

50/100

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

3

✓ (DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A.T.A No. 228/2001

R.A/C.P No.

E.P/M.A No.

- 1. Orders Sheet. OA-228/01Pg. 1to. 2.....
- 2. Judgment/Order dtd. 13/02/02Pg. No. 1 to 2 allowed.....
- 3. Judgment & Order dtd.....Received from H.C/Supreme Court
- 4. O.A. 228/2001Pg. 1to. 38.....
- 5. E.P/M.P. NILPg.to.....
- 6. R.A/C.P. NILPg.to.....
- 7. W.S. NILPg.to.....
- 8. Rejoinder.....Pg.to.....
- 9. Reply.....Pg.to.....
- 10. Any other Papers.....Pg.to.....
- 11. Memo of Appearance.....
- 12. Additional Affidavit.....
- 13. Written Arguments.....
- 14. Amendment Reply by Respondents.....
- 15. Amendment Reply filed by the Applicant.....
- 16. Counter Reply.....

Counter Affidavit filed by Respondents
No 1 - pg - 1 to 14

SECTION OFFICER (Judl.)

uitreoo

FORM NO.4
(See Rule 42)

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

ORDER SHEET

Original APPLICATION NO ... 228 ... OF 2001.

Applicant (S) *Vandalsawma*

Respondent (S) *U.O.I Tom*

Advocate for Applicants (s) *R.P. Samra, B. Chakravarty, U. Das*

Advocate for Respondent (s) *case.*

Notes of the Registry

Date

Order of the Tribunal

This application is in form
but not in time ~~Condonation~~
Petition is filed vide
M.P. No. ... C.F.
for Rs. 50/- deposited vide
IPO/BO No 56 425697.
Dated ... 18.6.2001

By
By Registrar
29/6/07

6.7.2001

The application is admitted. Call
for the records. Mr. A. Deb Roy accepts
notice on behalf of the respondents.

List on 10-8-2001 for order.

K. U. Sharma
Member

[Signature]
Vice-Chairman

bb

MS
6/7/07

10.8.01

List again on 24.9.2001 to
enable the respondents to file
written statement.

K. U. Sharma
Member

[Signature]
Vice-Chairman

pg

24.9.01

Written statement has been filed by
respondents no.1. The other respondents may
file written statement within four weeks from
today.

List on 12/11/01 for order.

K. U. Sharma
Member

[Signature]
Vice-Chairman

mb

*Envelopes not supplied by
the applicant counsel. Their
Notice prepared and to
sent to S/S for issuing the
respondent No 1 to 3 by
Regd A/D vide S/No
2469 W 7/11/07*

By
10/9/07

5.9.2001

*Complete affidavit
has been submitted by
the Respondent No. 1.*

[Signature]

12.11.01

Respondent No.1 has already filed written statement. The other respondents namely, respondent Nos.2 & 3 State of Mizoram and U.P.S.C. may file written within four weeks from today.

List the case again on 12.12.01 for further order.

K. Ushara
Member

[Signature]
Vice-Chairman

Reply filed on behalf of R. No-1. Respondent No-2 & 3 has not been filed.

[Signature]
11.12.01

bb
12.12.01

It has been stated by Sri A. Deb Roy, learned Sr.C.G.S.C. that written statement has already been filed. As written statement has ^{been} filed the case may be listed for hearing. List on 24.1.02 for hearing.

K. Ushara
Member

mb
24.1.02

~~It has been stated that~~ The applicants are wanted to file rejoinder. Prayer for filing the rejoinder is allowed. The applicants may do so within 2 weeks from today.

List on 13.2.2002 for hearing.

K. Ushara
Member

[Signature]
Vice-Chairman

mb

22.2.2002

13.2.02

Copy of the order has been sent to the office for issuing the same to the applicant as well as to the Govt. Adv. for the Resp.

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. Ushara
Member

[Signature]
Vice-Chairman

pg

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Applications No.226, 227 and 228 of 2002.

Date of Order : This the 13th Day of February, 2002.

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

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

O.A. 226/2001.

Sri Lalthangliana Murray, IFS
Deputy Conservator of Forests (Hqrs)
Office of the Principal Chief
Conservator of Forests, Mizoram, /
Aizwal. . . . Applicant

O.A. 227/2001.

Sri P. Liankhama, IFS
Divisional Forest Officer,
Kawrthah, Mizoram. . . . Applicant

O.A. 228/2001

Sri Vanlalsawma, IFS
Divisional Forest Officer,
Wild Life Division, Aizwal,
Mizoram . . . Applicant

By Advocate Sri B.Chakraborty in all
the three cases.

- Versus -

1. Union of India,
through the Secretary,
Ministry of Forest and Environment,
Govt. of India,
Paryavaran Bhavan, CGO 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, Shahjahan Road,
New Delhi-110001.
(Through its Secretary) . . . Respondents

By Advocate Sri A. Deb Roy, Sr.C.G.S.C for
respondents No.1 & 3 and Sri A.K.Sarma for
respondent No.2 in all the three cases.

O R D E R

CHOWDHURY J.(V.C)

All these three applications are similar in
nature and accordingly these applications were taken
up together for consideration.

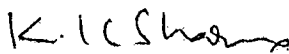
contd..2

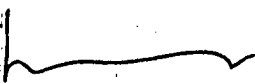
2. It has been stated at the Bar that these 3 cases are squarely covered by the decision rendered by the Tribunal in O.A.195 of 2001 disposed of on 4.2.2002.

