

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 288/2001

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SECTION OFFICER (Judl.)

07/12/17

FORM NO. 4

(See Rule 42)

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

ORDER SHEET

Cognizance APPLICATION NO. 288 OF 2001

APPLICANT (s) P. L. Agarwal

RESPONDENT (s) U. O. I. Govt

ADVOCATE FOR APPLICANT(s) B. K. Martha, S. Sarma, U. K. Nair

ADVOCATE FOR RESPONDENT(s) Cafe

Notes of the Registry	dated	Order of the Tribunal
1) This application is in form but not in time. Consideration Petition is filed, not filed vide M. P. No. <u>186/1201/C.F.</u> for Rs 50/- deposited vide IPO/BP No <u>66788394</u> Dated..... <u>20-7-2001</u> <i>Dy. Register</i>	27.9.01 ab	Heard counsel for the parties. The application is admitted. Call for the records. List on 19/11/01 for order. Member <i>Vice-Chairman</i>
Pl. note why put up of 60 days only without I.P.O. NS 7.9.2001 IPO of Rs. 50/- has been submitted.	27.9.01	Heard Mr. U. K. Nair learned counsel appearing on behalf of the applicant. Mr. U. K. Nair wants to withdraw the application due to some formal defects. Prayer is allowed. Application is dismissed on withdrawal. Liberty is given to file a fresh application, if occasion arises. <i>I.C.C. Shal</i> Member <i>Vice-Chairman</i>
Notes: <u>Subscribed</u> 1) Filed on 14.7.2001. 2) Reg. as on 30.7.2001. 3) I.P.O submitted on 20.9.2001. Submitted for signature. <i>N. Sarma</i> 26/9/01	lm	

✓ 27.9.01

DEPUTY REGISTRAR

This application is filed
on 17.7.2001, registered on 30.7.2001.
Thereafter, placed for admission. It seems
that I.P.O. was submitted on 20.9.2001.

Deputy Registrar, will enquire
the cause of delay and submitted report
within 3 days.

✓
28/9/01.

Please call for the explanation as
to why and how the case is delayed
as directed by the Honourable Bench.

✓
28/9/01.

80(1)

D/Ass'tt.

Pl. comply the above
order.

✓
28/9/2001.

13.11.2001

Copy of the order
has been sent to the
Office for issuing the
sum to the I.P.O./Adm
for the party.

✓

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

17 JUL 2001

गुवाहाटी न्यायपीट

Guwahati Bench

THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH
GUWAHATI

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

Title of the case : O.A. No. 288 of 2001

Sri Pravin L. Agarwal ... Applicant

- Versus -

The Union of India & Ors. ... Respondents

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For use in Tribunal's Office :

Date of filing

Registration No.

REGISTRAR

THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH
GUWAHATI

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

O.A. No. 288 of 2001

BETWEEN

Sri Pravin L. Agarwal,
Divisional Forest Officer,
Sadar Division, Jagaharimura,
Agartala, West Tripura.

... Applicant

AND

1. The Union of India, represented by the Secretary to the Government of India. Ministry of Environment & Forest, Paryavaran Bhavan, CGO Complex, New Delhi.
2. The Secretary to the Government of India. Ministry of Environment & Forest, Paryavaran Bhavan, CGO Complex, New Delhi.
3. The State of Tripura, represented by the Chief Secretary to the Government of Tripura, Agartala.
4. The State of Manipur, represented by the Chief Secretary to the Government of Manipur, Imphal.
5. The Union Public Service Commission, represented by the Secretary, Dholpur House, Shahjahan Road, New Delhi.
6. Shri Prasenjit Biswas, Divisional Forest Officer, Planning Division, Sepahijala, P.O. Bishalgarh, Tripura.
7. Shri Debasis Chakraborty, DCF, Wild Life, office of the PCCF, Nehru Complex, Gorkha Basti, Agartala.

... Respondents

Filed B4: Sri Pravin L. Agarwal &
Shri Pravin L. Agarwal
through
Yuni Krishnam Naik
Advocate

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

The present application is directed against an order No. 17013/12/97-IFS-II dated 2.9.98 issued by the Government of India, Ministry of Environment and Forests under the signature of the Under Secretary to the Government of India assigning the years of allotment of the Respondents No. 6 and 7 placing them above the Applicant. The O.A. is also directed against the deemed rejection of the representation submitted by the Applicant making a grievance against the said order dated 2.9.98.

2. JURISDICTION OF THE TRIBUNAL :

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

3. LIMITATION :

The applicant further declares that the instant application has been filed within the period of limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicant is a citizen of India and as such he is entitled to all the rights, privileges and protections guaranteed to a citizen by the Constitution of India.

