

50/100

37

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

Common Order 296/2006
391/01
452/02

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✓ O.A/T.A No. 391/01
R.A/C.P No.
E.P/M.A No.

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FORM No. 4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

APPLICATION NO.

391/2001

Applicant (S)

J. Ahmed & another

Respondant (S)

VS
Minion of India & Co

Advocate for the Applicant:

Mr. D. K. Das.

Advocate for the Respondant:

CBSC

Notes of the Registry

Date

Order of the Tribunal

25.9.01

Heard Mr. B.K. Das, learned counsel
for the applicants.

The application is admitted, call
for the record. Mr. B.C. Pathak, learned
Addl. C.G.S.C accepts notice on behalf
of respondent Nos. 1 & 3, none appears
for the state of Assam.

List this case on 18.10.2001
alongwith O.A. 296 of 2001.

Member

Vice-Chairman

bb

18.10.01

On the request made by MR. B.C.
Pathak, learned Addl. C.G.S.C four week
time is granted to the respondents
to file written statement.

List on 28.11.2001 for order.

bb

Notice prepared and sent to D/S
for issuing the respondent No
1 to 4 by Regd A.D. along
with M.P. 228/01 in OA 296/2000.

by
28/9/01

DINo 3837 & 3846 dtd 5/10/01

① Service report are still
awaited.

by
17.10.01

LC / Usha
Member

(2)

N

No written statement 28.11.01
has been filed.

28.11.01

Heard Mr.D.K.Das, learned
counsel for the applicant and also Mr.B.
C.Pathak, learned Adml. C.G.S.C. as well
as Mrs.M.Das, learned counsel for the
respondents.

On the prayer of learned counsels
for the respondents 4 weeks time is
granted to file written statement.

List on 8.1.02 for written state-
ment.

K. Ushar
Member

[Signature]
Vice-Chairman

mb
8.1.2002

It has been stated that the ~~written~~
written statement ^{is} filed in O.A. No.296
of 2000 ^{or} will cover in this application
also. In view of the position, the
case may now be listed for hearing. The
learned counsel for the state of Assam
may file its reply within 3 weeks from
today. The other respondents also may ~~file~~
file ~~re~~ written statement.

List on 12.2.2002 for hearing.

K. Ushar
Member

[Signature]
Vice-Chairman

No written statement
has been filed.

11.2.02

mb

12.2.02

Heard counsel for the parties.
Hearing concluded. Judgment delivered
in open Court, kept in separate sheets.
The application is dismissed in terms
of the order. No order as to costs.

K. Ushar
Member

[Signature]
Vice-Chairman

pg

11.3.2002

Copy of the Judgment
has been sent to the
Officer for filing the
same to the Appellate
as well as to the Govt.
Adv. for the Respondents.

HS

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 296 of 2000,
391 of 2001 and
452 of 2001.

Date of Order : This the 12th Day of February, 2002.

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

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

O.A. No. 296 of 2000.

1. Sri Jatindra Sarmah,
2. Sri Amrit Kr. Das,
3. Sri Ranjan Kr. Das,
4. Sri Rajib Kr. Das,
5. Sri Dibya Dhar Gogoi,
- 5A. Ishlari Narzaary,
6. Sri Hiranya Sarmah,
7. Sri Khanindra Nath Barman,
8. Sri Mahendra Nath Dowerah,
9. Safique Ahmed,
10. Ritesh Bhattacharjee,
11. Musfakar Ali,
12. Seal Sarma and
13. Pradeep Hazarika . . . Applicants

O.A. No. 391 of 2001.

1. Mr. Jorge Ahmed
2. Sri Amal Ch. Sarma . . . Applicants.

O.A. No. 452 of 2001

1. Sri Diganta Borbaruah,
 2. Sri Ajoy Deuri Bharali . . . Applicants
- By Advocate Sri D.K.Das in all the cases.
- Versus -

1. Union of India,
represented by the Secretary to
the Government of India,
Ministry of Environment and Forests,
Paryavaran Bhavan,
C.G.O. Complex, Phase-77,
Lodhi Road, New Delhi-11003.
2. The State of Assam,
represented by the Commissioner
and Secretary to the Government of
Assam, Department of Forests,
Dispur, Guwahati-6.

3. Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi (Represented by Secretary, UPSC)
4. The Principal Chief Conservator,
of Forests, Assam, Rehabari,
Guwahati.

. . . Respondents in all the
3 cases.

By Advocate Sri A. Deb Roy, Sr. C.G.S.C
for Respondent No.1 & 3 and
Mrs Manjula Das, Govt. Advocate, Assam for
respondents No.2 and 4. in all the cases.

O R D E R

CHOWDHURY J.(V.C)

All these 3 applications were taken up together
since it involve common question of fact and law.

2. In these applications the applicants prayed for
the following reliefs :

i) Set aside and quash the impugned Central
Government Notification dated 9.11.95 i.e. amended
Indian Forest Service (Fixation of Cadre Strength)
Seventh Amendment Regulation 1995 in respect of Assam and
Meghalaya by amending the existing Indian Forest Service
(Fixation of Cadre Strength) Regulation 1966 to the extent
it earmarks 22 post of Deputy Conservator of Forest (DCF)
(Territorial) for the members of the Indian Forest Service
and to show all D.C.F of Assam Forest Cadre to hold charge
of any forest division.

ii) to regularly hold the meeting of the Selection
Committee as per Regulation 5 of the IFS (Appointment by
Promotion) Regulation,

iii) To regularly hold Triennial review of the
cadre strength under sub-rule (2) of Rule 4 of the IFS
Cadre Rule 1966,

3. In exercise of powers conferred by sub-section (1)
of Section 3 of the All India Services Act, 1951 read with

sub-rule (2) of Rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Government in consultation with the Government of Assam & Meghalaya made the regulations to amend the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966 known as Indian Forest Service (Fixation of Cadre Strength) Seventh Amendment Regulations 1995. The said rules were made in terms of the notification determining the senior posts under the Government of Assam. The aforesaid rule is not an executive act, it is statutory and legislative in character having full effect subject to the provisions of the Act. As a matter of fact this regulation is not directly under challenge. The applicants however objected to categorisation of 22 territorial posts in this proceeding. A legislative provision made by the competent authority cannot even be faulted on the ground of production of inequality by the operation of the Rule is not enough to attract Constitutional inhibition more so when the classification is reasonable and founded as intelligible differentia which bear a reasonable relation to the object sought to be achieved. The applicants in this proceeding are State Forest Officers. The Tribunal is competent to exercise its jurisdiction under Section 14 of the Administrative Tribunals Act, which delineated the jurisdiction, power and authority of the Central Administrative Tribunal in relation to all service matters concerning the member of all India service. Under the scheme of the act the grievances of these applicants can not be a subject matter of a proceeding under Section 19 of the Act. The applicants may take up their grievances before the State Government or any other appropriate forum and not before this Tribunal.

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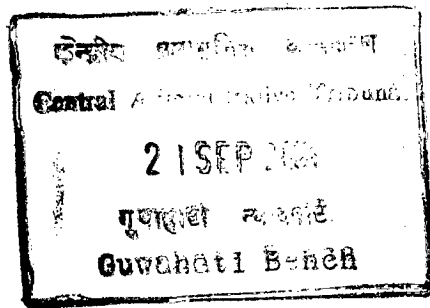
4. Mr D.K.Das, learned counsel appearing for the applicants contended that the grievance of the applicants are genuine. Also heard Mrs Manjula Das, learned Government Advocate, Assam and Mr A.Deb Roy, learned Sr.C.G.S.C. In the above set of circumstances we can only observe that the applicants are free to raise their grievances at the appropriate forum.

With these all the three applications stands dismissed. Interim orders passed, if any stands vacated.

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

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Admn)



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Fiche by applicant
Through Delays & Kamesh Das
21/9/85
Advocate

- 1 -

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI
BENCH

O.A. No. 391 of 2000

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

1. PARTICULARS OF THE CASE.

1. Mr. Jorge Ahmed,
s/o Late M. Ahmed,
resident of Bhangagarh,
Guwahati at present holding the
Charge of Divisional Forest
Officer, Sonitpur East Division,
Biswanath Chariali.
2. Sri Amal Kumar Sarma,
Resident of Sarania, Guwahati at
present holding the charge of
Divisional Forest Officer, Digboi
Division, Digboi.

... APPLICANT.

-VERSUS-

1. Union of India,
represented by the Secretary to the
Govt. of India, Ministry of
Environment and Forests,
Paryavaran Bhavan,
C.G.O. Complex, Phase-77,
Lodhi Road, New Delhi-110003.

J. Ahmed.

2. The State of Assam,

Represented by the Commissioner
and Secretary to the Government
of Assam, Department of Forests,
Dispur, Guwahati-6.

3. Union Public Service Commission,

Dholpur House, Shahjahan Road,
New Delhi (Represented by Secy.UPSC.

4. The Principal Chief Conservator

of Forests, Assam, Rehabari,
Guwahati.

... RESPONDENTS.

2. PARTICULARS OF THE ORDERS AGAINST WHICH THE
APPLICATION IS MADE.

(i) Impugned Central Govt. notification No.
16016/2/95-AIS(11) - A dtd. 9.11.95 i.e. Amended Indian
Forest Service (Fixation of Cadre strength) seventy
amended Regulation 1995 in respect of Assam-Meghalaya
Cadre by amending the existing. Indian Forest Service
Fixation of Cadre strength) Regulation 1966 by including
22 posts of D.C.F. (Deputy Conservator of Forests)
Territorial as inducted in the IFS cadre Rules thereby
depriving the members of the State Forest Service like

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the applicants in the rank of Deputy Conservator of Forests, posting in Territorial Division of Assam although no such posts exist in Assam as per any notification issued by the State Government or any proposal made by the same at any point of time.

(ii) Discrimination between the members of Indian Forest Service Cadre and Assam Forest Service/Class-I) cadre while proposing identification of certain key posts of Deputy Conservator of Forests in Assam by the Respondent No. 4 without any lawful authority and basis as made vide his letter dtd. 8th January, 1996 to the Respondent No.2.

3. The applicant declare that the subject matter is within the jurisdiction of the Hon'ble Tribunal.

4. The applicant further declares that the application is within the limitation prescribed under section 21 of the Administrative Tribunal Act 1985. .lm10

5. **FACTS OF THE CASE**

1. That the applicant is a citizen of India and is therefore entitled to all the rights and privileges guaranteed to a citizen of India under the Constitution of India and the laws framed thereunder.

Contd.../-

J. Ahmed

2. That the applicant is a member of the Assam Forest (Class-I) cadre officers Association and are at present holding important Forest Divisions of Assam in the capacity of Divisional Forest Officer (DFO). The applicant in the instant petition is aggrieved by the Central Government notification dtd. 9.11.95 including 22 out of the 28 Forest Division (Territorial) in the I.F.S. Cadre Rules.

3. In the instant application, the grievances made by the applicant, the cause of action for the instant case and the relief sought for are all common to all the said applicant and hence the instant application has been filed by him and he may be permitted to do so as provided for under Rule 4/5(a) of the CAT (Procedure) Rules 1987.

4. That the applicant states that his service condition is governed by the provisions of "Assam Forest Service (Class-1) rules 1942 having statutory force. That your applicant was recruited as per provision of Rule 6 of the said rule and been appointed in the initial post i.e. Assistant Conservator of Forest as per provision of rule 4 (a) of the Said Rule.

5. That the applicant begs to state that like many other Administrative Services in Forest Service

Contd.../-

J. Ahmed

too there are two separate categories viz. the Indian Forest Service and the State Forest Service. The Indian Forest Service is regulated under the Indian Forest Service (Appointment by Competitive Examination) Regulation 1967, Indian Forests Service (Appointment and Provision) Regulation 1966, Indian Forests Service (Fixation of Cadre Strength) Regulation 1966, Indian Forest Service (Pay) Rules, 1968, Indian Forest Service (Probation) Rules, 1968, Indian Forest Service (Probationer's Final Examination) Regulation 1968, Indian Forest Service (Recruitment) Rules, 1966, Indian Forest Service (Initial Recruitment) Regulation, 1966, Indian Forest Service (Regulation of Seniority) Rules, 1968, while in Assam the State Forest Service is regulated by Assam Forest Service Class-I Rules, 1942 as aforesaid.

6. That the applicant begs to state that the Forest Research Institute, Dehradun is a deemed University. This Institution in its meeting held on 21.08.98 has recognized associate of Indira Gandhi Forest Academy Diploma as equivalent to M.Sc. (Forestry Degree). Further, the same Institution in its meeting held on 13.12.98 has also recognized the Diploma of the State Forest Service Colleges as equivalent to M.Sc. (Forestry), while doing this the Institution held that the Syllabus of the State Forest Service Colleges as very

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much co-operable with that of Indira Gandhi National Forest Academy. Decision of the Institute recognizing both the Diplomas were published vide its Notification dated 21.04.98 and 15.01.99.

