

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 3131/2001

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet. 09-3131/2001 Pg. 1 to 3
2. Judgment/Order dtd. 01/05/2002 Pg. No. separate to order dismissed
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A. 3131/2001 Pg. 1 to 48
5. E.P/M.P. NIL Pg. to
6. R.A/C.P. NIL Pg. to
7. W.S. Respondents No. 7 Pg. 1 to 8
8. Rejoinder. NIL Pg. to
9. Reply. Respondents No. 5, 8, 6 Pg. 1 to 4
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

SECTION OFFICER (Judl.)

(8)

FORM NO. 4

(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::: GUWAHATI.ORDER SHEETAPPLICATION NO. 313 OF 2001APPLICANT (s) Pranotosh RoyRESPONDENT (s) State of Assam & othersADVOCATE FOR APPLICANT(s) Mr. B.K. Sharma, S. Samanta &ADVOCATE FOR RESPONDENT(s) Mr. K. Goswami

Case.

Notes of the Registry	dated	Order of the Tribunal
This application is in form but not in due consideration Petition to file counter-claim vide M.P. No. C.P. for Rs 50/- depositing vide IPO/H/ No. <u>7G 548545</u> Dated <u>11/8/2001</u> <i>Notice 27/8/01</i> for D.y. Registrar	<u>18.8.01</u>	<p>Heard Mr. B.K.Sharma, learned counsel for the applicant.</p> <p>The application is admitted. Call for the records.</p> <p>Issue notice to show cause as to why interim order as prayed for shall not be granted. Returnable by 10 days.</p> <p>Pendency of this application shall not be bar to the respondents to consider the representation.</p> <p>List on 27/8/01 for further order.</p> <p><i>KL Sharma</i> Member</p>
Extra cost by respondents not yet deposit.		<p><i>KL Sharma</i> Vice-Chairman</p> <p>List on 27/9/01 to enable the respondents to file written statement.</p> <p><i>Vice-Chairman</i></p>
Extra Cost absorbed by the applicant. Notice absorbed and sent to D/S for issuing the Respondent No 1 to 7 by Legal A/D. vide D.No. <u>31221</u> <u>3127/11/2001</u>	<u>27.9.01</u> mb	

27.9.01

Written statement has been filed

by respondents Nos. 5,6 and 7. The other respondents
mainly respondent Nos. 1,2,3 and 4 can file
written statement, if any,

List on 20/11/01 for order.

12.9.2001

W/S on behalf
of the Respondents No. 5 & 6
has been submitted,
mb

I C U Shaha

Member

Vice-Chairman

No. written statement
filed on behalf of
R.No- 1,2,3,4 & 7.

20.11.01

Heard learned counsel for the parties

It has been stated by Mr.D.K.Das, learned
counsel for the respondent No.7 that the
respondent assumed charge to office. In
the circumstances, no interim order is
required.

My
26.9.01

No. W/S filed on behalf
of R.No- 1,2,3,4 & 7.

My
19.11.01

No. W/S filed on behalf

of R.No- 1,2,3,4 & 7.

I C U Shaha

Member

Vice-Chairman

11.12.01

Written statement has been filed by
respondent no. 5. The respondent nos. 1,2,
3, 4, and 7 are yet to file written state-
ment. 4 weeks time is allowed to the respon-
dents to file written statement.

List on 8.1.02 for order.

8/01/02

W/S on behalf has
been filed by the
Respondent NO.7.
at p. 46-53.

W/S
8/01/02

mb
8.1.02

Written statement has been filed by
respondent nos. 5,6, and 7. Respondent Nos.
1 to 4 are yet to file written statement.
Further four weeks time is allowed to file
written statement on the prayer of Mrs. M.Das
learned counsel for the State of Assam.

List on 8.2.2002 for order.

I C U Shaha

Member

Vice-Chairman

(B)
D.A. No. 313/2001

Notes of the Registry	Date	Order of the Tribunal	
No. wks has been b/kep <u>Ma</u> <u>15.3.02</u>	8.2.2002	No written statement so far been filed by the respondent Nos. 1 to 4 though time was granted. The matter now be posted for hearing on 18.3.2002.	
	18.3.02	Member mb	Vice-Chairman
	2.4.	Adjourned on the prayer of Mr. S. Sarma, learned counsel for the applicant for obtaining necessary instructions in the matter. List on 2.4.2002 for hearing.	
	1.5.02	Member mb	Vice-Chairman
any 6/5	2.4.	The case is adjourned to 1.5.2002.	<u>Mr</u> <u>A. Deb Roy</u>
	1.5.02	Heard Mr. S. Sarma learned counsel appearing on behalf of the applicant and also Mr. A. Deb Roy, Sr.C.G.S.C. for the respondent Mr. S. Sarma learned counsel stated that the applicant has obtained the necessary reliefs and he does not want to press the application. Accordingly, the application is dismissed as not press.	^{2/4}
	1m	Member	Vice-Chairman

केन्द्रीय प्रतासनिक अधिकरण
Central Administrative Tribunal

14 AUG 2001

गुवाहाटी न्यायपोट
Guwahati Bench

THE CENTRAL ADMINISTRATIVE TRIBUNAL: :GUWAHATI BENCH
GUWAHATI

D.A. No. 313 of 2001

Shri Prantosh Roy

... Applicant

- Versus -

The State of Assam & Ors.

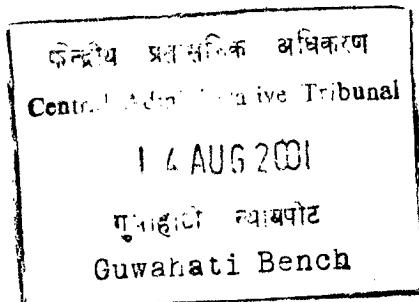
... Respondents

I N D E X

SL. No.	Particulars of the documents	Page No.
1.	Writ Application	1 to 15
2.	Verification	16
3.	Annexure- 1	17
4.	Annexure- 2	18 to 22
5.	Annexure- 3	23, 24
6.	Annexure- 4	25 to 28
7.	Annexure- 5	29 to 37
8.	Annexure- 6 series ...	38
9.	Annexure- 7	...
10.	Annexure- 8	39, 40

Filed by:

U. K. Goswami
Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI

GUWAHATI-BENCH

BETWEEN

Shri Prantosh Roy, IFS,
Deputy Director, Manas Tiger
Project, Barpeta Road, Dist.-Barpeta,
Assam.

Applicant

- AND -

1. The State of Assam, represented by the Chief Secretary, Government of Assam, Dispur, Guwahati-6.
2. The Secretary to the Government of Assam, Forest Department, Dispur, Guwahati-6.
3. The Joint Secretary to the Government of Assam, Forests Department, Dispur, Guwahati-6.
4. The Principal Chief Conservator of Forests, Assam, Rehabari Guwahati-8.
5. The Union of India, represented by its Secretary to the Government of India, Ministry of Environment & Forests, New Delhi.
6. The Director General of Forests & Special Secretary, Ministry of Environment & Forests, Government of India, New Delhi.
7. Shri J. Ahmed, Planning Officer, Officer of the Conservator of the Forests, Hills, Haflong.

• • • Respondents

DETAILS OF APPLICATION

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

The present application is directed against the notification dated 27.7.2001 by which a State Forests

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केन्द्रीय प्रायुक्तिक अधिकरण
Central Administrative Tribunals
Case No. 2 = 2001
Date: AUG 2001

Service Officer is being posted on transfer to an IFS cadre post in violation of the IFS (Cadre) Rules, 1966 and to the deprivation of the Applicant who has been posted to a non-cadre post.

2. JURISDICTION OF THE TRIBUNAL :

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

3. LIMITATION :

The Applicant further declares that the application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the present Applicant has approached this Hon'ble Tribunal making a grievance against posting of non-cadre officer to the cadre post to the deprivation of the Applicant who has been posted to a non-cadre post inspite of the fact that as per the provisions of the relevant Rules, cadre post can only be filled up by a cadre officer. Be it stated here that the Applicant is an IFS cadre officer and the officer who is sought to be posted to an IFS cadre post by the impugned order belongs to State Forests Service Cadre, hereinafter referred to as SFS.

4.2 That the Applicant is an IFS Officer, with his year of allotment as 1991 and he belongs to the Assam Wing of the Joint cadre of Assam-Meghalaya. By a

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notification dated 29.11.99, the Applicant was posted as Deputy Director, Manas Tiger Project, Barpeta Road, Barpeta on his promotion to the senior time scale of pay. The post of Deputy Director, Manas Tiger Project is not born in the IFS cadre and the Applicant being an IFS Officer could not have been posted to the said post, same being not a cadre post.

A copy of the notification dated 29.11.99 is annexed herewith and marked as Annexure-1.

4.3 That there is no dispute that the post of Deputy Director, Manas Tiger Project is not a cadre post and that the Applicant being an IFS Officer could not have been posted to the said post in violation of Rule 8 and 9 of the IFS (Cadre) Rules 1966. The provisions of the aforesaid rules are quoted below :

"8. Cadre posts to be filled by cadre officers- Save as otherwise provided in these rules every cadre post shall be filled by a cadre officer.

9. Temporary appointment of non-cadre officers to cadre posts. - (1) A cadre post in a State may be filled by a person who is not a cadre officer if the State Government "or any its Head of Department to whom the State Government may delegate its powers of making appointments to cadre posts". is satisfied -

- (a) that the vacancy is not likely to last for more than three months; or
- (b) that there is no suitable cadre officer available

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to filing the vacancy.

Provided that where a cadre post is filled by a non-select list officer, or a select list officer who is not next in order in the select list, under this sub-rule the State Government shall forthwith report the fact to the Central Government together with the reasons therefor.

(2) Where in any State a person other than a cadre officer is appointed to cadre post for a period exceeding three months, the State Government shall forthwith report the fact to the Central Government together with the reasons for making the appointment;

provided that a non-select list officer, or a select list officer who is not next in order in the select list, shall be appointed to a cadre post only with the prior concurrence of the Central Government.

(3) On receipt of a report under sub-rule (2) or otherwise, the Central Government may direct that the State Government shall terminate the appointment of such person and appoint thereto a cadre officer; and where any direction is so issued, the State Government shall accordingly give effect thereto.

(4) Where a cadre post is likely to be filled by a person, who is not a cadre officer for a period exceeding six months, the Central Government shall

केन्द्रीय लोक विधिकरण
Central Appellate Tribunal
14 AUG 2001
गुवाहाटी न्यायालय
Guwahati Bench

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report the full facts to the Union Public Service Commission with the reason for holding that no suitable officer is available for filling 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.