4.2 That the Petitioner belongs to 1994 batch of direct recruit IFS. He has been allocated to the Manipur Tripura Joint Cadre and posted at Tripura Wing of the said Joint Cadre. He is presently working as DFO, Sadar at Agartala. It will be pertinent to mention here that one Shri Anurag Vajpayee, a batchmate of the Applicant is also allocated the said Joint Cadre of Manipur Tripura and is posted in the Manipur Wing of the joint cadre.

4.3 That on 11.9.97 said Shri Anurag Vajpayee on being appointed to the senior time scale post of DCF (Rubber) which is a cadre post, joined as such. On 29.9.97, the Government of Tripura in the Forest Department issued a notification posting the Applicant as DFO, Manu on transfer which is an IFS cadre post in the senior time scale of pay. On 4.10.97, by yet another notification issued by the Government of Tripura in the Appointment and Services Department, one Shri Ratneswar Das, a Forest Officer was granted earned leave stating that the charge will remain with the Applicant. The Applicant joined as DFO, Sadar vide said Shri Ratneswar Das which is also a senior scale

cadre post. Thereafter, the Applicant joined as DFO, Manu on 19.11.97.

The Applicant craves leave of the Hon'ble Tribunal to produce the copy of the aforesaid notification if and when required.

4.4 That on 8.10.97, the Respondent No. 6 Shri Prasenjit Biswas appointed to IFS on promotion. On 8.12.97, the Respondent No. 7 was also appointed to IFS on promotion. It will be pertinent to mention here that as per the provisions of the relevant rules and regulations holding the field, a State Forest Service Officer on being promoted to IFS, is appointed to the senior scale post and his year of allotment and seniority is fixed in reference to a direct recruit IFS officer who officiated continuously in a senior post from a date earlier than the date of commencement of such officiation by the promotee officer. In the instant case, both Shri Vajpayee and the Applicant officiated in a senior scale post prior to the appointment of the Respondents No. 6 and 7 to the IFS and thus the year of allotment and seniority of the said Respondents is required to be fixed in reference to the Applicant and said Shri Vajpayee and they will be junior to the Applicant and said Shri Vajpayee.

4.5 That the Applicant remained posted at Manu till 27.12.99 wherefrom he was transferred to the present place of posting. On the other hand, said Shri Vajpayee remained posted as DCF (Rubber)/DFO till about October

2000 and thereafter he was transferred to the office of the PCCF, Imphal to another cadre post.

4.6 That both Shri Vajpayee and the Applicant got promotion to senior scale with effect from 1.1.98. After the transfer of the Applicant as DFO, Sadar after December 1999 to the present place of posting, the Applicant came across the civil list of IFS officers and could come to know about the assignment of seniority and year of allotment of the Respondents No. 6 and 7 above him and said Shri Vajpayee. It will be pertinent to mention here that Manu is a very interior place and the Applicant did not have any occasion to receive the copy of the impugned notification dated 2.9.98 and/or the civil list copy of which were never endorsed and/or furnished to the Applicant.

4.7 That to the utter surprise of the Applicant, it was found on perusal of the civil list that the Respondents No. 6 and 7, the two promotee officers have been given seniority and year of allotment above the Applicant and said Shri Vajpayee. The Applicant being the direct recruit of 1994, as per the provisions of the Rules of seniority, his year of allotment is 1994. Since the Applicant and said Shri Vajpayee were officiating in senior scale posts at the time of promotion of the Respondents No. 6 and 7 to the IFS, their year of allotment is required to be fixed in reference to the Applicant and said Shri Vajpayee and

their year of allotment will be 1994 below the Applicant and said Shri Vajpayee.

4.8 That the Applicant having come to know about the fixation of year of allotment of the Respondents No. 6 and 7 as 1993 above the Applicant on perusal of the civil list only in the early part of 2000 made further enquiries and could come to know that the Government of India by their telegram dated 22.5.98 to the State Government had asked for the name of the juniormost direct recruit officers officiating in senior scale post on 8.10.97 and 8.12.97. Admittedly on these two dates, the Applicant and said Shri Vajpayee were officiating in senior scale posts, however, unfortunately, the State Government concerned did not furnish the correct information regarding the officiation of the Applicant and said Shri Vajpayee in the senior scale cadre post, but for which the year of allotment of the Respondents No. 6 and 7 would have been fixed as 1994 fixing their seniority below the Applicant and said Shri Vajpayee.