Copies of the Notification dated 21.04.98 and 15.01.99 and chart showing the vacant post are annexed hereto and marked as ANNEXURES-1, 2 & 3 respectively.

6A. That thus the incumbent belonging to the State Service Cadres are selected by State Public Service Commission and thereafter do undergo Training in State Forest Service Colleges and obtained Diploma in Forestry which is equivalent to M.Sc. Forestry Degree and thereafter he is appointed against sanctioned State Forest Service Post. Similarly the incumbents belonging to Indian Forest Service are selected by Indian Public Service Commission and thereafter he does undergo Training to obtain Diploma which is also equivalent to MSc. Forestry Degree and are appointed against the post under Indian Forest Service Cadres.

J. Ahmed.
6B. That the applicant begs to state that under the provisions of Assam Forest Service Class-I Rules 1942, members of Assam State Forest Service is designated as Asstt. Conservator of Forests in Junior Scale and

Contd.../-

Deputy Conservator of Forests in Junior Scale and Deputy Conservator of Forests in Senior Scale and the Scale of Conservator of Forests and Chief Conservator of Forests in higher hierarchy. As per provision of Rule 3 of the said Rules, the members of the Senior Scale i.e. Deputy Conservator of Forests are eligible and entitled to hold charge of any Forest Division including the posts of working plan officers, Silviculturists etc. In the Junior Scale members of the Service have been designated as Asstt. Conservator of Forests and in the Senior Scale of designated as Deputy Conservator of Forests who after 18th Year of Service are promoted to the rank of Conservator of Forests etc.

7. That the applicant begs to state that as per the provisions of Indian Forest Service (Cadre) Rules, 1966, the Government of India in Consultation of the respective State Governments, formulate the Cadre Strength of Indian Forest Service Cadre in a State, time to time, usually at an interval of 3 years. The Strength of IFS in the Assam and Meghalaya Cadres have also been increased time to time as detailed below :-

That Govt. of Assam as well as Union Government of India gradually increased the number of I.F.S. Cadre in Assam under Assam Meghalaya Cadre, and subsequently they are enlisted all the Division, Circle,

Contd.../-

Post of C.C.F. etc. by posting I.F.S. Cadre against Assam Forest Service Cadre, which has been listed below:-

INDIAN FOREST SERVICE (FIXATION OF CADRE STRENGTH) REGULATION 1966.

(Assam-Meghalaya Cadre)

