

GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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Discharged. Date-18/11/2003

O.A.T.A No. 195/2001

R.A/C.P No. 28/03

E.P/M.A 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 NO195.....OF 2001.

Applicant (S) *B. Suanzalong, IRS,*

Respondent (S) *Govt of Assam*

Advocate for Applicants (s) *Mr R.P. Sharma, B. Chakraborty
Mr A. Nath.*

Advocate for Respondent (s) *C.G.S.C.*

Notes of the Registry	Date	Order of the Tribunal
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30.5.01

Heard Mr.R.P.Sharma, learned counsel for the applicant.

The application is admitted. Call for the records.

List for orders on 27-6-2001.

[Signature]
Vice-Chairman

bb

27.6.01

WB
30/5/01

Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents prays for and granted four weeks time to file written statement. Applicant will have two weeks to file rejoinder.

List on 22-8-2001 for orders.

[Signature]
Member

[Signature]
Vice-Chairman

bb

22.8.01

Written statement has been filed. The applicant may file rejoinder, if any, within 2 weeks.

List on 6/9/01 for further order.

[Signature]
Member

[Signature]
Vice-Chairman

mb

This application is in form but not in time Condonation Petition is filed vide M.P.No. C.F. for Rs. 50/- vide IPO/SS No. 64 792625 Dated 21/5/2001

[Signature]
Dr. Registrar.

Requisites has been filed.

WB
25/5/2001

Notice prepared and sent to D/S. Gen Secy the Respondent No. 1 to 3 by Regd. A.W. vide D/No 2123 to 2125 dtd 18/6/07

bb
14/6/07

6.9.01

Written statement has been filed. The learned counsel for the applicant is not present on account of ^{an} accident. The applicant may file rejoinder, if any.

List on 8/10/01 for order.

20.8.2001

Reply on behalf of Respondent No. 1 has been submitted.

mb

8.10.01

The pleadings are complete. The case may now be listed for hearing on 27.11.2001.

K C Sharma
Member

No. rejoinder has been filed.

24
5.10.01

bb
27.11.01

~~Prayer has been made on behalf of Mr. R.P. Sharma, learned counsel for the applicant who is sick after accident.~~

27.11.01

Prayer has been made on behalf of Mr. R.P. Sharma, for adjournment who is lying in the bed after accident. Prayer is allowed.

List on 24.12.01 for hearing.

No. rejoinder has been filed.

24
26.11.01

No. rejoinder has been filed.

24
21.12.01

24.12.01

On the prayer of learned counsel for the applicant the case is adjourned. List on 4.2.2002 for hearing.

K C Sharma
Member

Vice-Chairman

No. rejoinder has been filed.

24
1.2.02

mb

4.2.2002

Heard counsel for the parties.

Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

The application is allowed in terms of the order. No order as to costs.

K C Sharma
Member

Vice-Chairman

22.2.2002

Copy of the judgment has been sent to the Office for issuing the same to the applicant as well as to the Respondent.

Ag 22/2

bb

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 195 of 2001.

Date of Decision 4.2.2002

Sri B.Suanzalang, I.F.S.

Petitioner(S)

By Mr.R.P.Sharma, Mr.B.Chakrabarty &
Mr.A.Nath.

Advocate for the
Petitioner(s)

-Versus-

Union of India & Others.

Respondent(s)

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

Advocate for the
Respondent(s)

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

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

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

Judgment delivered by Hon'ble : Vice-Chairman.

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 195 of 2001.

Date of Order : This the 4th Day of February, 2002.

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

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

Sri B.Suanzalang, I.F.S.
Divisional Forest Officer
Aizawl Forest Division, Aizawl
Mizoram.

. . . Applicant.

By Advocate Mr.R.P.Sharma, Mr.B.Chakrabarty
& Mr.A.Nath.

- Versus -

1. Union of India
Through the Secretary
Ministry of Forest & Environment
Govt. of India, Paryavaran Bhawan
C.G.D.Complex, Lodhi Road
New Delhi-110 003.

2. State of Mizoram
Through the Secretary
Forest & Environment
Govt. of Mizoram, Aizawl.

3. The Union Public Service Commission
Dholpur House, Sajhan Road
New Delhi-110001 (Through its Secretary).

. . . . Respondents.

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

O R D E R

CHOWDHURY J.(V.C.) :

The applicant is a member of Indian Forest Service and was appointed as such in terms of sub-rule (1) of Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966 read with sub-regulation (1) of regulation 9 of the Indian Forest Service (Appointment by Promotion) Regulations, 1966 in the Mizoram segment of AGMUT cadre. The applicant came from the State Forest Service, Mizoram wherein he was initially appointed as Assistant Conservator of Forests in 1979. He was confirmed in the State

Forest Service of Mizoram in the post of Assistant Conservator of Forests, with effect from 19.10.1984 vide order dated 9.1.1989. In the seniority list of the State Forest Officers his name was placed at Sl. No.2. The applicant in this application, claimed that since he completed the required length of service in 1987 in the State Forest Service and became eligible for consideration for promotion he ought to have been promoted in the year 1987. For reasons not known the respondents did not consider the applicant for promotion in the year 1987 and he was only promoted in the year 1996.

2. The respondents submitted its written statement contesting the claim of the applicant. In the written statement, it was asserted that with the conferment of statehood on a number of UTs in the late eighties the erstwhile Union Territories Cadre of IFS was reconstituted as Arunachal Pradesh-Goa-Mizoram - Union Territories (AGMUT) joint Cadre of IFS and notified vide Department of Personnel and Training Notification No. 11031/35/88-AIS (II)B dated 28.12.1988. With this Notification, the UT Cadre of IFS ceased to exist and the last time promotion of State Forest Service (SFS) officers to the UT cadre of IFS was made in 1987. Consequent on the reconstitution of the UT cadre of IFS as joint AGMUT cadre of IFS, several vital issues had to be addressed and sorted out before further promotion of State Forest Service Officers to any of the constituent units of the joint cadre could be made. It had constituted the Joint Cadre Authority for all the three All India Service of the Joint AGMUT vide D.O.P.T Notification No.13013/1/89-AIS(I) dated 3.4.1989. While the powers and functions was to be exercised by each of the constituent Units of the joint cadre, the Joint Cadre Authority and the Cadre Controlling Authority at the centre

namely Ministry of Environment & Forests were considered by the Ministry, the Department of Personnel & Training reconstituted the Joint Cadre Authority exclusively for IAS and IPS of the Joint AGMUT cadre vide Notification No.14015/40/92-AIS(1) dated 11.12.1992 and advised the respondents to suggest revised constitution of JCA exclusively for IFS of the Joint Cadre. The matter was taken up before the Central Administrative Tribunal, Principal Bench and the Hon'ble Bench of the Tribunal by its judgment dated 2.6.94 in O.A.222/94 ruled that the JCA constituted for the IFS of the Joint AGMUT cadre vide Notification dated 3.4.89 continued to exist and that set all the doubts at rest. Thereafter it had to undertake the exercise of national allocation of the promotion quota posts for IFS to the units of the Joint cadre in proportion to their sanctioned Senior Duty Posts as was done in other two All India Services of Joint Cadre. The JCA also had to undertake the notional allocation of the promotee IFS Officers of the Joint Cadre to the constituent Units, after which only a clear picture could emerge about the number of promotion quota vacancies in each constituent units of Joint Cadre. There was also the cadre review of the Joint AGMUT Cadre of IFS in 1995, resulting in increase in the number of posts in the cadre as also in the promotion quota for the constituent Units. For all these developments it took a long time, as a result of which no meeting of the Selection Committee as provided in the IFS (Appointment by Promotion) Regulations, 1966 could be held after 1987 till 1995 and the first meeting of the Selection Committee after the UT cadre was reconstituted as Joint AGMUT cadre of IFS was held in 1996 on the basis of which the applicant was appointed on promotion to the Indian Forest Service.

3. The respondents also in the written statement indicated that in the year 1987, when promotion to the UT Cadre of IFS was last made from the eligible State Forest Service (SFS) Officers, there was no proposal from the Govt. of Mizoram for promotion to IFS. The applicant was considered by the Selection Committee in its next meeting held in 1996 and as a result of which he was promoted to IFS and his seniority/year of allotment was fixed as per rules.

4. We have heard Mr. B. Chakrabarty, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents at length. The materials on record clearly indicated that no Selection Committee meeting was held from 1987 till 1996. Whatever the reason may be, no selection was made to the IFS during the aforesaid period though there were clear vacancies. Holding of the Selection Committee meeting each year is a duty cast statutorily ^{on} the respondents. Selection Committee is required to meet every year for the purpose of making selection from amongst the State Civil Service Officers who fulfil the conditions regarding eligibility on the first day of January of the year in which the Committee meets and fall within the zone of consideration. Failure on the part of the Selection Committee to meet during a particular year would not dispense with the requirement of preparing the Select List for that year. If for any reason the Selection Committee was not able to meet during a particular year, the Committee when it meets next would, while making the selection, have prepared a separate list for each year keeping in view the number of vacancies in that year after considering the State Civil

Service Officers who were eligible and fell within the zone of consideration for selection in that year. The statute ^{imposed} a mandatory duty. By not holding the Selection Committee meeting for a long period unfairly affected the career progress of the State Civil Service Officers. Delay in holding the Selection Committee meeting caused undue hardship on the applicant. If the Selection Committee meeting would have held timely as prescribed by statute, the applicant would have earned appointment much earlier in the Indian Forest Service and thereby would have got higher year of allotment and seniority. Mr. B. Chakrabarty, learned counsel for the applicant referred to earlier decision of this Bench dated 1.1.2002 rendered in case of State Forest Service and Govt. of Arunachal Pradesh in O.A. 266/2000, wherein this Bench took notice of the Govt. of India decision relating to IFS J & K cadre vide Memorandum No. 18014/07/95-IFS.II dated 28.2.1997. In the J & K Case the Govt. of India took a decision in terms of the All India Services (Conditions of Services Residuary matters) Rules, 1960 to mitigate the hardship that arose due to the delay in holding the meeting of the Selection Committee. In the case of Arunachal Pradesh also this Bench took note of the said decision and accordingly directed the respondents to take up the matter afresh in conformity of law and to pass a reasoned order.

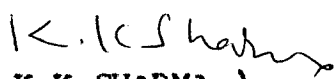
Considering the facts and set of circumstances of the case, we are of the opinion that it is a case in which the respondent authority is required to examine the matter afresh in accordance with the provisions of law. We are also of the view that the applicant ought to have been considered for selection

when he became eligible for promotion. The act of delay in confirming the applicant and similarly situated persons cannot deprive them from consideration for promotion to IFS in due time. The applicant could not be penalised for not issuing the formal confirmation order to the applicant in appropriate time.

In the circumstances, we accordingly direct the respondents to take up the matter of the applicant and also of the persons similarly situated of the AGMUT Cadre of Mizoram segment for determining the date of appointment on the basis of existing vacancies and for allotting year of allotment as per law taking aid of the All India Services (Conditions of Services Residuary matters), Rules, 1960. The respondents shall complete the aforesaid exercise as expeditiously as possible preferably within three months from the date of receipt of the order.

The application is allowed to the extent indicated above.

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


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN

25.5.2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

Guwahati Bench.

O.A No. 195 of 2001 .

Between

Shri B. Suangzalang, IFS

.....Applicant

-And-

Union of India & Ors.

.....Respondents.

I N D E X

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Filed By :

B. Chatterjee

Advocate.

Filed by the applicant -
12

Through
Asst. Secy. to Govt.
Aizawl 23/10/01

DISTRICT-AIZWAL.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

Guwahati Bench.

(An application under Section 19 of the Administrative Tribunal Act, 1985.)

For use in Tribunal's Office

Signature Date

O.A. No. - 195 /2001

Between

Sri B. Suanzalang, I.F.S.

Divisional Forest Officer,

Aizawl Forest Division, Aizawl,

Mizoram.

....Applicant.

And

1. Union of India,

Through the Secretary.

Ministry of Forest &

Environment, Govt. of India,

Pariyavaran Bhavan, C G D

.....Contd.

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Complex, Lodhi Road, New
Delhi-110003.

2. State of Mizoram,
Through the Secretary, Forest
& Environment, Govt. of
Mizoram, Aizwal.

3. The Union Public Service
Commission,
Dholpur House, Sajhan Road,
New Delhi-110001, (through
its Secretary).

Respondents.

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

- i) The Applicant assailed the action of the Respondents
in not promoting the applicant to the I.F.S. cadre
on 8.5.87 with the year of allotment from 1983 when
the applicant was fit and eligible and when the
posts were available but instead the applicant was
promoted on 26.9.96 with year of allotment as 1992 .
The applicant also assailed the action of the
Respondents in causing delay in confirming the
service of the applicant to the post of Asstt.
Conservator of Forests when substantive posts were

.....Contd.

available which has thereby delayed the scope of promotion to the posts IFS senior grade scale subsequently.

- ii) Order dated 29.6.2000 passed by the Govt. of India, Ministry of Forests & Environment by which the year of allotment and the seniority of the applicant vis-à-vis was fixed.

2. Jurisdiction of the Tribunal :-

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

3. Limitation :

The applicant also declares that the present application is within the limitation period as has been prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case :-

1. That the applicant is a citizen of India belonging to the Schedule Tribe community of Mizoram. The applicant passed the B.Sc. (Agri) Examination in the year 1976 from Rajendra Agricultural University, Ranchi.
2. That on 23.2.77., the Govt. of Mizoram issued an advertisement calling for application for undergoing two years training for Diploma Course in Forestry for

subsequent appointment to the temporary post of Asstt. Conservator of Forests, a Gazetted Class II post.

3. That the applicant having been selected for the same was sent for undergoing training at State Forest Service College, Burnihat where he completed the course successfully. Thereafter the Govt. having created the posts vide order dated 10.7.79 under memo No. FOR.1/75-78/155 appointed the applicant as Assistant Conservator of Forests (ACF in short).

Copies of the Certificate of training and the appointment order dated 8.1.80 are annexed herewith as **ANNEXURE-A & A-1.**

4. That thereafter vide an order dated 14.11.83 passed by the Secretary, Forest, Govt. of Mizoram, the applicant's service was regularised with effect from the date of their joining, i.e. 7.5.79 in the post of ACF.

A copy of the order dated 14.11.83 is annexed herewith as **ANNEXURE-B.**

5. That as per notification dated 26.3.85 issued by the Govt. of India, Ministry of Forests & Environment, the total availability of seniority posts were 9 out of which there were 6 posts for DCF from which the promotion quota includes 3 posts.

A copy of the notification dated 26.3.85 is annexed herewith as ANNEXURE-B-1.

6. That on 18.6.86, the applicant was informed that there are some adverse remarks for the year 1984-85 and 1985-86. The communication so made delayed and the remarks were as follows:

(i) 1984-85 (Part) : "He is well advised to improve his field visits and accounting procedure."

(ii) 1985-86: "His field tours are inadequate."

The applicant accordingly on 23.6.86 made a reply stating therein how he had to perform his work in absence of adequate ministerial staffs and inspite of that he applied his best effort to go for field investigation and accounting for which he had to depend on accountant of his office.

A copy of the adverse entry communication dated 18.6.86 and the reply dated 23.6.86 are annexed herewith as ANNEXURE-C & C-1.

7. That when the period of crossing the efficiency bar became due to the applicant, the applicant reported before the authority vide his application dated 29.3.86 and finally vide an order dated 1.5.87, the applicant was allowed to cross the efficiency bar.

.....Contd.

A copy of the order dated 1.5.87 is annexed herewith as ANNEXURE-D.

8. That thereafter vide an order dated 26.6.87, the applicant was appointed as Deputy Conservator of Forests/Divisional Forests Officer (DFO in short) Champhai along with 4 others and subsequently vide an order dated 2.12.88, the service of the petitioner in the post of DCF/DFO was regularised with effect from 26.6.87.

A copy of the said order dated 26.6.87 and the regularisation order dated 2.12.88 are annexed herewith as ANNEXURE- E & E-1.

9. That though the authority ought to have issued confirmation order much earlier in respect of appointment to the post of ACF, the authority for reason best known to them issued confirmation order on 9.1. 89 with effect from 19.10.84

A copy of the order dated 9.1.89 is annexed herewith as ANNEXURE-F.

10. That on 18.7.91, the Govt. of Mizoram published the seniority list of DCF and in the said seniority list, the applicant was placed at serial No.2.

A copy of the said seniority list dated 18.7.91 is annexed herewith as ANNEXURE-G.

11. That it is stated that the state of Mizoram is a constituent of the Joint Cadre Authority in matters of notional allocation of the promotion quota for the 4 constituents units as framed by the Ministry of Environment and Forest, Govt. of India which is the controlling authority. The Govt. of India accordingly vide official letter dated 25.1.95 sought concurrence from the constituents units for approval for distribution of notional allocation for promotion to the post of IFS. The Respondent No.1 through such communication clearly admitted that state of Mizoram has under utilised the posts from the promotion quota which has thereby caused injustice in getting promotion to the IFS cadre when posts were readily available. The govt. of Mizoram accordingly vide W.T. message dated 21.3.95 gave its no objection to the same .

A copy of the letter dated 25.1.95 and the W.T. dated 21.3.95 are annexed herewith as ANNEXURE-H & H-1.

12. That the seniority posts of the state of Mizoram which was earlier 9 in number, vide a notification issued by the Govt. of India was raised to 19 which includes 12 posts in DCF rank.

A copy of the said notification dated 26.10.95 is annexed herewith as ANNEXURE-I.

.....Contd.

-8-

13. That finally vide an order dated 26.9.96 issued by the Respondent No.1 exercising power under Rule 8(1) of the IFS (Recruitment) Rules, 1966 read with Rule 9(1) of the IFS (Appointment by Promotion) Regulation, 1966, the applicant was appointed to the IFS with immediate effect and subsequently by an order issued by the Govt. of India, Ministry of Forests & Environment, the applicant's year of allotment ^{was shown} as 1992 and seniority was fixed from 26.9.96 at serial No.2 in the cadre of IFS.

Copies of the order dated 26.9.96 and the order dated 29.6.2000 are annexed herewith as ANNEXURE-J & J-1 respectively.

14. That the applicant accordingly submitted representation making a prayer therein to appoint him to the IFS cadre with year of allotment as 1983 when he became eligible for same. The said representation was followed by several representation, namely vide dated 4.6.98 and 17.6.98.