4.9 That to the best of knowledge of the Applicant, the State Government concerned had named one Shri A.M. Kanphade and S.S. Chabra of 1992 and 1993 batch respectively stating them to be officiating in the senior scale post at the time of promotion of the Respondents No. 6 and 7 to the IFS. This being the position, their year of allotment has been fixed in reference to said Shri Kanphade and Shri Chabra and has

been assigned 1993 as their year of allotment adversely affecting the seniority of the Applicant. It was only during the early part of 2000, the Applicant could come to know about the impugned notification dated 2.9.98 by which the year of allotment of the Respondents No. 6 and 7 has been fixed as 1993. By the said notification dated 2.9.98 the year of allotment of the Respondents No. 6 and 7 has been fixed as per the provision of the relevant rules i.e. the IFS (Regulation of Seniority) Rules, 1968 assigning them the year of allotment as 1993 below Shri S.S. Chabra so far as the Respondent No. 6 is concerned and below Shri Prasenjit Biswas so far as the Respondent No. 7 is concerned. It was on that basis, in the impugned civil list, the Respondents No. 6 and 7 were shown above the Applicant with their year of allotment as 1993.

Copies of the telegram dated 22.5.98 and the impugned order dated 2.9.98 and the extract of the civil list are annexed as ANNEXURES-1, 2 and 3 respectively.

4.10 That the Applicants having come to know ~~about~~ the said impugned order and the civil list placing the Respondents No. 6 and 7 above the Applicant and assigning them the year of allotment as 1993, made representation on 2.4.2000 followed by further representations dated 3.8.2000 and 15.1.2001.

Copies of the representations dated 2.4.2000, 3.8.2000 and 15.1.2001 are annexed as ANNEXURES-4, 5 and 6 respectively.

4.11 That the Applicant states that the said representations of the Applicant are yet to be attended to and the Applicant is still in dark about the fate of his grievance relating to fixation of seniority and year of allotment of the Respondents No. 6 and 7 above him. The fixation of year of allotment of the Respondents No. 6 and 7 as 1993 is the result of incorrect information furnished by the State Government concerned, but for which the year of allotment of the said Respondents would have been fixed as 1994 below the Applicant and said Shri Vajpayee.

4.12 That the Applicant having been allowed to officiate in an IFS senior scale cadre post by notification dated 29.9.97 and his batchmate Shri Vajpayee having been allowed to do so, with effect from 11.9.97 and they having continuously held the senior scale posts till their promotion to the senior scale with effect from 1.1.98, naturally, as per the provisions of Rule 3 of the IFS (Regulation of Seniority) Rules, 1968, the year of allotment of the Respondents No. 6 and 7 who were promoted to IFS with effect from 8.10.97 and 8.12.97 are required to be fixed in reference to the Applicant and said Shri Vajpayee. Had this been done, their year of allotment would have been 1994 fixing their seniority below the

Applicant and said Shri Vajpayee as per the provisions of the said Rules. Unfortunately, the State Government concerned did not furnish the Central Government with the correct information and to the query of the Central Government as to who were the juniormost direct recruit officers officiating in senior scale posts of IFS as on 8.10.97 and 8.12.97, the State Government concerned instead of referring the Applicant and said Shri Vajpayee as the juniormost officers officiating in senior scale posts, preferred one Shri Kanphade and Shri S.S. Chabra of 1992 and 1993 batch to be the officers officiating in the senior scale posts. Because of this wrong information, the impugned notification and the consequent civil list has been prepared assigning the year of allotment to the Respondents No. 6 and 7 as 1993 instead of 1994 placing them below the Applicant and said Shri Vajpayee.

4.13 That the Applicant states that having not received any response to the representations submitted by the Applicant, he had visited the office of the Government of India in the Forest Department and upon his enquiry, he has been intimated that since no information has been furnished by the Government of Tripura, they are handicapped from issuing necessary orders. When contacted, the concerned officials of the Tripura Government has intimated the Applicant that they are in touch with the Manipur Government in the matter and needful would be done on receipt of information from the Government of Manipur. Such information both by the

Central Government and the State Government has been furnished to the Applicant after Annexure-6 representation dated 15.1.2001 and the Applicant was all along with the legitimate expectation that needful would be done in the matter and his grievance would be redressed. However, since nothing has been done in the matter till this very date, the Applicant is now left with no other option than to come under the protective hands of this Hon'ble Tribunal.

4.14 That the Applicant states that the fact that he was posted as Divisional Forest officer, Manu by notification dated 29.9.97 and Shri Vajpayee was allowed to officiate in a senior scale post of DCF (Rubber) and that both the posts are born in the IFS cadre in the senior scale of pay are not disputed. However, the Applicant craves leave of this Hon'ble Tribunal to produce the copy of the necessary notification if and when required.