3. In the light of the decision we direct the respondents to take up the matter of the applicants 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 applications are 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 JUN 2001

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Guwahati Bench.

O.A No. 228 of 2001

Between

Shri Vanlalsawma, IFS

.....Applicant

-And-

Union of India & Ors.

.....Respondents.

I N D E X

Sl.No.	Documents	Page
1.	Application	1 to 15
2.	Annexure- A	16
3.	Annexure- B	17
4.	Annexure- C	18
5.	Annexure- D & D-1	19-24
6.	Annexure- E	25-28
7.	Annexure- F	29-30
8.	Annexure- G	31-32
9.	Annexure- H	33-35
10.	Annexure- I	36-38
11.	Annexure-	
12.	Annexure-	
13.	Annexure-	

Filed By :

Atpal Das,

Advocate.

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 <i>[Signature]</i> Date 25.6.2001

O.A. No. - 228 /2001

Between

Sri Vanlalsawma, I.F.S.

Divisional Forest Officer,

Wild Life Division, Aizwal,

Mizoram.

....Applicant.

And

1. Union of India,

Through the Secretary.

Ministry of Forest &

Environment, Govt. of India,

Pariyavaran Bhavan, CGO

.....Contd.

[Signature]

Filed by the applicant
through:
Utpal Das, Advocate
25-06-2001

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
in the year 1990 with the year of allotment from
1986 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
reviewing the cadre and holding meeting of the
selection committee which has thereby delayed the

.....Contd.
D. S. S. S.

scope of promotion to the posts IFS and getting allotment of year.

- 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-a-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 is entitled to the rights and privileges as guaranteed under the Constitution and the relevant rules framed thereunder.
2. That following due procedure, the applicant vide a notification dated 15.12.82 was appointed as Assistant Conservator of Forests (ACF in short) issued by the Respondent No.2 and was posted at Kolasib Division.

.....Contd.

[Handwritten signature]

Being so appointed, the applicant also underwent two years training for Diploma Course in Forestry.

A copy of the order of appointment dated 15.12.82 is annexed herewith as ANNEXURE-A.

3. That the applicant thereafter vide an order dated 19.2.88 under memo No. A 32012/2/87-FST issued by the Respondent No.2 was appointed upon promotion as Deputy Conservator of Forests/Divisional Forests Officer (DCF/DFO in short) and was posted as DFO, Mamit.

A copy of the said order dated 19.2.88 is annexed herewith as ANNEXURE- B.

4. That the Respondent No.2 thereafter vide an order dated 1.11.91 issued under memo No. A 31013/1/83-FST was pleased to confirm the appointment as DFO/DCF w.e.f. 11.12.90 at a senior scale against a sanctioned post.

Copies of the order dated 1.11.91 is annexed herewith as ANNEXURE-C.

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.

.....Contd.

[Handwritten signature]

6. 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.6.
7. 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-D & D-1.

8. That the seniority posts of the state of Mizoram which was earlier 9 in number, vide a notification issued

.....Contd.

Handwritten signature

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-E.

- 9. 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 his seniority was fixed at serial No.3 in the cadre of IFS.

Copies of the order dated 26.9.96 is annexed herewith as ANNEXURE-F.

- 10. That being aggrieved, the applicant submitted representation on 25.2.98 making a prayer therein to appoint him to the IFS cadre with year of allotment as 1990 when he became eligible for he having joined ACF in the year 1982.

A copy of such representation dated 18.2.98 is annexed herewith as ANNEXURE-G.

- 11. That finally vide an order dated 29.6.2000 issued by the Respondent No.1, the applicant year of allotment in the IFS was shown to be from 1992.

A copy of the said representation dated 29.6.2000 is annexed herewith as ANNEXURE-H.

Contd.

12. That the applicant begs to state that having appointed in a substantive and sanctioned posts which is very much evident from the allotted cadre strength for promotion quota, the unnecessary and unexplained delay caused in cadre reviewing and holding meeting of the selection committee has deprived the petitioner to get promoted to IFS from 1990 when same became due. The applicant ought to have been promoted from 1990 with year of allotment as 1986 when he was fit and suitable for the appointment to IFS.
13. That the applicant humbly begs to state that had the applicant been promoted to the post of IFS with year of allotment as 1986 when same became due, the petitioner would have been promoted by now, to a higher scale of pay. The applicant instead of getting the higher pay scale is being given lower pay scale and as such the pay scale has remain stagnant for the last few years.
14. 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
- Om Kishore*
Contd.

entitled to be promoted earlier to IFS as per Explanation to the IFS (Regulation of Seniority) Rules, 1968.

17. That the applicant begs to state that the Govt. of India issued a circular for holding DPC laying down the guidelines to be followed therein. The Respondents in the following case has overlooked such guidelines for which the applicant was made to suffer.

18. That the applicant further begs to state that when it being the admitted position that the applicant was eligible for promotion to IFS in the year 1990 after completing 8 years of service. It is also the admitted position that there was no cadre review since 1984 and the selection committee did not held its meeting since 1987 as enshrined under the rules and guidelines. As a result of such unreasonable and unjust act, no SFS officers from the state of Mizoram could be promoted when posts were available at 33 1/3 % which has also left the quota under utilised and caused hardships to the applicant. The Respondent No.1 in a similar circumstances admitting the hardships caused to the SFS cadre from the state of J & K and has allotted year retrospectively when same was due by issuing a notification dated 28.2.97. The applicant being similarly situated deserves similar treatment.

[Handwritten signature]

.....Contd.

The copy of the notification dated 26.2.97 is annexed herewith as ANNEXURE-I.