4.4 That on the other hand the post of DCF/DFO, Sonitpur East Division, Biswanath Chariali is an IFS cadre post and can only be manned by an IFS Officer. IN this connection letter No. FE.24/44/87 dated 8.1.96 and the letter NO. 17020/01/94-IFS.II dated 27.4.2001 may be referred to in which the said post has been clearly mentioned as an IFS cadre post. The said post was encadred in the year 1982 and the same was notify vide letter No. FRP.12/71/85 dated 9.11.72. Earlier the said post was known as DFO, Economic-I later on renamed as DFO, Sonitpur East Division during 1981. The PCCF, Assam by his letter No. FE.24/44/87 dated 28.12.94, while forwarding the list of IFS and SFS cadre post had shown the post of DFO, Sonitpur East as an IFS cadre post. In the notification dated 9.11.95 issued by the Government of India, Ministry of Personal, PG & Pensions, New Delhi amending the IFS (Pay Rules) 1968, 22 posts have been shown as DCF (Territorial) as the IFS cadre post, apart from other posts which include the post of DCF/DFO, Sonitpur East Division.

Copies of the letters dated 8.1.96, 27.4.2001, 28.12.94 and notification dated 9.11.95 are annexed as Annexure-2, 3, 4 and 5 respectively.

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प्रमाण पत्र, असम अदालत
Guwahati Bench : Tribunal
14 AUG/70
प्रमाण पत्र
Guwahati Bench

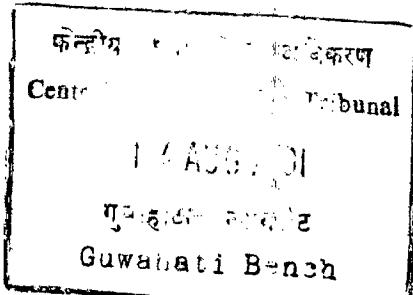
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The Applicant craves leave of this Hon'ble Tribunal for a direction to the Government of Assam in the Forests Department to produce the copy of the letter No. FRP.12/71/85 dated 9.11.72.

4.5 That there are only 9 territorial divisions held by IFS officers as against the said 22 divisions. On the other hand 19 territorial divisions are held by SFS officers against there 6 divisions. There are altogether 33 cadre posts including the said 22 divisions meant for IFS officers. However, it appears that the Government of Assam in the Forest Department is violating the IFS (Cadre) Rules, 1966 and are posting SFS officers to those cadre posts inspite of the fact that IFS cadre officers are available and the said officers are being posted to SFS cadre post.

4.6 That the fact that the post of Deputy Director, Manas Tiger Project is not a cadre post is admitted by the Government of Assam in the Forest Department. In its written statements filed in OA NO. 3 of 1996 (Chandra Mohan, IFS -vs- Union of India & Ors.), the Government of Assam clearly admitted that the said post is a non-cadre post. The Applicant craves leave of the Hon'ble Tribunal to refer and rely upon the said written statement at the time of hearing of this OA. Further in the gazette notification dated 4.7.1998 notifying the Revision of Pay Rules the said post has not been shown as IFS cadre post, unlike other posts which have been shown as "Born in Indian Forest

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Service", meaning thereby that the said post is born in the State Forests Service cadre.

The Applicant craves leave of the Hon'ble Tribunal to produce the copies of the ROP Rules at the time of hearing of this DA.

4.7 That from the above narration of the facts and the rules, it is crystal clear that the post presently being held by the Applicant is a non-cadre post and the post of DCF/DFO, sonitpur East Division is an IFS cadre post. This being the position, as per the provisions of Rule 8 & 9 of the IFS (Cadre) Rule 1966, quoted above, the Applicant is required to be posted to an IFS cadre post and he cannot be continued in a non-cadre post. Be it stated here that IFS officers are in abundance to hold the aforesaid cadre posts. However, the State Government has all alone been flouting the aforesaid rules and posting the non-cadre officers to the cadre posts to the deprivation of the cadre officers.

4.8 That the Applicant begs to state that he has loss his father in the year 1998 and his 70 years old mother is completely dependant on him. The Applicant hails from Biswanath Chariali and naturally he would like to be by his mother's side. Likewise his mother also requires his constant love and affection. Be is stated here that his mother is suffering from various ailments and requires constant medical attention which is not available at Manas. Under these circumstances, it is but naturally for the Applicant to pray for his posting to a cadre post nearby to Biswanath Chariali.

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The Sonitpur East Division being a Division to be manned by IFS cadre officer, there is no difficulty in posting the Applicant in the said post.

4.9 That the Applicant pursuant to his posting as Deputy Director, Manas Tiger Project made series of representations urging for his posting to a cadre post pointing out the post of DFO, Sonitpur East Division is a cadre post and that the Applicant would be benifited if he is posted there which would help to look after his ailing mother.

Copies of the representations dated 29.11.2000, 7.4.2000, 7.8.2000, 27.6.2001 and 20.7.2001 are annexed as Annexure-6 series. The Applicant craves leave of the Hon'ble Tribunal to produce the documents relating to ailments of his mother if and when required.

4.10 That the Applicant when was expecting his posting as DFO, Sonitpur East Division, Biswanath Chariali for which he had earlier submitted representations, he is now surprised to come across the notification NO. FRE.19/2000/Pt.I/53 dated 27.7.2001 by which the Respondent No. 7 Shri J. Ahmed an SFS a State Service Officer is sought to be posted on transfer as DFO at sonitpur East Division, Biswanath Chariali.

A copy of the said notification dated 27.7.2001 is annexed as Annexure-7.

4.11 That the aforesaid notification posting the Respondent No. 7 as DFO, Sonitpur East Division,

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3. असम विधि अदालत
Case No. 10001/2001
14 AUG 2001
गुवाहाटी न्यायपाल
Guwanati Bench

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Biswanath Chariali is per-se illegal inasmuch as the said post being an IFS cadre post, the Respondent No. 7 who is a non-cadre officer could not have been posted there while IFS cadre officer, the Applicant is available who is presently posted against a non-cadre post. The Applicant immediately on coming to know about the issuance of the said notification dated 27.7.2001, submitted a representation dated 30.7.2001 to the Secretary to the Government of the Assam in the Forest Department pointing out as to how his mother is ill requiring his presence by her side and that as to how a non-cadre officer could not have been posted to a cadre post.

A copy of the said representation dated 30.7.2001 is annexed as Annexure-8.

4.12 That the Applicant states that although the impugned notification was issued on 27.7.2001, same has not been given effect to and the Respondent No. 7 is yet to be released from Haflong enabling him to join at Biswanath Chariali. Thus there is no impediment towards granting the interim order as has been prayed for. It is a fit case for passing an appropriate interim order to protect the interest of the Applicant.

4.13 That the Applicant states that as has been held by the Apex Court in the case of Syed Khalid Rizvi, reported in 1993 Supp(3) SCC 575, the State Government should post cadre officers to cadre post and only in case of non-availability of cadre officers the select list officers be posted in the order in the select

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केन्द्रीय अधिकारी अधिकारण
Central Public Service Commission
14 AUG 2001
गुवाहाटी बांधकाट
Guwahati Bench

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list. It has also been held that Regulation 8 of the IFS (Cadre) Rules, 1966 does not empowered the State Government either to tamper with Regulation 9 or to cut down its operation to favour undue weightage either to the select list or non-select list promotee officers. It has further been held that the compliance of the provisions of Rule 8 & 9 of the IFS (Cadre) Rules, 1966 are mandatory and the same cannot be flouted in the manner and method in which the State Government have been flouting and the impugned notification dated 27.7.2001 has been issued.

4.14 That the Applicant states that it is within the knowledge of the State Government as to which are the cadre post and which are the non-cadre post as will be evident from their own correspondences. It has come to the knowledge of the Applicant that in the recent past the Government of Assam in the Forest Department mooted a proposal for posting cadre officers only to the cadre post shifting them from the non-cadre post. When the process was on, of which the Applicant would also have been the beneficiary, the impugned notification has been issued giving a complete go bye to the said proposal which was mooted towards compliance of the aforesaid provisions of the statutory Rules which mandatorily required posting cadre officers to the cadre posts only. The State Government cannot approbate and reprobate according to their suit will so as to deprive the IFS cadre officer from their legitimate claim. It will be pertinent to mention here that to

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Serial No.	11
Case No.	1966/11
Date of filing	11/11/66
Date of hearing	11/11/66

the best of knowledge of the Applicant, the proposal was given in the relevant file for posting the Applicant as DFO, Sonitpur East Division and when the proposal was process further towards its finality, the posting of the Respondent No. 7 against the said post was approved on extraneous consideration giving a good bye to the earlier proposal without any valid reason and that too in violation of the aforesaid provisions of the Rules. The Applicant craves leave of the Hon'ble Tribunal for a direction to the official Respondents to produce the relevant file in which the impugned notification was processed and finalised.

4.15 That the Applicant states that he has exhausted all the remedies left open for him and having failed to get any redressal, now has come under the protective hands of this Hon'ble Tribunal seeking urgent and immediate relief. If the post of DFO, Sonitpur East Division is allowed to be filled up by a non-cadre officer and the grievance of the Applicant is not considered at the appropriate stage, his case will be frustrated and thus it is a fit case to pass the interim order as has been prayed for.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the action of the respondents in not considering the case of the Applicant in terms of the IFS (Cadre) Rules, 1966 and continuing him against a non-cadre post is not sustainable.

5.2 For that the provisions of Rule 8 and 9 of the IFS

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(Cadre) Rules, 1966 being statutory and mandatory having the stamp of the Apex Court, the State Government is not empowered to violate the same and accordingly the impugned notification is liable to be set aside.

5.3 For that there being no dispute that the post presently being held by the Applicant is a non-cadre post and that the post to which he seeking his transfer is a cadre post, the impugned notification could have been issued without considering the case of the Applicant.

5.4 For that the Respondent No. 7 being a non-cadre officer could not have been posted to a cadre post by the impugned notification to the deprivation of the Applicant and as such the said notification is liable to be set aside and quashed.

5.5 For that the Applicant has already been meted out with injustice by way of posting him to a non-cadre post and such injustice cannot be allowed to be perpetuated by the impugned notification.

5.6 For that the Respondents ought to have considered the Annexure-6 series representations submitted by the Applicant, more particularly the ground of his widow mother's illness before the passing the impugned order.