A copy of such representations are annexed herewith as ANNEXURE-K.

15. That being aggrieved, the applicant on 13.9.2000 submitted a representation approaching the Respondent no. 1 to refix his year of allotment as 1987 for

.....Contd.

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having officiated continuously in the senior duty IFS cadre posts with full knowledge of the concerning authority which is yet to be disposed of.

A copy of the said representation dated 13.9.2000 is annexed herewith as ANNEXURE-L.

16. That the applicant begs to state that having appointed in a substantive posts which can be evident from ANNEXURE-B-1 when the total cadre strength was 3 for promotion quota, the unnecessary and unexplained delay caused in confirming the service of the applicant to the posts of ACF has deprived the petitioner to get promoted to IFS from 1987 when same became due. the applicant ought to have been promoted from 1987 with year of allotment as 1983 when he was fit and suitable for the appointment to IFS.

17. That the applicant humbly begs to state that had the applicant been promoted to the post of IFS with year of allotment as 1983 when same became due, the petitioner would have been promoted in the following year with corresponding scale of pay:-

Post	Year of promotion	Starting Pay-Scale
ACF	1983	Rs. 2,200/-
DCF	1987	Rs. 3,000/-
DCF(JAG)	1992	Rs. 3,700/-
DCF(SG)	1996	Rs. 14,300/-

.....Contd.

CF (Super Time Scale) 2000

Rs. 16,400/-

The applicant instead of getting the above pay scale is being given pay scale as Rs. 3,000/- to 4,500/- only as revised which he was receiving in the year 1987 when he was promoted as DCF and as such the pay scale has remain stagnant for the last 14 years.

18. That it is stated that the service conditions relating to promotion, appointment, selection etc. in matters of IFS cadre are Governed by the following rules, namely- 1. **The IFS(Recruitment) Rules, 1966.** Rule 4 speaks about method of recruitment and Rule 4(b) provides for promotion from substantive members from State Forests Services. Rule 8 provides promotion from SFS cadre and laid down that the number of person to be recruited should be $33 \frac{1}{3} \%$.

2. **The IFS (Appointment by Promotion) Rules, 1966.** Rule 5 deals that every year list of eligible candidates who have completed 8 years of service has to be prepared which in case should include number of eligible candidates as 3 times the vacancy. The said rule also speaks about that the list has to be review every year and if there is any adverse entry same has to be communicated to the Central Govt. Rule 8 of the

.....Contd.

said Rule provides for the State Govt. to appoint person of SFS cadre to appoint in cadre posts.

19. That the applicant humbly states that the action of the Respondents in not promoting the applicant to the IFS cadre when posts were readily available and when same became due has been done in most arbitrary and malafide manner exercising power colourably. The promotion ought to have been done when there was nothing adverse known and whatever adverse remained was tone down and as such the matter of appointment ought to have been from 1987 when the applicant was eligible and suitable for such appointment .
20. That the applicant officiated in IFS cadre posts on several occasion with intimation to the Respondent No.1. as w.e.f. 27.12.91 as DFO Kolasib Forests Division and thereafter as DFO Working Plan without break for which he is entitled to be promoted earlier to IFS as per Explanation 1 & 2 of the IFS (Regulation of Seniority) Rules, 1968
21. That it is stated that the selection committee which ought to have met every year for preparing a list panel as per rules framed under IFS (Appointment by Promotion) Rules, 1966, but the meeting of the selection committee has held on 1995 after a gap of 8 years clubbing all the unfilled vacancies and promoted

.....Contd.

-12-

20 SFS officers. Had the meeting been held regularly and the service of the applicant would have been ^{confirmed} earlier to 1987, the applicant would have been promoted to IFS when posts were readily available and when same became due to the applicant.

22. That being highly aggrieved by the arbitrary and malafide act on the part of the Respondents in not promoting the applicant to the IFS cadre in the year 1987,, the applicant has approached this Hon'ble tribunal with a prayer to refix his year of allotment as 1983 by quashing and setting aside and/or modifying the order of appointment to IFS dated 26.9.96 to the extent and restoring his pay and seniority retrospectively as done in the case of Mr. J.M. Choudhury IFS of AGMUT cadre, MR. C. Jhangliang, IFS of Assam & Meghalaya Cadre and MR. P.V. Samant IFS in which cases, the year of appointment was 1978 and the allotment year was 1969. The applicant being similarly situated deserve same treatment.

5. Grounds for present application.

- a. For as per Explanation 1 of the IFS (Regulation of Seniority) Rules, 1968 ever since the first select list prepared by the Selection Committee constituted under Regulation 3 of the IFS (Appointment by Promotion) Rules, 1966, the period of continuous

.....Contd.

officiation in senior post declared has to be counted. Since the applicant was officiating in a senior posts since 27.12.91, hence his due years of allotment to IFS would be 1.1.87

- b. For that the Respondents never took steps in holding meeting for preparation of ^{select} lists for promoting SFS officer since 1989 to 1995 and clubbed the vacancies which is contrary to the rules and did not appoint IFS officer from the promotee quota in the year 1989 to 1995, 1996 and 1997 for which the applicant was denied for promotion to IFS *senior scale*.
- c. For that from the entire sequence of events as stated above it is apparent that the action of the confirmation of applicant to the post of ACF has been unreasonably delayed and the entire action was exercised malafidely and arbitrarily for which the case of promotion to the IFS was further delayed and the year was reckoned as 1992 instead of 1983 as confirmation was a precondition for getting promotion to IFS cadre which have better service benefits.
- d. For that it being apparent that posts were readily available in the year 1985, the service of the applicant ought to have confirmed for which he could have been easily promoted to IFS in the year 1987 with year of allotment as 1983 and for such

.....Contd.

irregularity, the applicant was deprived of service benefit and seniority and his service remain stagnant for years.

- e. For that the action of the Respondents in the instant case besides being arbitrary, illegal, malafide and biased is also violative of Article 16, 19 and 21 of the Constitution of India as because of delay the petitioner was deprived of better service benefits to which he is legally entitled.
- f. For that the action of the Respondents in the instant case is patently malafide and punitive based on irrelevant and extraneous consideration, the order dated 26.9. 96 needs to be modified by asking the Respondents to allot year of allotment as 1983 when same felt due to the petitioner.
- g. For that the impugned action besides being arbitrary , illegal and malafide is also liable to be condemned and set aside as same has been done whimsically, capriciously and under colorable exercise of power.
- h. For that the order of action has been done in violation of the principle of natural justice and administrative fairplay the order as such is liable to be quashed and set aside.

1. For that in any view of the matter the impugned action is bad in law as well as in fact and as such the same is liable to be quashed and set aside.

6. Details of Remedies exhausted :-

The applicant declares that he has no other alternative remedy other than to approach this Hon'ble Tribunal for getting redressal.

7. Whether Any Appeal or Suit is Pending In any Court With Regard To The Subject Matter In Agitation:

That the applicant further declares that there is no suits, application or writ petition pending before any court or tribunal with regards to the matter as agitated in this petition.

8. Details of Relief Sought for:-

Under the facts and circumstances stated above, the applicant humbly prays that this Hon'ble Tribunal may be pleased to admit this application, call for the records and after hearing the parties may be pleased to pass an order directing the Respondents to promote the applicant to IFS with year of allotment as 1983 restoring his seniority and retrospective service benefits by setting aside and/or modifying the order dated 26.9.96 (Annexure-J) and 29.6.2000 (Annexure-J-1) and/or pass such order/orders to which the

.....Contd.

applicant is entitled as per law and equity including the cost of the proceedings.

9. Interim reliefs if any :-

Under the present facts and circumstances, the applicant reserves his right to press for interim order when situation arise and if there is necessity for the same .

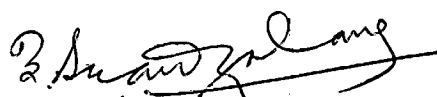
11. Particulars of I.P.O :

I.P.O. No. 66792625 dated 21/5/2001 for Rs.
50.00 (Rupees Fifty ———— only) is enclosed.

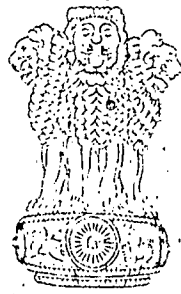
VERIFICATION

I ,Sri B. Suangzalang, s/o B. Thangkha Săang , aged about 45 years presently residing at Aizwal city, district-Aizwal, Mizoram and applicant in the instant application do hereby verify that the statements made in this instant application from paragraphs 1 to 4, 6 and 7 are true to my knowledge and belief and the rest are my humble submission before this Hon,ble Tribunal.

I sign this verification on this 21st day of May, 2001 at Guwahati.


Signature.

भारत
GOVERNMENT



सरकार
OF INDIA

सत्यमेव जयते

कृषि एवं सिंचाई मन्त्रालय
MINISTRY OF AGRICULTURE & IRRIGATION

राज्य वन सेवा महाविद्यालय, बरनीहाट State Forest Service College, Barnihat

श्री/श्रीमन्ते श्री सुभाषजान्ग
श्री श्री थांगखासंग निवासी वापर, मिज़ोरम
ने इस महाविद्यालय में वानिकी और सम्बद्ध विषयों का अनुदेश और व्यावहारिक प्रशिक्षण पाठ्यक्रम पूरा किया तथा अपेक्षित परीक्षाओं में सफल हुए।

*Shri/Shrimati B. Suwasang son/daughter of
Shri B. Thangkhasang resident of Vapar, Mizoram
has completed a course of instruction and practical training in Forestry and Allied
Subjects in this College and has successfully passed the requisite examinations.*

प्रमाणित किया जाता है कि उन्हें इस महाविद्यालय का
This is to certify that he has been awarded the

उपाधिपत्र Diploma

सन उन्नीस सौ उन्नासी के अप्रेल मास के ३० वे दिन को बरनीहाट में प्रदान किया गया।
*of the College at Barnihat this 30th day of April
one thousand nine hundred and seventy nine*



प्रधानाचार्य, राज्य वन सेवा महाविद्यालय
Principal, State Forest Service College

Kan V. Kishor
निदेशक, वन शिक्षा
Director, Forest Education

J. K. Mandal
अध्यक्ष, वन अनुसंधान संस्थान एवं महाविद्यालय
President, Forest Research Institute and Colleges

*Attested
P. S.
Adhikari*

A-1

-19-

Annex-A-1

30

H. L. P. L. L. L. L.

dated Aizwl, the 8th Jan/80.

No. FOR. 66/75-77/104. The Lt. Governor, Mizoram is pleased to appoint Sarvaswari B.C. Thanchhuan and B. S. Suanzalang Government Stipendiaries on their successful completion of two years' Diploma Course in Forestry, Burnihat as Assistant Conservator of Forests in the scale of pay Rs. 650-30-740-5/- 210-EB-35-880-40-1000-EB-40-1200/- p.m. plus all other allowances as admissible under the rules from time to time with effect from 7.1.79 and in further orders.

The appointments are made on adhoc basis for a short period subject to regularization. In accordance with the Recruitment Rules to be approved by Govt. in due course, that such an appointment will not bestow on the person a claim for regular appointment and that the services rendered on adhoc basis in the grade would not count for the purpose of seniority in that grade.

In the interest of public service, Sarvaswari B.C. Thanchhuan and B. Suanzalang are allowed to take charge in the Directorate of Forest.

Sd/- M. LALMANZUALA

Secretary to the Govt. of Mizoram,
Forests etc. Department.Memo No. FOR. 66/75-77/104-A,
Copy to :-

1. The Accountant General, Assam, Mizoram etc. Lachaitallote Building, Imphal - 3 for information.
2. The Principal, State College, Imphal - 3 for information.
3. The Secretary to Lt. Governor, Imphal - 3 for information.
4. P.S. to Chief Minister, Mizoram.
5. P.S. to all Ministers, Mizoram.
6. P.S. to Chief Secretary, Govt. of Mizoram, Aizawl.
7. The D.I.P.R. & I, Mizoram, Aizawl with 5 copies for favour of publication in the Mizoram Gazette.
8. The Director of Forests, Imphal with reference to the Govt. order 34/11-80/2257-68 dated 1.8.79 for information and necessary action.
9. All Administrative Top. Officer.
10. Treasury Officer, Aizawl.
11. Sd/- B.C. Thanchhuan.
12. Sd/- B. Suanzalang.
13. Personal Files.

Attended
P.S.-
Admstr.

-20-
GOVERNMENT OF MIZORAM
FORESTS DEPARTMENT

-000-

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

Dated Aizawl, the 14th Nov/1983.

No.A-32020/1/83-FST. In the interest of public service, the Lt. Governor is pleased to order regularisation of the following persons as Assistant Conservator of Forests with effect from the date of their joining appointments the posts on adhoc basis as shown against each,

Sr. No.	Name	Date of joining
1.	Lalrammawia	5.3.75
2.	Lalchungnunga Ralte	6.3.75
3.	B.C. Thanchhuma	7.5.79
4.	B.Suanzalang	7.5.79
5.	S.S. Ahmed	28.10.80
6.	Albina Thangkuma	12.11.81
7.	Lalthangliana Murray	3.2.82
8.	Liankima Lailung	5.11.82
9.	Hmingdailova Colney	5.11.82
10.	C. Lalchungnunga	5.11.82
11.	Vanlalsawma	5.11.82
12.	Vanlalslama	9.5.82
13.	Lalrinmawia	9.5.82
14.	Lalengliana	9.5.82
15.	Khel-Hauthanga	9.5.82
16.	Kalpataru Kar	9.5.82

Sd/- S.L. SAILOVA,
Secretary to the Govt. of Mizoram
Forest Department

Memo No.A-32020/1/83-FST. Dated Aizawl, 14th Nov/83
Copy to:

- 1) P.S. to Lt. Governor, Mizoram.
- 2) P.S. To Chief Minister, Mizoram.
- 3) P.A. to Speaker/Dy. Speaker/Ministers.
- 4) P.S. to Chief Secretary, Mizoram.
- 5) All Secretaries, Govt. of Mizoram.
- 6) All Head of Deptt. Govt. of Mizoram.
- 7) Accountant General, Assam, Mizoram, etc. Shillong.
- 8) Persons concerned.
- 9) Director of Accounts & Treasuries, Mizoram.
- 10) Controller, Printing & Stationeries, Govt of Mizoram, with five spare copies for favour of publication in the Mizoram Gazette.
- 11) Treasury Officer, Aizawl/Lunglei/Saiha.
- 12) Guard File.
- 13) P.F. concerned.

Sd/- B. LAKNUNGI,
Under Secretary to the Govt. of Mizoram
Forest Department

- 21 -

B-1

ANNEXURE

B-1

PUBLISHED IN PART II SECTION III SUB SECTION (1)
OF THE GAZETTE OF INDIA (EXTRAORDINARY) DATED 26TH MARCH, 1985

No. 16016/2004-AD (IV) - 1/85
Government of India, New Delhi

Ministry of Personnel, Training, Administrative Reforms and Public Grievances and Pension
(Karmik Aur Parshikshan, Panchasnik Sudhar Aur
Lok Shikayat Tatha Pension Mantralaya)
Department of Personnel & Training
(Karmik Aur Parshikshan Vibhag)

New Delhi, the 26th

March, 1985

NOTIFICATION

GSR-308(E) In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951) read with sub rule (2) of Rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Government hereby makes the following regulations further to amend the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, namely :-

1. (1) These regulations may be called Indian Forest Service (Fixation of Cadre Strength) Second Amendment Regulations, 1985.

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

2. In the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, for the heading "Union Territories" and entries occurring thereunder, the following heading and entries shall be substituted, namely :-

"UNION TERRITORIES"

1. SENIOR POSTS UNDER THE UNION TERRITORIES

<u>POSTS UNDER THE ANDAMAN AND NICOBAR ADMINISTRATION</u>	
Chief Conservator of Forests	1
Conservator of Forests	3
Deputy Conservator of Forests	7
Deputy Conservator of Forests, Depot Division	1
Deputy Conservator of Forests, Hill Division	1
Deputy Conservator of Forests, Silviculture	1
Deputy Conservator of Forests, Working Plan	1
Deputy Conservator of Forests, Utilisation Division	1
Deputy Conservator of Forests, Planning and Statistical Cell	1
Deputy Conservator of Forests, Wild Life	1

Attested
Dr. S.
Admah

- 22 -

B-1

ANNEXURE ~~IX~~

-2-
POSTS UNDER THE ARUNACHAL PRADESH ADMINISTRATION

Chief Conservator of Forests	1
Additional Chief Conservator of Forests	1
Conservator of Forests	3
Conservator of Forests, Planning & Development	1
Chief Wild Life Warden	1
Deputy Conservator of Forests	10
Deputy Conservator of Forests, Headquarters	1
Deputy Conservator of Forests, Wild Life	3
Deputy Chief Wild Life Warden	1
Deputy Conservator of Forests, Working Plan Division	1
Deputy Conservator of Forests, Forest Utilisation Division	1
Deputy Conservator of Forests, Resources Survey Division	1
Deputy Conservator of Forests, Silviculture Division	1
Deputy Conservator of Forests, Forest Statistics and Planning	1

POSTS UNDER THE GOVERNMENT OF GOA, DAMAN AND DIU

Conservator of Forests	1
Deputy Conservator of Forests	2
Deputy Conservator of Forests, Cashew Division	1
Deputy Conservator of Forests, Working Plan	1
Deputy Conservator of Forests, and Forest Utilisation Officer	1

POSTS UNDER THE DADRA AND NAGAR HAVELI ADMINISTRATION

Deputy Conservator of Forests	1
-------------------------------	---

POSTS UNDER THE GOVERNMENT OF MIZORAM

Chief Conservator of Forests	2
Conservator of Forests	2
Deputy Conservator of Forests	4
Deputy Conservator of Forests, Planning	2
Deputy Conservator of Forests, Working Plan	1

2. Central Reputation Reserve 0 2 of 1 above

61
12
73

...3/-

B-1

3.	Posts to be filled by promotion in accordance with rule 18 of the Indian Forest Service (Recruitment) Rules, 1956	24
4.	Posts to be filled by direct recruitment	49
5.	Deputation Reserve @ 15% of 4 above	7
5(a)	Ad-hoc deputation reserve	10
6.	Leave Reserve @ 11% of 4 above	5
7.	Junior Posts @ 20% of 4 above	10
8.	Training Reserve @ 10% of 4 above	5
Direct Recruitment posts		86
Promotion posts		24
Total authorised strength		110

T. C. M. M. M.

(T.C. M. M. M.)
Deputy Officer

To

The Manager,
Govt. of India Press,
Mayapuri,
New Delhi.