19. 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 20 SFS officers. Had the meeting been held regularly and the service of the applicant would have been earlier to 1987, the applicant would have been promoted to IFS when posts were readily available and when same became due to the applicant.
20. 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 1990 with year of allotment as 1986, the applicant has approached this Hon'ble tribunal with a prayer to refix his year of allotment as 1986 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 SFS of the state of Jammu & Kashmir. The applicant being similarly situated deserve same treatment.

.....Contd.

Burhama

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 officiation in senior post declared has to be counted. Since the applicant was officiating in a senior posts since 19.2.88 and having appointed as ACF in the year 1982,, hence his due date of promotion to IFS would be in the year 1990.
- b. For that the Respondents never took steps in holding meeting for preparation of lists for promoting SFS officer since 1987 and clubbed the vacancies which is contrary to the rules and did not appoint IFS officer from the promotee quota in the year 1985, 1986, 1987 and 1988 for which the applicant was denied for promotion to IFS cadre.
- c. For that from the entire sequence of events as stated above it is apparent that the Respondents have caused unreasonably delay in holding the meeting of the Selection Committee since 1987 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 1986 as by

.....Contd.

Dan Lalsona

getting promotion to IFS cadre, one is entitled to have better service benefits.

- d. For that it being apparent that posts were readily available and the applicant ought to have been promoted to IFS in the year 1990 with year of allotment as 1986 and for such irregularity, the applicant was deprived of service benefit and seniority and his service remain stagnant for years.
- e. For that the Respondents have regularly recruited 43 IFS officer during 1985-95, whereas as per IFS (Appointment by Promotion) Regulation, 1966, out of 43 seats, at 33 1/3%, 21 SFS officers ought to have been promoted.
- f. 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 applicant was deprived of better service benefits to which he is legally entitled.
- g. 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 and 29.6.2000 needs to be modified by asking the Respondents to allot year of allotment as 1986 when it felt due to the petitioner.

.....Contd.

Daneshwar

- h. 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.
- i. For that the order so assailed and the 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.
- j. 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

.....Contd.

Danielson

records and after hearing the parties may be pleased to pass an order directing the Respondents to promote the applicant to IFS with retrospective benefit from the year 1990 with year of allotment as 1986 restoring his seniority and retrospective service benefits by setting aside and/or modifying the order dated 26.9.96 (Annexure-F) and 29.6.2000 (Annexure-H) and/or pass such order/orders to which the 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.56425697dated for Rs.
50.00 (Rupees Fifty only) is enclosed.

.....Contd.

[Handwritten signature]

VERIFICATION

I , Sri Vanlalsawma , s/o late Tinzagina presently working as Divisional Forests Officer, Wild Life, Aizwal, Mizoram and as 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 25th day of June, 2001 at Guwahati.

Vanlalsawma

[Signature]

- 16 -

A - 2 (1)

GOVERNMENT OF MIZORAM
FOREST DEPARTMENT

Dated Aizawl, the 15th Dec/1982.

NOTIFICATION

B

No. 1202+1/81-FST : The Lt. Governor (Administrator) Mizoram is pleased to appoint the following four (4) persons as A.C.F. in the scale of pay Rs.650-30-740-35-810-EB-35-880-40-1000-EB-40-1200/- p.m. plus other allowances admissible under the Rules issued from time to time with effect from 31.10.1982 and their place of posting is as below :-

The appointment is on adhoc basis subject to regularisation of the selection board as per provision of the approved Recruitment Rules and such appointment will not bestow upon them a claim for regular appointment and the service rendered in adhoc basis in the grade concerned would not count for the purpose of seniority in the grade and for eligibility for promotion to the next higher grade.

<u>Name and designation</u>	<u>Place of Posting</u>
1. Shri Vanlalsawma A.C.F.	Kolasib Division
2. Shri Hringdailova Colney A.C.F.	Forest education and Research Institute, Aizawl.
3. Shri C. Lalchungnunga A.C.F.	Darlawn Division.
4. Shri Liankima Lailung A.C.F.	Lunglei Division.

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

Contd.-----

P.F. of

*Certified to be true
of the original
Advocate*

-17- -B- 23 (23)
GOVERNMENT OF MIZORAM
ENVIRONMENT & FOREST DEPARTMENT

NOTIFICATION

Dated Aizawl, the 19th Feb, '88

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 Forest Officer in order of merit in the scale of pay of 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 and posted in the place shown against each until further orders

Sl No.	Name of Officer	Place of Posting.
1.	Shri Vanlalsawma	D.F.O., Mamit.
2.	Shri Hmingdailova Coloney	Principal, FE & IR Aizawl.
3.	Shri C.Lalvuana	Working Plan Officer, Aizawl.

Sd/-
(F. ROTHANGA)

Under Secy. to the Govt. of Mizoram,
Environment & Forest Department.

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

Dated Aizawl, the 19th Feb, '88.

- 1) The Accountant General, Mizoram etc. Shillong with spare copies.
- 2) Secretary to the Governor, Aizawl.
- 3) P.S to Chief Minister, Aizawl.
- 4) P.As to All Ministers/Speaker/Dy Speaker/Minister of States, Mizoram.
- 5) P.S to Chief Secretary, Mizoram.
- 6) Chief Conservator of Forests, Aizawl. with 10 spare copies.
- 7) All Heads of Department, Govt. of Mizoram,
- 8) All Secretaries, Govt. of Mizoram.
- 9) Director of Accounts & Treasuries, Aizawl.
- 10) Controller, Printing & Stationeries, Mizoram with 5 spare copies for the publication in the Mizoram Gazette.