5.7 For that the official Respondents having initiated the proposal for posting the Applicant as DFO at Sonitpur East Division, could not have given a good bye to the said proposal so as to accommodate an SFS

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Central Arbitration Tribunal
14 AUG 2001
ગુજરાત વિધાયક
Gujarat Legislative Assembly
Gujarat Bench

officer against the cadre post on extraneous consideration.

5.8 For that the impugned order is not sustainable both under the facts as well as the law and liable to be set aside.

5.9 For that in any view of the matter the impugned order is liable to be set aside and quashed and the Applicant is required to be granted with the reliefs as has been prayed for.

The applicant craves leave of the Hon'ble Tribunal to advance more grounds both factual as well as legal at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED :

The Applicant declares that he has no other alternative and efficacious remedy except by way of filing this application.

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,

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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 notification dated 27.7.2001 (Annexure-7) posting the Respondent NO. 7 as DFO, Sonitpur East Division, Biswanath Chariali.
- 8.2 To direct the Respondents to give posting to the Applicant at Sonitpur East Division, Biswanath Chariali same being a cadre post and the present post being held by the Applicant being not a cadre post.
- 8.3 To direct the official Respondents to comply with the provisions of the IFS (Cadre) Rules, 1966 in terms of which the cadre officers are required to be posted only to the cadre post.
- 8.4 To direct the official Respondents not to post any non-cadre officer to the cadre post except as per the provisions of the Rules and the conditions precedent for such posting being fulfilled.
- 8.5 Cost of the application.
- 8.6 Any other relief/reliefs to which the Applicant is entitled to and as may be deemed fit and proper by this Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR :

Under the facts and circumstances of the case, the

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AUG 2001

Guwahati Bench

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Applicant prays for an interim order by way of suspending/staying the operation and effect of the impugned notification dated 27.7.2001 (Annexure-7) posting the Respondent No. 7 as the DFO, Sonitpur East Division, Biswanath Chariali and to direct the Respondents more particularly the Respondents No. 1, 2 and 3 to consider the Annexure-8 representation dated 30.7.2001.

10.

The application is filed through Advocate.

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

- i) I.P.O. No. : 7G 548545
- ii) Date : 11/8/2001
- iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

Verification...

P Roy

VERIFICATION

I, Shri Prantosh Roy, aged about 37 years, son of Late B.N. Roy, at present working as Deputy Director, Manas Tiger Project, Barpeta Road, District-Barpeta, Assam, do hereby solemnly affirm and verify that the statements made in paragraphs 4'1, 4'5, 4'6, 4'7, 4'8, 4'12 to 4'15 & 5'1 to 5'9 are true to my knowledge ; those made in paragraphs 4'2, 4'3, 4'4, 4'10 & 4'11 are true to my information derived from records and the rests are my humble submissions before the Hon'ble Tribunal.

And I sign this verification on this the 13 th day of August 2001.

Prantosh Roy

GOVERNMENT OF ASSAM
FOREST DEPARTMENT ::::::: DISPUR.
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ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 27th November, 1999.

NO. FRE. 64/94/pt/1 :- Shri P. Roy, IFS, ACF attached to the Divisional Forest Officer, Sonitpur West Division, Tezpur is promoted to the Senior time scale of pay of Rs. 10,000/- 325-15,200 and posted as Deputy Director, attached to the Field Director, Manas Tiger Project, Barpeta Road with effect from the date of taking over charge against the existing vacancy.

Sd/- A. Jain,
Commissioner & Secy. to the Govt. of Assam,
Forest Department, Dispur.

Memo No. FRE. 64/94/pt/1-A, Dated Dispur, the 27th November, 1999.
Copy to :-

- 1) The Accountant General (A&E), Assam, Boktola, Guwahati-28.
- 2) The Principal Chief Conservator of Forests, Assam, Ruhabari, Guwahati-8.
- 3) The Secretary to the Govt. of Meghalaya, Forest & Environment Department, Shillong.
- 4) The Under Secretary to the Govt. of India, Ministry of Environment & Forests, Parivaran Bhawan, C.G.O. Complex, Lodhi Road, New Delhi- 110003.
- 5) The Chief Conservator of Forests (Social Forestry), Assam, Zoo Narangi Road, Guwahati- 24.
- 6) The Chief Conservator of Forests (Wildlife), Assam, Ruhabari, Guwahati-8.
- 7) The Chief Conservator of Forests (Territorial), Assam, Panbazar, Guwahati-1.
- 8) The Chief Conservator of Forests, Research, Education and Working Plan, Assam, Guwahati-24.
- 9) The Field Director, Manas Tiger Project, Barpeta Road.
- 10) Shri P. Roy, IFS, ACF attached to the Divisional Forest Officer, Sonitpur West Division, Tezpur.
- 11) The P.S. to the Minister, Forest, Assam, Dispur, Guwahati-6 for information of the Minister.
- 12) The P.S. to the Minister of State, Forest, Assam, Dispur, Guwahati-6 for information of the Minister.
- 13) The P.S. to the Chief Secretary, Assam, Dispur, Guwahati-6 for information of the Chief Secretary.
- 14) The Deputy Director, Assam Govt. Press, Bamunimaidan, Guwahati-21 for publication of the above Notification in the next issue of the Assam Gazette.
- 15) Personal File of the officers.
- 16) D.F.O., Sonitpur West Divn., Tezpur.

By order etc.,

Signature
Joint Secretary to the Govt. of Assam,
Forest Department, Dispur.

EEEEE

Attested
W.K.J
Advocate.

- 10 - ANNEXURE

GOVERNMENT OF ASSAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS, ASSAM
REGD. NO. III GUWALI-8.

NO. FE.24/44/87.

Dated Guwahati, the 8th Jan./1996.

To:-

The Commissioner & Secy. to the
Govt. of Assam, Forest Deptt., Dispur,
Guwahati-6.

Sub :-

Notification of Cadre Posts and Non-
Cadre posts.

Ref :-

This Office letter No. FE.24/44/87
dt. 8-11-95 and Govt. No. PNB.89/
dt. 9-12-94.

Sir,

In enclosing herewith a copy of D.O. letter
No. 18011/01/94-IFS-II dt. 14.11.95 from Inspector General of
Forests, Govt. of India, I would like to inform you that the
required information regarding issue of Notification in
respect of I.F.S. Cadre posts and S.P.S. Cadre posts has
already been furnished to Govt. vide this office letter
No. FE.24/44/87, dt. 20-12-95, which may kindly be referred
to for onward action, as desired by Govt. of India. However
it is now necessary to include the following Cadre posts
due to revision of I.F.S. Cadre Schedule made vide Govt.
of India's letter No. 16016/2/95-96(M)-A dt. 9-12-95.

1. Chief Conservator of Forests (T)
2. Chief Conservator of Forests (H.B. & N.P.)
3. Conservator of Forests (Border)
4. Conservator of Forests (W.L.)
5. Principal, N.E.F.R. College.

As such a fresh list showing Cadre posts and
Non-Cadre posts is enclosed for issue of Govt. Notification
as desired by Govt. of India.

Kindly treat it as urgent.

Yours faithfully,

Principal Chief Conservator of Forests,
Assam III Guwahati-6.

Memo No. FE.24/44/87/A. Dated Guwahati, the 8th Jan./1996.

1. Copy to the Inspector General of Forests, Govt. of India,
Ministry of Environment & Forests, C.G.O. Complex, Lodi Road,
New Delhi-110003 for your kind information.

Principal Chief Conservator of Forests,
Assam III Guwahati-6.

Arrested
Advocate

STATEMENT -

SHOWING THE A.F.S. CADRE STRUCTURE

Existing cadre posts.

1. Prin. Chief Conservator of Forests, Assam, Guwahati.
2. Chief Conservator of Forests, Wildlife, Assam, Guwahati.
3. Chief Conservator of Forests, Social Forestry, Assam, Ghy.
4. Chief Conservator of Forests, (Territorial), Assam, Guwahati.
5. Chief Conservator of Forests, Research & Education, and Working Plan, Assam, Guwahati.

CONSERVATOR OF FORESTS (TERRITORIAL):

1. Conservator of Forests, Western Assam Circle, Dibrugarh.
2. Conservator of Forests, Northern Assam Circle, Jorhat.
3. Conservator of Forests, Hills, Hailong.
4. Conservator of Forests, Central Assam Circle, Guwahati.
5. Conservator of Forests, Eastern Assam Circle, Dibrat.
6. Conservator of Forests, Southern Assam Circle, Silchar.

CONSERVATOR OF FORESTS (FUNCTIONAL):

7. Conservator of Forests, Research & Education, Guwahati.
8. Conservator of Forests, Working Pl. Circle, Guwahati.
9. Conservator of Forests, Western Assam Social Forestry, Ghy.
10. Field Director Tiger Project, Barpeta Road, Barpeta.
11. Director, Kaziranga National Park, Bokakhat.
12. Conservator of Forests, (H.U) attached to O.O PCCF, Assam.
13. Conservator of Forests, Eastern Assam Soc. & Forestry Circle, Nagaon.
14. Conservator of Forests, Social Forestry Circle, Bongaigaon.
15. Conservator of Forests, Dibrat, attached to ^{1/2} H.U. with H.U. at Guwahati.
16. Conservator of Forests, Wild Life, attached to o/o CCF, Wild Life, Assam, Guwahati.
17. Principal, North East Forest Ranger College, Jhulukbari, Ghy.
18. DEPUTY CONSERVATOR OF FORESTS (TERRITORIAL):

1. Divisional Forest Officer, Goalpara Divn. Goalpara. *Normal*.
2. Divisional Forest Officer, Dhubri Divn. Dhubri. *SFS*
3. Divisional Forest Officer, Kachugaon Divn. Lakhimpur. *SFS*
4. Divisional Forest Officer, Haltugapn Divn. Kokrajhar. *RR*
5. Divisional Forest Officer, Ait-Valley Divn. Lakhimpur. *SFS*
6. Divisional Forest Officer, Sonitpur East Divn. Biswanath Chariali. *SFS*
7. Divisional Forest Officer, Sonitpur West Divn. Jorhat. *SFS*
8. Divisional Forest Officer, North Kamrup Divn. Jorhat. *SFS*
9. Divisional Forest Officer, Lakhimpur Divn. Lakhimpur. *SFS*

Contd.....P/2.

Attested
Alf
Advocate.