Amex. C-24-

Registered A/D
Confidential

GOVERNMENT OF MIZORAM
OFFICE OF THE CHIEF CONSERVATOR OF FORESTS

...

NO. A- 28012/1/83-IF (CON)/ 2167 Dated Aizawl, the 18th June, 1986.

To

Shri. B. Suanzalang,
Divisional Forest Officer,
Chhimitupui Forest Division,
Lawngtlai.

Subject:- A.C.R for the year 1984-85 and 1985-86.

I am to inform you that there is a remark
in your A.C.R as follows for your necessary action.

1. 1984-85 (Part): " He is well advised to improve his field
visits and accounting procedure "
2. 1985-86 : His field tours are in adequate "

(C. THANGLANA)

Deputy Conservator of Forests (Hqtrs)
Office of the Chief Conservator of Forests
Mizoram: Aizawl.
W

...

Attended
D. S. S. S.
S. S. S.

Amies C-1

GOVERNMENT OF MIZORAM
OFFICE OF THE DIVISIONAL FOREST OFFICER
CHHIMTUIPUI FOREST DIVISION
LAWNGTLAI : MIZORAM

'CONFIDENTIAL'
BY HAND POST

-25-
73 36

NO. FDC/PF. 1(BS)/83-84/84-85/85-86/DFO(LTI) 795 Dated Lawngtlai, the 23 th 6 1986

To,

The Chief Conservator of Forests,
Government of Mizoram, Aizawl.

Subject: Annual Confidential Report for the year 1984-85 and
1985-86 explanation of-

Reference: Your No. A. 28012/1/83-DF(Con)/ 2167 of 18.6.1986

Sir,

I have the honour to lay the following lines for replying
a remark in my Annual Confidential Report as:-

IMPROVEMENT IN FIELD VISITS: This has been put to be
remarkable to my Annual Confidential Report since very long time.
While I was attached Asst. Conservator of Forest it is not correct
if I go on in field inspection without the detailment order of my
controlling officer (D.F.O.). Quantum of field visits rests on the
detailment order of the Divisional Forest Officer concern as I had
not disobeyed any of the Divisional Forest Officer's order even once
since the beginning of my service.

FOR 1984-85 PARTICULARLY: 1- When I worked as Divisional
Forest Officer, Lawngtlai. As Divisional Forest Officer, Lawngtlai
out of sanctioned posts of 2(two) L.D.C., 2(two) U.D.C. and one Ste-
no Grade III for this Division. Non of them are available to help me
in disposals of official papers as they have posting in other Divi-
sions of this Department.

I worked with one Head Assistant, One Accountant, one
Cashier and one officiating L.D.C. only. I had only strangling my-
self to come up to your satisfaction only. Even if I tried to spend
more time in field works it is not that so possible. Inadequate
staffing is the constraints. However, interests will be put to yield
inspection in future.

IMPROVEMENT IN ACCOUNTING PROCEDURE:

Here in Division accounting is most rest upon the Account-
tant. Divisional Forest Officer is not much responsible in practice
though he is the Authority. If Accountant is good and accurate
the Divisional Forest Officer has become efficient and good in
accounting.

*Attached
Brs-
Aizawl*

contd/- 2

However, all possible steps is being attempted to improve accounting procedure also as far as Divisional Forest Officer could be concern.

For 1985-86 Part remark was " His Field tours are inadequate " The main constraints here also is due to inadequate Ministerial staff posted here in this Division. Out of 2(two) UDC, 2(two) LDC and 1(one) Steno Grade III to be posted here, all of them find assignment in other Division. So, I happen to work with one Head Assistant, one Accountant, one Cashier and one officiating LDC. only even if I put on my requirement to the Department.

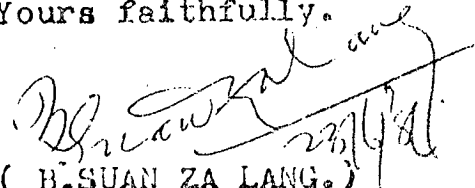
So, When I attempted all necessary papers in absence of half the Ministerial staff sanctioned strength, there is no chance of conducting adequate field tours even if I put on very good health. So, the remarkability of inadequate field tour though exists is very much irremarkable from the situation point of view.

In general, I have been posted in New Divisions where machined are inadequate, staffs new and inexperience ~~espere~~ compare to old Divisions, requiring more attention to office work, to spend less time in field tour is quite inevitable.

However, more attention will be paid to field tours in future as desired by you.

I, therefore, request you kindly to reconsider for weightage has not been given for my being strangling to meet your requirement from this new, ill-staffing condition and requirement of setting everything the beginning.

Yours faithfully.


(B.SUAN ZA LANG.)
Divisional Forest Officer,
Chhimtuipui Forest Division,
Lawngtlai: Mizoram.

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GOVERNMENT OF MIZORAM
ENVIRONMENT AND FORESTS DEPARTMENT
.....

O R D E R

Dated Aizawl, the 1st May/87.

A.19027/17/80-FST : Shri B.Suanzalang, Assistant Conservator of Forest is hereby allowed to cross Efficiency Bar at the stage of Rs 810/- thus raising his pay from Rs 810/- to Rs 845/- with effect from 1.5.1985 in the scale of pay of Rs 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200/-².11. (pre-revised).

Sd/- F. ROTHANGA
Under Secretary to the Govt. of Mizoram,
Environment & Forest Deptt.

Memo No. A.19027/17/80-FST. Dated Aizawl, the 1st May/87.

Copy to :-

- 1) The Chief Conservator of Forests, Mizoram, Aizawl.
- 2) The Director of Account & Treasuries, Mizoram.
- 3) The Controller, Printing & Stationery, Govt. of Mizoram with 5 spare copies for publication in the Mizoram Gazette.
- 4) Sri B.Suanzalang, ACF., D.F.O, Champhai Forest Division, Champhai.
- 5) Sub-Treasury Officer, Champhai.
- 6) Guard File.

Sd/- F. ROTHANGA
Under Secretary to the Govt. of Mizoram,
Environment and Forests Deptt.
.....

*Attended
P. R. b
Adm. nat*

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Annexure - E

(118)
39

GOVERNMENT OF MIZORAM
ENVIRONMENT AND FORESTS DEPARTMENT

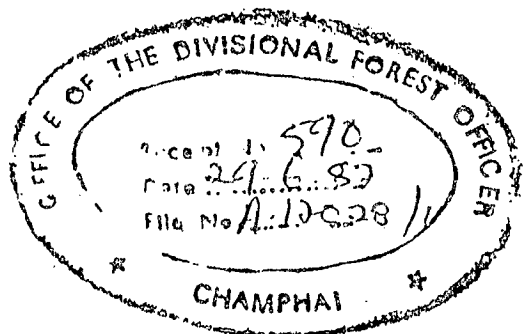
N O T I F I C A T I O N

Dated Aizawl, the 26th June, 1987.

No. A 32012/2/87-FST : The Governor of Mizoram is pleased to appoint the following Assistant Conservator of Forests on promotion as Deputy Conservator of Forests/Divisional Forests Officer in order of merit in the scale of pay Rs. 2200-75-2800-EB-100-4000/- p.m. plus other allowances as admissible under the rules from time to time with effect from the date of their joining.

The appointment is made on adhoc basis for a short period subject to regularisation in accordance with the Recruitment Rules and that such an appointment will not bestow on the person a claim for regular appointment and that the service rendered on adhoc basis in the grade would not count for the purpose of seniority in that grade.

Sl No	Name of Officers	Post against which appointed	Place of posting
1.	Sri R. Rozika	FOR 16-C/75-80/116 Dt. 24.10.80	D.F.O. Darlawn
2.	Sri B. Suanzalang	FOR 37/74-81/93 Dt. 30.3.81	D.F.O. Champhai
3.	Sri P. Liankhama	FOR 37/74-81/93 Dt. 30.3.81	D.F.O. North Vanlaiphai.
4.	Sri Lalthangliana Murray-	A 11013/8/80-FST Dt. 7.7.82	D.F.O. Lunglei
5.	Sri Liankima Lailung	- A 11013/3/80-FST Dt. 7.7.82	D.F.O. Tlabung



Sd/- O.N. KAUL,
Secretary to the Govt. of Mizoram,
Environment & Forests Deptt.

ATTESTED:

(KAW HUNA) cont - 2/-

Asst. Conservator of Forests
Wildlife Division
Aizawl, Mizoram

Memo No. A 32012/2/87-FST., dated Aizawl, the 26th June, 1987.

- Copy to:-
- 1) The Accountant General, (Accounts/Audit) Mizoram etc., Shillong with 2 spare copies.
 - 2) Secretary to the Governor, Mizoram.
 - 3) P.S to Chief Minister, Mizoram.
 - 4) P.As to All Ministers/Speaker/Deputy Speaker/Minister of State, Mizoram.
 - 5) P.S to Chief Secretary, Mizoram.
 - 6) Chief Conservator of Forests, Mizoram, Aizawl with 10(ten) spare copies.
 - 7) All Heads of Departments, Govt. of Mizoram.
 - 8) All Secretaries, Govt. of Mizoram.
 - 9) Controller, Printing & Stationeries, Govt. of Mizoram with 5 spare copies for publication in the Mizoram Gazette.
 - 10) Director of Accounts & Treasuries, Mizoram, Aizawl with 5 spare copies.
 - 11) Conservator of Forests, Northern Circle/Southern Circle.
 - 12) Under Secretary, P & AR (General Service Wing) for information. This has a reference to their U.O. No. A 32020/1/87-PAR(C) dated 12.5.87.
 - 13) Treasury Officer, Aizawl/Lunglei/Champhai.
 - 14) All Divisional Forests Officer, Mizoram.
 - 15) ~~All~~ person concerned.
 - 16) Personal Files.
 - 17) Guard File.

Dhanyu
26/6/87

(F. ROTHANGA)

Under Secretary to the Govt. of Mizoram,
Environment & Forests Deptt.

V
all

.....

Attended
Dr. Advocate

30-
ANNEXURE-E-1
53-1
GOVERNMENT OF MIZORAM
ENVIRONMENT & FORESTS DEPARTMENT

NOTIFICATION

Dated Aizawl, the 2nd Dec., 1988

No. A.32012/2/87-FST : In the interest of public service, the Governor of Mizoram is pleased to order regularisation of the adhoc appointment of the following persons as Deputy Conservator of Forests/Divisional Forests Officer with effect from 26.6.1987.

1. Pu Rczika, DCF/ DFO
2. Pu B. Suanzalanq, DCF/DFO
3. Pu P. Liankhama, DCF/DFO
4. Pu Lalthangliana Murray, DCF/DFO
5. Pu Liankima Lailung, DCF/DFO

Sd/- F. ROT ANGA
Under Secy. to the Govt. of Mizoram,
Environment & Forest Department

Memo No. A.32012/2/87-FST
Copy to :-

Dated Aizawl, the 2nd Dec., 1988

1. Secretary to Governor, Mizoram
2. Private Secretary to Chief Secretary, Mizoram.
3. All Secretaries, Govt. of Mizoram.
4. All Heads of Departments, Mizoram.
5. Accountant General, Mizoram etc. Shillong.
6. Director of Accounts & Treasuries, Mizoram.
7. Controller, Printing & Stationeries, Mizoram with 5 spare copies for publication in the Mizoram Gazette.
8. Treasury Officer, Aizawl/Lunglei/Saiha.
9. Officers concerned.
10. Personal File concerned.
11. Guard File.

INTERESTED

(K. AIR HUNGA)
Asst. Conservator of Forests,
Wildlife Division
Aizawl, Mizoram

(F. ROTHANGA)
Under Secretary to the Govt. of Mizo
Environment & Forests Department

*Attended
BIS -
Advocate*

Annex - F -

GOVERNMENT OF MIZORAM
ENVIRONMENT & FORESTS DEPARTMENT

NOTIFICATION

Dated Aizawl, the 9th Jan/89

No.A. 31013/1/83-FST :- The Governor of Mizoram is pleased to confirm the following officers of the State Forest Service of Mizoram in the post of Assistant Conservator of Forests in the Scale of Pay of Rs. 2000-60-EE-75-3200-100-3500/- p.m. with retrospective effect as shown against each :-

	<u>Date of confirmation</u>
1. Pu Rozika	19.10.1984
2. Pu Lalchungnunga Ralte (L)	19.10.1984
3. Pu Lalrammawia	19.10.1984
4. Pu C.Lalvuana	19.10.1984
5. Pu B.Suanzalang	19.10.1984

Sd/- O.N. KAUL

Secretary to the Govt. of Mizoram,
Environment & Forests Department.

Memo No. A. 31012/3/82-APT(A) : Dated Aizawl, the 9th Jan/89
Copy to :-

1. Special Secretary to the Governor of Mizoram, Aizawl.
2. P.S. to Chief Secretary, Mizoram.
3. The Controller, Printing & Stationeries, Mizoram with 6 spare copies for publication in the Mizoram Gazette.
4. Accountant General, Mizoram, etc. Shillong.
5. All Heads of Departments.
6. Treasury Officer, Aizawl/Lunglei/Saiha.
7. Director, Accounts & Treasuries, Mizoram.
8. Principal Chief Conservator of Forests, Mizoram.
9. All Officers concerned for information.
10. Personal file of the Officers concerned.
11. Guard file.

(D. LALENGLIANI)

Under Secretary to the Govt. of Mizoram,
Environment & Forests Department.

*Attended
Dul-
Advocate*

21. put up in July 1991 - Annexure - C - 49

GOVERNMENT OF MIZORAM
ENVIRONMENT & FORESTS DEPARTMENT
.....

NOTIFICATION

Dated Aizawl, the 18th July, '91.

NO.A.32020/1/83-FST : The Governor of Mizoram is pleased to determine the final inter-se-seniority of the following Deputy Conservator of Forests belonging to the Mizoram State Forests Service under the Environment and Forests Department as shown below :-

1. Pu R. Rozika
2. Pu B. Guanzalang
3. Pu P. Liankhama
4. Pu Lalthangliana Murray
5. Pu Liankima Lailung
6. Pu Vanlalsawma
7. Pu Hmingdailova Colney
8. Pu C. Lalvuana
9. Pu Albina Thangkhuma.

SG/- S.K. SANGMA
Secretary to the Govt. of Mizoram,
Environment & Forests Department

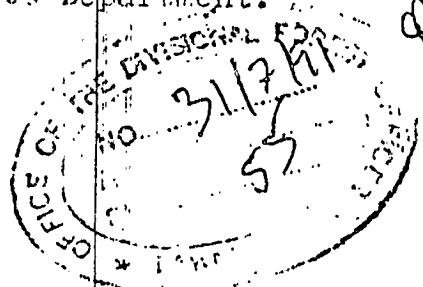
Memo No.A.32020/1/82-FST : Dated Aizawl, the 18th July, '91.

Copy to :-

1. The Principal Chief Conservator of Forests, Mizoram, Aizawl.
2. The Conservator of Forests, Northern Circle Aizawl, Southern Circle Lunglei, Research & Development Circle, Aizawl.
3. P.S. to Minister, Environment & Forests Department.
4. All Divisional Forests Officers.
5. Officers concerned.
6. Personal file of Officers concerned.
7. Guard file.

(S. K. SANGMA)
Deputy Secretary to the Govt. of Mizoram,
Environment & Forests Department.
.....

Attached
Bent
Advocate



- 10 -

No. 13013/1/95-IFS-I

Dated the 25th January, 1995

Dear Shri

The Ministry of Environment and Forests, as the Cadre Controlling Authority for the Indian Forest Service, wishes to seek the concurrence of the Joint Cadre Authority (JCA) of the AGMUT Joint Cadre, in the matter of notional allocation of promotion quota vacancies amongst the four constituent units, namely, Arunachal Pradesh, Goa, Mizoram and Union Territories. As you are aware, after coming into existence of the JCA during March, 1989 (i.e., after attainment of Statehood by the then Union territories of Arunachal Pradesh, Goa and Mizoram), no select list, constituent unitwise, for promotion to Indian Forest Service could be drawn up for the years 1988 and onwards mainly for the reason that the Ministry was not in a position to send the requisition to the UPSC for want of information regarding number of vacancies available or likely to be available in each constituent unit of the Joint Cadre for the period in question.

2. Further, while in the case of IAS and IPS, the Joint Cadre Authority had already considered and taken a formal decision regarding allocation of promotion vacancies to each constituent unit on notional basis. (Vide JCA decision contained in the Minutes of its meeting dated 20th June, 1990,) the JCA could not formally take up and decide the notional allocation of promotion quota vacancies in respect of Indian Forest Service.

3. As a result of this situation, this Ministry have been receiving a number of representations both from the the SFS officers of the constituent units of the Joint Cadre as also from SFS Office. Associations requesting this Ministry for early convening of the posting of the Selection Committee for effecting promotions of eligible officers drawn from State Forest Service to the Indian Forest Service under the IFS (Appointment by Promotion) Regulations.

ATTESTED

W. Mani

30/1/2001
Superintendent (Establishment)
Office of the Joint Secretary
Chief Conservator of Forests
Mizoram & Aland.

1995/165000
Attested

Advocate

4. Since formal decision regarding allocation of promotion quota vacancies to each constituent unit on notional basis is required to be taken, as was done in the case of IAS and IPS, as a prerequisite for convening the meeting of the Selection Committee through the Union Public Service Commission, we would like to request you to give your formal concurrence immediately, as a Member of JCA of the AGMUT Joint Cadre Authority to the proposals contained in the enclosed Note which distributes the promotion quota vacancies amongst the four constituent units. The notional allocation is on the same principles, as were earlier considered and approved by the JCA for IAS and IPS. You would kindly appreciate that the State Forest Service Officers deserve their due share in the All India Services which needs to be provided to them without further delay.

4. We are addressing the communication to the other Members of the JCA, for formal concurrence/decision.

With regards,

Yours sincerely,

(SARWESHWAR JHA)

Shri T. Ringu,
Chief Secretary
Government of Arunachal Pradesh,
Itanagar

Shri F. Pahnuna,
Chief Secretary
Government of Mizoram,
Aizawl-796001

Shri P.S. Bhatnagar,
Chief Secretary
Government of Goa,
Panaji.