*Certified to be true
copy of the original
Sd/- Advocate*

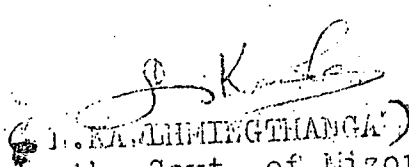
NOTIFICATION

Dated Aizawl, the 1st Nov, '91.

No.A.31013/1/83-FST : The Governor of Mizoram is pleased to confirm the following Deputy Conservator of Forests under the Environment & Forests Department against sanctioned posts of Divisional Forests Officer/Deputy Conservator of Forests in the scale of pay Rs. 3000-4500 as shown below with effect from 11th December, 1990.

Name of Officer:

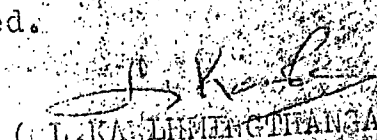
1. P.Liankhama.
2. Lalthangliana Murray.
3. Liankima Tailung.
4. Vanlalsawm.
5. Hmingdailova Colney.
6. Albina Thenkhuma.


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

Memo No.A.31013/1/83-FST : Dated Aizawl, the 1st Nov, '91.

Copy to:

1. Secretary to Governor of Mizoram.
2. P.S. to Chief Minister.
3. P.S./P.A. to Speaker/Dy.Speaker.
4. P.S./P.A. to all Ministers.
5. All Commissioners/Secretaries.
6. All Heads of Departments.
7. Accountant General, Assam, Meghalaya, Mizoram etc. Shillong.
8. Chief Controller of Accounts, Mizoram, Aizawl.
9. Controller, Printing & Stationery, Mizoram with 6 copies for publication in Mizoram Gazette.
10. Principal Chief Conservator of Forests, Mizoram, Aizawl.
11. Conservator of Forests, Northern Circle, Aizawl/Southern Circle, Lunglei/Research & Development Circle, Aizawl.
12. All Divisional Forests Officers within Mizoram.
13. All Officers concerned.
14. Guard File.


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

*Certified to be true
copy of the original
JES Advaita*

- 29 -

AD:

1/1/95
F)

No. 13013/1/95-IFS-I

Dated the 25th January, 1995

Dear Sir,

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 (ie., 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 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

Rmani
30/1/2001
Superintendent (Forest Management)
Office of the Joint
Cadre Authority
Mizoram & Assam.

certified to be true
copy of the original
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 I. 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.

[Signature]
(SARWESHWAR JHA)

Joint Secretary to the Government of India

ATTESTED

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

27 1 95

*Certified to be
of the original by Advocate*

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 & 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>	
A & N Islands Dadra Nagar Haveli and Daman & Diu.	-
Arunachal Pradesh	-
Goa	-
Mizoram	-

Seniority duty posts

-	19
-	27
-	6
-	9
-	61
-	12
-	73

Add CDR

ATTESTED

W. S. Saini 25/1/20
Superintendent (Establishment)
Office of the Chief Conservator of Forests
Mizoram : Aizawl.

The promotion quota in the Joint AGMUI Cadre of the IFS is set out to 24 posts, in accordance with provisions contained in the (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

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. Minni *30/1/2001*
Superintendent (Establishment)
Office of the Director
Chief Conservator of Forests
Mizoram - Aizawl.

Certified to be correct
of the original
30/1/2001
Associate

- 23 - A -

2001

ANNEXURE

CONSTITUENT UNIT - WISE

PROMOTEE OFFICERS IN THE INDIAN FOREST SERVICE

S.No.	Name	Year of allotment	Date of birth	Date of Superannuation
ARUNACHAL PRADESH				
	S/Shri			
1.	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. Baniwal	1979	10.06.48	30.06.2006
7.	P.K. Sen	1979	01.07.42	31.03.2000
8.	T. M. Jang		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
GOA				
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.T.S. (A & N ISLANDS)				
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 Director
 Chief Conservator of Forests
 Mizoram : Aizawl.

*Certified to be true copy
 from original
 by Adv. Advocate*

24

W/T MESSAGE

Annexure - D-1

71
28

TO : THE JOINT SECRETARY TO THE
GOVT. OF INDIA MINISTRY OF
ENVIRONMENT & FORESTS
FARYAVARAN BHAWAN, C.G.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, ASMU 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.

Wf
24/3

hbf

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

Spare Copy
22/3/95

Wdman
327/209

OF THE PCCF
2207
24/3

certified to be true copy
of the original before Advocate

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, Lunglei, 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

certified to be true copy of the original
Advocate

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

certified to be true copy of the original of the Govt Advocate

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

Posts under the Pondicherry Government

Deputy Conservator of Forests & Chief Wildlife Warden 1

Posts under the Lakshadweep Administration

Deputy Conservator of Forest & Chief Wildlife Warden 1

Posts under the Chandigarh Administration

Deputy Conservator of Forests & Chief Wildlife Warden 1

TOTAL:

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

(Signature)

(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(TV), 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:-

Annexure - F 25

(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
<u>Arunachal Pradesh:</u>		
	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
<u>Mizoram:</u>		
	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	Vanalsawma	01.03.1959
07	Hmingdailova Colney	01.05.1959

certified to have copy of the original

clearance

Andaman & Nicobar Administration:

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. Sanehwal)

Under Secretary to the Govt. of India

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.

Annexure - 6

To,

The Secretary to the Govt. of India
Ministry of Environment & Forests
Paryavaran Bhawan
C.G.O Complex, Lodhi Road
New Delhi - 110003

Through : Proper Channel.