- 15 -

- 2 -

10. Divisional Forest Officer, Nagaon Divn. Nagaon. RR
 11. Divisional Forest Officer, Jorhat Divn. Jorhat. Nomin. ✓ SFS
 12. Divisional Forest Officer, Hailakandi Divn. Hailakandi. ✓ SFS
 13. Divisional Forest Officer, Dibrugarh Divn. Dibrugarh. ✓ SFS
 14. Divisional Forest Officer, Digboi Divn. Digboi. RR
 15. Divisional Forest Officer, Doom Dooma Divn. Doom Dooma. ✓ SFS
 16. Divisional Forest Officer, Golaghat Divn. Golaghat. ✓ SFS
 17. Divisional Forest Officer, Karimganj Divn. Karimganj. ✓ SFS
 18. Divisional Forest Officer, Cachar Divn. Silchar. ✓ SFS
 19. Divisional Forest Officer, Kamrup East Divn. Guwahati. ✓ SFS
 20. Divisional Forest Officer, Kamrup West Divn. Guwahati. ✓ SFS

✓ DEPUTY CONSERVATOR OF FORESTS (FUNCTIONAL) :

21. Divisional Forest Officer, C.A. Afforestation Divn. Hojai. ✓ SFS
 22. Divisional Forest Officer, W.A. Afforestation Divn. Manikpur. RR
 23. Planning Officer - (I), attached the PCCF Office, Guwahati. Nomin.
 24. Planning Officer - (II), attached the O/OPCCF, Assam. RR
 25. Divisional Forest Officer, Silvicultural Divn. Cawalati. ✓ SFS
 26. Planning Officer, Social Forestry, attached to O/OPCCF, SF, Nomin.
 27. Working Plan Officer, Lubukinsam Circle, Guwahati. ✓ RR (Order out)
 28. Working Plan Officer, Kokrajhar. abolished
 29. Working Plan Officer, Upper Assam Circle, Jorhat. RR
 30. Divisional Forest Officer, Eastern Assam W.L. Divn. Nomin. Bokakhat.
 31. Divisional Forest Officer, Western Assam W.L. Divn. Tengra. Nomin.
 32. Divisional Forest Officer, Assam State Zoo, Guwahati. ✓ SFS
 33. Forest Utilization Officer, Assam, (Kept Abeyance), Guwahati. Nomin.

28. Replaced by DFO (Territorial),

Barlang Division,

✓ SFS.

Attested
May
Advocate.

SUMMARY OF S.F.O. CADRE STRENGTH EXISTING CADRE.

EDITORIAL

1. Divisional Forest Officer, Darrang Divn., Mongaldoi.
2. Divisional Forest Officer, Sibsagar Divn., Nazira.
3. Divisional Forest Officer, Nagaon South Divn., Mayamun Mojai.
4. Divisional Forest Officer, Hamren Divn. Diphu.
5. Divisional Forest Officer, N.C. Hills Divn. Haflong.
6. Divisional Forest Officer, Karbi Anglong West Divn. Diphu.
7. Divisional Forest Officer, Karbi Anglong East Divn. Diphu.

8.

DEPUTY CONSERVATOR OF FORESTS (FUNCTIONAL)

1. Divisional Forest Officer, Karimganj Divn. Karimganj.
2. Divisional Forest Officer, Social Forestry Divn. Silchar.
3. Divisional Forest Officer, Social Forestry Divn. Dhubri.
4. Divisional Forest Officer, Nagaon Social Forestry Divn. Nagaon.
5. Divisional Forest Officer, Kokrajhar Social Forestry Divn. Kokrajhar.
6. Divisional Forest Officer, Bongaigaon S.F. Divn. Bongaigaon.
7. Divisional Forest Officer, Barpeta S.F. Divn. Barpeta.
8. Divisional Forest Officer, Lakhimpur S.F. Divn. Lakhimpur.
9. Divisional Forest Officer, Sibsagar S.F. Divn. Sibsagar.
10. Divisional Forest Officer, Mongaldoi S.F. Divn. Mongaldoi.
11. Divisional Forest Officer, Nalbari S.F. Divn. Nalbari.
12. Divisional Forest Officer, S.F. Divn. Guwahati.
13. Divisional Forest Officer, Golaghat S.F. Divn. Golaghat.
14. Divisional Forest Officer, Social Forestry Divn. Dibrugarh.
15. Divisional Forest Officer, Goalpara S.F. Divn. Goalpara.
16. Divisional Forest Officer, S.F. Divn. Biswanath Chariali.
17. Divisional Forest Officer, Nagaon W.L. Divn. Nagaon.
18. Divisional Forest Officer, Kokrajhar W.L. Divn. Kokrajhar.
19. Divisional Forest Officer, Mongaldoi W.L. Divn. Mongaldoi.
20. Divisional Forest Officer, Tinsukia W.L. Divn. Tinsukia.
21. Divisional Forest Officer, Logging Division, Guwahati.
22. Divisional Forest Officer, Logging Division, Tinsukia.
23. Divisional Forest Officer, R.F.R.S. Divn. Guwahati.
24. Divisional Forest Officer, F.H.S. Divn. Jorhat.
25. Divisional Forest Officer, T.T. & S. Plant, Makum.
26. Director, Assam Forest School, Jelukbari.
27. Divisional Forest Officer, Southern Assam Afforestation Divn. Haflong.
28. Divisional Forest Officer, Northern Assam Afforestation Divn. Diphu.
29. Divisional Forest Officer, Silvicultural Divn. Hajes, Diphu.

Contd.....

ARRESTED
Mr
Advocate.

30. Working Plan Officer, Hills, Diphu, Assam, Guwahati.

31. Divisional Forest Officer, F.R.S. Divn. Hills, Haflong, Assam.

32. Divisional Forest Officer, Consolidation Hill, Haflong, Assam.

33. Divisional Forest Officer, Genetic Cell, Diphu, Guwahati, Assam.

34. Dy. C.F., (Publicity), attached to the O/O C.F., Assam, Guwahati.

35. Dy. C.F., (Publicity), attached to the O/O C.F., Assam, Guwahati.

36. Dy. C.F., (Publicity), attached to the O/O C.C.C.F., Assam, Guwahati.

37. Dy. C.F., (Extension & Motivation Cell), attached to the O/O PCCF, Assam, Guwahati.

38. Dy. C.F., (Monitoring Cell), attached to the O/O PCCF, S.F., Assam, Guwahati.

39. Dy. C.F., (Enforcement), attached to the O/O C.F., Assam, Guwahati.

40. Dy. O.W.E., Sr. Wildlife Warden, attached to the O/O CCF, W.L. Guwahati.

41. Dy. C.F., attached to the O/O C.F., Bongaigaon, S.P.

42. Dy. C.F., attached to the O/O C.F., NAC, Tezpur.

43. Dy. C.F., attached to the O/O C.F., W.A.S.F. Circular, Guwahati.

44. Dy. C.F., attached to the O/O C.F., SAC, Bishnupur.

45. Dy. C.F. (Instructor), attached to the O/O Principal, N.S.F.R. College, Jalukbari.

46. Dy. C.F. (Instructor), attached to the O/O Principal, N.S.F.R. College, Jalukbari, Guwahati.

47. Dy. C.F. (Dy. Field Director, Tiger Project), attached to the O/O F.D.T.P., Barpeta Road.

48. B.R. Planning Officer, attached to the O/O C.F., Hills, Haflong.

XXXX

W.L.
6/10/22

P. ODERAI

on behalf of the State

Government of India

Third Order

DIRECTOR & GENERAL OF FORESTS & SPECIAL SECRETARY

MINISTRY OF ENVIRONMENT & FORESTS

GOVERNMENT OF INDIA

No.17020/01/94-HS.H

April 27, 2001

Dear Shri Vice

As you are aware, the last review of the strength and composition of Assam-Meghalaya Joint Cadre of the IFS was notified on 9.11.95 under the IFS(Cadre) Rules, 1966. In terms of the rule-4 of the said Rules, the review should take place at an interval of every five years, which means that the next cadre review of the Assam-Meghalaya Joint Cadre become due. Government of India has requested the State Government, on a number of times including at the level of Union Minister of Environment & Forests to forward the proposals but the same are still pending.

Meanwhile, it has come to notice that a few cadre posts earmarked as Dy Conservator of Forests per the notification dated 9.11.95. As per the information furnished by the State side letter No. Pr.26/44/97 dated 8.1.96, the detail of divisions is given below, which includes 22 Territorial Divisions.

1. Goalpara Division, Goalpara
2. Dhubri Division, Dhubri
3. Goalgaon Division, Goalgaon
4. Mokrahbari Division, Mokrahbari
5. Aie-Valley Division, Bengalgaon
6. Saliqpur East Division, Bawanath Chauri
7. Sonitpur West Division, Tezpur
8. North Kamrup Division, Rangia
9. Lakhimpur Division, North Lakhimpur
10. Nagaon Division, Nagaon
11. Jorhat Division, Jorhat
12. Hailakandi Division, Hailakandi
13. Dibrugarh Division, Dibrugarh
14. Diphu Division, Diphu

OKAY

15. Dhem-Dhem Division, Dhem-Dhem
16. Golaghat Division, Golaghat
17. Kamrup, Division, Karimganj
18. Cachar Division, Silchar
19. Kamrup East Division, Guwahati
20. Kamrup West Division, Guwahati
21. C.A. Afforestation Division, Dhem
22. W.A. Afforestation Division, Manikpur
23. Planning Officer (I)
24. Planning Officer (II)
25. Silviculturist
26. Planning Officer, Social Forestry
27. Working Plan Officer, Lakhimpur Circle, Golaghat
28. Working Plan Officer, Kokrajhar
29. Working Plan Officer, Upper Assam Circle, Jorhat
30. Eastern Assam Wildlife Division, Belokhali
31. Western Assam Wildlife Division, Tezpur
32. Dy. Conservator of Forests (Assam State Zoo), Guwahati
33. Forest Utilisation Officer

2. I would request you to kindly have the Territorial Divisions notified and communicate the same to this Ministry and also ensure that only cadre officers are posted on cadre posts.

With regards,

Yours sincerely,

(S.P. Bora)
(S.P. Bora)

Shri P.K. Bora,
Chief Secretary,
Govt. of Assam,
Secretariat,
Guwahati.

15/8
6/8/13

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS : ASSAM
GOVERNMENT OF ASSAM
GUWAHATI-B.

NO. FE. 24/44/87

Dated Guwahati, the 26th Dec/94.

To

The Joint Secy. to the Govt. of Assam,
Forest Deptt., Dispur,
Guwahati-6.

Sub :-- Cadre Strength.

Ref :-- Govt. letter No. FRE. 02/94/14, dt. 9.12.94.