1972 Revision	C.C.F. No.
as published by	C.F. No. Senior Post.
the Union Govt. of India	
	D.C.F. No.
	A.C.F. No. Junior Post.
	etc.

~~~~~

Total 56 Assam-Meghalaya Cadre.

|                  |                       |            |
|------------------|-----------------------|------------|
| 1981 Revision    | Senior Post.          |            |
| (as published by | C.C.F.                | ... 1 No.  |
| the Govt.)       | Addl.C.C.F.           | ... 1 No.  |
|                  | C.F.                  | ... 5 Nos. |
|                  | Conservator of Forest |            |
|                  | (Development Circle)  |            |
|                  |                       | ... 1 No.  |
|                  | C.F. (Economic        |            |
|                  | Circle)               | ... 1 No.  |

Contd.../-

*J. Shinde*

Conservator of Forest  
(H/Q) ... 1 No.  
C.F (Social  
(Forestry) ... 1 No.  
Deputy Conservator of Forest  
(D.C.F.) ... 18 Nos.  
D.C.F.(Eastern Assam and  
Western Assam Wild Life  
Division) ... 2 No.  
D.C.F. (Assam State Zoo)  
... 1 No.  
Working Plan Officer ... 3 No.  
Forest Utilisation Officer... 1 No.  
Planning Officer ... 2 Nos  
Silviculturist ... 1 No.  
1988 Revision Assam.  
(third amendment C.C.F. ... 1 No.  
C.C.F.(Wild Life) ... 1 No.  
C.C.F. (S.F.) ... 1 No.  
C.F.(Development) ... 1 No.  
C.F. (Economic Circle ... 1 No.  
C.F.(H/Q) ... 1 No.  
C.F. (S/F) ... 3 Nos  
Field Director Tiger Project -1 No.  
Director Kaziranga N.P. -1 No.  
Deputy Conservator of Forest -22

Contd.../-

*J. Ahmed*



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1995 Revision

|                                      |     |
|--------------------------------------|-----|
| D.C.F.(W/L)                          | - 2 |
| D.C.F.(State Zoo)                    | - 3 |
| Working Plan Officer                 | - 1 |
| Forest Utilisation Officer           | - 1 |
| Planning Officer                     | - 3 |
| Silviculturist                       | - 1 |
| Assam                                |     |
| P.C.C.F.                             | - 1 |
| C.C.F. (Protection)                  | - 1 |
| C.C.F.(W/L)                          | -   |
| i.e. Chief Wild Life Warden          | - 1 |
| C.C.F. (S.F.)                        | - 1 |
| C.C.F. (Research Training<br>of W/P) | - 1 |
| C.F.(Territorial)                    | - 6 |
| C.F. (Development)                   | - 1 |
| C.F. (Economic Circle)               | - 1 |
| C.F. (H/Q)                           | - 1 |
| C.F.(S.F.)                           | - 3 |
| C.F. (W/L)                           | - 1 |
| C.F.(Border)                         | - 1 |
| Director Project Tiger Manas         | - 1 |
| Director Kaziranga N.P.              | - 1 |
| D.C.F.(Territorial)                  | -22 |
| D.C.F.(W/L)                          | -2  |
| D.C.F. (Assam State Zoo)             | -1  |
| Working Plan Officer                 | -3  |

*J. Ahmed*

Contd.../-

Forest Utilisation Officer -1  
Silviculturist -1

The latest revision of IFS cadre strength in Assam and Meghalaya cadre has been done vide-Government of India Notification No. 16016/2/95-Ais(II)-A dated 9.11.95.

A copy of the Govt. of India Notification dated 9.11.95 is annexed hereto marked as ANNEXURE-4.

8. That the impugned notification dated 9.11.95 has shown 22 Nos. of posts of Deputy Conservator of Forests (Territorial) in Assam as encadred for IFS cadre. But as on the date of publication of the said impugned Notification there has been any post of Deputy Conservator of Forest notified as DCF (Territorial) nor there was ever any proposal submitted by the Government of Assam to the Govt. of India to notify any post of Deputy Conservator of Forests as Deputy Conservator of Forest (Territorial).

9. That after publication of the impugned Notification dated 9.11.95, the Principal Chief Conservator of Forests, Assam sent a letter No. FE. 24/44/87 dated Guwahati the 8th January, 1996, to the Commissioner and

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Secretary to the Govt. of Assam in the Forest Department, Dispur, Guwahati-6, proposing to notify a list showing cadre posts and non-cadre posts in Assam, as in Territorial Division, Wild Life Division etc. of the State Forest Department, who has all along been discharging duties and shouldering responsibilities by holding the charge of many of the Divisions since establishment of Forest Department.

A copy of the letter dated 8.1.96 issued by the Principal Chief Conservator of Forests, Assam is annexed herewith marked as ANNEXURE-5.

10. That the applicant begs to state that the existence of the said letter dated 8.1.96 was not within the knowledge of the petitioners and the same came to their knowledge only in the month of August, 2000 when a copy of the same was filed in this Hon'ble Court by one Sri Anindya Swargowari, I.F.S. in W.P.(C) No. 3884/2000 filed by him claiming his transfer and posting to a so-called IFS cadre post on the basis of the said list and in the said writ petition the present petitioner No. 1 was made respondent No.3. However, the impugned list, as appended to the impugned letter dated 8.1.96 was not under challenge in the said writ petition which has already been disposed of vide order dated 29.8.2000 passed by this Hon'ble Court.

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A copy of the order dated 29.8.2000 passed in W.P.(C) No.3884/2000 is annexed hereto marked as ANNEXURE-6.

10. That the Central Govt. vide notification dtd. 9.11.95 in exercise of powers conferred by Sub section (i) of section 3 of the All India Services Act, 1951 (61 of 1951) read with sub Rule (2) of Rule 4 of the Indian Forest Service (Cadre Rules) 1966, amended the Indian Forest Service (Fixation of Cadre Strength) Regulation 1966 namely "the Indian Forest Service (Fixation of Cadre Strength) Seventh Amendment Regulation 1995. By this impugned notification, the entries occurring under the heading "Assam Meghalaya" have been substituted by, amongst others -- (for Assam)

Deputy Conservator of Forest (Territorial) - 22 Act.

Deputy Conservator of Forest (Wildlife Life)

Deputy Conservator of Forest (Assam State Zoo)

J. Ahmed  
Thus by the above Central Government notification has included 22 out of the 28 divisions (Territorial) in the I.F.S. Cadre List. In doing so, the State Forest Service (....I) Rules 1942 has been totally ignored. Even the All India Forest Service Rules does not deny the existence of a State Forest Service Rule 2 (g) of the Indian Forest Service (Recruitment) Rules, 1966. As a result of

Contd.../-

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this notification the AFS members like the petitioner's will be deprived of posting in a Territorial division in which they are presently serving. Once the Govt. proceeds to identify the Divisions to be manned by IFS Cadre Officers which till date is yet to be identified by the State Government. The applicants further state that as per Rule i.e. Assam Forest Service Class I Rule 1942, D.C.F., C.F. etc. are also entitled to hold the charge of any Forest Division and Forest Circle and so earmarking of any post against members of any cadre State or Central is illegal, irrational discrimination and violation of State Forest Service Rules and I.F.S. service Rule. Moreover, in the name of Cadre strength in respect of Indian Forest Service (IFS) Respondent Govt. is now trying to mix up and misinterpret with the holding of the office as in charge of Forest Division (Territorial).

J Ahmed

11. It may be stated herein that till date all the divisions are headed by D.C.F. belonging to both State Forest Service Cadre (A.F.S.) as well as All India Forest Service Cadre (IFS). There is no distinction at this level except separate cadre officers of both the cadres are competent enough having the same back ground of educational and technical qualification to run the administration of a division effectively. Thus once the said Central Government notification

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dtd.9.11.95 is given effect to it will be totally against the principle of effective personnel Management and best administration in as much as S.F.S. officers like the petitioners will be deprived of their posting in Territorial Division, Wild-Life Divisions etc. of the State Forest Department, who has all along been discharging duties and shouldering responsibilities by holding the charge of many of the Divisions since establishment of Forest Department.

12. That the petitioners state that since the post, officers of the State Forest Service (SFS) Cadre belonging to the said Association are posted in different divisions of the State irrespective of identification/specification of Cadre posts for the best administration and management of Forest and Wildlife of the State. Moreover, the S.F.S. officers who are all eligible for promotion to I.F.S. after completion of 8 years of service, discharge the duties and responsibilities which are same with that of I.F.S. officers. Further, no specific duties or responsibilities are separately vested or identified either for S.F.S. officers or the I.F.S. officers. Thus, any step in pursuance to the said notification dtd. 9.11.95 by the Central Government including the no of divisions (Territorial) in the I.F.S. Cadre list for the purpose of identifying them as cadre posts will not only be detrimental to the over-all

J. Ahmed

Contd.../-

Management of Forests of the State but also will be totally discriminatory step towards the management of State Forest Service Personnel like the petitioners.

13. That your applicants state that the State Forest Service Cadre governed till today by statutory Rules called the 'The Assam Forest Service Class-I Rules 1942 framed as per provisions of the Government of India act, 1935 and saved by Article 371 of the Constitution has been totally ignored. Even the All India Forest Service Rules do not deny the existence of a State Forest Service Rule 2 (g) of the Indian Forest Service (Recruitment) Rules 1966. As a result of the said notification the A.F.S. members like the petitioners will be deprived of posting in a Territorial divisions inasmuch as 22 number of post of D.C.F. (Deputy Conservator of Forests) Territorial has been earmarked for the Indian Forest Service officers in the State Cadre. As a result of the said notification the A.F.S. members like the petitioners will be deprived of posting in Territorial division. So long run by them effectively which officers scope for dealing with challenging task and varied experience.

14. That the petitioners further state that the State Forest Service Officers recruited by the State Government from within the State are under a statutory

Contd.../-

rules and as such the State and the Central Government has a statutory duty and responsibility that any change in the cadre strength must not be detrimental to the interest of the members of the State Forest Service like the petitioners who has contributed immensely to the preservation of Forest and Wildlife in the State since 100 years back.

15. That your petitioners states that the Indian Forest Service Rules are silent about any criterion to be adopted. Rule 4 (i) of the Indian Forest Service Cadre Rules 1966 States "The strength and composition of each of the Cadre constituted under Rule 3 shall be as determined by the Central Government in consultation with the State Government in this behalf. Rule 2 (b) cadre post meaning any of the posts specified under item 1 of each cadre in the schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulation 1966. Moreover, as per section 3 of the Assam Forest Service Class - I Rules 1942, there is the existence of State Cadre and Sub-section (2) of Section 3 stipulates that the State Government may increase the cadre by creating permanent a temporary posts from time to time as may be found necessary but in case of Assam due to regular in the of regular recruits, there has been acute stagnation at the level of ACF and DCF and as a result the promotional prospects of the eligible State

Contd.../-



Officer's like the applicants have been restricted causing grave loss and prejudice and as such at the statutory obligation on the part of the Respondent Government to review the Cadre strength and composition has not be done regularly leading to such promotional stagnation of the members of the State Forest Service.

16. That your applicant states that in terms of Judgement of the Hon'ble Central Administrative Tribunal in O.A.No. 52, 53, 59 of 1993 and 96/94, three direct recruits filed application before the Hon'ble Tribunal directing the State of Assam of executing the aforesaid orders' and for initiating of contempt proceedings against the State Government for violation of the directions of the Hon'ble Court in as much as by the said Judgement the State of Assam was restrained from promoting/appointing any officer of the Assam State Forest Service to any IFS Cadre including the post of Conservator. The said contempt application No. 35/96 was finally heard by this Tribunal and by order dtd. 18.12.97 and contempt proceeding dropped against the State Government.

Aggrieved by the Judgement and order of the Central Administrative Tribunal dropping contempt proceedings the applicants filed petition under Article 226/227 (Civil Rule No. 1859/98) before the Division

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Bench of the Hon'ble High Court which was also rejected by order dtd. 6.5.98. Thereafter a Review Petition No. 59/98 has been filed before the Hon'ble High Court and the same is at present pending disposal. The applicant states that the direct recruits who had filed the said Review Petition has tried to mis-interpret and mis-read the purport of the order of the Hon'ble Tribunal arising out of O.A. No. 52, 53, 59 of 1993 and 1996/94 by stating that State Government was violating the provisions of Rule 8 and 9 of the IFS (Cadre) Rules, 1966 by posting Non cadre officers to IFS Cadre Post whereas the said Judgement only restrained the State of Assam from promoting or appointing any officer of the Assam State Forest Service to any IFS Cadre including the post of Conservator of Forests so long as the IFS (Cadre) Rules 1966, and IFS (Fixating of Cadre strength) Regulation 1966 are in force.

(Copies of the order of the Hon'ble Tribunal and the Division Bench of the Gauhati High Court are annexed herewith and marked as ANNEXURES-7 & 8 respectively).

17. That your applicant states that till date the Government of Assam has categorically stated that the State Government has not as yet identified the cadre posts and as such the concerted move of direct

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recruits to misinterpret the point of posting of Deputy Conservator of Forest with that appointment/promotion to their advantage has caused immense loss and prejudice to the interest of the State officers' like the petitioners'. The applicant further states that the contemplated move of the State Government to identify the 22 posts of D.C.F. (Territorial) without first differentiating between the nature, duties responsibilities of the State Officers like the applicants and the direct recruits will have an overall impact of the cadre Management of the respective service and thereby seriously causing immense Loss/prejudice to the interest of the State Officers like the applicants.