Subj : Assignment of year of allotment to IFS (AGMUT) Cadre - regarding.

Respected Sir,

With due respect and humble submission, I am to State the following few lines of prayer for favour of your kind and sympathetic consideration.

1. That Sir, I was inducted into IFS (AGMUT) under promotion Regulation vide Ministry's notification F.32012/1/93-IGS-1 dt. 26.9.1996. But till today year of allotment is not assigned to me even after a lapse of more than one year. As a result, fixation of my pay in a revised scale was held up. The fifth Pay Commission recommendation states that four and nine years of service in this rule shall be calculated from the year of allotment assigned to him under Rule 3 of the IFS (Regulation of Seniority) Rules, 1968.
2. I joined the State Forest Service on 31.10.1982 and got promotion to Senior Scale (DCF) on 19.2.1988. So, I was eligible for promotion to IFS in 1990. But unfortunately, there was no cadre review from 1984 onwards and also no selection Committee meeting was held after 1987 although there is a mandatory provision in the regulations to hold cadre review and selection committee meeting every three years and every year respectively. If the selection committee meeting was being held and prepared select list annually. I would have been appointed to IFS in 1990 and got the year of allotment as 1986. And as a result, I felt that undue hardship has been caused to me to delay in the conduct of cadre reviews and holdings of selection committee meetings.

*certified to be true copy of the original
Advocate*

Contd2/-

3. That Sir, the same case had been presented by the Inducted IFS Officers of Jammu & Kashmir cadre recently and the matter has been settled favourably vide Ministry's letter No. 13014/07/95-IFS-11 dt. 28.2.1997.

In view of the above, I therefore earnestly pray to assign me the year of allotment at an early date with sympathetic consideration in accordance with the methods adopted in the case of IFS, Jammu & Kashmir cadre for which act of your kindness I shall remain ever grateful to you.

Yours faithfully,

Vanlal 25/2/98

(VANLALSAWMA)
Divisional Forest Officer,
Champhai Forest Division,
Champhai : Mizoram

Advance copy submitted to the Secretary to the Govt. of India, Ministry of Environment & Forest, New Delhi for favour of information and necessary action.

Divisional Forest Officer,
Champhai Forest Division,
Champhai : Mizoram

108

39
Armedexina H

15
H. P. S.

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 Territory (AGHUT) 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 mentioned 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 respective States.

A. Arunachal Pradesh

Sl. No.	Name & DOB (S/S/Shri)	Date of appl. to 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.	J. Jongsom (03.01.55)	26.09.96	- do -
03.	K.K. Beori (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. Rözika (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. Liangkama (01.03.49)	26.09.96	- do -
04.	M. Lalchangliana Murray (16.04.59)	26.09.96	- do -
05.	P. Liangkama Lalitung (10.11.61)	26.09.96	- do -
06.	Z. Lal Sawma (01.03.59)	26.09.96	- do -
07.	M. Dingdailova Colney (01.05.59)	26.09.96	- do -

certified to be true
copy of the original
is
forwarded

[Signature]

-34-

H 401

C. Andaman & Nicobar Administration

Name & DOB (Shri)	Date of appl. to IFS	Notification No. & Date
1. Shri. Hira (05.07.54)	26.09.96	F.No.32012/1/93-IFS-1 dt. 26.09.96
2. Pandhir Singh (17.11.38)	26.09.96	- do -
3. Singh (17.45)	26.09.96	- do -
4. Singh (01.04.47)	26.09.96	- do -
5. S.C. Bhukhopadhyay (26.10.50)	26.09.96	- do -
6. Santosh Guha (31.49)	26.09.96	- do -
7. Jacob (14.12.52)	26.09.96	- do -
8. Chandrapandian (25.03.53)	26.09.96	- do -
9. S. S. Kumar (17.10.60)	26.09.96	- do -
10. S. Bhatt (23.06.50)	11.10.96	F.No.32012/1/93-IFS-1 dt. 11.10.96
11. S. Hira (11.47)	02.12.96	F.No.32012/1/93-IFS-1 dt. 02.12.96

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

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 tradeship segment, are placed below Shri Ngilyang Tam, IFS (RR:1993) who has been continuously drawing the senior time scale for IFS prior to the date of their appointment to IFS on 26.09.96 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 prior to the date of appointment of Shri S. Chowdhury to IFS on 02.12.96 and his year of allotment will be 1993.

*Certified to be true
of the original
Advocate*

Prasad

119

H
47

separate orders will follow regarding the interests of the above officers in the Joint AGMUI Cadre.

(R.B.S. Rawal)
Director

Distribution :

- Secretary, Arunachal Pradesh/Goa/Mizoram/A&N Islands, Panaji/Aizawl/Port Blair.
- Secretary, Arunachal Pradesh/Mizoram/A&N Islands, Panaji.
- Secretary, IPSC, Shahjahan Road, New Delhi.
- Accountant General, Arunachal Pradesh/Goa/Mizoram/Panaji/Aizawl.
- Accountant General, A&N Islands, Port Blair.

No. 13014/07/95 - IFS-II

Amey - I

Government of India
Ministry of Environment and Forests

Paryavaran Bhawan, C.G.O. Complex,
Lodhi Road, New Delhi - 110003.

Dated the 28th February, 1997.

To

The Chief Secretary,
Govt. of Jammu and Kashmir,
Srinagar.

Sub:- Indian Forest Service - J & K Cadre - Revision of seniority of officers appointed on the basis of 1995 Select List.