Copy to : Shri V. Lakshmi Ratan, Joint Secretary, Department
of Personnel and Training, North Block, New Delhi.

(SARWESHWAR JHA)
Joint Secretary to the Government of India

ATTESTED

W. Maini
30/1/2001
Superintendent (Establishment)
Office of the Secretary
Chief Commissioner of Forests
Mizoram : Aizawl.

27.1.98

- 35 -

61
46

Note for the consideration of the Joint Cadre Authority for the IFS Cadre of Arunachal Pradesh, Goa, Mizoram and Union Territories.

AGMUT Cadre of the Indian Forest Service comprises the State of Arunachal Pradesh, Goa, Mizoram and the Union Territories of A & N Islands, Dadra Nagar Haveli & Daman and Diu. Formerly, the constituent units of the AGMUT Cadre were Union Territories and for promotions of officers to IFS in accordance with the provisions contained in the IFS (Appointment by Promotion) Regulations, 1966, a combined seniority list used to be prepared. Now with the formation of States of Arunachal Pradesh and Mizoram and Goa, the expectation is that the State Forest Service Officers belonging to these three states of the Joint AGMU Cadre will get promotion to Indian Forest Service and be posted within the state, as in the case of other State Cadres.

2. Ministry of Environment & Forest is examining proposals to consider promotion of State Forest Officers of these States separately and the UT officers in one seniority list, as before for promotion from SFS to IFS. To achieve this, the promotion quota for each of the three states and all the Union Territories (A & N Islands, Dadra & Nagar Haveli and Daman and Diu) in the AGMUT Joint Cadre has to be worked out and the vacancies in the promotion quota for each unit has to be decided.

3. So far as working out the promotion quota for the constituent units of AGMUT Joint Cadre is concerned. In case of IAS and IPS officers, the Ministry of Home Affairs have adopted the principle that the promotion quota is required to be worked out in proportion with the senior duty posts in each constituent unit, viz. Arunachal Pradesh, Goa, Mizoram and U.T's. U.T's taken as one unit. In accordance with the principles adopted in case of IAS and IPS, Ministry of Environment & Forests also proposes to determine the promotion quota in case of Indian Forest Service as detailed below :-

3.2 In the Joint AGMUT Cadre of the IFS, there are 61 senior duty posts and with the addition of Central Deputation Reserve, the total number of senior duty posts works out to 73.

<u>Break up</u>	<u>Seniority duty posts</u>
A & N Islands Dadra Nagar Haveli and Daman & Diu.	19
Arunachal Pradesh	27
Goa	6
Mizoram	9
	61
	12
	73

Add CDR

ATTESTED

W. Maini 20/11/2001
Superintendent (Establishment)
Office of the Principal
Chief Conservator of Forests
Mizoram : Aizawl.

3.3 The promotion quota in the Joint AGMUI Cadre of the IFS works out to 24 posts, in accordance with provisions contained in IFS (Recruitment) Rules, 1966, i.e., the number of persons recruited by promotion in any State or group of States shall not, any time, exceed 33 1/3 per cent of the cadre strength. Notional apportionment of the available 24 posts amongst the constituent segments of the Cadre thus works out as follows:

A & N Islands, Dadra Nagar Haveli and Daman & Diu	07
Arunachal Pradesh	11
Goa	02
Mizoram	04
Total	24 Posts

2-4

3.4 In the Joint AGMUI Cadre of the IFS, so far 19 SFS officers have been promoted to IFS and it is noted that in case of Arunachal Pradesh and Goa, there has been excess utilization of promotion quota. In case of Arunachal Pradesh, against 11 available posts, 12 officers stood promoted and in case of Goa, against 2 posts, 4 officers stood promoted. In respect of UI segment and Mizoram, there has been under utilization of the promotion quota by 3 and 4 posts respectively. (Annexure).

4. To sum-up, in the Joint AGMUI Cadre of the IFS, against 24 promotion-quota posts available, 19 officers drawn from the State Forest Service have so far been promoted to IFS (position as on 3.4. 1989). SFS officers promoted from the segments and Mizoram segment, there has been under-utilization.

5. In order to work out vacancies in each of the 4 segments of the Joint AGMUI Cadre, it is necessary to redistribute the promotee officers amongst the four constituent units for which a decision of the Joint Cadre Authority is now solicited. Ministry of Home Affairs have indicated that in case of IAS and IPS, the JCA of AGMUI cadre has decided to notionally re-allocate all the available promotee IAS and IPS officers amongst the four segments of the Cadre, considering the position as on 28.12.88. In order to ensure that vacancies in the promotion quota that would arise in future are available to the SFS Officers of Mizoram and UI segments aspiring for promotion to the IFS and also in consideration of the fact that these two segments have not occupied promotion posts in the strict proportion to the number of senior duty posts, the promotee officers likely to retire at the earliest out of the those presently serving will be notionally allocated to either Mizoram or UI segments.

6. After concurrence of the JCA for re-allocation of the available promotee officers of IFS in the segments of Mizoram and U.I.s. is received, the Ministry of Environment and Forests will initiate action for promotion of SFS Officers in the cadre under the IFS (Appointment by promotion) Regulations in consultation with the constituent units of the Cadre.

ATTESTED

W. Meen 30.1.2001
Superintendent (Establishment)
Office of the Director
Chief Conservator of Forests
Mizoram - Aizawl.

123

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ANNEXURE

CONSTITUENT UNIT - WISE

PROMOTEE OFFICERS IN THE INDIAN FOREST SERVICE

S.No.	Name	Year of allotment	Date of birth	Date of Superannuation
<u>ARUNACHAL PRADESH</u>				
1.	S/Shri G.S. Thapliyal	1969	13.01.37	31.03.1995 ✓
2.	S.K. Raha	1969	01.07.44	30.06.2002
3.	R.P. Neog	1969	01.09.42	31.08.2000
4.	S.N. Kalita	1969	01.03.46	29.07.2004
5.	K. Namchoom	1969	01.04.45	31.03.2003
6.	B.S. Daniwal	1979	10.06.48	30.06.2006
7.	P.K. Sen	1979	01.07.42	31.03.2000
8.	T. Miliang		14.03.50	31.03.2008
9.	L.K. Pait		22.08.53	31.08.2011
10.	M. Namsoom		29.05.51	31.05.2009
11.	A.K. Chatterjee	1980	26.05.49	31.05.2007
<u>GOA</u>				
12.	P.V. Savant	1969	25.07.42	31.07.2000
13.	J.F. Rangel	1969	26.03.37	28.07.1995 ✓
14.	R.A. Mazalkar	1980	27.05.39	31.05.1997
15.	R.M. Naik		18.06.49	30.06.2008
<u>U.T.S. (A & N ISLANDS)</u>				
16.	B.A. Mathews	1969	13.06.40	30.06.1998
17.	A.K. Sinha	1979	04.04.50	30.04.2008
18.	I.H. Khan	1979	15.12.51	31.12.2009
19.	S.M. Moitra		05.07.41	31.07.1999

ATTESTED

[Signature] 30/1/2001
 Superintendent (Establishment)
 Office of the Principal
 Chief Conservator of Forests
 Mizoram : Aizawl.

TO : THE JOINT SECRETARY TO THE
GOVT. OF INDIA MINISTRY OF
ENVIRONMENT & FORESTS
PARYAVARAN BHAWAN, C.O.O. COMPLEX
LODI ROAD, NEW DELHI - 3.

FROM : CHIEF SECRETARY,
GOVT. OF MIZORAM.

NO.A.45011/6/90-PERS(B) DATED AIZAWL THE 21ST MARCH'95 (.)
KINDLY REFER YOUR LETTER NO.13013/1/95-IFS-I
DT.25.1.95 REGARDING PROPOSAL FOR NOTIONAL
ALLOCATION OF PROMOTION QUOTA VACANCIES AMONGST
FOUR CONSTITUENT UNITS OF IFS, AGMU CADRE (.)
THE GOVT. OF MIZORAM HAS NO OBJECTION ON THE
ABOVE MENTIONED PROPOSALS (.)

Memo NO.A.45011/6/90-PERS(B):Dated Aizawl, the 21st March'95.
Copy to :-

1. The S.O., I.S.P.W. for immediate transmission.
2. Post copy in confirmation.
3. Joint Secretary, Govt. of Mizoram, Environment & Forests Department.
4. ✓ Principal Chief Conservator of Forests, Mizoram.

(HMINGTHAN CHAMA)

Under Secretary to the Govt. of Mizoram,
Deptt. of Personnel & Administrative Reforms,
Civil Service Wing.

Spare Copy

22/3/95

Wdmanri

30/1/2009

OF THE PCK... 2207... 22/3...

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Attended
RUF-
Advocate

No. 16016/4/95-AIS(11)-A

Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

New Delhi, the 26/10/95

NOTIFICATION

G.S.R. No. In exercise of the powers conferred by sub-section (1) of Section 3 of the All India Services Act, 1951 (61 of 1951) read with sub-rule (2) of Rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Government, in consultation with the Government of Arunachal Pradesh, Goa, and Mizoram, hereby makes the following regulations further to amend the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, namely:-

1. (1) These regulations may be called Indian Forest Service (Fixation of Cadre Strength) Sixth Amendment Regulations, 1995.

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

2. In the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, for the heading "Arunachal Pradesh-Goa-Mizoram-Union Territories" and entries occurring thereunder, the following shall be substituted namely:-

"ARUNACHAL PRADESH-GOA-MIZORAM-UNION TERRITORIES"

1. Senior Posts under the Governments of Arunachal Pradesh-Goa-Mizoram-Union Territories 95

Posts under the Government of Arunachal Pradesh

Principal Chief Conservator of Forests 1

Chief Conservator of Forests (Development) 1

Chief Conservator of Forests (Wildlife, Wastelands & Vigilance) 1

Conservator of Forests (Territorial) 4
[Central, Western, Eastern & Southern]

Conservator of Forests (Planning & Development) 1

Conservator of Forests (Conservation-Nodal Officer) 1

Deputy Conservator of Forests (Territorial) 10
[Dibang, Lohit, Along, Namsai, Pasighat, Nampong, Bandardeva, Deomali, Heapoti, Bomdila]

Deputy Conservator of Forests (Headquarters) 1

Deputy Conservator of Forests (Wildlife)

Deputy Conservator of Forests (Industries)

Deptt. of Personnel
Adm. Reforms (C)
Receipt No. 2511
Date... 18/11/95

Attested
Sd/-
Sd/-
Sd/-

1 keep in
want file for
Sd/-

- 2 - J - 40 - 5

Deputy Conservator of Forests (Working Plan)	1
Deputy Conservator of Forests (Forest Utilisation)	1
Deputy Conservator of Forests (Research, Resources Survey)	1
Deputy Conservator of Forests (Silviculture)	1
Deputy Conservator of Forests (Forest Statistics & Planning)	1
Deputy Conservator of Forests & Field Director, Project Tiger, Namdapha	1
Deputy Conservator of Forests (Social Forestry)	2

34

Posts under the Government of Goa

Conservator of Forests	1
Deputy Conservator of Forests (Territorial)	2
Deputy Conservator of Forests (Cashew)	1
Deputy Conservator of Forests (Working Plan)	1
Deputy Conservator of Forests (Forest Utilisation)	1
Deputy Conservator of Forests (Wildlife)	1
Deputy Conservator of Forests (Social Forestry)	1

8

Posts under the Government of Mizoram

Principal Chief Conservator of Forests	1
Chief Conservator of Forest (Development & Planning)	1
(Chief) Conservator of Forests (Territorial) [Northern, Southern & Central Circles]	3
Conservator of Forests (Research & Development)	1
Conservator of Forests & Chief Wildlife Warden	1
Deputy Conservator of Forests (Territorial) [Aizawl, Kolasib, Sunglhai, Champhai, Kawnthan, Darlawn]	6
Deputy Conservator of Forests (Planning)	1
Deputy Conservator of Forests (Training)	1
Deputy Conservator of Forests (Working Plan)	2
Deputy Conservator of Forests (Wildlife)	1
Deputy Conservator of Forests (Resources Survey)	1

Posts under the Andaman & Nicobar Administration

Principal Chief Conservator of Forests	1
Chief Conservator of Forests & Chief Wildlife Warden	1
Conservator of Forests (Territorial) [Northern & Southern Circles]	2
Conservator of Forests (Research & Development)	1
Conservator of Forests (Development & Utilisation)	1
Conservator of Forests (Wildlife)	1
Deputy Conservator of Forests (Territorial) [Diglipur, Mayabunder, Middle Andaman, Baratang, South Andaman, Little Andaman, Nicobar Islands]	7
Deputy Conservator of Forests (Depot)	1
Deputy Conservator of Forests (Biosphere Reserve)	1
Deputy Conservator of Forests (Mill)	1
Deputy Conservator of Forests (Silviculture)	1
Deputy Conservator of Forests (Working Plan)	2
Deputy Conservator of Forests (Forest Utilisation)	1
Deputy Conservator of Forests (Headquarters)	1
Deputy Conservator of Forests (Wildlife)	1

23

Posts under Dadra & Nagar Haveli and Daman & Diu Administration

Conservator of Forests & Chief Wildlife Warden	1
Deputy Conservator of Forests (Territorial) [Dadra & Nagar Haveli]	1
Deputy Conservator of Forests (Wildlife), [Dadra & Nagar Haveli]	1
Deputy Conservator of Forests, Daman & Diu	1

4

Posts under the Delhi Government

Conservator of Forests & Chief Wildlife Warden	1
Deputy Conservator of Forests (Rural)	1

Deputy Conservator of Forests (Urban)	1
Deputy Conservator of Forests (Reserve Forests)	1
	4

Posts under the Pondicherry Government

Deputy Conservator of Forests & Chief Wildlife Warden	1
	1

Posts under the Lakshadweep Administration

Deputy Conservator of Forest & Chief Wildlife Warden	1
	1

Posts under the Chandigarh Administration

Deputy Conservator of Forests & Chief Wildlife Warden	1
	1

TOTAL:	95
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- | | |
|---|----|
| 2. Central Deputation Reserve @ 20% of Item 1 above | 19 |
| 3. Posts to be filled by promotion in accordance with Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, @ 33 1/3% of Items 1 and 2 above | 38 |
| 4. Posts to be filled by direct recruitment (1+2+3) | 76 |
| 5. Deputation Reserve @ 25% of Item 1 above | 23 |
| 6. Leave Reserve, Training Reserve & Junior Posts @ 20% of Item 1 above | 19 |

Direct Recruitment Posts	118
Promotion posts	38
Total, Authorised Strength	156

Matta

(Madhumita D. Mitra)
Desk Officer

Note 1: Prior to the issue of this notification the total authorised strength of the Arunachal-Pradesh-Goa-Mizoram-Union Territories Cadre was 100.

Note 2: The Principal Regulations were notified vide Notification No. 6/1/66 - AIS(IV), dated 31.10.1966 as GSR No.1072 in the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, has been amended vide Notification given below:-

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

F.NO.32012/1/93-IFS-I

Government of India
Ministry of Environment and Forests
Paryavaran Bhavan,
CGO Complex, Lodhi Rd.,
New Delhi - 110003

Dated the 26th September, 1996

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 8 of the Indian Forest Service (Recruitment) Rules, 1966 read with sub-regulation (1) of regulation 9 of the Indian Forest Service (Appointment by Promotion) Regulations, 1966, the President is pleased to appoint with immediate effect the undermentioned twenty officers of the State Forest Service of Arunachal Pradesh, Mizoram and Andaman & Nicobar Administration, constituent units of the Arunachal Pradesh-Goa-Mizoram and Union Territories (AGMUT) cadre, to the Indian Forest Service against the existing vacancies and to allocate them to the AGMUT cadre of the Indian Forest Service under sub-rule (1) of rule 5 of the Indian Forest Service (Cadre) Rules, 1966:-

S.No.	Name of the officer.	Date of birth
-------	----------------------	---------------

Arunachal Pradesh:

S/Shri

01	R. Modi	01.03.1947
02	S.J. Jongsom	03.01.1955
03	R.K. Deori	01.03.1959
04	S. Thirunavukarasu	04.02.1954

Mizoram:

S/Shri

01	R. Rozika	01.04.1939
02	B. Suanzalang	31.03.1955 ✓
03	P. Liankhama	01.03.1949
04	Lalthangliana Murray	16.04.1959
05	Liankima Lailung	10.11.1961
06	Vanlalsawma	01.03.1959
07	Hmingdailova Colney	01.05.1959

Submitted
D. V.
Admak

CSAmm

44 5

Andaman & Nicobar Administration:

SECRETARY'S OFFICE

S/Shri

01	J.P. Misra	05.07.1954
02	Randhir Singh	17.11.1938
03	M.P. Singh	08.12.1945
04	B.P. Singh	01.04.1947
05	S.C. Mukhopadhyay	26.10.1950
06	Anutosh Guha	30.01.1949
07	George Jacob	14.12.1952
08	V. Chandrapandian	25.03.1953
09	Jitendra Kumar	27.10.1960

(Signature)
(R. Sanehal)

To
The Manager,
Government of India Press,
Fardiabad (Haryana) (with a copy of Hindi Version)

Distribution:

1. The Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.
2. The Chief Secretary, Govt. of Mizoram, Aizawl.
3. The Chief Secretary, Govt. of Andaman & Nicobar Islands, Port Blair.
4. The Principal Chief Conservator of Forests, Arunachal Pradesh, Itanagar with spare copies for the officers concerned.
5. The Principal Chief Conservator of Forests, Mizoram, Aizawl with the spare copies for the officers concerned.
6. The Principal Chief Conservator of Forests, Andaman & Nicobar Islands, Port Blair with the spare copies for the officers concerned.
7. The Accountant General, Arunachal Pradesh, Itanagar.
8. The Accountant General, Mizoram, Aizawl.
9. The Accountant General, Andaman Nicobar Islands, Port Blair.
10. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan, Road, New Delhi.
11. Guard File.