Sir,

In inviting a reference to your above cited letter, I am sending herewith a fresh proposal for issuing Govt. notification showing the Forests Circles/Divisions both territorial and functional to manned by I.F.S. and S.F.S. Officers as per enclosed list for proper management of the cadre. The proposal for additional encadrement of the post in the I.F.S. Cadre has also been indicated in the enclosed statement.

The matter may be taken up with the Govt. of India accordingly.

Yours faithfully,

Principal Chief Conservator of Forests,
Assam at Guwahati.

3/3/12/94

Attested
N.H. Gohil
Advocate.

STATEMENT SHOWING THE IFS CADRE STRENGTH

Existing Cadre Posts

1. P.C.C.F. - Assam - 1
2. C.C.F. (WL) : Assam - 1
3. C.C.F. (S.E.) - Assam - 1

Addl. posts proposed
for recruitment.

- C.C.F. (HQ) - 1
- C.C.F. (R & E) - 1

C.F. (Territorial) :-

1. C.F. - W.A.C. - Kokrajhar
2. C.F. - N.A.C. - Tezpur
3. C.F. - Hills : Daitong
4. C.F. - C.A.C. - Guwahati
5. C.F. - E.A.C. - Jorhat
6. C.F. - S.A.C. - Silchar

Principal - N.E. F.R.C. - 1

C.F. Wildlife - 1

C.F. (Border) - 1

C.F. (Functional) :-

7. C.F. - R&E - Guwahati
8. C.F. - W.P.C. - Guwahati
9. C.F. - W.A.S.F. - Guwahati
10. Field Director Tiger Project : Barpeta Road
11. Director, Kaziranga National Park, Bokakhat
12. C.F. (HQ), Guwahati
13. C.F. - C.A.S.F. S., Nagaon
14. C.F. - Dangakguri S.F.C.

D.C.F. (Territorial)

1. D.F.O. - Goalpara ✓
2. D.F.O. - Dhubri ✓
3. D.F.O. - Kachugaon ✓
4. D.F.O. - Haltuigaon ✓
5. D.F.O. - Ais Valley ✓
6. D.F.O. - Sonitpur East ✓
7. D.F.O. - Sonitpur West ✓
8. D.F.O. - N.K. Division ✓
9. D.F.O. - Lakhimpur ✓
10. D.F.O. - Nagaon ✓
11. D.F.O. - Jorhat ✓
12. D.F.O. - Hailakandi ✓
13. D.F.O. - Dibrugarh ✓
14. D.F.O. - Digboi ✓
15. D.F.O. - Dangadoma ✓
16. D.F.O. - Golaghat ✓
17. D.F.O. - Karimganj ✓ (t)
18. D.F.O. - Silchar ✓
19. D.F.O. - Kamrup East Divn., Guwahati ✓
20. D.F.O. - Kamrup West Divn., Guwahati ✓

D.C.F. (Functional)

1. D.F.O. - S.F. : Nalbari
2. D.F.O. - S.F. , Guwahati
3. D.F.O. - S.F. , Golaghat ✓
4. D.F.O. - S.F. , Dibrugarh
5. D.F.O. - S.F. , Goalpara
6. D.F.O. - S.F. , Biswanath - chariali

Attested

M. H. S.
Advocate.

Contd.

D.C. F. (Functional) :-

- ✓ 21. D.F.O.-C.A. Afforestation, Hajoai
- ✓ 22. D.F.C.-W.A. Afforestation, Manikpur
- ✓ 23. P.O.-I ✓
- ✓ 24. P.O.-II ✓
- ✓ 25. D.F.O.-Silviculture Guwahati ✓
- ✓ 26. P.O. (S.F.) ✓
- ✓ 27. W.P.O.-L.A.C. ✓
- ✓ 28. W.P.O.-Kukrajhar ✓
- ✓ 29. W.P.O.-U.A.C. ✓
- ✓ 30. D.F.C.-E.A. W.L. ✓
- ✓ 31. D.F.C.-W.A. W.L. ✓
- ✓ 32. D.F.C.-Assam State Zoo ✓
- ✓ 33. F.U.C.-Assam (Kopt abeyance) ✓

Attested

Alley
Advocate.

STATEMENT SHOWING THE S.F.S. CADRE STRENGTH

Fixing Cadre Post.

D.C.F.-Territorial

1. Darrang Division, Mangaldoi ✓
2. Sibsagar Division, Nazira ✓
3. Nagaon South Division, Hojai ✓

D.C.F_n-Functional

1. S.F., Karimganj Division
2. S.F., Silchar Division
3. S.F., Dhubri Division
4. S.F., Nagaon Division
5. S.F., Kokrajhar Division
6. S.F., Bongaigaon Division
7. S.F., Barpeta Division
8. S.F., Lakhimpur Division
9. S.F., Sibsagar Division
10. S.F., Mangaldoi Division
11. W.L., Nagaon Division
12. W.L., Kokrajhar Division
13. W.L., Mangaldoi Division
14. W.L., Tinsukia Division
15. Logging Division, Guwahati
16. Logging Division, Tinsukia
17. F.R.S. Division, Guwahati
18. F.R.S. Division, Jorhat
19. D.C.F. (Publicity (W.L.))
20. D.C.F. (Publicity (Genl))
21. D.C.F. (Publicity (S.F.))
22. D.C.F. (Extension & Motivation (Genl))
23. D.C.F. (Monitoring (S.F.))
24. D.C.F. (Enforcement (W.L.))
25. D.C.F., Senior W.L. Warden
26. D.C.F. attached to C.F., S.F., Bongaigaon
27. D.C.F. attached to C.F., N.A.C., Tezpur
28. D.C.F. attached to C.F., W.A.S.F., Guwahati
29. D.C.F. attached to C.F.-S.A.C., Silchar
30. P.O., attached to C.F. Hills
31. D.C.F., T.T. 'S. Plant, Makum
32. Director, Forest School
33. D.C.F. (Instructor), N.E.F.R. College
34. D.C.F. (Instructor), N.E.F.R. College
35. D.C.F. (Dy. Field Director Tiger Project) Manas
36. D.C.F., Genetic Cell
37. D.C.F., Southern Assam Afforestation D.vn.
38. D.C.F., Northern Assam Afforestation D.vn.
39. D.C.F., Silvi. Hills
40. D.C.F., W.P.C., Hills
41. D.C.F., F.R.S., Hills
42. D.C.F., Consolidation Hills
43. D.C.F., Lower Division
44. D.C.F., N.C. Hills
45. D.C.F., K.A. West
46. D.C.F., K.A. East

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PUBLISHED IN THE GAZETTE OF INDIA, PART II, SECTION 3 (CD)

No. 16010/2/05-A/SC/104-B

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

New Delhi, the 11.11.05

NOTIFICATION

G.S.R. No. In exercise of the powers conferred by sub-section (1) of Section 3 of the All-India Services Act, 1951 (61 of 1951) read with rule 11 the Indian Forest Service (Pay) Rules, 1968, the Central Government, in consultation with the Government of Assam & Nagaland, hereby makes the following rules further to amend the Indian Forest Service (Pay) Rules, 1968, namely:-

1. (1) These rules may be called Indian Forest Service (Pay) Sixth Amendment Rules, 1995.
(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Indian Forest Service (Pay) Rules, 1968:-

(a) Post carrying pay above the time scale pay of the Indian Forest Service under the State Governments, for the entry "Assam-Nagaland" appearing in the first column and the corresponding entries relating thereto under Columns 2 and 3, the following entries shall be substituted namely:-

ASSAM-NAGALAYA

(77)

... under the Government of Assam

Post Entries of Posts	Scale of Pay	Staged
Principal Conservator of Forests	Rs. 600/-	1
Chief Conservator of Forests (Protection)	Rs. 5900-200-6700	1
Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden	Rs. 5900-200-6700	1
Chief Conservator of Forests (Social Forestry)	Rs. 5900-200-6700	1
Chief Conservator of Forests (Research Training & Working Party)	Rs. 5000-200-6700	1
Conservator of Forests (Territorial)	Rs. 4500-150-5700	6
Conservator of Forest (Development)	Rs. 4500-150-5700	1
Conservator of Forests (Economic Circle)	Rs. 4500-150-5700	1
Conservator of Forests (Headquarters)	Rs. 4500-150-5700	1
Conservator of Forests (Social Forestry)	Rs. 4500-150-5700	2

Assam
Nagaland
G.P.S.C.

Conservator of Forests (Wildlife)	Rs. 4500-150-5700
Conservator of Forests (Border)	Rs. 4500-150-5700
Field Director, Project Tiger, Manas	Rs. 4500-150-5700
Director-Kaziranga National Park	Rs. 4500-150-5700
Principal, NCF Rangers College, Jharkhand	Rs. 4500-150-5700

MEGHALAYA

Principal Chief Conservator of Forests	Rs. 7300-100-7600
Chief Conservator of Forests (Social Forestry & Environment)	Rs. 5800-200-6700
Conservator of Forests (Territorial & Development)	Rs. 4500-150-5700
Conservator of Forests (Research & Training)	Rs. 4500-150-5700
Conservator of Forests (Social Forestry)	Rs. 4500-150-5700
Conservator of Forests (Wildlife)	Rs. 4500-150-5700

✓ (b) In the Table below the heading "0 Posts carrying pay in the senior time scale of the Indian Forest Service under the State Government including posts carrying special pay in addition to pay in the time scale", against the entry "Assam-Meghalaya" and the entries relating thereto in Column 1 and 2, the following shall be substituted namely:-

Posts under the Government of Assam

Deputy Conservator of Forests (Territorial) 22

Deputy Conservator of Forests - Assam State Zoo 1

Deputy Conservator of Forests (Wildlife) 2 -

Working Plan Officer 3 -

Forest Utilisation Officer 1

Planning Officer 3

Silviculturist 1

Posts under the Government of Meghalaya

Deputy Conservator of Forests (Territorial) (Khasi Hills, Jaintia Hills, Garo Hills) 33

Deputy Conservator of Forests (Training)

Working Plan Officer

Planning Officer

1) DCF(WL) East Assam Circle Pakokkhin
 * East Assam Circle Pakokkhin
 2) DCF(WL) Western Assam Circle, Tengnaf
 3) DCF(WL) Western Assam Circle, Tengnaf

Assam
Meghalaya

Director, Daphakram National Park
 Deputy Conservator of Forests (Central Range)
 Deputy Conservator of Forests (Wildlife)
 Central & West West Hills, Wildlife Division
 Deputy Conservator of Forests (Social Forestry)

(Signature)
 (Hathmulla D. Mera)
 Date of issue

Note: The Pethopal regulations were notified vide notification No. 2/11/65 - AIS(IV), dated 2.3.1968 as GSR No. 482 dated 1.3.1968 and Indian Forest Service (Pay) Rules, 1968 have been amended vide Notification given below:-

S. No.	G. S. R. No.	Date of Publication
1	1801	
2	1800	12.10.68
3	124	12.10.68
4	770	18.01.69
5	1269	15.03.69
6	2176	31.05.69
7	603	10.09.69
8	108	11.04.70
9	100(E)	9.05.70
10	602	24.01.71
11	22(E)	8.05.71
12	46(E)	11.01.72
13	480	20.01.72
14	401(E)	29.04.72
15	1315	2.09.72
16	1157	14.10.72
17	344	27.10.73
18	472(E)	6.04.74
19	781	15.11.74
20	400(E)	20.06.75
21	2228	16.06.75
22	751(E)	16.08.75
23	2260	3.08.76
24	2559	23.08.75
25	802(E)	25.10.75
26	445(E)	2.07.70
27	1206	6.07.70
28	262(L)	1.10.77
29	14(E)	5.10.77
30	6	6.01.78
31	361(E)	3.06.78
32	362(E)	13.07.78
33	953	13.07.78
34	177(C)	29.07.78
35	770	29.08.78
36	487(E)	9.06.79
		25.09.80

Attested
W.M.J
Advocate.