Sir,

I am directed to say that S/Shri V.P. Modi and 27 other State Forest Service Officers of your State were appointed to the Indian Forest Service (IFS) of J & K Cadre by promotion vide this Ministry's Notification No. 17013/07/95-IFS-II dated 12.9.95. All the 28 officers were assigned 1991 as their Year of Allotment in terms of the provisions of rule 3 (2) (a) and 3 (2) (c) of the IFS (Regulation of Seniority) Rules, 1968 vide this Ministry's Order No. 18014/7/95 - IFS-II, Dt. 30.10.95.

2. Representations have been received from the officers concerned that if the Select List were prepared annually, as envisaged in the IFS (Appointment by Promotion) Regulations, 1966, they would have been appointed to IFS earlier and consequently they would have got higher Year of Allotment than 1991 and higher seniority position than assigned now.

3. The Government of Jammu and Kashmir also recommended the relaxation of Rules/Regulations in order to assign higher Year of Allotment and seniority to the officers concerned, because the Select List of 1995 from which the above said 28 officers were appointed was prepared after a gap of about 20 years.

4. The matter has been considered carefully. It is felt that undue hardship has been caused to these officers due to delays in the Conduct of Cadre Reviews and holding of Selection Committee meetings. If the Selection Committee meetings were held annually these officers would have been appointed to IFS much earlier and would have got higher Years of Allotment and seniority.

5. In view of the undue hardship caused to the officers concerned, the Central Government, in exercise of the powers conferred by rule 3 of the All India Services (Conditions of Service - Residuary Matters) - Rules, 1950, as a ONE-TIME measure is pleased to assign deemed dates of appointment to the Service as shown in Column 3 and determination of Year of Allotment as shown in Column 4 of the table below. Accordingly, the

continued.....

*certified to be true
copy of the original
Adv. Advocate*

deemed date of appointment of these officers have been worked out on the basis of deemed cadre review, inclusion of their names from the year 1980 onwards which is calculated on the basis of vacancies in promotion quota at the appropriate periods and then applying the provisions of rule 3 of the IFS (Regulation of Seniority) Rules, 1968, on the basis of their deemed dates of appointment to the IFS for assigning Year of Allotment and inter-se seniority. (Statements A and B indicating as to how the vacancies were arrived at and the names of officers who could be accommodated against each vacancy are enclosed for information.

S.No	Name	Deemed Date of appointment (31st Dec. of the year)	Revised Year of Allotment based on Col. (3)
1	2	3	4
S/Shri			
1.	V.P.Modi	31.12.80	1976
2.	M.A.Kawoosa	31.12.80	1978
3.	M.K.Sharma	do	1978
4.	S.Haqashbandi	do	1978
5.	M.S.Narsinghia	do	1978
6.	S.S.Bali	do	1978
7.	M.R.Wadoo	do	1978
8.	M.K.Zadoo	do	1978
9.	Chander Mohan Sethi	do	1978
10.	Shafar Ahmed	do	1978
11.	S.K.Khajuria	do	1978
12.	Shamir Mohd.Khan	31.12.85	1982
13.	F.S.Ahmed Qadri	31.12.88	1984
14.	Subash Chander Sharma	31.12.89	1985
15.	Suraj Prakash Sharma	do	1985
16.	Harinder Singh	31.12.90	1986
17.	Udinder Pachnanda	do	1986
18.	Abdul Qayoom Khan	do	1986
19.	Mohd.Shafiq Khan	do	1986
20.	Ranu Raj Singh	do	1986
21.	Delit Kr. Sharma	do	1986
22.	Ranbeer Ahmed	do	1986
23.	Rajenderjit Sharma	do	1986
24.	Arun Kumar	do	1986
25.	Asgar Inayatullah	do	1986
26.	M.R.Laloo	do	1986
27.	M.A.Hakak	31.12.92	1988
28.	Missar Ahmed Hakker	31.12.92	1988

NOTE: The revision presently covers only those officers who have been actually appointed to IFS of J & K Cadre on the basis of 1995 Select List.

continued.....

MIN (E&F)

I

3/8

..3..

5. For purposes of inter-se seniority, they shall be placed below the direct recruits of the corresponding Year of Allotment in the same order.

Yours faithfully,

(A.S.N. Murti)

Under Secretary to the Govt. of India

Copy to:

Department of Personnel & Training, North Block, New Delhi AIS-I Section). Their case No. F.No. 14014 / 32 / 96 - AIS-I refers.

Copy also:

Guard file

45

4 SEP 2001
Tribunal

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

COUNTER AFFIDAVIT OF THE RESPONDENT NO.1 TO THE
ORIGINAL APPLICATION NO.228/2001

IN THE MATTER OF

Shri Vanlalsawma - Applicant

Vs

Union of India and Others - Respondent

INDEX

<u>S.No.</u>	<u>Contents</u>	<u>Page No.</u>
01.	Reply of the Respondent	1-6
02.	Prayer	7
03.	Verification	7
04.	Annexure – R.1.1	
05.	Annexure - R.1.2	

Through


(Arunesh Deb Roy)

Sr. Central Govt. Standing Counsel
CAT Guwahati Bench

ORIGINAL APPLICATION No. 228/2001 IN THE CAT
GUWAHATI BENCH

Filed by

10/2/91
(A. DESAI)

Sr. C. J.
G. A. T., Guwahati Bench

Shri Vanlalsawma, 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.