4.15 That the Applicant states that there being a set of rules laying down the criteria of fixation of seniority and year of allotment, the official Respondents cannot override the provisions of the said rules and assign a year of allotment to the Respondents No. 6 and 7 which is not legally permissible. Admittedly, their year of allotment should have been fixed as 1994 assigning them their seniority below the Applicant and said Shri Vajpayee as per the provisions of the said Rules. However, because of the wrong information furnished by the State Government concerned

to the Government of India, the impugned order has come into being and consequent civil list has been prepared adversely affecting the service career of the Applicant which is required to be remedied by this Hon'ble Tribunal.

4.16 That the Applicant states that all his representations have fallen into the deaf ears of the official Respondents and except the assurances given to the Applicant by the said Respondents, nothing concrete has been done in the matter and in the process, the Applicant continues to suffer and his service career is affected. Before issuing the impugned notification dated 2.9.98, the Applicant was not heard. He was a necessary party to the notification dated 2.9.98 inasmuch as any fixation of year of allotment in respect of the Respondents No. 6 and 7 above the Applicant has a far reaching effect on the service career of the Applicant. This being the position, the impugned order is not sustainable and liable to be set aside.

4.17 That the Applicant states that going by the sequence of events, all his representation are deemed to be rejected and now the Applicant is left with no alternative than to approach this Hon'ble Tribunal by filing the instant O.A.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the impugned order is per se illegal and liable to be set aside and quashed.

5.2 For that the State Government concerned Having not furnished the correct information regarding officiation of the Applicant in the senior scale post and the year of allotment of the Respondents No. 6 and 7 having been fixed in reference to the officers who were projected to be the officers officiating in the senior scale posts as on the date of promotion of the said Respondents to the IFS, their such year of allotment fixed vide the impugned notification dated 2.9.98 is liable to be set aside and quashed and their year of allotment is required to be fixed as 1994 placing them below the Applicant and said Shri Vajpayee.

5.3 For that pursuant to the Annexure 1 telegram dated 22.5.98, the State Government ought to have furnished the information regarding officiation of the Applicant and said Shri Vajpayee in the senior scale post and consequently, the year of allotment of the said Respondents No. 6 and 7 would have been fixed as 1994 placing them below the Applicant and said Shri Vajpayee.

5.4 For that the year of allotment of the Respondents No. 6 and 7 could not have been fixed as 1993 placing them above the Applicant and said Shri Vajpayee

inasmuch as their year of allotment could not have been fixed in reference to the direct recruit officers Shri A.M. Kanphade and Shri S.S. Chabra of 1992 and 1993 batch respectively inasmuch as on the date of promotion of the Respondents No. 6 and 7 to the IFS, it was the Applicant and said Shri Vajpayee who were officiating in the senior scale posts and as such, the seniority and year of allotment of the said Respondents ought to have been fixed in reference to the Applicant and said Shri Vajpayee.

5.5 For that the impugned notification having been issued behind the back of the Applicant in violation of the principles of natural justice, same is liable to be set aside and quashed. 5.6 For that the impugned notification dated 2.9.98 and the consequent civil list having been issued in clear violation of the provisions of the seniority rules holding the field, same are not sustainable and liable to be set aside and quashed.

5.7 For that the representations of the Applicant having not been entertained inspite of the assurances given by the official Respondents same are deemed to be rejected and the Applicant is not left with any alternative than to approach this Hon'ble Tribunal.

5.8 For that the posts in the senior scale being held by the Applicant and Shri Vajpayee are admittedly IFS cadre posts and since they held the said posts continuously with effect from 7.10.97 and 11.9.97, under no circumstances, the seniority of the

Respondents No. 6 and 7 could have been fixed above the Applicant.

5.9 For that in any view of the matter, the impugned orders are not sustainable and liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicant declares that he has no other alternative and efficacious remedy except by way of filing this application. He is seeking urgent and immediate relief.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application, is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above, the applicant prays that this application be admitted, records be called for and notice be issued to the respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs :

8.1 To set aside and quash the impugned order at Annexure-2 dated 2.9.98 assigning the years of

allotment to the Respondents No. 6 and 7 as 1993 and placing them above the Applicant.

8.2 To set aside and quash the Annexure-3 Civil List so far as the same shows the Respondents No. 6 and 7 to be the allottees of 1993 and places them above the Applicant.

8.3 To direct the official Respondents to assign the year of allotment to the Respondents No. 6 and 7 as 1994 below the Applicant.