Annexure-6 series
Dated : 7.4.2000

To

The Commissioner & Secretary,
Government of Assam, Forest Department, Dispur,
Guwahati-6.

Through the Principal Chief Conservator of
Forests, Assam, Rehabari, Guwahati-8.

Sub : Prayer for considering my posting to IFS Senior
scale posts (Cadre Posts)

Ref : Govt. of Assam's Notification No. FRE 64/94/Pt/1
dated 29.11.1999.

Sir,

With reference to above, I have the honor to inform
you that I have been posted as Deputy Director, Manas
Tiger Project, which is not born in IFS Cadre. The pay
scale for the post is 8100-325-10,700-EB-325-11, 025-
400-13,025 which is meant for a State Forest Service
Officer. In this connection i am to inform you that 2
IFS Cadre posts are still lying vacant (ENCLOSED
ANNEXURE A & ANNEXURE-B)-

- (1) Doomdooma Forest Division, Doomdooma,
- (2) Western Assam Wildlife Division, Tezpur.

Rule (8) Sub-rule (1) of Indian Forest Service
(Cadre) Rules, 1966 provides that a Cadre post shall be
filled by a cadre officer (ANNEXURE C). SO I may kindly
be considered for posting in any of the vacant cadre
posts.

In this connection I want to reiterate that if I
am posted at Western Assam Wildlife Division, Tezpur it
will be easier for me to look after my aged mother who
is staying alone at home in Biswanath Chariali.

This is for favour of your kind information and
necessary action please.

Yours faithfully

Enclosed : As stated.

Sd/-

(Prantosh Roy, IFS, DCF)
Deputy Director, Manas Tiger Project
Assam, Barpeta Road.

Advance copy forwarded to the Commissioner & Secretary
to the Govt. of Assam, Forest Deptt., Dispur for favour
of kind necessary action.

Sd/-
Prantosh Roy

Attested
W.S.
Advocate.

= 18 =

Annexure-6 series

dated 7.8.2000

From : Shri Prantosh Roy, IFS, DCF
 Deputy Director, Manas Tiger Project
 Assam, Barpeta Road.

To

The Commissioner & Secy.
 to the Govt. of Assam, Forest Department,
 Dispur,

Through the Principal Chief Conservator of
 Forests, Assam.

Sub : Prayer for considering my posting in IFS Cadre
 post.

Ref : Govt. of Assam's Notification No. FRE 64/94/Pt/1
 dated 29.11.1999 & my representation dated
 7.4.2000.

Sir,

With reference to above, I have the honor to inform you that I had been posted as Deputy Director, attached to the field Director, Manas Tiger Project by the Govt. of Assam vide above referred Notification. The post of Deputy Director, Manas Tiger Project is not born in IFS cadre. The pay scale prescribed in the Revision of pay Rules, Assam for the post is 8100-325-10, 700-EB-325-11, 825-400-13,025 which is inferior to IFS Senior Scale. I sincerely believe that one direct recruit IFS Officer in his ninth year of service cannot deserve such posting which is not in confirmity with rule (8), sub rule (1) of Indian Forest Service (Cadre) Rules read along with IFS fixation of cadre strength (Amendment) Regulation.

In this connection I want to inform you tat one non-cadre officer is posted at Sonitpur East Division, H.Q. at Biswanath Chariali for last 3 years which is a cadre post. If I am considered for my posting at biswanath Chariali, which will be not only inconfirmy with IFS cadre rule but it will also help me to look after my aged mother who is staying alone at Biswanath Chariali.

That Sir, I have been suffering severally for last nine months for my posting in a non-cadre post. May I, therefore, humbly pray before you to look into the matter and to post me in any IFS cadre post preferably

Attested
 M.K.
 Advocate.

= 19 =

in Sonitpur East Division, headquarter at biswanath
Chariali and oblige.

Thanking you in anticipation with kind and
sympathetic action.

Yours faithfully

Sd/-

7.8.2000

(Prantosh Roy, IFS, DCF)

Deputy Director, Manas Tiger Project
Assam, Barpeta Road.

Advance copy to the Commissioner & Secretary
to the Govt. of Assam, Forest Deptt., Dispur for favour
of kind information and necessary action.

Sd/-

Prantosh Roy

Attested
W.K.G.
Advocate.

= 20 =

Annexure-6 series

Dated : 29.11.2000

To :-

The Commissioner & Secretary,
Govt. of Assam, Forest Department, Dispur,
Guwahati-6.

Sub : Prayer for transfer and posting.

Sir,

I have the honour to inform you that I am posted as Deputy Director, Manas Tiger project, Barpeta Road for last one year. There are two forest divisions at Biswanath Chariali and both the DFO's have passed more than 3 years tenure. Sri M. Ali, DFO, Special Forestry Division, Biswanath Chariali has already left with earned leave, leaving the charge to Sri Rajib Das, DFO, Sonitpur East Division, Biswanath Chariali. From a reliable source I have come to know that the DFO, Special Forestry Division, Biswanath Chariali is trying for his transfer else where. My mother is aged and always remain ill. She stays alone at Biswanath Chariali. It is very different for me to take care of her from Barpeta Road. If I am considered for my posting at Biswanath Chariali, I will be able to look after my parent side by side with my official duty. May I therefore humbly pray before you to look into the matter and kindly post me in any one of the division's for the time being due to which I will remain over grateful to you.

Thanking you.

Yours faithfully

Sd/-

(Prantosh Roy, IFS, DCF)
Deputy Director, Manas Tiger Project
Assam, Barpeta Road.

Copy to the Principal Chief Conservator of Forest's
Assam, Rehabari, Guwahati-8 for favour of your kind
information and necessary action.

Sd/-
Prantosh Roy

Attested
W
Advocate.

= 21 =

Annexure-6 series

Dated : 27.6.2001

To

The Principal Secy., Govt. of Assam,
Forest Deptt, dispur.

Sub : Transfer and posting.

Sir,

With due respect I want to inform you that I am presently working as a Deputy Director, Manas Tiger Project, Barpeta Road. My mother who is seventy years old and presently having problems of lack of eye sight is staying alone at Biswanath Chariali. My father expired in 1998. I am a bachelor. As my mother is not willing to leave home at her old age, it has become very difficult for me to look after her from Barpeta Road.

That Sir, Sri Rajib Das is holding the charge of Sonitpur East Division at Biswanath Chariali for your years approximately. His next transfer has become over due. If I am considered for my posting at Sonitpur East Division, I will be able to look after my mother and for the act of your kindness I will be over grateful to you.

Thanking you.

Yours faithfully

Sd/-

(Prantosh Roy, IFS, DCF)
Deputy Director, Manas Tiger
Project Assam, Barpeta Road.

Attested

W. Roy
Advocate.

= 22 =

Annexure-6 series

Dated : 20.7.2001

To

The Commissioner & Secretary,
Govt. of Assam, Forest Department,
Dispur, Guwahati-6.

From : Prantosh Roy, IFS, DCF
Deputy Director, Tiger Project
Manas, Assam, Barpeta Road.

Sub : Transfer and posting.

Sir,

With due respect I would like to inform you that I have been working as Deputy Director, Tiger Project, Manas, Assam, Barpeta Road, for last two (2) years. My father expired in 1998. My mother aged about seventy years is staying alone at Biswanath Chariali, since then, presently she is suffering from eye problem. As my mother is unable to leave home at her old age, it has become very difficult for me to look-after her from Barpeta Road.

That Sir, Sri Rajib Das is posted as Divisional Forest Officer, Sonitpur East Division, Biswanath Chariali for last four years. His next transfer has become over due. If I am considered for posting as Divisional Forest Officer, Sonitpur East Division, I will be able to look after my mother and for the act of your kindness I will remain ever grateful to you.

Thanking you.

Yours faithfully

Sd/-

(Prantosh Roy, IFS, DCF)
Deputy Director, Manas Tiger
Project Assam, Barpeta Road.

F.B.19.7.2001

Arrested
N.K.
Advocate.

40

GOVERNMENT OF ASSAM
FOREST DEPARTMENT ::::: DISPUR.
FFFFFFFFFF

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Disputation 27th July, 2001.

ND. FRE. 19/2000/Pt. 1/53 :- The services of Shri J. Ahmed, Planning Officer, Office of the Conservator of Forests, Hills, Raflong is withdrawn from the N.C. Hills Autonomous Council and in the interest of public service he is transferred and posted as Divisional Forest Officer, Sonitpur East Division, Bishwanath Chariali with effect from the date of taking over charge when Shri Rajib R. Das transferred.

NO. FRE. 19/2000/pt. /53-A : - On having been placed ~~the~~ services at the disposal of N.C.Hills Autonomous Council, I am喜提 K. Das, M. S. General Forest Officer, Sonitpur Forest Division, Bishwanet Barialli is in the interest of public service transferred and posted as Planning Officer, office of the Conservator of Forests, Hills, Haflong with effect from the date of being over charge vice Shri J. K. Das I transferred.

Sd/- A. B. Ma, Eunus,
Joint Secretary to the Govt. of Assam,
Forest Department, Dibrugarh.

Memo No. FRE. 19/2001/Pt.I/53-B, Forest Department, Dispur.
Copy to:- Dated Dispur, the 27th July, 2001.