(Copy of the affidavit-in-opposition filed by the State of Assam in W.P.(C) No. 3884/2000 is annexed herewith and marked as ANNEXURE-7).

*J. Ahmed*  
18. That your applicant states the discrimination meted out to the members of the State Service like the petitioners' can be seen from the fact that State Officer's are denied the senior time scale of pay and promotion to the rank of D.C.F. in the State Forest Service Cadre inspite of being eligible under Rule 11 (1) (a) and 12 (b) of the Assam Forest Service

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(Class-I) Rules 1942 and availability of substantive vacancy when the relevant service Rules applicable to the direct recruits who join as A.C.F in the Department are strictly followed and implemented. Moreover, in the matter of passing of Departmental Examination for promotion to senior Time Scale, serious directions /violations of the Rules applicable to the direct recruits vis-a-vis the State Offices can also be seen and also orders of the Hon'ble High Court and Supreme Court which clearly supports the contention of the applicants regarding hostile discrimination between the State Officers and the direct recruits. Mention may be made of cases where officers' recruited initially as ACF who have been serving for nearly 14 years by now but have not been promoted to the Senior Scale (DCF) who are otherwise eligible for promotion as per provisions of Rule (11) (a). (a) of the APS (Class-7) Rules 1942. There are instances of officers in the senior Scale who are promoted to IFS as per Rules from S.F.S. Cadre at the Fag end of their career, holding the post of D.C.F. (DFO) for more than 25 to 30 years and thereafter to retire without further promotion of the rank of C.F., C.C.F. and P.C.C.F. This has been the scenario due to the intake of direct officers to the State of Assam regularly without taking into consideration the service prospects of the State Officers' by holding the selection committee meeting in time for promotion of State

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Officers to the Indian Forest Service (IFS) and regular Triennial Cadre review as envisaged under the relevant statutory regulation regulating of their condition of service seriously jeopardising the State Officers' like the petitioners promotional avenues.

19. That your applicant states that sub rule (2) of Rule 4 of the IFS (Cadre) Rules 1966 there is a mandatory provisions of Triennial Revision of the Cadre. The said Rule is quoted below. 4 strength of cadre (1) The strength and composition of each of the cadre constituted under Rule 3 shall be as determined by regulation made by the Central Government in consultation with the State Government in this behalf, (2) The Central Government shall at the interest of every three years' re-examine the strength and composition of each such cadre in consultation with the State Government concerned and may make such alteration therein as it deem fit. Provided that nothing in this sub-rule shall be deem to effect the power of the Central Government Toalter the strength and composition of any cadre at any other time. Provided further that the State Government concerned may add for a period not exceeding one year, and with the approval of the Central Government for a further period not exceeding two years, to a state or Joint cadre one or more posts carrying duties and responsibility of a like nature to a cadre post a

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plain reading of rule 4(2) of the Cadre Rules clearly stipulates that a duty is cast on the part of the Central Government to maximum the strength and composition of each cadre in consultation of State Government concerned at the interest of 3 years' but this statutory obligation of carrying out Triennial Review was totally ignored leading to acute stagnation in the promotional prospects of the State Officers like the applicants.

20. That your applicant states that as per Rule 5 of the IFS (Appointment by promotion) Regulation 1966 stipulates preparation of list of suitable officers for promotion from the State Forest Service after completion of eight years of continuous service to the Indian Forest Service. The relevant Rule is quoted below. Rule 5 (1) preparation of list of suitable officers-(1) Each committee shall ordinarily met at interval not exceeding one year and prepare a list of such members of the State Service as are held by them to be suitable for promotion to the service. In the case in Assam, the respondent authority not hold the meeting of the selection committee for considering the case of eligible State Forest Officers like the applicants to be included for promotion to the Indian Forest Service and as a result right to be considered for promotion to the Indian Forest Service gets jeopardised prejudicially effecting their promotional prospects to reach higher and echelons of their service.

*J. Ahmed*

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21. That your applicant states that in view of the similarities in the function and duties of the IFS and State Forest Service Officers' together with parity in Educational Qualification, the applicants are entitled to similar pay and other pecuniary benefits. Moreover, the members of the State Forest Service and the Indian Forest Service Officers' differ with the other All India Services like IPS and IAS inasmuch as they have to undergo two years of Technical/specialized Training which itself is quite unique and difference in pay and pecuniary benefits to the members of the State Forest Officer vis-a-vis IFS is discriminatory, arbitrary and violative of Article 14 of the Constitution.

22. That as per Rule 4 (1) of the IFS (Recruitment) Rules, 1966 the State Forest Service (hereinafter referred to as S.F.S.) Officers of adjudged suitability may be recruited in the IFS, Sub-rule (i) (b) (ii) and (iii) of Sub-Rule (2) of Rule 4 of IFS (initial Recruitment) Regulations, 1966 provides the eligibility criteria of SFS officers for getting recruited in IFS Senior Scale and Senior Scale respectively. Sub-Rule (3)(A) of Rule 4 of IFS (recruitment) Rules, 1966 provides for that the Central Government can make fresh initial recruitment under Rule 4 (1) with effect from the date of which appointment had become invalid (by reason of any Judgement or order of any court). It

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J. Ahmed.

does not restrict the Government to make only such number of appointment as had been invalidated. Sub-Rule (2) of Rule 4 of the IFS (Cadre) Rules 1966 as armed the Central Government with power to alter the strength and the composition of any cadre at any time.

23. That in case of the State of Assam though the S.F.S. Offices of 1962-64 by which all India Forest College completed, the required service length of 4 (four) years and were eligible for initial recruitment they were denied their legitimate right of getting inducted to the IFS.

24. That the initial recruitment for the State of Assam became invalid because of the Judgement of Hon'ble High Court of Guwahati in civil Rule No. 9/1968 (S. Islam Vs. The Union of India and others) passed on 28.8.69. Ultimately the initial recruitment was completed as per Government of India's notification No. 3/60/70-AI S(IV) dated 6.12.71 for the State of Assam.

*J. Ahmed.*

Government of India's notification dated 17.11.72 is annexed hereto as ANNEXURE-9.

25. That on 6.12.71 the S.F.S. Offices of 1062-64, 1063-65, 1964-66 and 1967-69 batches from I.F.C.

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completed continuous service of 9 years, 8 years and 4 years respectively comprising 25 officers (5, 7, 5 and 8 officers in respective years).

26. That though the Government of India had full power to revise the cadre strength at any point of time as indicated in paragraph 5.5 above and more so when as per mandatory provision in sub-rule (2) of Rule 4 of the IFS (Cadre) Rules, 1966, the revision of Assam Cadre was due during 1966 itself, the case of none of the aforementioned 25 officers was considered for appointment in IFS inspite of their eligibility for recruitment. this was because the cadre was not revised in pursuance of the ground realities.

27. That delay in initial recruitment called for reconsideration of the cadre structure at the time of finalisation of initial recruitment process which was adopted by the states like Kerala, Andhra Pradesh, Karnataka etc. on their own. While states like M.P. Maharastra and Orissa made the amended cadre strength as per order of the Hon'ble Supreme Court of India. Had this been done in Assam also then the members of the applicant association would not have suffered irreparable loss and hardship.

28. That recruitment under sub-rule (2) of Rule 4

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of IFS (Recruitment) Rules, 1966 can be made only after the recruitment under Sub-Rule (i) of the Rule 4 is completed. But in case of Assam as many as 3 (three) direct recruits (R.R.) were appointed by the Govt. of India under orders dated 21.3.69, 8.5.69 and 4.7.69 awarding the years of allotment as 1963 and 1964 and 1969 respectively.

29. That the authorised cadre strength fixed for Assam under IFS (Fixation of Cadre Strength) Regulation 1966 was 32. Thirty one (31) officers of A.F.S. were recruited in I.F.S. and one post was vacant. As per cadre schedule 1966, 24 posts were earmarked for direct recruitment (including I.N.) and 8 posts were earmarked as promotional posts. but the only vacant post available was not even filled up through promotional channel ; instead with the induction of 3 R.Rs. the authorised cadre strength was exceeded. Therefore, the Government of India by inducting the aforementioned three regular recruits of the State Forest Service Officers. The Government of India resorted to the aforesaid action in abuse of power vested in it under sub-rule (2) of Rule 4 of the IFS (Cadre) Rules, 1966.

30. Under sub-rule (2) of Rule 4 of the IFS (Cadre) Rules, 1966 there is a mandatory provision for triennial review of cadre. It is pertinent to mention

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that the review of cadre. It is pertinent to mention that the review of cadre was due in 1969 and then in 1972. During this period triennial cadre review because still more necessary because of intake of regular recruits before completion of the process of final recruitment. However this statutory obligation of carrying out triennial cadre review was totally ignored. Moreover, during 1972 because of renaming of Assam Cadre as "Assam Meghalaya Joint Cadre" has a sequel to the emergence of the new State of Meghalaya carved out of Assam, the cadre was enlarged to the limit of providing essential number supportive IFS cadre officers to the new State of Meghalaya. Eventually the authorised strength of the cadre was increased from 32 to 39. This revision of the cadre was not done with an objective view to meet the actual requirement of the joint cadre on study of the ground realities. This resulted in restricting the provision for the promotional quota. Even that this authorised cadre strength of 39 officers, provision for 9 promotional posts was available in IFS senior scale. While vacancy in cadre strength conceded from 1977 onward SFS officers could have been appointed against promotional quota upto the limit of cadre strength but that was also not done. Denial of promotion the eligible officers in time adversely affecting their promotional prospects causing immense hardship.

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Statement showing the sanctioned strength and men in position is annexed as ANNEXURE-9.

31. That one senior IFS officer expired in 1967, creating another vacancy. One of the vacancies in the senior scale was filled up on 26.3.75 by promoting one S.F.S. officer, keeping 7 more posts vacant. During 1976, the vacancy in senior duty promotional posts increased to 9, but none from S.F.S. cadre was promoted, though the quota for direct recruit was more. Though a proposal was mooted for the revision of cadre from the C.C.F., Assam the triennial review due in 1975 was ignored. Triennial reviews for Assam and then for Assam-Meghalaya joint cadre were due during 1969, 1972, 1975, 1978, 1981, 1984, 1987, 1990, 1993 and 1996 since the inception of the I.F.S. But the real cadre review for Assam Meghalaya Joint Cadre was done during 1978, 1982 and 1987 and 1995. The revisions during 1977 and 1988 were because of changed percentage fixed against item Nos. 2, 5 and clubbing up of item Nos. 6, 7 and 8 as item No. 6 respectively. The factual position illustrated above bears testimony to the extent and enormity of discrimination meted out against the members of the State Service in matters of their service prospect.

32. That though there is mandatory provision under Rule 5 (1) of the IFS (Appointment by promotion) Regulations, 1966 for preparation of annual select list no selection Committee meeting was convened from 1967

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to 1974. During December, 1975, the first ever selection committee meeting was convened for preparation of select list for Assam Meghalaya Joint Cadre and the list of six offices was prepared against 9 promotional posts as per cadre schedule of 1972. This is yet another instance of violation of the provisions of IFS (Appointment by promotion) Regulations, 1966 which makes preparation of annual select list a mandatory requirement and also lays down that the annual select list should contain the names of selected officers double the number of vacancies. For non-preparation of the select list, as per rules, the State Forest Officers had to suffer stagnation in their service which adversely affected the service prospect. It is pertinent to mention here that the select list was notified on 23.6.76 when as many as 9 senior duty posts were lying vacant in the Assam Meghalaya Joint Cadre.

Select list of 1976 and the cadre schedule of 1972 are annexed hereto as ANNEXURES-10 & 11 respectively.

33. That the cadre was marginally revised during 1977 due to increased percentage of posts under central Government and training reserve. Eventually 10 promotional posts are available. During 1978, the first ever regular cadre revision took place for Assam Meghalaya

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J. Ahmed

Joint Cadre, though it should have been the 4th Triennial cadre Review. However during this review the authorised cadre strength was increased from 43 to 61 with promotional quota of 14. During 1976 there was no Selection Committee meeting. The committee met on 25.11.77 and prepared a select list of only 7 (seven) officers, though the number of anticipated promotional vacancy was 8 as per revised cadre schedule notified on 6.1.78. This is a glaring example of extreme injustice meted out to the S.F.S. officers of Assam -Meghalaya Joint Cadre.

Copies of cadre schedule of 1977, 1978 and the select list of 1978 are annexed hereto as ANNEXURES-12, 13 AND 14 respectively.

34. That the Assam Forest Service (Class-1) Association had in its representation dtd. 6.2.96 has drawn the attention of the Respondent No.1 and 2 to the grievance of the same regarding identification/notify-  