8.4 Cost of the application.

8.5 Any other relief/reliefs to which the applicant is entitled to and as may be deemed fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR :

The Applicant does not pray for any interim relief at this stage. However, he reserves his right to pray for interim relief if and when occasion arises during the pendency of the O.A.

10.

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O. :

i) I.P.O. No. : 66788394

ii) Date : 20/9/2001

iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

Verification.....

pl

VERIFICATION

I, Shri Pravin L. Agarwal, aged about 33 years, son of Shri Lakshmi Narayan Agarwal, presently holding the post of Divisional Forest Officer, Sadar Division, Jagahrimura, Agartala, District West Tripura, do hereby solemnly affirm and verify that the statements made in the accompanying application in paragraphs 1,2,3,4'1 to 4'8, 4'10 to 4'17 and 5 to 12 are true to my knowledge ; those made in paragraphs 4'9 are true to my information derived from records and the rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And, I sign this verification on this the 12th day of July 2001.

✓ Pravin L. Agarwal.

STATE

EXPRESS

TELEGRAM

SRI SRIRAM TARANIKANTI
DEPUTY SECRETARY (DP).
GOVERNMENT OF MANIPUR
IMPHAL.

F.NO. 17013/12/97-IFS.II (.) FROM R. SANEHWAL, UNDER SECRETARY
(.) YEAR OF ALLOTMENT OF S/SHRI PRASANJI BISWAS AND DEBASISH
CHAKRABORTY. STATE FOREST SERVICE OFFICERS OF TRIPURA SEGMENT
PROMOTED TO INDIAN FOREST SERVICE ON 8TH OCTOBER AND 8TH
DECEMBER, 1997 IS TO BE DETERMINED (.) KINDLY FURNISH BY RETURN
TELEGRAM/SPEED POST NAME OF JUNIOR MOST DIRECT RECRUIT OFFICER
OFFICIATING IN SENIOR SCALE POST OF INDIAN FOREST SERVICE AS ON
8TH OCTOBER AND 8TH DECEMBER, 1997 (.) REGARDS

N.T.T.

PARYAYARAN

C. Anand

(R. SANEHWAL)
UNDER SECRETARY TO THE GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS
CGO COMPLEX, LODI ROAD,
NEW DELHI - 110 003

NO. 17013-12/97-IFS.II

NEW DELHI, THE 22ND MAY, 1998

COPY BY POST IN CONFIRMATION.

A Heske d
Anu. (b/s)
(U. K. N. M.R)

SPEED POST

No. 17013/12/97G-I.F.S-11
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS
(I.F.S. 11 SECTION)

PARYAVARAN BHAVAN, CGO COMPLEX,
LODI ROAD, NEW DELHI- 110 003.

SEPTEMBER, 2, 1998

ORDER

The year of allotment and seniority of the following two State Forest Service Officers borne on the Manipur-Tripura Joint Cadre of the Indian Forest Service of Manipur and Tripura, promoted from the State Forest Service of Tripura to the Indian Forest Service with effect from dates mentioned against each, is required to be determined in terms of the provisions of Rule 3(2)(a), 3(2)(c) and 4(4) of the Indian Forest Service (Regulation of Seniority) Rules, 1968.

Sl.	Name of Officer	Date of Appointment
1.	Shri Prasanjit Biswas	08.10.1997
2.	Shri Debasish Chakraborty	08.12.1997

2. Neither of the two officers officiated in Senior post for the purpose of Rule 2(g) read with Rule 3(2)(c) of the I.F.S. (Regulation of Seniority) Rules, 1968, prior to the date of their promotion to Indian Forest Service in accordance with the provisions of the I.F.S. (Cadre) Rules, 1966.

Attested
Anil Kumar
Advocate

3. Accordingly, the year of allotment of the above mentioned two officers and their placement is determined in accordance with the provisions of the Indian Forest Service (Regulation of Seniority) Rules, 1960, as under:-

Sl. No.	Name	Year of Appointment	Placement
	S/Shri		
1.	Sh. Prasanjit Biswas	1993	Below Sh.S.S. Chhabra(RR:1993)
2.	Sh. Debasish Chakraborty	1993	Below Sh. Prasanjit Biswas.
NOTE	The interim seniority of the officers who have been appointed to the Indian Forest Service on the basis of the I.F.S. Examination 1990 and onwards has not yet been fixed.		

(R. Sanehwal)
Under Secretary To the Govt. of India.