1) The Accountant General (A&E), Assam, Maidamgaria, Boltola, Guwahati-29.
2) The Principal of Conservator of Forests, Assam, Rabhbari, Guwahati-8.
3) The Chief Conservator of Forests (Territorial), Assam, Panbazar, Guwahati-1.
4) The Chief Conservator of Forests (Social Forester), Assam, Zoo Nasongi Road, Guwahati-24.
5) The Chief Conservator of Forests (Wildlife), Assam, Rabhbari, Guwahati-8.
6) The Chief Conservator of Forests (Research, Education and Working Plan), Assam, Guwahati-24.
7) The Conservator of Forests, Hills, Haflong/Conservator of Forests, Northern Assam Range, Tezpur.
8) The Principal Secretary, N.C. Hills Autonomous Council, Haflong, for information and necessary action.
9) Shri J. Ahmad, Planning Officer, Office of the Conservator of Forests, Hills, Haflong.
10) Shri Rajib Kr. Bis, Divisional Forest Officer, Dibrugarh Forest Division, Dibrugarh Chariali.
11) The P.S. to the Minister, Forests, Assam, Dibrugarh, Guwahati-6 for information of the Minister.
12) The Deputy Director, Assam Govt. Press, Bamunimaidam, Guwahati-21 for publication of the Notification in the next issue of the Assam Gazette.
13) Personal file of the officers.

By order of

Wm.

Joint Secretary to the [REDACTED]
Forest Department, [REDACTED]

1888
May

To

The Secretary, Govt. of Assam,
Forest Deptt., Dispur.

Dated 30/07/2001

From,

Prantosh Roy, I.F.S., D.C.F.,
Deputy Director, Manas Tiger Project,
Barpeta Road, Assam.

Sub: Transfer and Posting.

Ref: Govt. Notification No. FRE 19/2000/pt. I/53 dated 27/07/2001.

Sir,

With due respect and humble submission I have the honour to inform you that I represented to the Govt. by my letters dated 15/05/2001 and 20/07/2001 praying for my posting as D.F.O., Sonitpur East Division due to illness of my aged widow mother who stays alone in Biswanath Chariali. I enclosed some prescriptions given by doctors of "Sri Sankardeva Netralaya" and "Guwahati Neurological Research Centre Ltd." regarding the problems of my mother's eye sight. I also informed you that there was none to look after my mother in Biswanath Chariali and she was unable to leave home at old age. I was hopefully expecting a favourable consideration from the Govt. My case was under consideration. However, suddenly Govt. came out with a notification No. FRE 19/2000/pt. I/53 dated 27/07/2001 placing Shri J. Ahmed, Planning Officer, Office of the Conservator of Forests, Hills, Hailong in the post of Divisional Forest Officer Sonitpur East Division, Biswanath Chariali (Copy enclosed). The Order is yet to be implemented.

That sir, the post of D.F.O., Sonitpur East Division is an I.F.S. cadre post. I am an I.F.S. Officer working in Junior Administrative Grade of pay (J.A.G.) and already passed ten years of service in I.F.S. Shri J. Ahmed is a very junior officer from State Forest Service who can not be posted as D.F.O. Sonitpur Division ^{ex-IFS} as I.F.S. (cadre) Rules Rule 9(1) (a) of the I.F.S. (cadre) Rules, 1966 bars consideration of J. Ahmed for the post of D.F.O., Sonitpur East Division, when I.F.S. officer is available. Also, for last two years I am posted as Deputy Director attached to the Field Director, Manas Tiger Project,

Attested

W. Roy

Advocate.

which is not a cadre post. In view of the same I am earnestly requesting you to look into the matter and till then not to implement the Govt. Notification No. FRE 19/2000/pt.1/53 dated 27/07/2001 posting J. Ahmed as D.F.O., Sonitpur East Division to Swanath Chariali.

That Sir, I may kindly be considered for the said post and for the act of your kindness I will remain ever grateful to you.

Thanking you.

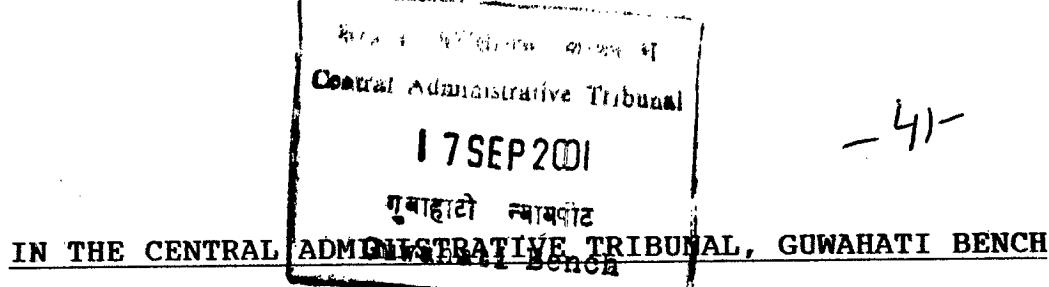
Enclosure :--

A copy of the said
Notification (No. FRE
19/2000/pt.1/53
dated 27/07/2001).

You're faithfully,

(PRANTOSH BORU, I.F.S., D.C.F.,
Deputy Director, Manas Tiger Project,
Barpeta Road, Assam.

Attested
W.M.J.
Advocate.



O.A. No.313/2001

Shri Prantosh Roy Applicant

Versus

Union of India & Others Respondents

S.No.	Description	Page No.
1.	Short reply to the Original Application	1 - 4

Thorugh:

16/9/01

(A. Deb Roy)

Senior Central Govt. Standing Counsel,
Hengrabari Housing Colony,
L.I.G. - 3 (Top Floor),
Guwahati - 781 006.

12
 Filed by
 (A. Prantosh Roy
 S. C. C.
 C. A. T., Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

O.A. No.313/2001

Shri Prantosh Roy Applicant

Versus

Union of India & Others Respondents

Short Reply on behalf of Respondent No.5 & 6

I, R. Sanehwal, aged 47 years, Under Secretary in the Ministry of Environment and Forests, Government of India, Paryavaran Bhavan, New Delhi, do hereby solemnly affirm and say as follows :

2. That I am competent to file this reply on behalf of Respondent No.5 & 6. I am acquainted with the facts and circumstances of the case on the basis of the records maintained in the Ministry of Environment and Forests. I have gone through the petition 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.

3. The applicant is a direct recruit IFS officer of 1991 batch. He has filed this application seeking direction from this Hon'ble Tribunal to quash the appointment of respondent No.7, who is a non-cadre officer, on a cadre post of DFO, Sonitpur East Division. In this connection, it is submitted that all appointments

C. Sanehwal

(राजीव नानेहवाल)
 (R. Sanehwal)
 अधर कर्मी, Under Secretary
 पर्यावरण विभाग
 मंत्रालय, सरकार ऑफ इंडिया
 नई दिल्ली, नई दिल्ली

to cadre posts in a State are to be made by the State Government concerned. It is, however, submitted that as per rule-8 of the Cadre Rules, every cadre post has to be filled up by a cadre officer, unless otherwise specifically provided. In case a cadre officer is not available, a non-cadre officer could be posted on a cadre post on a temporary basis in accordance with rule-9 of the Cadre Rules. As per this rule, the State Government is empowered to post a non-cadre officer on a cadre post temporarily for a period of three months only. In case, the period exceeds three months, then prior approval of the Central Government would be necessary. Rest of the averments are matters of record. Provisions of rule 9 of the IFS (Cadre) Rules are extracted below :-

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

(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:-

(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 Govt. for such continuance;

C. S. Anand

(रवीश अनंदहाल)
(R. S. Anandhal)
मंत्री/मंत्री पदाधिकारी
पंजी राज्य विभाग
Ministry of P. & F. Govt.
भारत सरकार, भारत
नई दिल्ली/New Delhi

(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 Govt. for continuing the person who is not a cadre officer beyond the period of three months.

(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:-

(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;

(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 together with reasons therefor and the appointment shall be made only with the prior approval of the Central Government:

(2)(c) if a Select List is not in force and it is proposed to appoint a non-Select List officer, the State Government shall forthwith make a proposal to that effect to the Central Govt. together with reasons therefor and the appointment shall be made only with the prior approval of the Central Government.

(3) Where a cadre post is likely to be filled by a person who is not a cadre officer for a period exceeding six months, the Central Govt. shall report the full facts to the Union Public Service Commission with the reasons for holding that no suitable officer is available for filling the post and may in the light of the advice given by the Union Public Service Commission give suitable directions to the State Government concerned."

It is amply clear from rule-9 that the State Government is empowered to post a non-cadre officer on

C. Gururaj

(राजा गुरुराज)
(R. Gururaj, IAS)
मंत्री, लैनिंग फार्म
प्रो. राजनीति विद्या
Minister of Legal Services
मंत्री, लैनिंग फार्म
काशीनगर, नई दिल्ली

a cadre post for a period of three months only and beyond that prior approval of the Central Government/UPSC is mandatory. In case the State Government has appointed any non-cadre officer on a cadre post without adhering to the conditions laid down in rule-9 of the Cadre Rules extracted above, the same will be treated as violative of the Cadre Rules. It is prayed accordingly.

4. In view of the position explained above, it is submitted that this Hon'ble may pass an order which it deems fit and proper keeping in view the facts and circumstances of the case.

Place: New Delhi

Chanchal

Date : 11.09.2001

For Respondent No.5 & 6

VERIFICATION

I, R. Sanehwal, Under Secretary to the Govt. of India, having my office at Paryavaran Bhavan, Lodi Road, New Delhi-110003, do hereby verify that the contents stated above are true and correct to the best of my knowledge, belief and information as derived from the official records and that nothing has been suppressed therefrom.

Verified at New Delhi on this the 11th day of September, 2001.