ing of cadre posts and the Govt. of India notification No. 16016/2/95-AIS(II)-A dtd. 9.11.95 the amended Indian Forest Service (Fixation of Cadre strength) Seventh Amendment Regulation, 1995 in respect of Assam and Meghalaya and called upon the competent authority to refrain from identifying the post/divisions for the I.F.S. officers and to continue to post all eligible

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officers (both I.F.S. and A.F.S.) as presently done, but till date no action has been taken by the Respondent No.1 Government.

A copy of the representation dtd. 6.2.96 is annexed herewith and marked as ANNEXURE-15.

35. That your applicant states that in view of the similarities in the function and duties of the IFS and State Forest Service Officers' together with parity in Educational Qualification, the applicants are entitled to similar pay and other pecuniary benefits. Moreover, the members of the State Forest Service and the Indian Forest Service Officers' differ with the other All India Services like IPS and IAS inasmuch as they have to undergo two years of Technical/specialized Training which itself is quite unique and difference in pay and pecuniary benefits to the members of the State Forest Officer vis-a-vis IFS is discriminatory, arbitrary and violative of Article 14 of the Constitution.

*J. Ahmed.*  
35A. In the schedule D.P.notification No. 6/41/71-AIS iv(A) dtd. 20.1.72 for Assam Meghalaya Joint Cadre strength is mentioned in terms of number of post in each rank. The term cadre is not defined in the cadre Rules. It is defined in F.R. 9 (4) as follows:-

A. cadre means the strength of a service of post of a service sanctioned as a separate unit (emphasized) from the empha-

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sized word it would appear that cadre has nothing to do with nomenclature but with number. Cadre posts therefore would mean the number of posts comprised within the sanctioned strength of a service or posts.

36. That your petitioner states that though recruitment between the State Forest Service Officers and the direct recruits belonging to the Indian Forest Service (IFS) are different, yet the nature of duties, responsibilities and qualifications been same, the State officers are entitled to equality in the matter of pay and pecuniary benefits. The petitioners would further state that the post mentioned in the cadre regulation like the post of working plan has till date not been assigned any separate duties and responsibilities. Moreover, though under the cadre Regulation there is no post of Chief Conservator of Forest (Territorial) but in fact the entire Territorial divisions are under the effecting control of the Chief Conservator of Forest (Territorial). The petitioners craves leave of the Hon'ble Court to place various instances of anomalies created in the cadre management at the time of hearing.

J. Ahmed

37. That your petitioners state that they have reliable learnt that the State Government is now contem-

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plating to identify the 22 posts of D.C.F. as Cadre post by completely ignoring the genuine interest of the State Forest Officers like the petitioners who are as present serving in different territorial divisions of Assam and such action of the State Government without taken into consideration of ground will be grossly discriminatory and an certainty and prejudicial to the interest of the State Forest officers in the name of Deputy Conservator of Forest and hence such action is liable to be stayed/suspended till disposal of the present case.

38. That the petitioners state that they have a strong prima facie case and if the impugned notification dtd.9.11.95 is given effect too by the State Government, the petitioners in the rank of D.F.O. in charge of Territorial divisions of Assam will suffer irreparable loss which cannot be compensated in terms of money if the cadre post are identified and notified by the State Government. The balance of convenience is strongly in favour of the petitioners'. This is therefore a fit case where Your Lordship may be pleased to stay/suspend the impugned Central notification dtd. 9.11.95.

6. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS

(i) That your petitioner submits that the impugned Central Government Notification No. 16016/2/95 AIS(ii)-A dtd. 9.11.95 amending the "Indian Forest

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Service (Fixation of cadre strength) Regulation, 1955" in respect of "Assam and Meghalaya" by amending the existing Indian Forest Service (Fixation of Cadre Strength) Regulation, 1966 fixing 22 of 28 divisions (Territorial) in the I.F.S. Cadre list thereby denying the same posting to the members of the applicants has been passed in a most arbitrary, unfair unreasonable, capricious manner and is shocking to judicial conscience and the rights guaranteed to the petitioners under Article 14 and 16 of the Constitution of India have been blatantly violated.

(ii) That your petitioners submit that the impugned notification by the Central Government dtd. 9.11.95 categorising the Territorial Division to be manned by person belonging to the Indian Forest Service (IFS) is totally against the principle of effective personnel management and best administration in as much as the State Forest Service Officers will be deprived of their posting in Territorial Division Wildlife Division etc. of the State Forest Deptt. who have been discharging duties, contributing till date for the preservation of forest and wildlife in the State. Since its inception and since the said notification will seriously jeopardise their service career and has been passed without any reasonable basis or justification or discernible grounds and as such the same is liable to be set aside and quashed.

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(iii) That the petitioners submit that since the post, the officer of S.F.A. cadre are posted in different division of the State irrespective of identification/specification of Cadre posts for the best management administration of Forests and wildlife of the State and since no specific duties or responsibilities are separately vested or identified of on S.F.S officer or I.F.S. Officer at the level of DCF, the Central Government notifications dtd. 9.11.95 identified certain post to be filled up by I.F.S. Officer is illegal, void and without jurisdiction and the same is liable to be set aside and quashed.

(iv) That the petitioners submit that the definition of Cadre in F.R. 9(4) clearly means the strength of a service or post of a service sanctioned as separate unit and since cadre has nothing to do with nomenclature but with number i.e. number of post comprised within the sanctioned strength of a service post, the Central Government notification dtd. 9.11.95 categorising certain post of DCF (Territorial) as reserved for I.F.S. officers and identified such post as Cadre post is detrimental to the interest of the members of the S.F.S. and against the interest of effective administration and management of Forest and Wildlife of the State and the same is violative of the fundamental rules which are statutory in nature and as such is liable to be set aside and quashed.

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(v) That the petitioners submit that because of the said impugned notification dtd. 9.11.95 there has been a marked increase of service stagnation in the posts of A.C.F. for S.F.S. Officer though the officers eligible for promotion after 5 years as per Rule, the officer serving for 14 years are ACF have not been promoted. Moreover, identifying the post/division for the I.F.S. Officer as envisaged under the said notification is against the provision of the Assam Forest Service (Class-I) Rules 1942 and as such the impugned notification is illegal, unconstitutional and contrary to law.

(vi) That the petitioners submit that the impugned notification dated 9.11.95 identified certain division in the I.F.S. Cadre list has been made mechanically and on the basis of irrelevant and extraneous consideration. There has been a total non-application of mind to the relevant factors. No reasonable persons in the facts of the instant case could have passed the impugned notifications as the same reflects malice in law and can be justified by any reasons other than bonafide. There has been a colorable exercise of power for collateral purpose.

(vii) That the petitioners submit that the impugned notification dated 9.11.95 by the Central Government including 22 out of 26 divisions (Territori-

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al) in the I.F.S. Cadre list does not pass the test of permissible classification as envisaged under Article 14 of the Constitution of India relating to equality clause. Since the categorization/ identification of certain division in the I.F.S. Cadre list giving benefit to the persons belonging to the I.F.S. and those belonging to the S.F.S. who are left out of such cadre posting by the said notification are not founded on an intelligible differential and secondly the differential does not have a rational nexus between the basis of classification and the object sought to be achieved by the said decision and on these points alone the Central Government notification dated 9.11.95 is bad in law and violative of Article 14 and 16 of the Constitution of India and the same is liable to be set aside and quashed.

(viii) That the petitioners submit that the impugned notification dated 9.11.95 has caused adverse civil consequences to the rights of the applicants as the said categorisation of certain post for the I.F.S. cadre officers will seriously prejudice the promotional prospective of the S.F.S. personnel and as such the said notification is in violation of the principles of natural justice and fair play and hence is liable to be set aside and quashed.

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(ix) That the petitioners submit that the government has no lawful authority to prejudicially effect the right of the petitioners for future promotion by a mere executive fiat, more so when no provisions of law has authorized the Government to do so as such the impugned notification dated 9.11.95 is not sustainable in law and is liable to be set aside and quashed.

(x) That the petitioners submit that the settled position of law being, when any administrative order is likely to entail civil consequences or otherwise effects the rights of the petitioner's vis-a-vis their future promotional prospectus it is necessary to observe principle of natural justice before passing such an order and the same is violated in the instant case the impugned order No. dtd. 9.11.95 cannot sustain.

(xi) That your applicants state that the Respondent Government has failed to carry out their statutory obligation by not holding the meeting of the selection committee in time as per Regulation 5 of the IFS (Appointment by Promotion) Regulation 1966 and not holding the Triennial Review as per Rule 4 of the IFS (Cadre) Rules 1966 and other statutory regulation which has entailed grave loss and prejudice to the members of the State Forest Service like the applicants.

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J. Ahmed

7. DETAILS OF REMEDIES EXHAUSTED

(i) That the applicant has already filed various representations before the competent authorities for redressal of their grievances.

8. That at present no application is pending before any court/tribunal.

9. RELIEF SOUGHT FOR.

In view of the facts and circumstances stated above, the applicant prays for the following reliefs:-

i) In the premises aforesaid, Your Lordships may be pleased to admit this petition, call for the records of the case and issue rule and set aside and quash. the impugned Central Government notification dtd. 9.11.95 (Annexure-) i.e. amended Indian Forest Service (Fixation of Cadre strength) Seventh Amendment Regulation 1995 in respect of Assam and Meghalaya by amending the existing Indian Forest Service (Fixation of Cadre Strength) Regulation 1966 to the extent it earmarks 22 post of Deputy Conservator of Forest (DCF) (Territorial) for the

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J. Ahmed

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members of the Indian Forest Service (IFS) and to show all D.C.F. of Assam Forest Cadre to hold charge of any forest division and that same as D.C.F. of I.F.S. cadre in the State of Assam, Forest Department and/or why the said notification dtd. 9.11.95 categorising 22 post of D.C.F. (Territorial) for members of the Indian Forest Service should not be declared as void, illegal and ultra vires the Parent Act and also quashing the entire letter dtd. 8.1.96 along with the list appended therewith issued by Principal Chief Conservator of Forests, Assam or why any appropriate directions should not be issued so as to give complete relief to the petitioners and on cause/causes shown and upon hearing the parties, Your Lordships may be pleased to make the Rule absolute and/or pass such other order, orders as Your Lordships may deem fit and proper.

J. Ahmed.

ii) To hold regularly the meeting of the selection committee as per Regulation 5 of the IFS (Appointment by Promotion) Regulation and to consider the case of

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eligible State Officers' like the petitioner for promotion to the Indian Forest Service.

iii) To regularly hold Triennial Review of the cadre strength under sub rule (2) of Rule 4 of the IFS Cadre Rule 1966 for including eligible State Forest officers like the applicants to the Indian Forest Service (IFS).

iv) To prohibit/restrain the State Government from promoting any direct recruit IFS officers to the Senior Time Scale without complying with mandatory provision's of Sub rule (3) of Rule 6A of the IFS (Recruitment Rules 1966) and/or in violations of the Hon'ble Gauhati High Court Division Bench Judgement in Civil Rule No. 2979/97 dtd. 25.4.97 since upheld by the Hon'ble Supreme Court of India.

iv. To direct the respondent government to bring in pay parity between the State Forest Officers' alongwith the Indian Forest Service Officers in view of similarities in duties of educational qualification.

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vi) to direct the respondent authority for complete moratorium for a specified period for intake of members of direct recruits (IFS) in the joint Assam, Meghalaya Cadre till such time the competent authorities take remedial steps for ameliorating the career prospects of the State Forest Officers' on account of acute promotional stagnation.

10.

Interim order

Pending disposal of the Rule Your Lordships may be pleased to stay/suspend the operation of the impugned Government India Notification dated 9.11.95 (Annexure- ) to the extent mentioned above and be further prohibit/restrain the State Government from identifying notifying the posts to be manned by cadre officers in respect of the posts of Deputy Conservator

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J. Phund.

of Forests and also letter dtd. 8.1.96  
issued by the Respondent No. 4 and the  
list appended therewith till disposal of  
the rule.

And for this act of kindness your petitioners as in duty  
bound shall ever pray.