Copy for distribution to:

1. The Chief Secretary, Government of Manipur, Imphal.
2. The Chief Secretary, Government of Tripura, Agartala.
3. The Secretary Forest Department, Govt. of Manipur, Imphal.
4. The Secretary, Forest Department, Govt. of Tripura, Agartala.
5. The Principal Chief Conservator of Forests, Forest Deptt. Government of Manipur, Imphal.
6. The Principal Chief Conservator of Forests, Forest Deptt. Government of Tripura, Agartala.
7. The Accountant General, Manipur, Imphal.
8. The Accountant General, Tripura, Agartala.
9. The Secretary, Union Public Service Commission, New Delhi.
10. Guard File/Civil List

EXTRACT

Attested
Ann. Sod
Advocate

REC REC REC

From,
Pravin L. Agrawal IFS
Divisional Forest Officer
Sadar Forest Division
Jagaharimura, College road
AGARTALA 799004

24/1/2000

To,
The Secretary,
Ministry of Environment & Forests
Government Of India,
Parivaran Bhawan, CGO Complex,
Lodhi Road,
New Delhi.

(THROUGH PROPER CHANNEL)

SUB: Assignment of year of allotment of Indian Forest Service officers appointed through promotion of Sri Prasanjit Biswas and Sri Debasish Chakraborty.

Ref No.: Order No.17013/12/97-IFS-II dated September 2,1998 of Ministry of Environment & Forest Government of India.

Sir,

Please refer order of above reference of Ministry of Environment and Forest Government of India, where in year of allotment of following officers is decided as 1993.

OFFICER CODE	NAME	YEAR OF ALLOTTMENT	DATE OF APPOINTMENT IN IFS
MT/087	MR. PRASANJIT BISWAS	1993	8/10/1997
MT/088	MR. DEBASISH CHAKRABORTY	1993	3/12/1997

In this regard I have following points to bring to your kind notice

1. Assignment of year of allotment of officer appointed by promotion is dealt with rule 3(2) (c) of IFS Regulation of seniority rules 1968, which reads as:

Where an officer is appointed to the service by promotion in accordance with Rule 8 of the recruitment, also (appointment by promotion) the year of allotment of the junior most among the officers recruited to the service in accordance with rule 7 (appointment by competitive examination, 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

Attested
Anu. Sarker
Advocate

continuously in a senior post from a date earlier than the date of commencement of such officiation by the former.

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, period of his continuous officiation in a senior post shall, for the purpose of determination of seniority counts only from the date of inclusion of his name in the select list, or from the date of his officiating appointment to such senior post, which ever is later.

2. Thus officiation in a senior post is essential to attract, the explanation to rule 3(2) (c) of seniority rules. In these respect honourable Supreme court in RRS Chauhan's case observed and reads:

"this means that the two requirements, namely officiating appointment to the senior post and inclusion in the select list must be fulfilled"

3. In the present case, we observed that both officers name have been included in select list in June 1997, but they were not officiating any senior post till their appointment in the service and even after for sufficient period of time.

4. These officers are not satisfying the conditions for officiation of senior post for the purpose of determining seniority. Hence, their seniority is to be decided on the basis date of appointment in the service as shown below:

MT/087	Shri Prasanjit Biswas (IFS)	8/10/1997
MT/088	Shri Debasish Chakraborty (IFS)	8/12/1997

5. Assignment of year allotment of these officers is to be done on the basis of above dates and will be the allotment year of the junior most direct recruit officers, who was/ were holding senior post as on this date

6. H'ble Central Administrative Tribunal also admit in the Shri R.L.Srivastava's case that for the purpose rule 3(2) (c) of seniority rules, "what is crucial is officiation in a senior post and not senior scale (page 12)".

7. Thus, while determining the junior most direct recruit officers, who was officiating on senior post, the "senior post" as defined in the Rule (2) (g) of seniority rules is to be observed and not senior scale.

8. As per GoI notification no. 16016/8/94-AIS (II)-A dated 4/07/1995, the cadre strength of IFS officers for MT cadre has been amended. Following posts are senior posts as per the said amendment (Annexure-II).

- i) Deputy Conservator of Forests (Rubber), Manipur,
- ii) Deputy Conservator of Forests (Territorial), Sadar, Agartala, Tripura
- iii) Deputy Conservator of Forests (Territorial), Manu, Tripura.

9. As on date of appointment of officers to the service by promotion (i.e. on 08/10/1997 & 8/12/1997 following officers were officiating the senior post with effect from date shown against their names.

MT/078	Shri Anurag Bajpai (IFS)-(94)	DCF (Rubber), Manipur	Since 11/09/1997, till date
MT/077	Shri Pravin Agrawal (IFS)-(94)	DFO (sadar), Tripura	Since 7/10/1997 till, 11/11/1997
MT/077	Shri Pravin Agrawal (IFS)-(94)	DFO (Manu), Tripura	Since 19/11/1997 till 27/12/1999

10. Thus in my opinion these officers are the junior most officers among the direct recruit, who were officiating on senior posts. Thus assignment of year of allotment of officers appointed by promotion should be the same as of above direct recruit officers i.e. 1994 and not 1993 as shown in civil list.