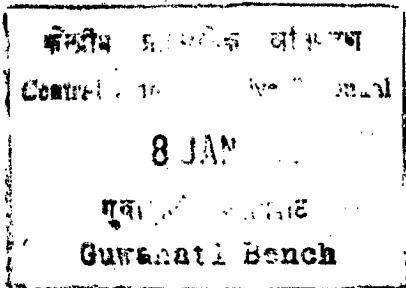
Chanchal

For Respondent No.5 & 6

(रमेश सानेहवाल)
(RAMESH SANEHWAL)
मंत्री सचिव (Under Secretary)
पर्यावरण विभाग
Ministry of Environment
भारत सरकार (Govt. of India)
नई दिल्ली, New Delhi

Filed by Respondent No. 7
Through Debit K. S.
Advocate
27/1/02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL



GUWAHATI BRANCH

8 JAN

O. A. NO. 313/2001

IN THE MATTER OF :

Shri Prantosh Roy ... APPLICANT

-Versus-

Union of India & Ors. ... RESPONDENTS

- AND -

IN THE MATTER OF :

Written statement on behalf of the Respondent
No. 7, Sri J. Ahmed in the aforesaid O.A.
No. 313/2001

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENT NO. 7

I, Sri J. Ahmed, Divisional Forest Officer, Sonitpur
East Division, Biswanath Chariali do hereby solemnly affirm
and state as follows :

1. That I have been impleaded as the Respondent No. 7
in the aforesaid O.A. No. 313/2001. A copy of the said
application has been served upon me and I have perused the
same and understood the contents thereof. The deponent is
well acquainted with the facts and circumstances of the case
and does not admit any allegation/averment made in the
application which are not supported by records. Any state-
ment which is not specifically admitted hereunder is to be
deemed as denied.

2. That with regard to the statements made in paragraphs 4.1 and 4.2 of the application, the answering respondent has no comments to make thereon.

3. That with regard to the statements made in paragraphs 4.3 and 4.4 of the application, the deponent does not admit anything not borne from the records and further states that Rule 8 and 9 of the IFS (Cadre) Rules 1966 are the admitted position of law. However, it is pertinent to mention herein that the State Govt. is the controlling authority and the Govt. of Assam has not made any Division-wise categorisation of cadre posts till date. In fact, the Govt. of Assam has also filed affidavits to this effect (i.e. no division-wise categorisation has been made for cadre posts) before this Hon'ble Tribunal and also before the Hon'ble Gauhati High Court. In view of the same, the case of the applicant is not maintainable.

The respondent craves leave of this Hon'ble Tribunal to produce, refer to and rely upon the affidavit at the time of hearing of the case.

(3)

4. That with regard to the statements made in paragraphs 4.5, 4.6, 4.7 of the application, the answering respondent has no comments to offer and reiterates the statements made in paragraph 3 hereinabove.

5. That the statements made in paragraphs 4.8 and 4.9 of the application being personal grievances of the applicant, the answering respondent has no comments to offer.

6. That with regard to statements made in paragraphs 4.10, 4.11 and 4.12 of the application, the answering respondent states that he has already been released from Haflong on 16.8.2001 and has assumed/taken over charge as D.F.O., Sonitpur East Division, Biswanath Chariali on 31.8.2001. In view of the same, intervention of this Hon'ble Tribunal in the matter may prejudicially effect the answering Respondent.

Copies of the release certificate dtd. 16.8.2001 and the assumption of charge certificate dtd. 31.8.2001 are annexed herewith and marked as ANNEXURES - A and B respectively.

7. That with regard to the statements made in paragraphs 4.13, 4.14 and 4.15 of the said application, the answering respondent states that Notification dtd. 27.7.2001

is bonafide and has been issued on the basis of the fact that till date no Division-wise categorisation has been made for cadre posts by the Govt. of Assam and hence the posting of the answering Respondent is not illegal. Further, as has been stated above, the answering Respondent has already taken over charge as D.F.O. Sonitpur East Division, Biswanath Chariali on 31.8.2001 and any intervention in the matter by this Hon'ble Tribunal will affect the deponent prejudicially. The answering respondent further craves leave of this Hon'ble Tribunal to make legal verbal submission on the points of law before this Hon'ble Tribunal at the time of hearing.

8. That the answering respondent respectfully submits that none of the grounds mentioned in the application are valid grounds and there is no merit in the contentions of the applicant and the application is liable to be dismissed.

And I sign this affidavit on this 7th day of January, 2002 at Guwahati.

Jorje Ahmed

DEPONENT

8/2/01 11:00

- 5 -

W.L.P. Annex.A. 5

THE NORTHERN CACHAR HILL & AUTONOMOUS COUNCIL HILLONG. -50-

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MESSAGE & DRAFT

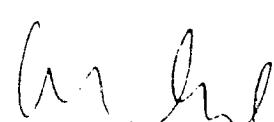
No. GA/TB/3-Forest/PD-II/2000-2002/19, Dated Haflong the 16th/Aug. 2001
In pursuance to the Govt. Notification No. P.R.O. 19/2000/PD-II/19,
Dtd. 27-7-2001. The N.C.Hill Autonomous Council is pleased to release
Shri J. Ahmed, D.C.P. planning officer of Conservator of Forests,
(Hills) Haflong with effect from the date of handing over charge
so as to enable him to join in his new place of posting at Sonitpur
East Division Bishnupur charalik.

Shri D. Zaman, Additional Forest Officer, S.A. Division, Haflong is allowed to take over charge of P.R.O. Division, Haflong
in addition to his own duties, till joining of substitute.

Shri J. Ahmed,
Principal Secretary,
N.C.Hill Autonomous Council
Haflong.

No. GA/TB/3-Forest/PD-II/2000-2002/19, Dated Haflong the 16th/Aug. 01.
Copy to :-

1. The Commissioner & Secretary, to the Govt. of Assam,
Forest Department, Dispur, Guwahati.
2. The Principal Chief Conservator of Forest, Assam,
Riabari, Guwahati-39.
3. The Accountant General Assam, Boktola, Guwahati-39.
4. The Conservator of Forest, (Hills) Haflong.
5. Shri J. Ahmed, D.C.P. Planning Officer, Conservator of
Forest (Hills) Haflong. He is directed to handover
the charge of P.R.O. Division to Shri D. Zaman, D.P.O.
S.A. Division, Haflong.
6. Shri D. Zaman, D.P.O., S.A. Division, Haflong. He is directed
to take over charge from Shri J. Ahmed, D.C.P. Planning
Officer, Conservator of Forest.
7. The Sr. Finance & Account Officer (T), N.C.Hill Autonomous
Council, Haflong.
8. The Treasury Officer, N.C.Hill, Haflong.


Principal Secretary,
N.C.Hill Autonomous Council
Haflong.

Issue No. 3834-42

Dated 21/8/2001

R.W.R.

GENEAL OF THE
N.C.Hill Autonomous Council

Regd. No. 12-97-2

Shri, Assam, Haflong.

GOVT. OF ASSAM
OFFICE OF THE DIVISIONAL FOREST OFFICER: SONITPUR EAST DIVISION
NO.B/FSE/1(Esstt)/2211-5240

Dtd. 31-8-2001.

To,

The Principal Secretary to the Govt. of Assam,
Forest Department, Dispur, Guwahati-6.

Sub:- Transfer of Charge.

Ref:- Govt. Notification No.FRE 19/2000/Pt-I/53 dt.27-7-2001.
Sir,

I have the honour to report that I have taken over charge
of Sonitpur East Division, Biswanath Chariali from Sri R. K. Das,
Deputy Conservator of Forests in the afternoon of 31-8-2001 in
persuance of Govt. Order refer to, under reference.

A copy of the Certificate of Transfer of Charge is enclosed
herewith for favour of your kind needful action.

Enclo:- Charge Report.

Phone:- B. Chariali (Office) 22065
(Res.) 22082

Yours faithfully,

(J. AIMED)
DIVISIONAL FOREST OFFICER:
SONITPUR EAST DIVISION:
BISWANATH CHARIALI.

Copy along with a copy of the Certificate of Transfer of
charge to the Account General, Assam, Guwahati for favour of indorsement.

NO.B/FSE/1(Esstt)/2211-5240

(J. AIMED) 31-8-2001.

Temp. No.B/FSE/1(Esstt)/2211-5240, 31-8-2001. to the BISWANATH CHARIALI.

Copy along with a copy of the Certificate of transfer of
charge to:-

- 1) The Principal Chief Conservator of Forests, Assam, Guwahati-8 for favour of kind information.
- 2) The Chief Conservator of Forests(T) Assam, Ghy-3 for favour of kind information.
- 3) The Conservator of Forests, Northern Assam Circle, Tezpur for favour of kind information.

A copy of the Certificate of Transfer of Charge (J. AIMED) is enclosed
herewith for favour of your kind needful action.

With thanks.

For: - B. Chariali (Signature)
(Res.) 22082

DIVISIONAL FOREST OFFICER:
SONITPUR EAST DIVISION:
BISWANATH CHARIALI.

contd... 2/-

- 1) The Chief Conservator of Forests, Social Forestry Assam, Guwahati.
- 2) The Chief Conservator of Forests, Wild Life Assam, Guwahati.
- 3) All Conservator of Forests, in Assam.
- 4) The Divisional Forest Officers, in Assam.
- 5) The Deputy Commissioner Sonitpur District Tezpur.
- 6) The Superintendent of Police Sonitpur District, Tezpur.
- 7) The Sub-Divisional Officer(Civil) Biswanath Chariali/Gohpur.
- 8) The Sub-Divisional ~~XXXXXX~~ Police Officer, Biswanath Chariali/Gohpur.

(J. AHMED)
DIVISIONAL FOREST OFFICER:
SONITPUR EAST DIVISION:
BISWANATHI CHARIALI.

ASSAM SCHEDULE L (M.B.T-1) F.W.M. NO. 22

FOREST DEPARTMENT ::; ASSAM ::;

CERTIFICATE OF TRANSFER OF CHARGE OF THE OFFICE OF THE DEPUTY
CONSERVATOR OF FORESTS :: SONITPUR EAST DIVISION; B/CHARIALI.

WITNESS DATED 31/8/2001.

I Certify that I received Charge of the Divisional Forest Office, Sonitpur East Division, Biswanath Chariali from Sri I. K. Das, Deputy Conservator of Forests on the afternoon of this day 31st August/2001.

I received the sum of Rs. Nil the Cash balance as shown by the Cash Book on this date. I have examined all the office books and found them posted upto-date.

I have received the needful Vouchers belonging to the accounts of the current month, and have made myself acquainted with all outstanding and liabilities on account of the Deptt.

I have examined the live and dead stock as well as the books, maps and other office records and furnitures at Head Quarters and have examined the Depot registers which I found posted up-to-date.

I have received the Cheque Book Number Nil unused as well as Cheque Book Number 2133 in use containing Cheque Number 106620 to 106650 the counterfoils of the previous Cheque have been written up.

(D.K. Das, A.M.)
31/08/2001

(I. K. Das,)
DEPUTY CONSERVATOR OF FORESTS:
RELIEVING OFFICER.

(J. Ahmed)
31/8/2001 (A.M.)
DEPUTY CONSERVATOR OF FORESTS
RELIEVING OFFICER.