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No. 32012/1/93 - IFS-1
Government of India
Ministry of Environment and Forests

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

Dated the 26th June, 2000
29

O R D E R

The year of allotment and seniority of the following officers borne on the Arunachal Pradesh - Goa - Mizoram - Union Territories (AGMUT) Joint Cadre of the Indian Forest Service who were promoted from the State Forest Service to the Indian Forest Service with effect from the dates and vide notification indicated against each is required to be determined in terms of the provisions of Rule 3(2)(c) and 4 (4) of the Indian Forest Service (Regulation of Seniority) Rules, 1968 applicable in their cases:-

A. Arunachal Pradesh

S.No.	Name & DOB (S/Shri)	Date of appointment IFS	Notification No. & Date
01.	R. Modi (01.03.47)	26.09.96	F.No.32012/1/93-IFS-1 dt. 26.09.96
02.	S.J. Jongsem (03.01.55)	26.09.96	- do -
03.	R.K. Deori (01.03.59)	26.09.96	- do -
04.	S. Thirunavukarasu (04.02.54)	10.10.96	- do -
05.	S. Chowdhury (01.04.40)	17.12.97	F.No.32012/1/93-IFS-1 dt. 17.12.97

B. Mizoram

01.	R. Rozika (01.04.39)	26.09.96	F.No.32012/1/93-IFS-1 dt. 26.9.96
02.	B. Suanzalang (31.03.55)	26.09.96	- do -
03.	P. Liankhama (01.03.49)	26.09.96	- do -
04.	Lalthangliana Murray (16.04.59)	26.09.96	- do -
05.	Liankima Lailung (10.11.61)	26.09.96	- do -
06.	Vanlalsawma (01.03.59)	26.09.96	- do -
07.	Hmingdailova Colney (01.05.59)	26.09.96	- do -

Date

Attended
Dul
Salmani

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C. Andaman & Nicobar Administration

S.No.	Name & DOB (S/Shri)	Date of appt. to IFS	Notification No. & Date
01.	J.P. Misra (05.07.54)	26.09.96	F.No.32012/1/93-IFS-I dt. 26.09.96
02.	Randhir Singh (17.11.38)	26.09.96	- do -
03.	M.P. Singh (08.12.45)	26.09.96	- do -
04.	B.P. Singh (01.04.47)	26.09.96	- do -
05.	S.C. Mukhopadhyay (26.10.50)	26.09.96	- do -
06.	Anantosh Guha (30.01.49)	26.09.96	- do -
07.	George Jacob (14.12.52)	26.09.96	- do -
08.	V. Chandrapandian (25.03.53)	26.09.96	- do -
09.	Jitendra Kumar (27.10.60)	26.09.96	- do -
10.	P.M. Bhatt (03.06.50)	11.10.96	F.No.32012/1/93-IFS-I dt. 11.10.96
11.	S.K. Mitra (23.11.47)	02.12.96	F.No.32012/1/93-IFS-I dt. 02.12.96

2. None of these officers has officiated in senior posts for the purpose of rule 2(g) read with rule 3(2)(c) of the IFS (Regulation of Seniority Rules) 1968 prior to their appointment on promotion to the Indian Forest Service in accordance with the provisions of Rule 9 of the IFS (cadre) Rules, 1966.

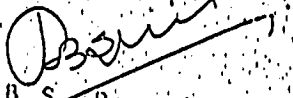
3. Accordingly, in terms of the provisions of Indian Forest Service (Regulation of Seniority) Rules, 1968 all of them except Shri S. Chowdhury whose name appears at S.No.5 under the Arunachal Pradesh segment are placed below Shri Ngilyang Tam, IFS (RR:1992) who has been continuously drawing the senior time scale for IFS prior to the date of their appointment to IFS on promotion and their year of allotment will be 1992. Shri S. Chowdhury will be placed below Shri Santosh Kumar, IFS (RR:1993) who has been continuously drawing the senior time scale for IFS before the date of appointment of Shri S. Chowdhury to IFS on promotion and his year of allotment will be 1993.

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4. A separate order will follow regarding the inter-se seniority of the above officers in the Joint AGMUT Cadre.


(R.B.S. Rawat)
Director

Distribution :

1. Chief Secretary, Arunachal Pradesh/Goa/Mizoram/A&N Islands, Itanagar/Panaji/Aizawl/Port Blair.
2. PCCFs, Arunachal Pradesh/Mizoram/A&N Islands, Itanagar/Aizawl/Port Blair.
3. CF, Goa, Panaji.
4. Secretary, UPSC, Shahjahan Road, New Delhi.
5. Accountant General, Arunachal Pradesh/Goa/Mizoram, Itanagar/Panaji/Aizawl.
6. Deputy Accountant General, A&N Islands, Port Blair.

Annexure - K

To,

1. The Union of India,
Through : The Secretary,
Ministry of Environment & Forests,
Parvavaran Bhawan,
C.G.O. Complex, Lodi Road,
New Delhi - 110003
2. The Union Public Service Commission,
Through : The Secretary,
Union Public Service Commission,
(Sanglok Seva Bhavan)
Dholpur House, Shahjahan Road,
New Delhi - 110011
3. His Excellency, the Governor,
Govt. of Mizoram,
Aizawl - 796001
4. The Principal Chief Conservator of Forests,
Govt. of Mizoram,
Environment & Forests Department,
Aizawl - 796001.

Subj : Demand of Justice Notice Reg. year of allotment.

Sir,

Whereas I, Shri. B. SUAM ZA LANG, I.F.S. Deputy Conservator of Forests, Environment & Forests Department, Govt. of Mizoram was inducted to I.F.S. from J.F.S. Mizoram on ADUT Cadre vide Ministry's Notification No. 32/02/1/03/195-I dated 26.9.96 stated as follows :-

1. That, according to Civil List of the Indian Forest Service, as on the 1st January, 1987, by Govt. of India, Ministry of Environment & Forests vacant posts was 5 no. of senior duty posts. (Appendix I of Annexure XV). This is out of 24 senior duty post 19 was filled up according to the I.F.S. (Fixation of cadre strength) Second Amendment Regulations, 1995 (xerox copy enclosed at annexure XIV). Number of senior duty post calculated above is also not correct according to sub-section 2(g) of the I.F.S. (Regulation of Seniority) Rules, 1968, which defines - "Senior Post" means a post included and specified under item 1 of the cadre of each State in the schedule to the Indian Forest

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Service (Fixation of Cadre strength) Regulations, 1966, and includes a post included in the number of posts specified in items 2 and 5 of the said cadre, when held on senior scale of pay, by an officer recruited to the service in accordance with sub-rule (1) of rule 4 or rule 7 of the Recruitment Rules."

Accordingly, I.F.S. (Fixation of cadre strength) Second Amendment Regulations, 1985 promotion post will work out to be = $\frac{61+12+7}{3}$ = 26.66 say, 27 number of posts against 24 posts indicated in the compilation of the Ministry Civil Lists of I.F.S. 1987 (copy enclosed at annexure (V)). Because 33 1/3% of persons to be appointed should be promotee from senior S.F.S. Officers. This very particular case was also tried in the case of CAT Jabalpur Bench in OA No. 394/1990 K.K. Goswami Vs Union of India and others which was upheld by Hon'ble Supreme Court vide SLP/3464/195 (xerox copy enclosed at annexure (VII))

Accordingly, the Govt. of M.P. and West Bengal have notified re-fixation of cadre strength with retrospective effect basing on judgement of CAT Jabalpur Bench and in OA/994 of 1994 of CAT Bench Calcutta Dyuti Kumar Basu and another Vs Union of India and other and filled up the posts with retrospective effect.

That, I joined S.F.S. College on 1.5.1977 and completed successfully two year's Diploma Course in Forestry on 30.4.1979. I joined duty as A.C.F. on 7.5.1979. I was appointed as A.C.F. (copy enclosed at Annexure-I). I was regularised as A.C.F. w.e.f. 7.5.79 (copy enclosed at Annexure-II). I was confirmed as A.C.F. w.e.f. 19.10.1984 (copy enclosed at Annexure-III). I was promoted to D.C.F. (S.F.S.) w.e.f. 26.6.1987 (copy enclosed at Annexure-IV). I was regularised as D.C.F. (S.F.S.) w.e.f. 26.6.1987 (copy enclosed at Annexure-V). I was promoted to I.F.S. D.C.F. w.e.f. 26.9.1996 (copy enclosed at Annexure-VI). I was posted

as D.F.O. Kawrthah w.e.f. 30.10.1982 (copy enclosed at Annexure-VII). I was posted as D.F.O. Chhimtuipui at Lawngtlai w.e.f. 29.6.1983 (copy enclosed at Annexure-VIII). I was posted as D.F.O. Champhai w.e.f. 4.9.1986 (copy enclosed at Annexure-IX). I was posted as D.F.O. Protection Div. Aizawl w.e.f. 15.1.1988 (copy enclosed at Annexure-X). I was posted as D.F.O. Chhimtuipui at Lawngtlai w.e.f. 11.12.1990 (copy enclosed at Annexure-XI). I was posted as D.F.O. Kolasib Div. w.e.f. 3.12.1991 (I.F.S. Cadre post at Kolasib) (Copy enclosed at Annexure-XII). I joined as D.F.O. Kolasib Forest Division w.e.f. 27.12.1991 (copy of posting order enclosed at Annexure-XII). I joined as D.F.O. Working Plan w.e.f. 10.5.1994 till date. (I.F.S. Cadre Post) (copy of posting order enclosed at Annexure-XIII).

- 2) According to Explanation 1 of the I.F.S. (Regulation of Seniority) Rules, 1968 ever since this is the first Select List prepared by the Selection Committee constituted under Regulation 3 of the I.F.S. (Appointment by promotion) Regulations, 1966, the period of my continuous officiation in a senior post or post declared equivalent there to prior to the date of the inclusion of my name in the first Select List shall count, if such of my officiation is approved by the Central Govt. in consultation with the Commission. Accordingly, I was officiating a senior posts since 27.11.1982 till today. Therefore, my due date of promotion to I.F.S. was 1.1.1987. By this time I was holding D.F.O. D.C.F. Champhai Forest Division. My earliest year of allotment could then be 1987 minus 4 years i.e. 1983.

This is the case where your kind and sympathetic consideration is required so as to regularised my continuous officiation in senior posts. I was confirmed as A.C.F. w.e.f. 19.10.1984

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- 51 -

and there was vacancy from 1984 and 1985 I.F.S. (Fixation of cadre strength) Regulations.

Secondly, my confirmation order was out in 1989 (as per copy enclosed at Annexure-III). If I were allowed promotion in January 1989, my year of allotment would have been 1985 (1989-4) at least.

Thirdly, based on Explanation 1 and 2 of the I.F.S. (Regulation of Seniority) Rules, 1968, I have officiated I.F.S. Cadre Post (Senior Post) of Kolasib Forest Division w.e.f. 27.12.1991 and D.F.O. Working Plan till date without break and reversion (about last 6 1/2 years) my year of allotment must have been 1987 (1991-4 years).

These above three conditions are requiring your kind and sympathetic consideration. It appears that I had done the job but I was not rewarded only.

- 3) That, Selection Committee meeting for appointment by promotion under I.F.S. (Appointment by promotion) Regulation, 1966 was held during 1995 after a gap of 9 years and this Committee which met after a gap of 9 years clubbed all the unfilled vacancies plus vacancies accrued due to retirement and also due to cadre review during the intervening period of 9 years and prepared 1995 Select Lists for promotion of 20 S.F.S. Senior Officers and appointed them w.e.f. 20.9.1996.

According to Section 1 of the I.F.S. (Appointment by Promotion) Regulations, 1966, the Regulations shall be deemed to have come into force with effect from 1.7.1966 till today.

Secondly, according to Sub-section 1 of section 5 - Preparation of a list of suitable Officers as :- "Each Committee shall ordinarily meet at intervals not exceeding one year and

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prepare a list of such members of the State Forest Service as are held by them to the suitable for promotion to the service. The number of members of the State Forest Service to be included in the list shall be calculated as the number of substantive vacancies anticipated in the course of the period of 12 months, commencing from the date of preparation of the list, in the posts available for them under Rule 9 of the Recruitment Rules plus twenty percent of such number or two whichever is greater." (xerox copy enclosed at Annexure-XIX).

From the above sub-section 1 of Section 5 of the I.F.S. (Appointment by Promotion) Regulations, 1966. It is obvious that year-wise Select Lists and year-wise vacancies was to be prepared and filled the vacancies year-wise. Clubbing of all vacancies of last nine years is void and may kindly be re-viewed by authority.

Since the I.F.S. (Appointment by Promotion) Regulations, 1966 was effective from 1.7.1966 without any break till today, year-wise sitting of Selection Committee is unavoidable.

Whereas one-third of the posts are to be filled from promotees I.F.S. there was no promotee I.F.S. Officers among I.F.S. Officers appointed w.e.f. 1985, 1986, 1987, 1988 year of allotment. During 1985 there are eleven Regular Recruits and no promotee. During 1986 there are eleven Regular Recruits and no promotees and so on. All one-third of Regular Recruits already appointed without maintaining Quota Ratio with promotees may kindly be re-viewed as per provision of Section 8 and 9 of the I.F.S. (Recruitment) Rules, 1966. (Civil Lists of the I.F.S. 1997 enclosed at Annexure-XX).

- 4) That 28 S.F.S. Officers of J & K who were also promoted from same 1995 Select List have been given deemed date of appointment thereby higher year of allotment on the basis of number of vacancies accrued in the intervening period due to retirement, due to deemed cadre review and, therefore, my case is analogical and stands exactly on the same footing. Therefore, the case needs sympathetic consideration for deemed date of appointment and appropriate year of allotment.

Remedy Exhausted :

That, being aggrieved by Ministry's Notification No.32102/1/93-IFS-I dated 26.9.'96 a representation was submitted to the Secretary to the Govt. of India, Ministry of Environment and Forests under intimation to the Secretary, Union Public Service Commission on 3.2.'98 requesting them to confer legitimate deemed date of appointment and thereby appropriate year of allotment on the basis of judgement in various CAT cases, at par with the treatment of 28 Officers of J & K and base on appropriate Indian Forest Service Rules and Regulations.

Art.16(1) of the Indian Constitution provides equal opportunity in the matter of employment (for same grade Officers).

Therefore, justice prayed for :-

- a) Upward revision retrospectively in the number of promotion post from 24 to 27 as on the date of 26.3.1985 I.F.S. Cadre strength of erstwhile U.T. Cadre. (xerox copy of O.A.No.994 of 1990 decided on July 26, 1994 by Dvuti Kumar Basu and others Vrs Union of India and other enclosed at Annexure-VII).

contd....7/-

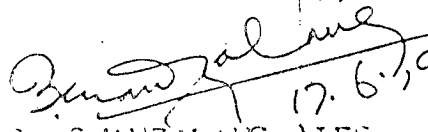
- b) Preparation of year-wise panel on the basis of year-wise eligibility list against year-wise vacancies available from time to time from the date of last Section Committee meeting held during 1986 by conducting re-view D.P.C. (xerox copy of CAT Allahabad Bench Allahabad order of case OA.No.982/96 where the above similar case was tried enclosed at Annexure-XVIII).

I, therefore, pray you earnestly for decision in the matter within 90 (ninety) days from the date of receipt of this communication. Otherwise, I may be forced to seek legal remedies for redressal of my grievances.

This supercedes my Demand of Justice Notice dated 4.6.1998.

Thanking you.

Yours faithfully,


(B. S. JANZANG) IFS,
Deputy Conservator of Forests,
Environment & Forests Department,
Aizawl - 796001,
Mizoram.

Encls :

- Annexure-1. Xerox copy of Appt. as A.C.F.
2. Xerox copy of regularisation of Appt. as A.C.F.
3. Xerox copy of confirmation to A.C.F.
4. Xerox copy of promotion to D.C.F. (State)
5. Xerox copy of regularisation of promotion to D.C.F.
6. Xerox copy of appoint to I.F.S. D.C.F.
7. Xerox copy of posting as D.F.O. Kawrthah
8. Xerox copy of posting as D.F.O. Lawngtlai
9. Xerox copy of posting as D.F.O. Champhai
10. Xerox copy of posting as D.F.O. Protection
11. Xerox copy of posting as D.F.O. Lawngtlai
12. Xerox copy of posting as D.F.O. Kolasib
13. Xerox copy of posting as D.F.O. working Plan
14. Xerox copy of I.F.S. (Fixation of cadre strength) Regulations, 1985
15. Xerox copy of Civil List of I.F.S. 1987
16. Xerox copy of I.F.S. J&K Cadre Revision of Seniority
17. Xerox copy of OA.No.994 of 1990 Dvuti Kumar Basu and others Vrs. Union of India and other
18. Xerox copy of CAT Allahabad Bench order of OA. No.982/96
19. Xerox copy of I.F.S. (Appt. by promotion) Regulations, 1966.
20. Xerox copy of Civil List of I.F.S. 1997.

55- Annex - 16

M

GOVERNMENT OF MIZORAM
OFFICE OF THE DIVISIONAL FOREST OFFICER
AIZAWL FOREST DIVISION
AIZAWL : MIZORAM

No. A-19014/1/99-DFO(A)/pt. _____ Dated, Aizawl, the 13th, Sept, 2000
To,

The Director,
Govt. of India, MOEF,
Paryavaran, Bhawan, C.G.O. Complex,
Lodi Road, New Delhi-110003.

Through Proper Channel.

Subj:- Expost facto approval of continuous
Officiation in IFS Cadre Posts by
Central Government.

Ref:- Your Order No. 32012/1/93-IFS-I of 26.9.2000.

Sir,

With reference to the Order No. quoted above (xerox copy of which is enclosed in appendix-I), I have the honour to state following few lines for your kind and sympathetic re-consideration.

That Sir, I was promoted to the Deputy Conservator of Forests (DCF) by State Govt. of Mizoram on 26.6.87 (xerox copy enclosed in appendix-II). I was continuously officiating in senior duty post of I.F.S. Cadre Post starting from 27.12.1991-1.5.1994 as D.F.O. Kolasib Forest Division and from 10.5.1994-22.6.1998 as W.P.O. Working Plan Forest Division Aizawl. (Transfer of Charge Certificate in question are enclosed in appendix-III and IV). I was also drawing senior scale of pay w.e.f. 26.6.1987. (Xerox copy of Pay slip enclosed in Appendix-V). This indicates that I was continuously officiating in IFS Cadre senior duty post from 27.12.1991 till I was promoted to senior scale of IFS on 26.9.1996.

Duration of period of continuous officiation is 4(four) years 8 months and 29 days. The reason is that there are only 9 (nine) I.F.S. Officers for 10(ten) posts of IFS Cadre Post. (This includes CF, R&D Circle).