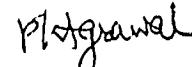
11. This unjust assignment of year of allotment might be due to wrong information submitted by Government of Tripura and Government of Manipur with regard to junior most direct recruit officer officiating in senior scale post of Indian Forest Service as on October 8, 1997 and on December 8, 1997.

12. This unjust assignment of year of allotment placed them above me and jeopardise my career prospects in the service.

Thus, I request you to re-examine the details as noted in this letter and an order No. 17013/12/97-IFS-II dated September 2, 1998 (copy enclosed) assigning year of allotment to said officers as 1993 should be cancelled and they should be allotted 1994 as the year of allotment.

I shall remain grateful for an early action and response to this representation.

Yours faithfully



(Pravin Agrawal), IFS
MT-1994

Copy to:

- i) The Secretary, Union Public Service Commission, Dholpur House, New Delhi.
- ii) The Chief Secretary, Govt of Tripura.
- iii) The Chief Secretary, Govt of Manipur.
- iv) The Principal Secretary (Forests), Govt of Tripura.
- v) The Principal Chief Conservator of Forest, Tripura, Agartala.
- vi) The Secretary, General Administration Department, Govt of Tripura.

Advance Copy to:

The Secretary,
Ministry of Environment & Forests
Government Of India,
Parivarjan Bhawan,
CGO Complex,
Lodhi Road,
New Delhi.

- 25 -

From
Pravin L. Agrawal IFS
Divisional Forest Officer
Sadar Forest Division
Jagaharlmura, College road
AGARTALA, TRIPURA
PIN- 799 004

Date: 3/8/2000

To
The Secretary,
Ministry of Environment & Forests,
Government of India,
Parivaran Bhawan, CGO Complex,
Lodi Road,
New Delhi 110 003.

Through Proper Channel

Sub:- Assignment of year of allotment of Indian Forest Service Officers appointed through promotion of Shri Prasanjit Biswas & Shri Debasish Chakraborty.

Ref:- Order No.17013/12/97-IFS-II dated September 2, 1998 of MoEF, GOI & my earlier letter No. nil dated 2.4.2000.

Sir,

Please refer to my earlier letter dated 2.4.2000 forwarded to you through proper channel and also advance copy sent to you directly on the above subject. I am very sorry to inform you that even after lapse of four months I have not received any reply of above letter. In this regard, I have following points to bring to your kind notice.

1. It is understood that before deciding year of allotment of officers appointed by promotion, MoEF, Govt. of India asked Govt. of Tripura & Manipur about name of junior most direct recruit officers officiating in senior scale post of IFS as on 8th October & 8th December, 1997.
2. To this Govt. of Tripura & Govt. of Manipur furnish the information which is not true. In fact as on 8th October, 1997 and 8th December, 1997, junior most direct recruit officer officiating in senior scale post of IFS is as below.

(P.T.O)

Attested
Anil Biswas
Adm. Clerk

Officers code	Name of officer	Name of senior scale post of IFS	Period
MT/078	Shri Anurag Bajpai IFS(94)	DCF(Rubber) Manipur	Since 11.9.97 to till date
MT/077	Shri Pravin Agrawal IFS(94) (myself)	DFO, Sadar Tripura	Since 7.10.1997 till 11.11.97
MT/077	Shri Pravin Agrawal IFS(94) (myself)	DFO, Manu Tripura	Since 19.11.97 till 27.12.99

3. Thus, it is fact that reply of letter/telegram refer in item No.1 should be name of above officers & not any body else. These officers are officiating senior scale post of IFS of Manipur Tripura cadre as notified by GOI Notification No.16016/8/94-AIS(II)-A dated 4.7.95.
4. Hence assignment of year of allotment of officers appointed by promotion should be same as of above direct recruit officers i.e. 1994 & not 1993 as allotted vide your letter of above reference.
5. This unjust assignment of year of allotment is due to wrong information submitted by Govt. of Tripura & Govt. of Manipur with regard to junior most direct recruit officers officiating in senior scale post of IFS as on 8th October, 1997 & 8th December, 1997.
6. This unjust assignment of year of allotment placed them above me & jeopardize my career prospects in the service.

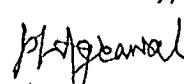
Thus I request you to reexamine the details as noted in this letter and Order No.17013/12/97-IFS-II dated September 2, 1998 assigning year of allotment of said officers as 1993 should be cancelled & they should be allotted 1994 as the year of allotment.