G.P.Haldar

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 Services 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 had 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 Section 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 reply to averments made in sub-paras (i) and (ii) of para 1 of the OA, the reasons for not holding the meetings of the Selection Committee from 1988 upto 1995 for promotion to the joint AGMUT cadre of IFS have been explained in para 3.4 above. As regards his assertion for fitness for promotion in 1990, such fitness has to be assessed by the competent authority and not by the Applicant himself. Also, the order of the Respondent dated 29.6.2000 fixing the Year of Allotment of the Applicant has been passed as per rules applicable to him.

Statu

- (ii) In response to averments made in sub-paras (1), (2), (3) and (4) of para 4 of the Application, the Respondent has no comments to offer.
- (iii) In reply to averments made in sub-para (5) of para 4, it is admitted that as per order of 1985, the strength of Senior Duty Posts for the Mizoram segment of the then UT cadre of IFS was fixed at 9, but no promotion quota was separately allocated to any of the UTs at that time. On the other hand, promotion to the UT cadre of IFS used to be made on the basis of information received from the respective Union Territories regarding the availability of eligible officers from each Union Territory.
- (iv) No comments called for on sub-para (6) of para 4.
- (v) In reply to averments made in sub-para (7) 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 the Joint Cadre Authority (JCA) to the notional allocation of promotion quota posts for IFS for the first time as explained in para 3.4 of the reply. Before this, there was no allocation of promotion quota for the individual units of the UTs 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 as explained in sub-para (iii) above. There was, therefore, no question of under utilisation or over utilisation by any segment till that time. This question arose only after UT cadre was re-constituted as a Joint AGMUT cadre.
- (vi) In reply to averments made in sub-para (8) of para 4, it is admitted that as a result of the Cadre Review in 1995, the number of senior duty posts for Mizoram segment was increased from 9 to 19.
- (vii) The contention in sub-para (a) of para 4 is a matter of record, and the Respondent has nothing to add.
- (viii) In reply to averments made in sub-para (10) and (11) of para 4, it is submitted that the Year of Allotment of the Applicant has been fixed as per rules/regulations applicable to him.
- (ix) In reply to averments made in sub-para (12) of para 4, the circumstances under which Cadre Review and Selection Committee meeting for the joint AGMUT cadre of IFS could not be held between 1988 and 1995 have been explained in paragraphs 3.1, 3.2, 3.3 and 3.4 above.
- (x) The Respondent does not wish to reply to the hypothetical position made in sub-para (13) of para 4.

-: 4 :-

(xi) In reply to averments made in sub-para (14) of para 4, it is submitted that Regulation 5 of the IFS (Appointment by Promotion) Regulations, 1966 provides 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 this regulation is significant as it is intended to cover situations like this, and therefore has not made it mandatory for the Committee to meet every year.

(xii) In response to averments made in sub-para (15) of para 4, it is strongly denied that the Respondent acted in any arbitrary or mala fide manner or in any colourable exercise of power in the matter of promoting the Applicant to IFS. The circumstances under which the Cadre Review of the joint AGMUT cadre or meeting of the Selection Committee could not be held during the period 1988 to 1995 have been explained in the preceding paragraphs.

(xiii) In reply to averments made in sub-para (16) of para 4, it is submitted that the Respondent had no prior knowledge of any officiation by the Applicant against senior duty posts for IFS. Attention in this connection is invited to provisions under Rule 9 of IFS (Cadre) Rules, 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. As and when an officer of the State Forest Service officiates in a senior post included in the state cadre for IFS, the same is subject to scrutiny by the Central Government and the UPSC, their prior approvals being required for any period of officiation of State Forest Service officers exceeding 3 months in duration. This issue was examined by the Apex Court in their judgement dated 29.11.92 in the case of Syed Khalid Rizvi & Others Vs. Union of India etc. 1992 (3) SCALE p.287, wherein they have held that such officiation by State Police Service officers on posts included in the state cadre of the Indian Police Service which have not been approved by the Central Government and the UPSC as required in terms of the provisions of the Cadre Rules for the respective services, has to be treated as purely temporary and local arrangement made by the State Government themselves and by natural corollary, such arrangements cannot give to the concerned officers benefits for the purposes of seniority.

A copy of the IFS (Cadre) Rules, 1966 is **annexed as annexure – R1.1**

(xiv) In reply to averments made in sub-para (17) of para 4, it is submitted that for holding the DPC meeting regularly, the Government needed to be sure about the vacancy position. Because of the change in cadre structure from UT to Joint AGMUT cadre of IFS, a clear picture about the vacancy position could emerge only by the end of 1995 and the meeting of the Selection Committee was held in March 1996.

Sharma

(xv) In reply to averments made in sub-~~paras (18) and (19)~~ of para 4, it is admitted that in the case of J&K cadre of IFS, benefit of promotion to IFS with effect from retrospective dates have been given to the State Forest Service officers. But this has been done only after invoking extra-ordinary provisions of the rules/regulations and not under the normal rules. It is also submitted in this context that there cannot really be any comparison between the situations obtaining in J&K cadre and the joint AGMUT cadre of IFS. In spite of this, the Central Government at one stage seriously considered the possibility of giving the benefit of higher years of allotment to the AGMUT cadre officers promoted in 1996, but it was not found feasible and the Year of Allotment has been fixed as per normal rules applicable to all these officers including the Applicant. It is also submitted in this connection that the IFS (Regulation of seniority) Rules have since been amended with effect from 1.1.98. Although the provisions of IFS (Regulation of seniority) Rules, 1997 are not applicable to the Applicant, but if it had been made applicable to him, he would not have lost or gained anything in seniority than what has been assigned to him under the normal rules. Moreover, the Applicant is only harping on the fact that he had become eligible for promotion to IFS in a certain year when the Selection Committee could not meet because of certain circumstances explained in the preceding paragraphs. But he is not considering the other aspects of the situation, wherein there might be some other State Forest Service officer, senior to him who had retired on superannuation during this period when the Selection Committee could not meet. Had the situation been normal and the Selection Committee met regularly, it was just possible that those SFS officers senior to the Applicant would have made it to the IFS and not the applicant. On the balance, therefore, the Applicant has lost nothing.