Since I am employed in the State Government affairs of State Government of Mizoram seeking approval of Central Government towards my continuous officiation in senior duty post of I.F.S. Cadre was not done till date because of which my year of allotment was considered to be 1992 (which is 4 year delayed than 1987).

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I have also submitted representation for promotion to IFS Vide No.A-20012/1/92-DFO(K)/5983 of 29.9.92 (enclosed in appendix-VI). I hereby submitted information in respect of promotee Officers to clarify my posting in existing IFS Cadre Post (Appendix-VII) and (Appendix-VIII). These Working Plan Division and Kolasib Forest Division were notified under No.16016/2/84-AIS(IV)-A of 26.3.1985 under the Govt. of Mizoram. Working Plan Forest Division was given by name, Aizawl, Lunglei, Kolasib Forest Division and DCF(Hqrs) were placed under 4(four) post of D.C.F.

I therefore, would like to request you kindly to look into this pitiable case and convey your kind ~~expost facto~~ approval to said continuous officiation in black and white as has happened.

Secondly, I would as such request you kindly to allot me 1987 year of allotment (i.e. 1991-4=1987) based on my particular would be approved continuous officiation in senior duty post of I.F.S. Cadre since 27.12.1991 under Govt. of Mizoram.

Thanking you.

Yours faithfully,

List of enclosures :

- 1) Year of allotment Order.
- 2) Promotion to DCF(State Cadre)
- 3) Transfer of Charge Certificate.
- 4) Transfer of Charge Certificate.
- 5) Pay Slip.
- 6) Representation for Promotion.
- 7) Information in respect of Promotee Officers. Proforma-I.
- 8) Report of Existing Cadre Post.

(B.SUANZALANG) IFS,
Divisional Forest Officer,
Aizawl Forest Division,
Aizawl : Mizoram
.....

Memo No.A-19014/1/99-DFO(A)/ 87 Dated, Aizawl, the 13 Sept, 2000
Copy to :-

- 1) Director, G.O.I., MOEF, Paryavaran Bhawan C.G.O. Complex, Lodi Road, New Delhi-110003.
- 2) The Secretary to the Govt. of Mizoram, Environment & Forests Department.
- 3) Principal Chief Conservator of Forests, Mizoram, Aizawl for favour of information and necessary action.

B.Suanzalang
13/9/2000
Divisional Forest Officer,
Aizawl Forest Division,
Aizawl : Mizoram
.....

etc

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
20 AUG 2001
गुवाहाटी बेंच

68

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

COUNTER AFFIDAVIT OF THE RESPONDENT NO.1 TO THE
ORIGINAL APPLICATION NO.195/2001

Filed by
20/8/01
(A. DEBROY)
Sr. C. G. & C.
C. A. T., Guwahati Bench

IN THE MATTER OF

Shri B.Suanzalang - Applicant
Vs
Union of India and Others - Respondent

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Through

(Arunesh Deb Roy)
Sr. Central Govt. Standing Counsel
CAT Guwahati Bench

69

**ORIGINAL APPLICATION No. 195/2001 IN THE CAT
GUWAHATI BENCH**

Shri B. Suanzalang, IFS - - Applicant

Vs.

Union of India & Others - - Respondents.

Reply on behalf of the Respondent No.1

I, G.P.Haldar, aged 53 years, son of Shri Krishna Prasad Haldar, Working as Under Secretary in the Ministry of Environment & Forests, Government of India, Paryavaran Bhawan, New Delhi do hereby solemnly affirm and say as under:

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

3.1 Indian Forest Service (IFS) is one of the three All India Services constituted under the All India Services Act, 1951. The service is organized into cadres, one each for a State or a group of States. The State of Mizoram is a participating unit of the joint Arunachal Pradesh - Goa- Mizoram- Union Territories (AGMUT) Cadre of IFS. Appointment of persons to this Service is made as per provisions made in the IFS (Recruitment) Rules, 1966, IFS (Appointment by Competitive Examination) Regulations, 1967 and IFS (Appointment by Promotion) Regulations, 1966 and other provisions as amended from time to time.

3.2 With the conferment of statehood on a number of UTs in the late eighties, the erstwhile Union Territories Cadre of IFS was reconstituted as the Arunachal Pradesh- Goa - Mizoram - Union Territories (AGMUT) joint Cadre of IFS and notified vide Department of Personnel and Training Notification No. 11031/35/88-AIS (II) B dated the 28th December 1988. With this notification, the UT Cadre of IFS ceased to exist and the last time promotion of State Forest Service (SFS) officers to the UT cadre of IFS was made in 1987.

3.3 Consequent on the re-constitution of the UT cadre of IFS as joint AGMUT cadre of IFS, several vital issues had to be addressed and sorted out before further promotion of State Forest Service Officers to any of the constituent units of the joint cadre could be made. There has to be a Joint Cadre Authority (JCA) in relation to the joint cadre to exercise some functions of the "State" mentioned in various rules/regulations relating to the Service. The JCA for all the three All India Service of the Joint AGMUT cadre was constituted by the Department of Personnel and Training vide Notification No. 13013/1/89-AIS (I), dated 3.4.89. While the powers and functions to be exercised by each of the constituent Units of the joint cadre, the Joint Cadre Authority and the Cadre Controlling Authority at the centre namely Ministry of Environment & Forests were being considered by the Ministry, the Department of Personnel & Training re-constituted the JCA exclusively for IAS and IPS of the Joint AGMUT cadre vide Notification No. 14015/40/92-AIS (1) dated 11.12.92 and advised the Respondent to suggest revised constitution of JCA exclusively for IFS of the Joint Cadre. The Hon'ble Principal Bench of the Central Administrative Tribunal, however, while deciding a case O.A. No. 222/94 in their judgement dated 2.6.94, ruled that the JCA constituted for the IFS of the Joint AGMUT cadre vide Notification dated 3.4.89 continued to exist, and that set all the doubts at rest.

3.4 Once the JCA for the Joint AGMUT cadre of IFS was in place, it has to undertake the exercise of notional allocation of the promotion quota posts for IFS to the units of the Joint cadre in proportion to their sanctioned Senior Duty Posts as has been done in the case of the other two All India Services of this Joint Cadre. Thereafter, the JCA also undertook the notional allocation of the promotee IFS Officers of the Joint Cadre to the constituent Units, after which only a clear picture could emerge about the number of promotion quota vacancies in each constituent unit of the Joint Cadre. There was also the cadre review of the Joint AGMUT Cadre of IFS in 1995, resulting in increase in the number of posts in the cadre as also in the promotion quota for the constituent Units. All these developments took a long time, as a result of which no meeting of the Selection Committee as provided in the IFS (Appointment by Promotion) Regulations, 1966 could be held after 1987 till 1995, and the first meeting of the Selection Committee after the UT cadre was reconstituted as Joint AGMUT cadre of IFS was held in 1996, on the basis of which the Applicant was appointed on promotion to the Indian Forest Service. With this background in view, the replying Respondent proceeds to reply to the specific averments made in the Original Application.

4 (i) In response to averments made in para 1 (i) and (ii) of the Original Application, the replying Respondent submits that in the year 1987, when promotion to the UT Cadre of IFS was last made from the eligible State Forest Service (SFS) officers, there was no proposal from the Government of Mizoram for promotion to IFS. The Applicant was considered by the Selection Committee at its next meeting held in 1996 as a result of which he was promoted to IFS and his seniority /Year of Allotment fixed as per rules.

(ii) In response to averments made in sub-para (1), (2), (3) and (4) of para 4 of the Application, the replying Respondent has no comments to offer, as these are not within his jurisdiction.

(iii) In response to averments made in sub-para (5) of para 4, the Respondent submits that no promotion quota for any segment of the UTs was worked out/allocated in the eighties. Therefore, a promotion quota of 3 for Mizoram during 1985, 1986, 1987 etc. is the creation of the mind of the Applicant.

(iv) Averments made in Sub-para (6), (7), (8), (9), (10) of para 4 call for no comments from the replying Respondent, as these are not within his jurisdiction.

(v) In reply to averments made in sub-para (11) of para 4, it is submitted that the purpose of the Respondent's letter No. 13013/1/95-IFS I, dated 25.1.95 was to get the concurrence of the members of JCA to the notional allocation of promotion quota posts for IFS for the first time as explained in para 3.4 of this reply. Before this, there was no allocation of promotion quota for the individual units of Union Territories and promotion to IFS used to be made on the basis of the availability of eligible candidates in various segments of the then UT cadre. There was therefore, no question of under utilization or over utilization by any segment till that time. This question arose only after UT cadre was reconstituted as a Joint AGMUT cadre.

(vi) In reply to averments made in sub-para 12 of para 4, it is submitted that the No. of Sr. Duty Posts in the joint cadre, as also for the Mizoram segment of the joint cadre was increased as a result of cadre review in 1995.

(vii) Averments made in Sub-para (13) of para 4 are matters of record and there is nothing more to add.

(viii) In reply to averments made in Sub-para (14) of para 4, it is submitted that the Year of Allotment of the Applicant has been fixed as 1992 as per rules applicable in his case. Fixation of Year of Allotment at 1983 on the ground that he became eligible for promotion to IFS in 1987, when his name was not even put up before the Selection Committee for its meeting held in 1987 is only hypothetical and against the rules.

(ix)(a) In reply to averments made in Sub-para (15) of para 4 of the Application, it is submitted that the replying respondent has no prior knowledge of continuous officiating by the Applicant in senior duty posts for IFS. Attention in this connection is invited to the provisions under Rule 9 of IFS (Cadre) Rule, 1966 according to which a non-cadre officer can only be appointed against a cadre post for IFS by the State Government for a period not exceeding 3 months. Therefore, even if the Applicant had continuously officiated against senior duty posts

for IFS for more than 4 years as has been claimed by him, that officiation is not as per rules and, therefore, does not count in the matter of determining his Year of Allotment.

(b) As and when an officer of the State Forest Service officiates in a senior post included in the state cadre of the IFS, the same is subject to scrutiny by the Central Government and also the Union Public Service Commission, their approvals being required for any period of officiation of State Forest Service officers exceeding 3 months in duration.

(c) The provisions of Cadre Rules in the case of Indian Police Service officers were examined by the Apex Court in their judgement dated 29.11.92 in the case of Syed Khalid Rizvi & Ors. Vs. Union of India etc. 1992(3) SCALE p.287, wherein they have held that such officiation of State Police Service officers on posts included in the state cadre of Indian Police Service which has not been approved by the Central Government and the Union Public Service Commission as required in terms of the provisions of the Cadre Rules for the respective services, has to be treated as purely temporary and local arrangements made by the State Government themselves and by natural corollary, such arrangements cannot give to the concerned officers benefits for the purposes of seniority. The relevant portions of the judgement of the Hon'ble Supreme Court of India are as under:

"Cadre Rules, thus, enjoins the State Government that only a cadre officer should be appointed to a cadre post. Where the cadre officer is not available then, temporary appointments, by operation of Regulation-8 of the Promotion Regulations read with Rule 9 of the Cadre rules, could be resorted to and appointments are made by the State Government or its delegates to cope up with the administrative exigencies, of the Select List officers in the order of even among the Select List officers de hors the order. When both cadre officer or Select List officer are not available then only non-Select List officers could be temporarily appointed. However, it is mandatory that the State Government should report forthwith to the Central Government together with the reasons to make such appointments. The condition precedent is that the post shall not last for more than three months; if it exceeds three months then the prior concurrence of the Central Government is mandatory. If it lasts more than six months it should be with the consultation of the UPSC, and the Central Government should post the UPSC with those facts and should implement the advice so tendered by the UPSC. The State Government should act according to the directions of the Central Government. The compliance of these steps are mandatory to make temporary appointment legitimate and transitory arrangement a legal one. For violation thereof, the Central Government is entitled to give directions to the State Government to terminate the service of such temporary officer and the State Government should abide by such direction and give effect to it. The leeway and liberty given to the State Government under Regulation-8 of the Promotion Regulations read with Rule-9 of the Cadre Rules is only to cope up with the administrative exigencies but it became a breeding ground to distort the operation of the rules which should scrupulously be eschewed and avoided. Any appointment made otherwise than in accordance with Regulation-9 of the Promotion Regulations read with Rule-9 of the Recruitment Rules is thus not a valid regular appointment in the eye of law. Such temporary appointments would be transient and would be apparent when we glean through Seniority Rules as well."

A copy of the IFS (Cadre) Rules, 1966 is annexed as Annexure – R-1.1.

(x) The averments made in sub-para (16) of the Application has been replied to vide sub-para (viii) above.

(xi) The Respondent does not wish to comment on the hypothetical position as brought out in sub-para (17) of para 4. However, it is pointed out that as per provisions of IFS (Pay) Rules, 1968, the Applicant with 1992 as the Year of Allotment has already become eligible for the Junior Administrative Grade of IFS (Rs. 12,000-375-16,500 revised corresponding to Rs. 3700-5000 pre-revised).

(xii) Averments made in sub-para (18) of para 4 do not call for any comments as long as they are matters of records/rules/regulations.

(xiii) In response to averments made in sub-para (19) of para 4, the position has been explained in para 4 (i) above. Briefly speaking, upto 1987, when the last meeting of the Selection Committee for UT cadre constituted under the provisions of the IFS (Appointment by Promotion) Regulations, 1966 was held, no SFS officer was recommended by the Mizoram Government for promotion to IFS. Next meeting of the Selection Committee could be held only in 1996 by which time only the number of vacancies in the promotion quota for each segment of the joint AGMUT cadre of IFS could be determined by the Joint Cadre Authority, and the Applicant was promoted to IFS in 1996 on the basis of the recommendation of the Selection Committee meeting of 1996. It is strongly denied that there has been any mala fide or arbitrary action or colorable exercise of power on the part of the Respondent.

(xiv) Averments made in sub-para (20) of para 4 are strongly denied. The Respondent had no prior knowledge of the Applicant's officiation in the senior duty posts for IFS. Attention is also invited to the provisions of Rule 9 of the IFS (Cadre) Rules, 1966 according to which any officiation of the non-cadre officer against a cadre post for IFS for a period of more than 3 months requires prior approval of the Central Government. No such prior approval has either been sought or given by the Central Government in respect of the Applicant. Therefore, the officiation, if any, as claimed by the Applicant, is not as per rules and, therefore, cannot be counted for the purpose of fixation of his Year of Allotment. Moreover, as per explanation 1 under Rule 3 (c) of IFS (Regulation of Seniority) Rules, 1968, **the period of his continuous officiation in a Senior post shall for the purposes of determination of his seniority, count only from the date of inclusion of his name in the Select List, or from the date of his officiating appointment to such senior post, whichever is later..** Therefore, the Year of Allotment of the Applicant has been determined correctly in accordance with the provisions of all the relevant rules.


A copy of the IFS (Regulation of Seniority) Rules, 1968 as applicable in the case of the Applicant is annexed as Annexure - R-1.2.

(xv) In reply to averments made in sub-para (21) of para 4 of the Application, it is submitted that the meeting of the Selection Committee, provided for under the IFS (Appointment by Promotion) Regulations, 1966 in respect of the UT Cadre /Joint AGMUT Cadre of IFS was held after 1987 in the year 1996 and not in 1995 after a gap of 9 years and not 8 as presented by the Applicant. A copy of the IFS (Appointment by Promotion) Regulations, 1966 is annexed as Annexure – R.1.3. It may be seen from Sub-Regulation (1) of Regulation 5 of the IFS (Appointment by Promotion) Regulation, 1966 that each Committee shall **ordinarily** meet every year and prepare a list of such members of the State Forest Service as are held by them to be suitable for promotion to the Service. The word **Ordinarily** used in the sub-regulation is significant in as much as it does not make it mandatory for the Selection Committee to meet every year irrespective of the circumstances. The extra-ordinary circumstances under which the Selection Committee could not meet from 1988 to 1995 have been explained in the preceding paragraphs.

(xvi) In reply to averments made in sub-para (22) of para 4, it is strongly denied that there has been any arbitrary or malafide act on the part of the replying Respondent in promoting the Applicant to IFS and fixing his Year of Allotment. On the other hand, the same has been done as per rules/regulations relevant and applicable to his case.

5 (i) In reply to averments made in sub-para (a) of para 5, it is submitted that the Select List on the basis of which the Applicant was promoted to IFS is not the first Select List for the cadre prepared by the Selection Committee constituted under Regulation 3 of the IFS (Appointment by Promotion) Regulations 1966. His officiation against senior duty posts, as claimed by him, is irregular as explained in para 4 (ix) above, and therefore, can not count in the matter of fixation of Year of Allotment.

(ii) In reply to averments made in sub-para (b) of para 5, it is submitted that the circumstances under which Selection Committee meetings could not be held for the Joint AGMUT Cadre of IFS from 1988 to 1995 have been explained in the preceding paragraphs 3.1, 3.2, 3.3 and 3.4. The allegation that the respondents never took steps for holding the meeting of the Selection Committee during these years is baseless. On the other hand, the Respondent was earnestly pursuing the issues during this period, which needed to be sorted out before convening the next meeting of the Selection Committee

 (iii) Averments made in sub-para © & (d) of para 5 do not call for a reply from the Respondent No.1

(iv) In reply to averments made in sub-paras (e), (f), (g) and (h) of para 5 of the Application, it is strongly refuted that the action of the replying Respondent in the matter of promotion of the Applicant to IFS and fixation of his Year of Allotment is either arbitrary, illegal,

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mala fide, biased or whimsical or against the principle of natural justice or violation of any of the Articles of the Constitution or any colorable exercise of power. On the other hand, the same has been done as per rules and regulations applicable to the Applicant.

P R A Y E R

In view of the foregoing paragraphs, it is abundantly clear that the present Application is devoid of any merit, which deserves to be dismissed forth with and the Respondent prays accordingly.

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

I ,G.P.Haldar, Under Secretary to the Government of India having my office at Paryavaran Bhawan, Lodi Road, New Delhi – 110 003, do hereby verify that the contents stated above are true and correct to the best of my knowledge, belief and information and that nothing has been suppressed therefrom.

Verified at on this day of August, 2001.