I shall remain grateful for an early action & response to this representation.

Enclosures:

1. Order No 17013/12/97 - IFS-II dt 2.9.98
2. My earlier representation dated 2.4.2000
3. Various orders & change Assumption certificates
4. GOI NOT. NO 16016/8/94 - 112(II) - 11 dt 4.7.95

Yours truly,


(Pravin Agrawal, IFS)
MT-1994

Copy to :-

1. The Secretary, Union Public Service Commission, Dholpur House, New Delhi
2. The Chief Secretary, Govt. of Tripura
3. The Chief Secretary, Govt. Manipur
4. The Principal Secretary, Govt. of Tripura
5. The Principal Chief Conservator of Forests, Tripura
6. The Joint Secretary, General Administration Department, Govt. of Tripura

Advance copy to :

The Secretary,
Ministry of Environment & Forests,
Government of India,
Paryavaran Bhawan, CGO Complex,
Lodi Road,
New Delhi - 110 003.

From,
Pravin Agrawal IFS
Sadar Forest Division
Jagaharimura College Road
Agartala 799004

15/1/2007

To,

The Secretary,
Ministry of Environment and Forest,
Government of India,
Parivarjan Bhawan, CGO Complex,
Lodhi Road,
New Delhi.

(THROUGH PROPER CHANNEL)

Sub - Assignment of year of allotment of Indian Forest Service Officers appointed through promotion of Sri Prasanjit Biswas and Sri Debasish Chakraborty

Ref No - Order No. 17013/12/97-IFS-11 dated September 2, 1998 of Ministry of Environment and Forest Government of India.

Sir,

Please refer to my earlier representation dated 2/4/2000 and 3/8/2000 forwarded to you through proper channel and also advance copy to you directly on the above subject. I am sorry to know that even after lapse of 9 month I have not received any reply of my those representations. In this regard I have following points to bring to your kind notice.

1. It is understood that before deciding year of allotment of officers appointed by promotion, MOEF, GOI asked Govt of Tripura And Govt of Manipur about name of Junior most direct recruit officers, officiating in senior post of IFS as on 8/10/1997 and 8/12/1997.
2. To this Govt. of Tripura and Govt of Manipur furnishes the information, which was not true. In fact as on 8/10/1997 and 8/12/1997 junior most direct recruit officers officiating in senior post of IFS was as below.

Officers code	Name of officer	Name of senior duty post of IFS	Period
MT/078	Sri Anurag Bajpai (IFS)-(94)	DCF (Rubber), Manipur	Since 11/9/1997 Till date
MT/077	Sri Pravin Agrawal (IFS)-(94)	DFO (Sadar), Tripura	Since 7/10/97 Till 11/11/97
MT/077	Sri Pravin Agrawal (IFS)-(94)	DFO (Manu), Tripura	Since 19/11/97 Till 27/12/99

* As notified by GOI vide notification no. 16016/8/94-AIS (II)-A dated 4/7/1995

Attested
for
Advocate

3. Thus it is fact that reply of letter / telegram refer in item no 1 should be name of above officers and not anybody else.
4. Hence assignment of year of allotment of officers appointed by promotion should be same as that of above direct recruit officer's i.e. 1994 and not 1993 as allotted vide your letter of above reference.
5. This unjust assignment of year of allotment placed them above me and jeopardized my career prospects in the service.

Thus I again request you to re examine the details noted in this letter and Order No. 17013/12/97-IFS-II dated 2/9/98 assigning year of allotment of said officers as 1993 should be cancelled and they should be allotted 1994 as the year of allotment.

I shall remain grateful for early action and response to this representation.

Yours truly,

Pravin Agrawal

Pravin Agrawal IFS
MT-94

Enclosures:

1. My earlier representation dated 2-4-2000
2. Order No. 17013/12/97-IFS-II dated 2-9-98
3. GOI Notification No. 16016/8/94-AIS (II)-A dated 4-7-95
4. Various orders and charge assumption certificates.

Copy to:

1. The secretary, Union Public Service Commission, Dholpur house, New Delhi
2. The Chief Secretary, Govt. of Tripura
3. The Chief Secretary, Govt. of Manipur
4. The Principal Chief Conservator of Forest, Tripura
5. The Principal Chief Conservator of Forest, Manipur
6. The Joint secretary, GAD, Govt. of Tripura

(i) Advanced copy to,

The Secretary,
Ministry of Environment and Forest,
Government of India,
Parivaran Bhawan, CGO Complex,
Lodhi Road,
New Delhi 110003