10. Nil
11. Postal order No. issued by post  
Guwahati.
12. List of Enclosures as per index.

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*3. Annex*

VERIFICATION

I, Mr. Jorge Ahmed, son of Late M.Ahmed, aged about 41 years, resident of Bhangagarh, Gauhati at present working the Charge of Divisional Forest Officer, Sonitpur East Division, Biswanath Chariali do hereby solemnly affirm and state as follows:-

1. That I am the applicant No. 1 in the instant application and is authorised and competent to swear this affidavit on behalf of applicant No. 2 being acquainted with the facts and circumstances of the case.


2. That the statements made in this affidavit and in paragraphs 5, 6, 7, 8, 9, 10, & 12 are true to my knowledge, those made in paragraphs

& & are derived from records which I believe to be true and rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this the        th day of September, 2001 at Guwahati.

Identified by me

*Jorge Ahmed.*  
Deponent.

  
Advocate's *deek*.

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ANNEXURE

FOREST RESEARCH INSTITUTE (DEEMED UNIVERSITY)  
(INDIAN COUNCIL OF FORESTRY RESEARCH & EDUCATION)  
POST:- T.P.E. KAULAGARI ROAD DEHRADUN- 248 195

1997/1-2/93-PUC

Dated 21-04-98.

NOTIFICATION

The Academic Council of Forest Research Institute (Deemed University), Dehradun at its meeting held on 20.1.1998 considered the recognition of Associate of Indira Gandhi National Forest Academy (AIGNFA) Diploma as equivalent to M.Sc. (Forestry) degree. It was noted that AIGNFA Diploma is a successor of AIFC Diploma which was recognized by the Board of Management of FRI (Deemed University) as equivalent to M.Sc. (Forestry). It was also noted that since standard of education and training of IFS probationers has not only been maintained but improved, there is a need to recognize the AIGNFA Diploma equivalent to M.Sc. (Forestry) as was done in the case of AIFC Diploma.

The Academic Council unanimously resolved that AIGNFA Diploma be recognized as equivalent to M.Sc. (Forestry). A resolution to this effect is enacted as follows:-

"AIGNFA Diploma to be treated equivalent to M.Sc. (Forestry)"

Sd/-Dr. J.K. Rawal

Director,

Forest Research Institute  
(Deemed University) Dehradun.

*Attn: 1*

93

47-

FOREST RESEARCH INSTITUTE, DELHI  
(INDIAN COUNCIL OF FORESTRY RESEARCH & EDUCATION)  
POST : P.C. KAULAGARI ROAD, DELHI-240 105

Dated the 15th Jan. 1999

50/1-9/99-DUC

# NOTIFICATION

The Academic Council of Forest Research Institute (Deemed University), Dehra Dun at its meeting held on 14.12.1998 considered the recognition of Diploma of State Forest Service (S.F.S) Colleges as equivalent to M.Sc. (Forestry).

A Committee had been appointed on the recommendation of the Academic Council meeting on 28.1.98 to examine the syllabus of S.F.S. Colleges for the purpose. The Committee thoroughly examined the contents of the syllabus and found that the education and practical training of the S.F.S. Colleges are very intensive and include the core forestry and allied subjects namely Silviculture, Forest Management, Wood Harvesting (Logging), Biological and Earth Sciences, Wood Technology, Wood Based Industries, Social Forestry and Wildlife Management. Besides, a thorough exposure to practical application of the above subjects was provided by way of laboratory experiments and field tours to various forest areas. The Committee also compared the syllabus of the S.F.S. Colleges with that of Indira Gandhi National Forest Academy (IGNFA) which leads to an award of Associate of Indira Gandhi National Forest Academy (AIGNFA) Diploma. The Committee concluded that the syllabus of S.F.S. Colleges was very much comparable with that of IGNFA.

Considering the high standard of training and education in the S.F.S. Colleges and also the fact that AIGNFA Diploma has been treated equivalent to M.Sc. (Forestry) vide notification No. 4697/1-9/98-DUC, dated 21.4.1998, the Academic Council unanimously resolved that the Diploma of S.F.S. Colleges be recognized equivalent to M.Sc. (Forestry). A promulgation to this effect is enacted as follows:

"S.F.S. Colleges Diploma to be treated equivalent to M.Sc. (Forestry)".

(Dr. J.K. Rawat)  
Director  
Forest Research Institute  
(Deemed University)  
Dehra Dun.

Copy to all concerned

*Signature*

# 2. THE INDIAN FOREST SERVICE (FIXATION OF CADRE STRENGTH) REGULATIONS, 1966

In pursuance of sub-rule (1) of rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Government hereby makes, in consultation with the Government of the State concerned, the following regulations, namely:

1. Short title and commencement. (1) These regulations may be called the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966.

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

2. Strength and Composition of Cadres.—The posts borne on, and the strength and composition of the cadre of, the Indian Forest Service in each of the State shall be as specified in the Schedule to these regulations.

## SCHEDULE ANDHRA PRADESH

|                                                                          |    |
|--------------------------------------------------------------------------|----|
| 1. Senior Posts under the State Government                               |    |
| Chief Conservator of Forests                                             | 1  |
| Additional Chief Conservator of Forests                                  | 1  |
| Additional Chief Conservator of Forests, Wild Life                       | 1  |
| Conservator of Forests                                                   | 2  |
| Conservator of Forests, State Training Circle, Hyderabad                 | 1  |
| Conservator of Forests, Research and Development Circle, Hyderabad       | 1  |
| Conservator of Forests, Wild Life Management                             | 1  |
| Deputy Conservator of Forests                                            | 32 |
| Deputy Conservator of Forests, Soil Conservation Division                | 2  |
| Deputy Conservator of Forests, State Training Circle, Hyderabad          | 1  |
| Deputy Conservator of Forests, Saw Mill Division, Linnam and Rajahmundry | 2  |
| Assistant Chief Conservator of Forests                                   | 3  |
| State Silviculturist                                                     | 2  |
| Curator, Nehru Zoological Park                                           | 1  |
| Working Plan Officer                                                     | 3  |
| Forest Utilization Officer                                               | 1  |
| Principal, Forest School, Yalandu                                        | 1  |
| Forests, Gangetic                                                        | 1  |
|                                                                          | 64 |

2. Senior posts under the Central Government @ 20% of 1 above

13

3. Posts to be filled by promotion in accordance with rule 8 of the Indian Forest Service (Recruitment) Rules, 1966

25

4. Posts to be filled by direct recruitment

52

5. (i) Deputation Reserve @ 15% of 4 above

8

(ii) A Line deputation

10

|                                      |     |
|--------------------------------------|-----|
| 6. Leave Reserve @ 11% of 4 above    | 6   |
| 7. Junior Posts @ 20% of 4 above     | 10  |
| 8. Training Reserve @ 10% of 4 above | 3   |
| Direct Recruitment posts             | 91  |
| Promotion posts                      | 25  |
| Total Authorised strength            | 116 |

## ASSAM

|                                                                                    |    |
|------------------------------------------------------------------------------------|----|
| 1. Senior posts under the State Government                                         |    |
| Chief Conservator of Forests                                                       | 1  |
| Additional Chief Conservator of Forests                                            | 1  |
| Conservator of Forests                                                             | 3  |
| Conservator of Forests, Development                                                | 1  |
| Conservator of Forests, Economic Circle                                            | 1  |
| Conservator of Forests, Head Quarters                                              | 1  |
| Conservator of Forests, Social Forestry                                            | 1  |
| Deputy Conservator of Forests                                                      | 18 |
| Deputy Conservator of Forests, Eastern Assam and Western Assam, Wild Life Division | 2  |
| Deputy Conservator of Forests, Assam State Zoo                                     | 1  |
| Working Plan Officer                                                               | 3  |
| Forest Utilization Officer                                                         | 1  |
| Planning Officer                                                                   | 2  |
| Silviculturist                                                                     | 1  |

## MIZORAM

|                                         |    |
|-----------------------------------------|----|
| Chief Conservator of Forests            | 1  |
| Conservator of Forests, Development     | 1  |
| Deputy Conservator of Forests           | 3  |
| Deputy Conservator of Forests, Training | 1  |
| Working Plan Officer                    | 1  |
| Planning Officer                        | 1  |
| Silviculturists                         | 1  |
|                                         | 48 |

2. Senior posts under the Central Government @ 20% of 1 above

10

58

3. Posts to be filled by promotion in accordance with rule 8 of the Indian Forest Service (Recruitment) Rules, 1966

19

4. Posts to be filled by direct recruitment

39

5. Deputation Reserve @ 15% of 4 above

8

6. Leave Reserve @ 11% of 4 above

3

7. Junior posts @ 20% of 4 above

10

8. Training Reserve @ 10% of 4 above

4

Direct Recruitment posts

63

Promotion Posts

19

Total Authorised strength

102

Includes also an ad-hoc increment of 2 to 1 Mizoram Wing.

495

ORGANISATION  
STRUCTURE

- 1. C.P. Principal Chief Conservator of Forests
- 2. C.E. Chief Conservator of Forests
- 3. C.E. Chief Conservator of Forests
- 4. P.O. Working Plan Officer
- 5. S.E.O. Planning Officer
- 6. D.C.E. Deputy Conservator of Forests
- 7. RSE&WP Research & Education & Working Plan
- 8. S.E. Social Forestry
- 9. E.A.C. Eastern Assam Circle
- 10. W.A.C. Western Assam Circle
- 11. C.A.C. Central Assam Circle

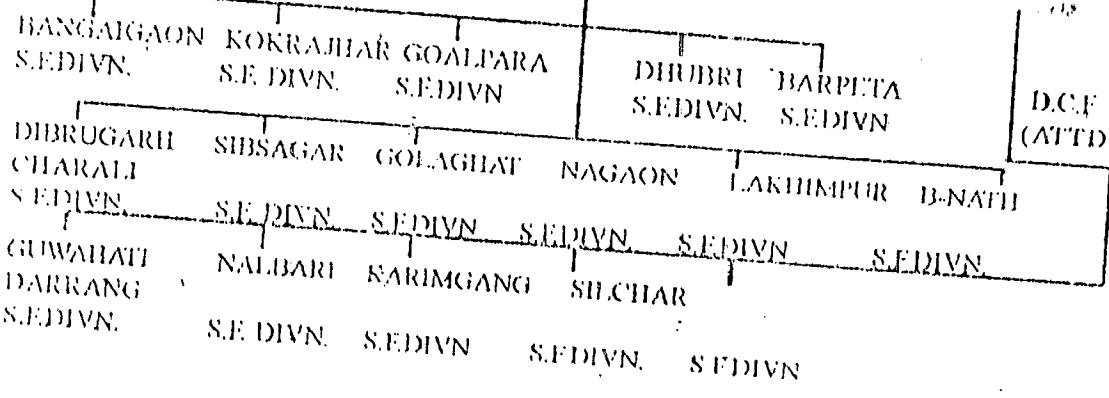
C.C.E. SOCIAL FORESTRY  
PLANNING OFFICER  
D.C.E. PUBLICITY  
D.C.E. MONITORING

C.C.E. (TERRITORIAL)  
C.E. (BORDER ATTACHED)

C.E. BANGAIGAON  
SOCIAL FORESTRY CIRCLE E.A. SOCIAL FORESTRY CIRCLE  
D.C.E. (ATTD)

C.E. NAGAON

C.E. GHY.  
W.A.S.C.



CT  
WESTERN ASSAM CIRCLE

- HAITUGAON DIVN
- KACHUGAON DIVN
- AIL VALLY DIVN
- DHUBRI DIVN
- W.A. MEATN DIVN

CT  
CENTRAL ASSAM CIRCLE

- KAMRUP WEST DIVN
- KAMRUP EAST DIVN
- NORTH KAMRUP DIVN
- GOALPARA DIVN
- DARRANG DIVN
- LOGGIAN DIVN

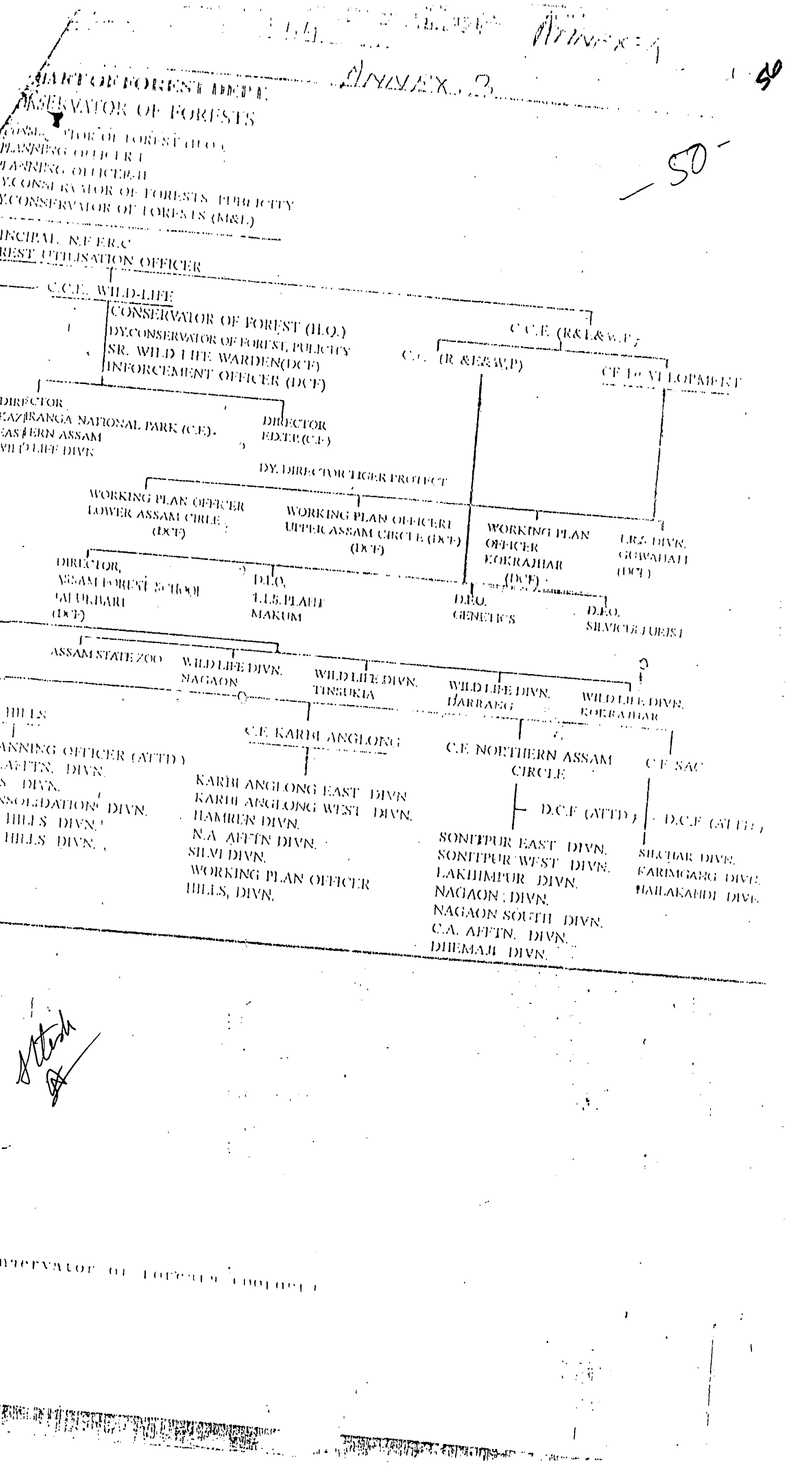
CT  
EASTERN ASSAM CIRCLE

- DIBRUGARH DIVN
- DOOM DOOMA DIVN
- DIGHOI DIVN
- GOLAGHAT DIVN
- JORHAT DIVN
- SIBSAGAR DIVN
- LOGGIAN DIVN
- (CHERKEVA)

Attached

continued





ANNEX 4

4

51

Annex 4

GROUP 13000 ISSUED IN THE GAZETTE OF INDIA PART II SECTION 3 (ii)

No. 16016/2/95 AIS(II)-A ✓

DL

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

New Delhi, the 9. 11. 95

NOTIFICATION

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

- (1) These regulations may be called Indian Forest Service (Fixation of Cadre Strength) Seventh Amendment Regulations, 1995.
- (2) They shall come into force on the date of their publication in the Official Gazette.

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

"ASSAM-MEGHALAYA"

|                                                                   |    |
|-------------------------------------------------------------------|----|
| Senior Posts under the State Govt.                                | 72 |
| Posts under the Government of Assam                               |    |
| Principal Chief Conservator of Forests                            | 1  |
| Chief Conservator of Forests (Protection)                         | 1  |
| Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden   | 1  |
| Chief Conservator of Forests (Social Forestry)                    | 1  |
| Chief Conservator of Forests (Research, Training & Working Plans) | 1  |
| Conservator of Forests (Territorial)                              | 6  |
| Conservator of Forests (Development)                              | 1  |
| Conservator of Forests (Economic Circle)                          | 1  |
| Conservator of Forests (Headquarters)                             | 1  |
| Conservator of Forests (Social Forestry)                          | 3  |
| Conservator of Forests (Wildlife)                                 | 1  |
| Conservator of Forests (Border)                                   | 1  |

|                                                 |    |
|-------------------------------------------------|----|
| State Director                                  | 1  |
| Director, Kaziranga National Park               | 1  |
| Inspector, Hill Range College, Jorhat           | 22 |
| Deputy Conservator of Forests (Territorial)     | 2  |
| Deputy Conservator of Forests (Wildlife)        | 1  |
| Deputy Conservator of Forests (Assam State Zoo) | 3  |
| Working Plan Officer                            | 1  |
| Forest Utilization Officer                      | 3  |
| Planning Officer                                | 1  |
| Stytculturalist                                 | 55 |

Lydia under the Government of Meghalaya

|                                                                                      |   |
|--------------------------------------------------------------------------------------|---|
| Principal Chief Conservator of Forests                                               | 1 |
| Chief Conservator of Forests (Social Forestry & Environment)                         | 1 |
| Conservator of Forests (Territorial & Development)                                   | 1 |
| Conservator of Forests (Wildlife)                                                    | 1 |
| Conservator of Forests (Social Forestry)                                             | 1 |
| Conservator of Forests (Research & Training)                                         | 3 |
| Deputy Conservator of Forests (Territorial) (Khasi Hills, Jaintia Hills, Garo Hills) | 1 |
| Deputy Conservator of Forests (Training)                                             | 1 |
| Working Plan Officer                                                                 | 1 |
| Planning Officer                                                                     | 1 |
| Stytculturalist                                                                      | 1 |

|                                                                                      |   |
|--------------------------------------------------------------------------------------|---|
| Director, Balphakram National Park                                                   | 1 |
| Deputy Conservator of Forests (Wildlife) (East & West Khasi Hills Wildlife Division) | 1 |