(xvi) In reply to averments made in sub-para (20) of para 4, it is submitted that the Applicant's sense of being aggrieved emanates from his inability to take a balanced view of the situation. It is strongly denied that there has been any arbitrary or mala fide act on the part of the Respondent in the matter of promotion of the Applicant to IFS or in the matter of fixation of Year of Allotment.

5.(i) In reply to averments made in sub-para (a) of para 5, it is submitted that the Select List of 1996 in which the applicant was included was **not** the first Select List for the cadre and also for counting the continuous officiation in a senior post or posts declared equivalent there to prior to the date of inclusion of his name in the first Select List, such officiation requires approval of the Central Government and UPSC. None of the conditions have been fulfilled in this case.

A copy of the IFS (Regulation of Seniority) Rules, 1968 is enclosed as Annexure – R.1.2

[Handwritten signature]

(ii) In reply to averments made in sub-para (b) of para 5, it is denied that the Respondent did not take steps to hold meetings of the Selection committee after 1987, on the other hand, the Respondent was addressing itself to the issues arising out of the reconstitution of the UT cadre into the joint AGMUT cadre of IFS before holding the next meeting of the Selection Committee. It is also pointed out that meetings of the Selection Committee for UT cadre were held in 1985, 1986 and 1987 and promotions made to UT cadre of IFS. However, by his own admission, the Applicant became eligible for promotion to IFS only in 1990, then even if no promotion has been made to IFS during the years 1985, 1986, 1987 and 1988, how it effected him has not been explained by him.

(iii) In reply to averments made in sub-para (c) of para 5, it is again reiterated that there had been no arbitrary or mala fide action on the part of the Respondent in the matter of holding the meeting of the Selection Committee. The meeting of the Selection committee for the AGMUT cadre of IFS was held in 1996 as soon as all the issues arising out of the reconstitution of the cadre as the joint AGMUT cadre were sorted out.

(iv) In reply to averments made in sub-para (e) of para 5, it is reiterated that promotion to the UT cadre of IFS had been done regularly during the years 1985, 1986 and 1987, but no promotion could be made in the subsequent years till 1995 due to the circumstances explained in the foregoing paragraphs.

(v) In response to averments made in sub-para (f), (g), (h), (i) and (j) of para 5, it is strongly denied that there has been any illegal, arbitrary, whimsical or mala-fide action or any colourable exercise of power on the part of the Respondent in the matter of promotion of the Applicant to IFS, or that there has been any violation of any of the Articles of the Constitution or of the Principle of Natural Justice or administrative fairplay.

Statika

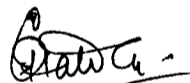
PRAYER

In view of the foregoing paragraphs, it is abundantly clear that there is no merit whatsoever in the present Application, which deserves to be dismissed forthwith, and the Respondent prays accordingly.

VERIFICATION

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
(जी० पी० हार्दर/G. P. Haldar)
अवर सचिव/Under Secretary
पर्यावरण एवं वन मंत्रालय
Ministry of Environment & Forests
नई दिल्ली/New Delhi

8
Annexure - P.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.

36. 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

Attested
O.P. Chhillar
30/8

O. P. CHHILLAR
Section Officer

Ministry of Environment & Forests
Government of India
New Delhi

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 the 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 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 :

⁵Provided 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**—

⁶8(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.

Attested
 O. P. CHHILLAR
 Section Officer
 Ministry of Environment & Forests
 Government of India
 New Delhi

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 equiva-

lent 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
 O. P. CHHILAR
 Section Officer
 Environment & Forests
 Govt. of India
 Delhi

In p
 Indian
 Central
 tion w
 cerned

1. S
 These
 Forest
 Regula

1(2)
 force

2. S
 posts
 tion o
 in each
 Sched

1. S

¹Subst
²Subst
³Subst

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.

Annexure - R-12

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 3 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 continuous service of the officer shall be excluded for this purpose.

N2 represents completed years of continuous Gazetted service upto 1st July, 1956 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

*Added/Substituted w.e.f. 1-7-66 vide MHA Notification No. 2/9/66-AIS(V), dt. 10-6-66.

Attested
398/201
P. HILLAR
Officer
MHA
Ministry of Forests
& Forests
India

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 commissioner.

(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 8 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 :

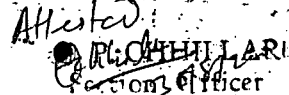
Provided further that such certificate shall be given only if, for every senior officer in the Select List appointed to a non-cadre post in respect of which the certificate is given, there is one junior Select List officer officiating in a senior post under rule 9 of the Indian Forest Service (Cadre)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

(A) 1113 vide MHA Notification No. 9/13/68-AIS(IV), dated 7-6-69.

Attested:

 P. CHHILLARI
 Selection Officer
 Ministry of Environment & Forests
 Government of India
 New Delhi

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

O. P. Chhillar

30/8/2001

O. P. CHHILLAR
Section Officer
Ministry of Environment & Forests
Government of India
New Delhi