(G.P.HALDAR)

For Respondent No.1

(सी० पी० हार्/ G. P. Haldar)
उप सचिव/Under Secretary
पर्यावरण व वन मंत्रालय
Ministry of Environment & Forests
New Delhi

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Annexure
—R-1.1

1. THE INDIAN FOREST SERVICE (CADRE) RULES, 1966.

In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951) the Central Government, after consultation with the Governments of the States concerned, hereby makes the following rules, namely:—

1. Short title and commencement.—1(1) These rules may be called the Indian Forest Service (Cadre) Rules, 1966.

1(2) They shall be deemed to have come into force with effect from the 1st July, 1966.

2. Definitions.—In these rules, unless the context otherwise requires,—

2 (a) 'cadre officer' means a member of the Indian Forest Service;

2¹(b) 'cadre post' means any of the posts specified under item 1 of each cadre in the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966;

2 (c) 'State' means a State specified in the First Schedule to the Constitution and includes a Union territory;

2²(d) State Government concerned, in relation to a Joint cadre, means the Joint Cadre Authority.

3. Constitution of Cadres.—3(1) There shall be constituted for each State or group of States an Indian Forest Service cadre.

3(2) The Cadre so constituted for a State or a group of states is hereinafter referred to as a 'State Cadre' or, as the case may be, a 'Joint Cadre'.

4. Strength of Cadres.—4(1) The strength and composition of each of the cadres constituted under rule 3 shall be as determined by regulations made by the central Government in consultation with the State Governments in this behalf.

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

Provided that nothing in this sub-rule shall be deemed to effect the power of the Central Government to alter the strength and composition of any cadre at any other time:

Provided further that the State Government concerned may add for a period not exceeding one year, and with the approval of the central government for a further period not exceeding two years to a State or Joint Cadre one or more posts carrying duties or responsibilities of a like nature to cadre posts.

5. Allocation of members to various cadres.—5(1) The allocation of cadre officers to the various cadres shall be made by the Central Government in consultation with the State Government concerned.

5(2) The Central Government may, with the concurrence of the State Government concerned, transfer a cadre officer from one cadre to another cadre.

6. Deputation of cadre officers.—6(1) A cadre officer may, with the concurrence of the State Government or the State Governments concerned and the Central Government, be deputed for service under the Central Government or another State Government or under a company, association or body of individuals, whether incorporated or not, which is

wholly or substantially under the Central Government.

(2) A cadre officer may be deputed for service under,

(i) a company or body of individuals, which is wholly or substantially under the Central Government; or
(ii) an authority or institution, which is wholly or substantially under the Central Government.

Provided that nothing in this sub-rule shall be deemed to effect the power of the Central Government to alter the strength and composition of any cadre at any other time:

Provided further that the State Government concerned may add for a period not exceeding one year, and with the approval of the central government for a further period not exceeding two years to a State or Joint Cadre one or more posts carrying duties or responsibilities of a like nature to cadre posts.

7. Posting.—shall be made by the Central Government in consultation with the State Government concerned.

7(a) in the State Government concerned;

7(b) in the State Government concerned.

⁵Provided that nothing in this sub-rule shall be deemed to effect the power of the Central Government to alter the strength and composition of any cadre at any other time:

8. Cadre officer.

6(1) A cadre officer may, with the concurrence of the State Government or the State Governments concerned and the Central Government, be deputed for service under the Central Government or another State Government or under a company, association or body of individuals, whether incorporated or not, which is

6(2) A cadre officer may, with the concurrence of the State Government or the State Governments concerned and the Central Government, be deputed for service under the Central Government or another State Government or under a company, association or body of individuals, whether incorporated or not, which is

¹Substituted w.e.f. 18-3-72 vide DP & T Notification No. 6/21/71-AIS IV, dated 16-2-72.

²Substituted w.e.f. 13/4/71 AIS(I) dt. 11/1/72

³Substituted w.e.f. 25-10-69 vide MHA Notification No. 6/39/69-AIS(II) dt. 9.10.69

wholly or substantially owned or controlled by Central Government or by another State Government.

(2) A cadre officer may also be deputed for service under,—

(i) a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by a State Government, a municipal corporation or a local body, by the State Government on whose cadre he is borne; and

(ii) An autonomous body not controlled by the Government or ^{an international or private body} an international or organisation, by the Central Government in consultation with the State Government on whose cadre he is borne:

Provided that no cadre officer shall be deputed to any organisation or body of the type referred to in item (ii), except with his consent:

Provided further that no cadre officer shall be deputed under sub-rule (1) or sub-rule (2) to a post carrying a prescribed pay which is less than, or a pay scale, the maximum of which is less than, the basic pay he would have drawn in the cadre post but for his deputation.

7. Posting.—All appointments to cadre posts shall be made—

7(a) in the case of a State Cadre, by the State Government; and

7(b) in the case of a Joint Cadre, by the State Government concerned.

5 Provided that for the purpose of filling leave vacancies or for making temporary arrangements for a period not exceeding three months, the State Government may delegate to Heads of Departments, its powers of making appointments to cadre posts.

8. Cadre and ex-cadre posts to be filled by cadre officers—

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

8(2) A cadre officer shall not hold an ex-cadre post in excess of the number specified for the concerned State under item 5 of the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966.

8(3) The State Government may, with the prior approval of the Central Government, appoint a cadre officer to hold an ex-cadre post in excess of the number specified for the concerned State in item 5 of the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966 and for so long as the approval of the Central Government remains in force, the said ex-cadre post shall be deemed to be an addition to the number specified in item 5 of the said Schedule."

9. Temporary appointment of non-Cadre officers to cadre posts.—

6(1) A cadre post in a State shall not be filled by a person who is not a cadre officer except in the following cases; namely:—

9(1)(a) if there is no suitable cadre officer available for filling the vacancy;

Provided that when a suitable cadre officer becomes available, the person who is not a cadre officer, shall be replaced by the cadre officer:

Provided further that if it is proposed to continue the person, who is not a cadre officer, beyond a period of three months, the State Government shall obtain the prior approval of the Central Government for such continuance;

9(1)(b) if the vacancy is not likely to last for more than three months;

Provided that if the vacancy is likely to exceed a period of three months, the State Government shall obtain the prior approval of the Central Government for continuing the person who is not a cadre officer beyond the period of three months.

9(2) A cadre post shall not be filled by a person who is not a cadre officer except in accordance with the following principles, namely:—

9(2)(a) if there is a Select List in force, the appointment or appointments shall be made in the order of names of the officers in the Select List;

9(2)(b) if it is proposed to depart from the order of names appearing in the Select List, the State Government shall forthwith make a proposal to that effect to the Central Government

⁴Substituted vide DP&T Notification No. 16015/2/84-AIS(IV), dated 26-2-85.

⁵Inserted vide DP&AR Notification No. 11051/1/76-AIS-I (A), dated 10-1-77.

⁶Substituted vide DP&T Notification No. 14022/3/88-AIS(I), dated 13-10-88.

⁷Amended vide notification 28020/4/91-AIS-II dated 19/04/93.

the post and may in the light of the advice given by the Union Public Service Commission give suitable direction to the State Government concerned.

10. Report of the Central Government of vacant cadre posts.—Cadre posts shall not be kept vacant or held in abeyance for periods exceeding six months without the approval of the Central Government. For this purpose, the State Government shall make a report to the Central Government in respect of the following matters, namely:—

- 10(a) the reasons for the proposal;
- 10(b) the period for which the State Government proposes to keep the post vacant or hold it in abeyance;
- 10(c) The provision, if any, made for the existing incumbent of the post; and
- 10(d) whether it is proposed to make any arrangements for the performance of the duties of the post to be kept vacant or held in abeyance, and if so, the particulars of such arrangements.

11. Holding of more than one post by a cadre officer. 11(1) The State Government concerned in respect of the posts borne on the State Cadre or the Joint Cadre as the case may be, may for the purpose of facilitating leave arrangements or for making temporary arrangements for a period not exceeding six months, direct that any two cadre posts or a cadre post and an equivalent

post may be held simultaneously by one single cadre officer:

⁷Provided that for the purpose of filling leave vacancies or for making temporary arrangements for a period not exceeding three months, the State Government may delegate to Heads of Departments, its powers of making appointments to cadre posts.

11(2) Where the State Government concerned is of the opinion that it is necessary so to do, it may, with the prior approval of the Central Government, order that the posts directed by it to be held simultaneously by one single cadre officer under sub-rule (1), may continue to be so held for a period beyond six months but, in any case, not beyond twelve months from the date with effect from which the posts were first directed to be so held under sub-rule (1).

⁸11A. Authority to exercise certain powers in respect of members of the Service serving in connection with the affairs of the States constituting a Joint Cadre.—The powers of the State Government under the second proviso to subrule (2) of rule 4, under clause (i) of subrule (2) of rule 6 and under rules, 7, 10 and 11 in relation to the members of the Service serving in connection with the affairs of any of the Constituent States shall be exercised by the Government of that State.

12. Interpretation.—If any question arises as to the interpretation of these rules, the same shall be decided by the Central Government.

[M.H.A notification No.2/2/64-AIS(IV) dated 1-9-1966]

Attested:
(P. C. MAMGAIN)
Section Officer
Ministry of Env. & Forests
N. Delhi

(P. C. MAMGAIN)
Section Officer
Ministry of Env. & Forests
N. Delhi

⁷Inserted DP&AR Notification No. 11051/1/76—AIS(I)(A) dated 10/1/77.

⁸Inserted DP&AR Notification No. 13/4/71—AIS(I) dated 11/1/72.

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10. THE INDIAN FOREST SERVICE (REGULATION OF SENIORITY) RULES, 1968

In exercise of the powers conferred by sub-section (1) of section 3 of the All-India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the following rules, namely :—

1. **Short title and commencement.**—(1) These rules may be called the Indian Forest Service (Regulations of Seniority) Rules, 1968.

(2) They shall be deemed to have come into force on the 1st July, 1966.

2. **Definitions.**—In these rules unless the context otherwise requires,—

- (a) 'cadre' means an Indian Forest Service Cadre constituted in accordance with rule 3 of the Indian Forest Service (Cadre) Rules, 1966;
- (b) 'Commission' means the Union Public Service Commission;
- (c) 'competitive examination' means the examination referred to in rule 7 of the Recruitment Rules;
- (d) 'gradation list' means a gradation list prepared under rule 5;
- (e) 'officer' means a member of the Service;
- (f) 'Recruitment Rules' means the Indian Forest Service (Recruitment) Rules, 1966;
- (g) 'Senior post' means a post included and specified under item 1 of the Cadre of each State in the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966.

and includes a post included in the number of posts specified in items 2 and 5 of the said cadre, when held on senior scale of pay by an officer recruited to the Service in accordance with sub-rule (1) of rule 4 or rule 7 of the Recruitment Rules;

- (h) 'Service' means the Indian Forest Service;
- (i) 'State Cadre' and 'Joint Cadre' have the meanings respectively assigned to them in the Indian Forest Service (Cadre) Rules, 1966;
- (j) 'State Forest Service' shall have the meaning assigned to it in the Recruitment Rules;
- (k) 'State Government concerned' in relation to a Joint Cadre, means the Joint Cadre Authority.

(1) 'Select List' means the Select List prepared in accordance with the Indian Forest Service (Appointment by Promotion) Regulations, 1966.

3. **Assignment of year of allotment.**—(1) Every officer shall be assigned a year of allotment in accordance with provisions hereinafter contained in this rule.

(2) The year of allotment of an officer appointed to the Service shall be—

- (a) where an officer is appointed to the Service on the results of a competitive examination, the year following the year in which such examination was held;
- (b) where an officer is appointed to the Service at its initial constitution in accordance with sub-rule (1) of rule 4 of the Recruitment Rules, such year will be determined in accordance with the following formula:—

Year of allotment = 1966 minus (N1 plus half of N2) wherein—

N1 represents completed years of continuous service upto, 1st July, 1966 in a post equivalent to or above a senior scale post included in the State Cadre, provided that any such Service rendered during the first eight years of gazetted service of the officer shall be excluded for this purpose.

N2 represents completed years of continuous Gazetted service upto 1st July, 1966 included in N1.

In computing the period of continuous service for purposes of N1 or N2 any period during which an officer has undertaken training in a diploma course in the Forest Research Institute and College, Dehra Dun or an equivalent course in any other institution which training is approved by the Central Government for this purpose, shall not be taken into account:

*Provided that in the case of an officer who has undertaken the training in a diploma course in forestry at Dehra Dun for a period of more than two years, the period spent by such officer for obtaining the final diploma after having obtained the preliminary diploma shall be taken into account in computing the period of service for purposes of seniority:

*Provided further that the year of allotment of an officer so arrived at shall be limited to the year which his immediate senior in the State Forest

Service who is appointed to the Indian Forest Service at its initial constitution obtains :

Provided further that where in a case or class of cases, application of the formula given in this rule, results in hardship or anomaly, the seniority of officers concerned shall be determined ad hoc by the Central Government in consultation with the State Government concerned and the commission.

(c) where an officer is appointed to the Service by promotion in accordance with rule 8 of the Recruitment Rules, the year of allotment of the junior-most among the officers recruited to the Service in accordance with rule 7 or if no such officer is available the year of allotment of the junior-most among the officers recruited to the Service in accordance with rule 4(1) of these Rules who officiated continuously in a senior post from a date earlier than the date of commencement of such officiation by the former :

Provided that seniority of officers who are substantively holding the post of a Conservator of Forests or a higher post on the date of constitution of the Service and are not adjudged suitable by the Special Selection Board in accordance with the Indian Forest Service (Initial Recruitment) Regulations, 1966, but who may later on be appointed to the Service under rule 8 of the Recruitment Rules shall be determined ad hoc by the Central Government in consultation with the State Government concerned and the Commission.

Explanation 1.—In respect of an officer appointed to the Service by promotion in accordance with sub-rule (1) of rule 3 of the Recruitment Rules, the period of his continuous officiation in a senior post shall, for the purposes of determination of his seniority, count only from the date of the inclusion of his name in the Select List, or from the date of his officiating appointment to such senior post, whichever is later :

Provided that where an officer is appointed to the Service by promotion under rule 8 of the Recruitment Rules on the basis of his name having been included in the first Select List prepared by the Selection Committee constituted under regulation 3 of the Indian Forest Service (Appointment by Promotion) Regulations, 1966, the period of his continuous officiation in a senior post or post declared equivalent thereto prior to the date of the inclusion of his name in the first Select List shall also count, if such officiation is approved by the Central Government in consultation with the Commission.

(M.H.A. Notification No. 9/20/68-AIS(IV), dated the 18th October, 1968).

Explanation 2.—An officer shall be deemed to have officiated continuously in a senior post from a certain date if during the period from that date to the date of his confirmation in the senior

grade he continues to hold without any break or reversion a senior post otherwise than as a purely temporary or local arrangement.

Explanation 3.—An officer shall be treated as having officiated in a senior post during any period in respect of which the State Government concerned certifies that he would have so officiated but for his absence on leave or training.

***Explanation 4.*—An officer appointed to the Service in accordance with sub-rule (1) of rule 8 of the Recruitment Rules shall be treated as having officiated in a senior post during any period of appointment to a non-cadre post if the State Government has certified within three months of his appointment to the non-cadre post that he would have so officiated but for his appointment, for a period not exceeding one year, and, with the approval of the Central Government, for a further period not exceeding two years, to a non-cadre post under a State Government or the Central Government in a time-scale identical to the time-scale of a senior post :

Provided that the number of officers in respect of whom the certificate shall be current at one time shall not exceed one-half of the maximum size of the Select List permissible under sub-regulation (2) of regulation 5 of the Indian Forest Service (Appointment by Promotion) Regulations, 1966, and follow the order in which the names of such officers appear in the Select List :

Provided further that such certificate shall be given only if, for every senior officer in the Select List appointed to a non-cadre post in respect of which the certificate is given, there is one junior Select List officer officiating in a senior post under rule 9 of the Indian Forest Service (Cadre) Rules, 1966 :

Provided also that the number of officers in respect of whom the certificate is given, shall not exceed the number of posts by which the number of cadre officers holding non-cadre posts under the control of the State Government falls short of the deputation reserve sanctioned under the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966.

(d) when an officer is appointed to the Service in accordance with rule 7A of the Recruitment Rules, deemed to be the year in which he would have been so appointed at his first or second attempt after the date of joining precommission training or the date of his commission where there was only post-commission training according as he qualified for appointment to the Service in his first or second chance, as the case may be, having been eligible under regulation 4 of the Indian Forest Service (Appointment by Competitive Examination) Regulations, 1967.

**MHA Notification No. 39/25/68-AIS(IV), dated 10-3-70.

(*) Allied vide MHA Notification No. 9/13/68-AIS(IV), dated 2-6-69.

Explanation.—If an officer, who qualified himself for appointment to the Service in a particular year, could not be so appointed in that year on account of non-availability of a vacancy and is actually appointed in the next year, then his year of allotment would be depressed by one year. He shall be placed above all the officers recruited under Rule 7A of the Recruitment Rules and who have the same year of allotment.

4. Seniority of Officers.—(1) The seniority of officers inter-se shall be determined in accordance with the provisions hereinafter contained in this rule.

(2) Officers appointed to the Service on the result of the same competitive examination shall be ranked in accordance with rule 11 of the Indian Forest Service (Probation) Rules, 1968.

(3) Officers belonging to a State Forest Service who are appointed to the Service in accordance with sub-rule (1) of rule 4 of the recruitment Rules and allotted the same year shall be graded without disturbing their existing inter-se seniority in the State Forest Service.

(4) The seniority inter-se of officers appointed to the Service under sub-rule (2) of rule 4 of the Recruitment Rules, who are assigned the same year of allotment shall be in the order of the dates on which the date of officiation in the cases of officers appointed to the Service in accordance with rule 8 of the Recruitment Rules being the same as the dates taken into account for the purpose of assignment of year of allotment under sub-rule (2) of rule 3:

Provided that—

- (a) the seniority inter-se of officers appointed to the Service on the results of a competitive examination in accordance with rule 7 of the Recruitment Rules and ranked in accordance with rule 11 of the Indian Forest Service (Probation) Rules, 1968, shall not be affected;
- (b) where the date of commencement of continuous officiation in a senior post of an officer appointed to the Service in accordance with rule 7 of the Recruitment Rules is the same as that of an officer appointed to the Service under rule 8 of those Rules, the former shall rank senior to the other officer;
- (c) where the date of commencement of continuous officiation in senior posts of more than one officer appointed to the Service in accordance with the rule 8 of the Recruitment Rules is the same, their seniority inter-se shall be in the order of their dates of appointment to the Service, and where

the date of appointment is also the same, in the order in which their names are arranged on the date of their appointment to the Service in the Select List.