| Deputy Conservator of Forests (Utilization)                                          | 1 |
| Deputy Conservator of Forests (Social Forestry)                                      | 1 |

Total

12

49  
53

|                                                                                                                                                     |     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Central Population Reserve @ 20% of Item 1 above                                                                                                    | 11  |
| posts to be filled by promotion in accordance with<br>to B of the Indian Forest Service (Recruitment)<br>No. 1960, @ 33 1/3% of Items 1 and 2 above | 86  |
| posts to be filled by direct recruitment (1+2) (1)                                                                                                  | 20  |
| Population Reserve @ 25% of Item 1 above                                                                                                            | 50  |
| Leave, Training Reserve & Junior Posts<br>@ 20% of Item 1 above                                                                                     | 18  |
| Direct Recruitment Posts                                                                                                                            | 14  |
| Promotion posts                                                                                                                                     | 90  |
| Total Authorized Strength                                                                                                                           | 23  |
|                                                                                                                                                     | 110 |

*(Signature)*

(Radhomiya D. Hira)  
Desk Officer

12.1: Prior to the issue of this notification the total authorized strength of the Arjun Regulator Code was 101 (1)

12.2: The Proposed Regulations were notified vide Notification G.O. 1286, dated 11.10.1966 as GSR No 1072 in the Indian Forest Service (Fixation of Code Strength) Regulation, 1966, have been amended vide Notification given below:

| G.O. No. | Date of Publication |
|----------|---------------------|
| 1673     | 31.10.1966          |
| 17       | 7.01.1967           |
| 553      | 6.05.1967           |
| 654      | 6.05.1967           |
| 689      | 13.05.1967          |
| 1087     | 8.06.1968           |
| 1097     | 9.08.1969           |
| 90       | 17.10.1970          |
| 485      | 21.03.1970          |
| 545      | 4.04.1970           |
| 1802     | 24.10.1970          |
| 135      | 24.01.1971          |
| 136      | 24.01.1971          |
| 665      | 01.05.1971          |
| 45(E)    | 20.01.1972          |
| 47(E)    | 20.01.1972          |
| 48(E)    | 20.01.1972          |
| 478(E)   | 4.12.1972           |
| 192(E)   | 2.04.1973           |
| 321(E)   | 27.06.1973          |
| 391(E)   | 10.08.1973          |
| 142      | 9.02.1974           |
| 28(E)    | 2.02.1974           |
| 273(E)   | 17.06.1974          |
| 300(E)   | 5.07.1974           |

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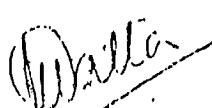
26. 812  
27. 22.17  
28. 71  
29. 407(E)  
30. 1064(E)  
31. 444(E)  
32. 750(E)  
33. 93(E)  
34. 631(E)  
35. 13(E)  
36. 300(E)  
37. 436(E)  
38. 480(E)  
39. 562(E)  
40. 626(E)  
41. 631(E)  
42. 20(E)  
43. 31(E)  
44. 84(E)  
45. 458  
46. 380(E)  
47. 370(E)  
48. 386(E)  
49. 602(E)  
50. 804(E)  
51. 653(E)  
52. 857(E)  
53. 294(E)  
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55. 356(E)  
56. 478(E)  
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61. 327(E)  
62. 189(E)  
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68. 835  
69. 837  
70. 880  
71. 164  
72. 407  
73. 619  
74. 802  
75. 828  
76. 835  
77. 836  
78. 432(E)  
79. 548(E)  
80. 404  
81. 834(E)  
82. 352(E)  
83. 832  
84. 918  
85. 933  
86. 590  
87. 803

3.08.1971  
16.08.1971  
17.01.1979  
16.06.1976  
24.07.1976  
6.07.1976  
3.08.1976  
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9.05.1981  
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9.08.1981  
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14.11.1987  
14.11.1987  
6.01.1988  
4.05.1988  
21.05.1988  
3.08.1988  
10.03.1989  
11.11.1989  
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30.12.1989  
22.09.1990  
29.09.1990

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|      |        |            |
|------|--------|------------|
| 89.  | 728    | 8.12.1990  |
| 90.  | 739    | 8.12.1990  |
| 91.  | 17500  | 5.01.1991  |
| 92.  | 246    | 10.04.1991 |
| 93.  | 473    | 21.08.1991 |
| 94.  | 527    | 11.09.1991 |
| 95.  | 565    | 5.10.1991  |
| 96.  | 584    | 19.10.1991 |
| 97.  | 530(E) | 6.08.1993  |
| 98.  | 605(E) | 4.11.1993  |
| 99.  | 607(E) | 4.11.1993  |
| 100. | 514    | 22.10.1994 |
| 101. | 513    | 22.10.1994 |
| 102. | 321(E) | 31.03.1995 |
| 103. | 213    | 28.04.1995 |
| 104. | 278    | 10.06.1995 |
| 105. | 264    | 3.06.1995  |

  
(Madhumita D. Hiron)  
Deak Officer

The Manager,  
Government of India Press,  
Mayapuri, Ring Road, New Delhi.



NO. 160(6/8/94-AISU)DA

New Delhi, the 7. 11. 94

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(Hadhun D. H. H. H.)  
Deputy Officer

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106, Annex 8  
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57

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI Bench

Contempt Petition No. 35 of 1996  
(Arising out of O.A. Nos. 52, 53, 59 of 1993 & 96/94)  
Date of decision: This the 18th day of December 1997

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

The Hon'ble Mr G.L. Sanglyine, Administrative Member

1. Shri Prantosh Roy, IFS  
Asstt. Conservator of Forests,  
Sonitpur East Division,  
Hiswanath Chaliiali.
2. Shri R.P. Singh, IFS  
Asstt. Conservator of Forests,  
Sonitpur West Division, Tezpur.
3. Shri K.R.P.V. Pawan Kumar, IFS,  
Asstt. Conservator of Forests,  
Banan Tiger Project,  
Barpeta Road.

.....Petitioners.

By Advocate Mr B.R. Sharma.

-versus-

1. Shri H.C. Sonowal,  
Commissioner & Secretary, Forest Department,  
Government of Assam, Dispur.
2. Shri D. Chakraborty,  
Joint Secretary, Forest Department,  
Government of Assam, Dispur.
3. Shri A.B. Roy Choudhury,  
Deputy Secretary, Forest Department,  
Government of Assam, Dispur.
4. Shri R.N. Hazarika,  
Principal Chief Conservator of Forests,  
Assam, Guwahati-8.

.....Respondents

By Advocate Mr P.G. Baruah, Advocate General, Assam.

O R D E R

BARUAH.J. (V.C.)

This petition has been filed by the  
petitioners invoking the jurisdiction of this Tribunal  
under Sections 17 and 27 of the Administrative  
Tribunals Act, 1985, read with Rule 24 of the Central  
Administrative Tribunal (Procedure) Rules, 1987, for



violation of contempt proceedings against the respondent.  
and execution of the order passed by this Tribunal.

The petitioners are direct recruits to the Indian Forest Service (IFS for short). The members of the IFS formed an association known as Indian Forest Service Association (Assam Unit). The said association, represented by its General Secretary, Shri K.N. Dev Goswami, approached this Tribunal by filing original application No.96/94. Three other original applications had been filed separately by Shri Narendra Nath Hazarika and others, Shri Bhabendra Nath Pathak and others and Shri M.K. Sinha, which were numbered as O.A.Nos. 52, 53 and 59 of 1993 respectively. All these applications were filed by the applicants seeking certain directions to the respondents of the said original applications. In due course the respondents, namely, the Union of India, filed written statement. The State of Assam also filed written statement in some of the original applications. In due course all the applications were heard and disposed of by this Tribunal by a common order dated 1.2.1995/8.2.19. In para 38 of the said order a common order was passed. We quote the said portion of the order.

"i) It is hereby declared that the provisions of Rule 3 of the Assam Forest Service Rules to the extent of the first two entries therein, namely, Conservator of Forests and Divisional Forest Officer (including Working Plan Officer, Forest Utilization Officer and one post of Silviculturist and Botanical Forest Officer) stood repealed by the provisions of IFS (Cadre) Rules, 1966, read with IFS (Fixation of Cadre Strength) Regulations, 1966, read with All India Services Act, 1951.

ii) Likewise, the provisions of Rule 11 of the Assam Forest Service Rules, 1942, to the extent of providing scale for Chief Conservator of Forests under Sub-rule 4 (iv) as applicable to the said post created under Assam Forest Service is hereby declared to have stood repealed by the provisions of IFS (Cadre) Rules, 1966, read with IFS (Fixation of Cadre Strength) Regulations, 1966, with the All India Services Act, 1951."

In respect of Original Application Nos. 52 and 53 of

this Tribunal passed further order and direction.

In.....

100/100  
59

In order 'No. iv' of the aforesaid original applications the State of Assam was restrained from promoting/appointing any officer of the Assam State Forest Service to any IFS Cadre including the post of Conservator of Forests. We quote the direction below:

"lv) The State of Assam is further restrained from promoting or appointing any officer of the Assam State Forest Service to any IFS cadre including the post of Conservator of Forests so long as the IFS (Cadre) Rules, 1966, and IFS (Fixation of Cadre Strength) Regulations, 1966 are in force."

This order and direction, according to the petitioners in this petition is relevant. It has been complained by the petitioners that the respondents, in spite of the direction given by this Tribunal in serial No. iv of the order in respect of Original Application Nos. 52 and 53 of 1996 has been violated by appointing some officers not belonging to the IFS Cadre, and therefore, the respondents are liable under the provisions of Section 17 of the Administrative Tribunal Act, 1985. The present petitioners have also prayed for passing necessary order for implementation of the order passed by this Tribunal in the aforesaid original applications.

3. This petition was moved on 9.9.1996 and the Tribunal issued notice directing the alleged contemners to show cause why a contempt proceeding should not be initiated against them for wilful non-compliance and violation of the order passed by this Tribunal. The alleged contemners entered appearance and also filed affidavit-in-opposition, stating inter alia, that the alleged contemners did neither violate nor disobeyed the order. They also contend that in the present facts and circumstances of the case the provisions of

80-66

Section 17 of the Administrative Tribunals Act, 1985, is not attracted. They also state that the present facts and circumstances of the case do not warrant the invocation of the power under Section 27 of the Administrative Tribunals Act, 1985, as claimed.

4. We heard both sides. Mr H.K. Sharma, learned counsel for the petitioners, submitted that in spite of the order passed by this Tribunal in the aforesaid original applications the alleged contemners made appointment of officers of the Assam State Forest Service to IFS Cadre. This was in complete violation of the 14th direction of the order of this Tribunal, quoted above. In this connection, the learned counsel drew our attention to Annexures 2, 3, 4, 5, 6 and 7 orders, whereby the officers of non-IFS Cadre had been posted as Divisional Forest Officer (DFO for short). According to Mr Sharma the post of DFO was, undoubtedly, a cadre post.

Mr P.G. Baruah, learned Sr. Counsel, appearing on behalf of the alleged contemners, on the other hand, submitted that the alleged contemners did not violate any direction given by this Tribunal. He also submitted that they had no intention to disrespect the Tribunal as alleged. As there was urgency in the matter, orders had been passed for posting of the officers as mentioned in Annexures 2, 3, 4, 5, 6 and 7, just to carry out the job of DFO and others. The said Annexures clearly show that the officers were only posted in that capacity. They were neither appointed nor promoted. Mr P.G. Baruah further submitted that to appoint or to promote officers to the IFS Cadre certain procedures were to be followed and these were not done in this case. Therefore, by no means, the Annexures 2 to 7 would

indicate.....

(11)  
61- 62

indicate that the said officers were either promoted or appointed. This Tribunal in the aforesaid judgment only restrained the respondents from appointing or promoting the officers of State Forest Service to IFS Cadre. Besides, Mr. Baruah submitted that posting is not appointment either by direct recruitment or by promotion. According to the learned counsel the alleged contemnors had high regard for this Tribunal and they would not do anything which might lower the dignity of the Tribunal. Mr. Baruah, while concluding his submission, stated that if any mistake is committed in interpreting the direction of this Tribunal and had done something which might have amounted to violation of the order, they may be pardoned.


5. On the submissions of the learned counsel appearing on behalf of the petitioners and the alleged contemnors, it is now to be seen whether the facts and circumstances of this case would justify initiation of proceedings under the Contempt Act or whether it was necessary to give direction for execution of the said order. Section 17 of the Administrative Tribunals Act, 1985 (for short the Act) confers power on the Tribunal to exercise same jurisdiction, powers and authority in respect of contempt of itself as a High Court has and may exercise and, for this purpose, the provision of the Contempt of Courts Act, 1971 (70 of 1971), shall have effect subject to certain modifications as referred to therein. So from Section 17 of the Act, it is very clear that this Tribunal can exercise same power, jurisdiction and authority in respect of contempt. It is well settled law that a violation of court's order, in order to constitute a contempt must be wilful. Wilfulness, in this context means that the

violation.....

(1) 52-8

relation or disobedience is not merely accidental or unintentional. In order to attract the provisions of contempt of court the disobedience must be wilful or intentional. The disobedience to an order of the court or Tribunal, in order to be punishable as contempt must be wilful and not just casual, accidental and unintentional. But, if any action is taken by an alleged contemner on a wrong interpretation of the order passed by the court or the Tribunal it will not be a contempt. Willfulness will have to be found on the facts and circumstances. However, once that is found the court must take serious notice of the contemner's conduct.

6. In S.C. Roy -vs- State of Orissa, reported in AIR (1960) SC 190, the Supreme Court held thus:



".....All that has been found against him is that he acted in a negligent manner and without proper care and attention. In our opinion, on the facts found by the High Court, the appellant could not possibly be found guilty of contempt of court and punished accordingly. As has been said by the Privy Council in Barton -vs- Field (1843) 4 Moo PCC 273, it is not sufficient in such cases for the purpose of visiting a Judicial Officer with penal consequence of proceeding in contempt, simply because he committed an error of judgment or the order passed by him is in excess of authority vested in him. The error must be a wilful error proceeding from improper or corrupt motive in order that he may be punished for contempt of court. On the facts found, the appellant can certainly be said to have acted without proper care and caution, but there is nothing on the record to suggest any wilful culpability on his part and it has been expressly held by the learned Judges of the High Court that he was not actuated by any corrupt or dishonest motives....."

7. In the instant case, the direction in Clause iv of the order in respect of Original Application Nos. 52 and 53 of 1993, the Tribunal restrained the State of Assam from promoting and appointing any officer of the

53-

...had been posted to function as DFO and others

it was necessary for running the administration  
ntly. From the record we do not find that the  
alleged contemners had done anything which amounted to  
wilful disobedience of the order of this Tribunal. The  
alleged contemners have stated that those officers were  
not appointed or promoted. This is a view taken by the  
alleged contemners. Whether this view is justifiable or  
not is a different matter, but this cannot be said to  
be a wilful disobedience.

In view of the above, we find no merit in the  
petition for initiation of any contempt proceeding.  
Accordingly we close the contempt proceeding.

By/- VICE CHAIRMAN  
By/- MEMBER (A)

TRUE COPY  
30/03/68

*Attested*  
17/03/68  
Sd/-  
Secretary  
Central Administrative Tribunal  
Delhi

*Attested*  
17/3

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available State Forest Service to IFS Cadre including the  
of conservation of forests etc. as quoted above.  
Paragraphs 2 to 5 of the petition only show that those  
officers had been posted to function as DFO and others  
if was necessary for running the administration

ally. From the record we do not find that the  
alleged contempters had done anything which amounted to  
willful disobedience of the order of this Tribunal. The  
alleged contempters have stated that those officers were  
posted to function as DFO and others and they had not  
been appointed or promoted. This is a view taken by the  
alleged contempters. Whether this view is justifiable or  
not is a different matter, but this cannot be said to  
be a willful disobedience.

B. In view of the above, we find no merit in the  
petition for initiation of any contempt proceeding.  
Accordingly we close the contempt proceeding.

20/- VICE CHAIRMAN  
20/- MEMBER (A)

4/11/77  
11/12/77

THE CHIEF  
SECRETARY

for Secretary  
General Administration  
Department  
29/11/77

|                                                                                                                              |                                                                                                                                        |                                                                                                                              |                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. The State of Assam, represented by the Secretary to the Government of Assam, Forest Department, Dispur, Gauhati-6.</p> | <p>2. The Union of India, represented by the Secretary to the Government of India, Ministry of Environment and Forests, New Delhi.</p> | <p>3. The State of Assam, represented by the Secretary to the Government of Assam, Forest Department, Dispur, Gauhati-6.</p> | <p>4. The Union of India, represented by the Secretary to the Government of India, Ministry of Environment and Forests, New Delhi.</p> |
|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|

IN THE SUPREME COURT OF INDIA  
(CIVIL APPEAL NO. 1059/94)

CIVIL APPEAL NO. 1059/94

1. Shri Pratul Roy,
2. Shri R.P. Singh,
3. Shri K.S.V. Ramani Kumar,

-Versus-

1. Shri H.C. Sonoma, Commissioner & Secretary to the Government of Assam, Forest Department, Dispur, Gauhati-6.
2. Shri D. Chakrabarty, Joint Secretary, Forest Department, Government of Assam, Dispur, Gauhati-6.
3. Shri A. N. Roy Choudhury, Deputy Secretary, Forest Department, Government of Assam, Dispur, Gauhati-6.
4. Shri R. N. Hazarika, Principal Chief Conservator of Forests, (State retired) Assam, Rabahat, Gauhati-8.
5. The State of Assam, represented by the Secretary to the Government of Assam, Forest Department, Dispur, Gauhati-6.
6. The Union of India, represented by the Secretary to the Government of India, Ministry of Environment and Forests, New Delhi.

Respondents.



66-  
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|                                                                                  |                                                                                  |                                                                                  |                                                                                  |
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P R E S E N T

THE HONOURABLE THE CHIEF JUSTICE OF INDIA (ACTING)  
 THE HONOURABLE MR. JUSTICE D. D. BHANDARI

For the petitioner :- Mr. D. K. Sharma,  
 Mr. M. K. Choudhury,  
 Mr. D. K. Tiwari.

For the respondent :- Govt. Advocate, Agartala.

Date

Order

6.5.98.

Heard learned counsel for the petitioner,  
 By this petition under Article 226/227 of the  
 Constitution, the petitioners seek to challenge the order  
 dated 10.12.97 passed by the Central Administrative Tribunal,  
 Guwahati Bench in Contempt Petition 35/96. Reference to  
 para 24 of CAT Procedure Rules, learned counsel argued that  
 the Tribunal should have seen to it that its orders are  
 being implemented, rather than flooded with impunity,  
 he also referred to Rule 87 and 9, particularly 8(1) of  
 the Code of Civil Procedure, 1908 and submitted that the post cannot  
 be allowed to be filled with non-qualified officers. In accordance  
 to him either posting without promotion or even temporarily

could... 2-3.

*[Handwritten signature]*

| Copy of the original document submitted to the Tribunal | Copy of the original document submitted to the Tribunal | Copy of the original document submitted to the Tribunal | Copy of the original document submitted to the Tribunal |
|---------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------|
| Date of delivery of the copy to the Tribunal            | Date of delivery of the copy to the Tribunal            | Date of delivery of the copy to the Tribunal            | Date of delivery of the copy to the Tribunal            |
| 1/1/58                                                  | 1/1/58                                                  | 1/1/58                                                  | 1/1/58                                                  |

appointing a non-cadre officer to a cadre post amounts to violation of the rules. The Tribunal considering the rules has found as follows:

"In the instant case, the direction in Clause IV of the order in respect of Original Appointment Nos. 52 and 53 of 1943, the Tribunal considered the State of Assam from recruiting and appointment any officer of the Assam State Forest Service to IFS cadre including the post of Conservator at Patkuli also, as quoted above. Paragraphs 2 to 5 to the petition only show that those officers had been posted to function as DFO and others as if was necessary for running the administration efficiently. Even the record do not show that the 2 alleged contemners had done anything which amounted to wilful disobedience of the order of this Tribunal. The alleged contemners have stated that those officers were posted to function as DFO and others and they had not been appointed or promoted. This is a view taken by the alleged contemners. Whether this view is justifiable or not is a different matter, but this cannot be said to be a wilful disobedience."

Considering the language of Rule 8(1) and Rule 9, these rules cannot be said to be mandatory in nature but

|                                                                                            |                                                                                            |                                                                                            |                                                                                            |
|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| ১৯৩৭ চনৰ ১৫ জানুৱাৰী<br>তাৰিখত<br>দায়ী হোৱাৰ বাবে<br>দায়ী হোৱাৰ বাবে<br>দায়ী হোৱাৰ বাবে | ১৯৩৭ চনৰ ১৫ জানুৱাৰী<br>তাৰিখত<br>দায়ী হোৱাৰ বাবে<br>দায়ী হোৱাৰ বাবে<br>দায়ী হোৱাৰ বাবে | ১৯৩৭ চনৰ ১৫ জানুৱাৰী<br>তাৰিখত<br>দায়ী হোৱাৰ বাবে<br>দায়ী হোৱাৰ বাবে<br>দায়ী হোৱাৰ বাবে | ১৯৩৭ চনৰ ১৫ জানুৱাৰী<br>তাৰিখত<br>দায়ী হোৱাৰ বাবে<br>দায়ী হোৱাৰ বাবে<br>দায়ী হোৱাৰ বাবে |
|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|

There is nothing on record, nor reflected in the foregoing order that the time period has exceeded three months, so that on all ways, if there is any wilful default or disobedience found by the Court, we have been rightly stated in the above quoted order, we do not find any substance in maintaining this petition. It is accordingly summarily dismissed without order to the opposite parties.

541/- M. D. GYNNEL.  
CHIEF CLERK (1961-1965)

2

GOVERNMENT OF ASSAM

ANNEXURE

6A

69

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS::ASSAM::

REJADART::: GUAHATI-8:::

FE.24/44/87. Dated, Guwahati, the 8th Jan/96.

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

NOTIFICATION OF CADRE POST AND NON-CADRE POSTS.

This Office letter NO.FE.24/44/87 dt.08-11-95,  
and Govt.NO.FRE-89/94/14.dtd. 09-12-94.

In enclosing herewith a copy of D.O.letter NO.18011/01/  
24-95-11 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,  
I.F.S. Cadre Posts has already been furnished to Govt. vide  
Office Order NO.FE.24/44/87, dt.21-12-95, which may kindly  
be forwarded to Govt. as directed by Govt. of India.  
The list is recommended to include the following Cadre posts  
of I.F.S. Cadre Schedule made vide Govt. of India  
No.18011/01/24-95-11-A dt.9-11-95.

1. Chief Conservator of Forests(T).
2. Chief Conservator of Forests(H.E.L. W.O)
3. Conservator of Forests(Border).
4. Conservator of Forests(W.L.)
5. Principal H.E.L.R. College.

to be included in the list showing Cadre posts and Honorary  
in order for issue of Govt. Notification as desired  
Govt. of India.

Kindly treat it as urgent.

Yours faithfully,

Sd/- Illegible

Principal Chief Conservator of Forests  
Assam:: Guwahati-8::

FE.23/44/87/A, Dated, Guwahati, the 8th Jan/1996.

Copy to the Inspector General of Forests, Govt. of India,  
Ministry of Environment & Forests, C.G.O. Complex, Lodi Road,  
New Delhi-110 003 for favour of his kind information.

Sd/- Illegible

Principal Chief Conservator of Forests  
Assam:: Guwahati-8::

SHREE THE 3rd & 4th DIVISION

Following cadre posts:

1. P. S. 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.

CONSERVATION OF FORESTS (TERRITORIAL):

1. Conservator of Forests, Western Assam Circle, Kokrajhar.
2. Conservator of Forests, Northern Assam Circle, Tezpur.
3. Conservator of Forests, Hill, Nalbari.
4. Conservator of Forests, Central Assam Circle, Guwahati.
5. Conservator of Forests, Eastern Assam Circle, Jorhat.
6. Conservator of Forests, Southern Assam Circle, Silchar.

CONSERVATION OF FORESTS (FUNCTIONAL):

1. Conservator of Forests, Research & Education, Guwahati.
2. Conservator of Forests, Working Plan Circle, Guwahati.
3. Conservator of Forests, Western Assam Social Forestry, Ghy.
4. Field Director Tiger Project, Barpeta Road, Barpeta.
5. Director, Kaziranga National Park, Bokakhat.
6. Conservator of Forests, (H.Q.) attached to O/O I.C.C.F., Assam.
7. Conservator of Forests, Eastern Assam Social Forestry Circle, Nagaon.
8. Conservator of Forests, Social Forestry Circle, Bongaigaon.
9. Conservator of Forests, Border, attached to the 1st & 2nd Divs. at Guwahati.
10. Conservator of Forests, Wild Life, attached to O/O C.C.F., Wild Life, Assam, Guwahati.
11. Principal, North East Forest Ranger College, Jalukbari, Ghy.

DEPUTY CONSERVATOR OF FORESTS (TERRITORIAL):

1. Divisional Forest Officer, Goalpara Divn. Goalpara.
2. Divisional Forest Officer, Dhubri Divn. Dhubri.
3. Divisional Forest Officer, Cachar Divn. Goalpara.
4. Divisional Forest Officer, Hailong Divn. Kokrajhar.
5. Divisional Forest Officer, Aizawl Divn. Bongaigaon.
6. Divisional Forest Officer, Sonitpur East Divn. Dima Hasar, Chariali.
7. Divisional Forest Officer, Sonitpur West Divn. Tezpur.
8. Divisional Forest Officer, North Lakhimpur Divn. Lakhimpur.
9. Divisional Forest Officer, Lakhimpur Divn. Lakhimpur.

Contd. .... P/2.

*Handwritten signature/initials*

- 1. Divisional Forest Officer, Jorhat Divn. Jorhat.
- 2. Divisional Forest Officer, Dibrugarh Divn. Dibrugarh.
- 3. Divisional Forest Officer, Diphong Divn. Diphong.
- 4. Divisional Forest Officer, Dooar Divn. Dooar.
- 5. Divisional Forest Officer, Goalpara Divn. Goalpara.
- 6. Divisional Forest Officer, Karimganj Divn. Karimganj.
- 7. Divisional Forest Officer, Lachong Divn. Lachong.
- 8. Divisional Forest Officer, Lakhimpur Divn. Lakhimpur.
- 9. Divisional Forest Officer, Kamrup Divn. Kamrup.
- 10. Divisional Forest Officer, Kamrup Divn. Kamrup.

CONTRIBUTORS OF THE YEAR (1954-55)

- 1. Divisional Forest Officer, C.A. Afforestation Divn. Bokai.
- 2. Divisional Forest Officer, W.A. Afforestation Divn. Kharagpur.
- 3. Planning Officer - (1), attached to the PCCF Office, Guwahati.
- 4. Planning Officer - (2), attached to the O/CCCF, Assam.
- 5. Divisional Forest Officer, Silvicultural Divn. Guwahati.
- 6. Planning Officer, Social Forestry, attached to O/CCCF, Assam.
- 7. Working Plan Officer, Dimasam Divn. Guwahati.
- 8. Working Plan Officer, Kokrajhar.
- 9. Working Plan Officer, Upper Assam Circle, Jorhat.
- 10. Divisional Forest Officer, Barak Divn. Guwahati.
- 11. Divisional Forest Officer, Western Assam Divn. Tezpur.
- 12. Divisional Forest Officer, Assam State Zoo, Guwahati.
- 13. Forest Station Officer, Assam, (Dept. Abeyance), Guwahati.

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1. Divisional Forest Officer, Darrang Divn., Bengaldol.

2. Divisional Forest Officer, Sibangar Divn., Nazim.

3. Divisional Forest Officer, Bagmon South Divn., Bagmon Hoi.

4. Divisional Forest Officer, Hamren Divn., Diphu.

5. Divisional Forest Officer, N.C. Hill Divn., Hailong.

6. Divisional Forest Officer, East Anglong East Divn., Diphu.

7. Divisional Forest Officer, East Anglong East Divn., Diphu.

# 8. HEADQUARTERS OF FOREST (ASSISTANT).

1. Divisional Forest Officer, Karimganj Divn., Karimganj.

2. Divisional Forest Officer, Social Forestry Divn., Silchar.

3. Divisional Forest Officer, Social Forestry Divn., Dibrui.

4. Divisional Forest Officer, Bagmon Social Forestry Divn., Bagmon.

5. Divisional Forest Officer, Kokrajhar Social Forestry Divn., Kokrajhar.

6. Divisional Forest Officer, Bongalgaon S.F. Divn., Bongalgaon.

7. Divisional Forest Officer, Barpeta S.F. Divn., Barpeta.

8. Divisional Forest Officer, Lakhimpur S.F. Divn., Lakhimpur.

9. Divisional Forest Officer, Sibangar S.F. