning two more reports, except in the case of promotion in the grade of Principal Chief Conservator of Forests, in which case an officer would be eligible for reconsideration after earning only one more report.