% (5) Officers appointed to the Service in accordance with rule 7A of the Recruitment Rules with the same year of allotment, shall be ranked inter-se in order of merit which shall be determined on the basis of the marks obtained by each officer, calculated in the manner specified below:

- (a) full aggregate marks in the competitive examination; and
- (b) 50% of the aggregate marks in the Indian Forest Service Probationers' Final Examination and the assessment of the record in the Forest Research Institute and Colleges:

Provided that in determining such order of merit no account shall be taken of marks awarded to an officer in any subject in which he has failed to satisfy the President of the Forest Research Institute and Colleges, Dehra Dun.

% (6) Officers appointed to the Service in accordance with rule 7A of the Recruitment Rules, shall be placed below the last officers of the same year of allotment recruited under sub-rule (1) of rule 4 of the Recruitment Rules.

@4A. Seniority of officers appointed to the Service at the initial constitution of the Cadre of Sikkim.—Notwithstanding anything contained in these rules in relation to the State of Sikkim, the year of allotment and the seniority of officers appointed to the Service at the time of the initial constitution of the State Cadre shall be determined by the Central Government in the following manner, namely:—

- (a) In respect of officers appointed through selection from amongst the substantive members of the Sikkim State Forest Service.—The year of allotment shall be determined ad hoc in consultation with the Union Public Service Commission and the State Government:

Provided that the year of allotment of an officer so arrived at shall be limited to the year to which his immediate senior in the Sikkim State Forest Service, who is transferred to the Indian Forest Service Cadre of Sikkim at its initial constitution obtained

- (b) In respect of Indian Forest Service Officers borne on the Cadre/Joint Cadres of other States, appointed to the Cadre of Sikkim on transfer.—Officer shall retain their original year of allotment and for purpose of their inter-se seniority they shall be governed by the provision of rule 6.

5. Gradation List.—There shall be prepared every year for each State Cadre and Joint Cadre gradation list consisting of the names of all officers borne on that Cadre arranged in order of seniority in accordance with the provisions of rule 3 and 4.

6. Fixation of seniority on transfer to another cadre.—(1) If an officer is transferred from one cadre to another in the public interest, his position in the gradation list of the cadre, to which he is transferred, shall be determined by the Central Government in accordance with the following principles :—

- (i) his year of allotment shall remain unaffected ;
- (ii) the following order shall be maintained among the different categories of officers of the same year of allotment and the seniority of the transferred officer vis-a-vis officers of his category shall be determined in the following manner :

(a) **Initial Recruitment Officers.**—An Officer appointed to the Service under sub-rule (1) of rule 4 of the Recruitment Rules shall be graded mainly on the basis of age without thereby disturbing,

as far as possible, the existing inter-se seniority.

(b) **Examination Recruits.**—The position of an officer appointed to the Service in accordance with rule 7 of the Recruitment Rules, shall be in the order in which his name appears in the list prepared under rule 11 of the Indian Forest Service (Probation) Rules, 1968.

(c) **State Service Officers.**—An officer belonging to a State Forest Service and appointed to the Service against the promotion quota shall be graded mainly on the basis of age without thereby disturbing, as far as possible, the existing inter-se seniority.

(2) If an officer is transferred from one cadre to another at his request, he shall be assigned a position on the gradation list of the cadre to which he is transferred, below all the officers of his category borne on that cadre who have the same year of allotment.

7. Interpretation.—If any question arises as to the interpretation of these rules, the same shall be decided by the Central Government.

Attested:

P. C. MAMGAIN
10/8.01

(P. C. MAMGAIN)

Section Officer

Ministry of Env. & Forests
N. Delhi

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Annexure - R-1.3
Annexure - 83

**INDIAN FOREST SERVICE (APPOINTMENT BY PROMOTION)
REGULATIONS, 1966**

(Corrected up to 31st, December, 1997)

In pursuance of sub-rule(1) of Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, the Central Government in consultation with the State Governments, and the Union Public Service Commission, hereby makes the following regulations, namely :-

1. Short title and Commencement :

- (1) These regulations may be called the Indian Forest Service (Appointment by Promotion) Regulations, 1966.
- (2) They shall be deemed to have come into force with effect from the 1st July, 1966.

2. Definitions :- (1) In these regulations unless the context otherwise requires -

- (a) 'Cadre Officer' means a member of the Service ;
- (b) 'Cadre Post' means any of the posts specified as such in the regulations made under sub-rule(1) of rule 4 of the Cadre Rules ;
- (c) 'Cadre Rules' means the Indian Forest Service(Cadre) Rules, 1966 ;
- (d) 'Committee' means the Committee set up in accordance with regulation 3 ;
- (e) 'Recruitments Rules' means the Indian Forest Service(Recruitment) Rules, 1966 ;
- (f) 'State Government' means :-
 - i) in relation to a State in respect of which a separate cadre of the Service exists, the Government of such State ;
 - ii) in relation to a group of States in respect of which a Joint Cadre of the Service is constituted, the Joint Cadre Authority ;
 - iii) in relation to the Union Territories, in respect of which a joint cadre of the Service is constituted, the Central Government.
- *(g) 'Year' means the period commencing on the first day of *January and ending on the 31st day of *December of the same year.

- (2). All other words and expressions used in these regulations but not defined shall have the meaning respectively assigned to them in the Recruitment Rules.

3. Constitution of the Committee to make selection -

- (1) There shall be constituted for each of the Joint Cadres a Committee consisting of the Chairman of the Commission or where the Chairman is unable to attend, any other member of the Commission representing and the following other members namely :-

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*** (a) For States other than Joint Cadres and Arunachal Pradesh-Goa-Mizoram-Union Territories (AGMUT) Cadre".

- i) The Chief Secretary or Additional Chief Secretary;
- ii) Secretary to the Government dealing with Forests;
- iii) Principal Chief Conservator of Forests;
- (iv) A senior member of the Service not lower in rank than a ***Chief Conservator of Forests; and
- (v) A nominee of the Government of India not below the rank of a Joint Secretary.

(aa) For Joint Cadre :-

- i) Chief Secretaries to the Governments of the Constituent States.
- ***ii) Principal Chief Conservator of Forests of the Constituent States.
- iii) A nominee of the Government of India not below the rank of Joint Secretary.

(b) "For Arunachal Pradesh-Goa - Mizoram - Union Territories *** (AGMUT) Cadre :-

- #
- (1) Chief Secretary, Government of Arunachal Pradesh;
 - (2) Chief Secretary, Government of Goa.
 - (3) Chief Secretary, Government of Mizoram.
 - (4) Chief Secretary, Andaman and Nicobar Islands Administration;
 - (5) Principal Chief Conservator of Forests, Arunachal Pradesh;
 - (6) Principal Chief Conservator of Forests, Mizoram;
 - (7) Principal Chief Conservator of Forests, Andman and Nicobar Islands;
 - (8) Conservator of Forests, Goa;
 - (9) Chief Conservator of Forests, Arunachal Pradesh
 - (10) Chief Conservator of Forests, Mizoram.
 - (11) Joint Secretary (dealing with Indian Forest Service), Ministry of Environment & Forests;
 - (12) One nominee of the Government of India not below the rank of Joint Secretary;

Provided that the Central Government may, if deemed necessary, after consultation with the State Government Concerned alter the composition of the Committee.

- (2) The Chairman or the member of the Commission shall preside at all meetings of the Committee at which he is present.
- (3) The absence of a member, other than the Chairman or member of the Commission, shall not invalidate the proceedings of the Committee if more than half the members of the Committee had attended its meetings.

4. Omitted.

5.

Preparation of a list of suitable officers :-

* (1) Each Committee shall ordinarily meet every year and prepare a list of such members of the State Forest Service as are held by them to be suitable for promotion to the Service. The number of members of the State Forest Service to be included in the list shall be determined by the Central Government in consultation with the State Government concerned, and shall not exceed the number of substantive vacancies as on the first day of January of the year in which the meeting is held, in the posts available for them under rule 9 of the recruitment rules. The date and venue of the meeting of the Committee to make the Selection shall be determined by the Commission:

Provided that no meeting of the Committee shall be held, and no list for the year in question shall be prepared when,

- (a) there are no substantive vacancies as on the first day of January of the year in the posts available for the members of the State Forest Service under rule 9 of the recruitment rules; or
- (b) the Central Government in consultation with the State Government decides that no recruitment shall be made during the year to the substantive vacancies as on the first day of January of the year in the posts available for the members of the State Forest Service under rule 9 of the recruitment rules; or
- (c) the Commission, on its own or on a proposal made by either the Central Government or the State Government, after considering the facts and circumstances of each case, decides that it is not practicable to hold a meeting of the Committee to make the selection to prepare a select list.

Explanation :- In the case of joint cadres, a separate select list shall be prepared in respect of each State Forest Service.” ;

- (V) (2) The Committee shall consider for inclusion in the said list, the cases of members of the State Forest Service in the order of seniority in that Service of a number which is equal to three times, the member referred to in sub-regulation (1):

Provided that such restriction shall not apply in respect of a State where the total number of eligible officers is less than three times the maximum permissible size of the Select List and in such a case the Committee shall consider all the eligible officers :

Provided further that in computing the number for inclusion in the field of consideration, the number of officers referred to in sub-regulation(3) shall be excluded.

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Provided also that the Committee shall not consider the case of a member of the State Forest Service unless on the first day of January of the year in which it meets, he is substantive in the State Forest Service and has completed not less than eight years of continuous service (whether officiating or substantive) in post(s) included in the State Forest Service.

Explanation I - The powers of the State Government under the third proviso to this sub-regulation shall be exercised in relation to the members of the State Forest Service of a constituent State by the Government of that State.

Provided also that the officers belonging to any service referred to in item (ii) of clause (g) of rule 2 of the Recruitment Rules shall not be eligible to be considered for promotion to any cadre other than the Union Territories Cadre.

Provided also that in respect of any released Emergency Commissioned or Short Service Commissioned Officer appointed to the State Forest Service, eight years of continuous Service as required under the preceding proviso shall be counted from the deemed date of their appointment to that service, subject to the condition that such officers shall be eligible for consideration if they have completed not less than four years of actual continuous service, on the first day of *January of the year in which the Committee meets, in the post of Assistant Conservator of Forests.

Explanation II : In computing the period of continuous service for the purpose of this regulation, there shall be included any period during which an officer has undertaken -

- a) training in a diploma course in the Academy, Dehradun, or
- b) such other training as may be approved by the Central Government in consultation with the Commission in any other institution.

Explanation III - Service in post (s) included in the State Forest Service would also include service rendered in ex-cadre posts connected with forestry whether under the Government or in -

- (i) a company, association or body of individuals whether incorporated or not which is wholly or substantially owned or controlled by Government, a municipal or local body, and
- (ii) an international organisation, an autonomous body not controlled by Government or a private body.

Provided that the State Government certifies that the officer concerned would have continued to hold a post included in the State Government Services but for his deputation to such ex-cadre post.

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(3) The Committee shall not consider the case of the members of the State Forest Service who have attained the age of 54 years on the first day of *January of the year in which it meets.

*Provided that a member of the State Forest Service whose name appears in the select list in force immediately before the date of the meeting of the Committee and who has not been appointed to the Service only because he was included provisionally in the select list shall be considered for inclusion in the fresh list to be prepared by the Committee, even if he has in the meanwhile, attained the age of fifty four years.

Provided further that a member of the State Forest Service who has attained the age of 54 years on the first day of *January of the year in which the Committee meets shall be considered by the Committee, if he was eligible for consideration on the first day of *January of the year or any of the years immediately preceding the year in which such meeting is held but could not be considered as no meetings of the Committee was held during such preceding year or years.

*(3A) The Committee shall not consider the case of such member of the State Forest Service who had been included in an earlier select list and -

(a) had expressed his unwillingness for appointment to the Service under regulation 9 :

Provided that he shall be considered for inclusion in the select list, if before the commencement of the year, he applies in writing, to the State Government expressing his willingness to be considered for appointment to the Service;

(b) was not appointed to the Service by the Central Government under regulation 10. ;

(3AA). The Selection Committee shall classify the eligible officers as 'Outstanding', 'Very Good', 'Good' or 'Unfit', as the case may be, on all relative assessment of their service records.

(4) The list shall be prepared by including the required number of names, first from amongst the officers finally classified as 'Outstanding' then from amongst those similarly classified as 'Very Good' and thereafter from amongst those similarly classified as 'Good' and the order the names inter-se within each category shall be in the order of their seniority in the State Forest Service.

@ Provided that the name of an officer so included in the list shall be treated as provisional if the State Government withholds the integrity certificate in respect of such an officer or any proceedings, departmental or criminal, are pending against him or anything adverse against him

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which renders him unsuitable for appointment to the service has come to the notice of the State Government.

Explanation I:

The proceedings shall be treated as pending only if a charge-sheet has actually been issued to the officer or filed in a Court, as the case may be.

Explanation II:

The adverse thing which came to the notice of the State Government rendering him unsuitable for appointment to the service shall be treated as having come to the notice of the State only if the details of the same have been communicated to the Central Government and the Central Government is satisfied that the details furnished by the State Government have a bearing on the suitability of the officer and investigation thereof is essential.

(5) Omitted.

6. Consultation with the Commission- The list prepared in accordance with regulation 5 shall then be forwarded to the Commission by the State Government alongwith:-

- i) the records of all members of the State Forest Service included in the list;
- ii) the records of all members of the State Forest Service who are proposed to be superseded by the recommendations of the Committee. ;
- iii) the observations of the State Government on the recommendations of the Committee.

6A. The State Government shall also forward a copy of the list referred to in regulation 6 to the Central Government and the Central Government shall send their observations on the recommendations of the Committee to the Commission.

*****7. Select List -** (1) The Commission shall consider the list prepared by the Committee alongwith -

- a) the documents received from the State Government under regulation 6;
- b) the observations of the Central Government and unless it considers any change necessary, approve the list.

*** (2)** If the Commission considers it necessary to make any changes in the list received from the State Government, the Commission shall inform the State Government and the Central Government of the changes proposed and after taking into account the comments, if any, of the State Government and the Central Government, may approve the list finally with such modification, if any, as may, in its opinion, be just and proper.

(3) The list as finally approved by the Commission shall form the Select List of the members of the State Forest Service.

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@ Provided that if an officer whose name is included in the Select List is, after such inclusion, issued with a charge-sheet or a charge-sheet is filed against him in a Court of Law, his name in the Select List shall be deemed to be provisional.

* (4) The select list shall remain in force till the 31st day of December of the year in which the meeting of the selection committee was held with a view to prepare the list under sub-regulation (1) of regulation 5 or up to sixty days from the date of approval of the select list by the Commission under sub-regulation (1) or, as the case may be, finally approved under sub-regulation (2), whichever is later:

Provided that where the State Government has forwarded the proposal to declare a provisionally included officer in the select list as "unconditional" to the Commission during the period when the select list was in force, the Commission shall decide the matter within a period of ninety days or before the date of meeting of the next selection committee, whichever is earlier and if the Commission declares the inclusion of the provisionally included officer in the select list as unconditional and final, the appointment of the concerned officer shall be considered by the Central Government under regulation 9 and such appointment shall not be invalid merely for the reason that it was made after the select list ceased to be in force :

Provided further that in the event of any new service or services being formed by enlarging the existing State Forest Service or otherwise being approved by the State Government as the State Forest Service under clause (i) of sub-rule (g) of rule 2 of the Indian Forest Service (Recruitment) Rules, 1966, the select list in force at the time of such approval shall continue to be in force until a new list prepared under regulation 5 in respect of the members of the new State Forest Service, is approved under sub-regulation (1) or, as the case may be, finally approved under sub-regulation (2).";

* (5) Omitted

8. Omitted

9. Appointments to the service from the Select List -

* (1) Appointment of a member of the State Forest Service, who has expressed his willingness to be appointed to the Service, shall be made by the Central Government in the order in which the names of the members of the State Forest Service appear in the select list for the time being in force during the period when the select list remains in force :

Provided that the appointment of members of the State Forest Service shall be made in accordance with the agreement arrived at under sub-rule (3) of rule 8 of the recruitment rules in the order in which the names of the members of the State Forest Service occur in the relevant parts of the select list for the time being in force :

Provided further that the appointment of an officer, whose name has been included or deemed to be included in the select list provisionally under the proviso to sub-regulation (4) of regulation 5, or under the proviso to sub-regulation (3) of

regulation 7, as the case may be, shall be made within sixty days after the name is made unconditional by the Commission, in terms of the first proviso to sub-regulation (4) of regulation 7 :

Provided also that in case a select list officer has expressed his unwillingness for appointment to the Service, he shall have no claim for appointment to the Service from that select list unless he informs the Central Government through the State Government before the expiry of the validity period of the select list, revoking his earlier expression of unwillingness for appointment to the service."

* (2) Omitted.

10. *** Powers of the Central Government not to appoint in certain cases :

Notwithstanding anything contained in these Regulations, * the Central Government may not appoint any person whose name appears in the Select List, if it is of opinion that it is necessary or expedient so to do in the public interest.

Provided that no such decision shall be taken by the Central Government without consulting the Union Public Service Commission.

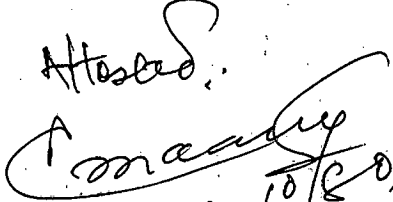
*** Substituted/Inserted/added vide Department of Personnel and Training Notification No. 14015/16/91-AIS(I), dated 28th, November, 1991.

@ Substituted/Inserted/added vide Department of Personnel and Training Notification No. 14015/32/91-AIS(I) -C dated 18 August, 1993.

Substituted/Inserted/added vide Department of Personnel and Training Notification No. 14015/14/96-AIS(I), dated 22nd, March, 1996

** Substituted/Inserted/added vide Department of Personnel and Training Notification No. 14015/56/96-AIS(I), dated 5th, February, 1997.

* Substituted/Inserted/added vide Department of Personnel and Training Notification No. 14015/52/96-AIS(I)-C, dated 31st December, 1997.

Attested:

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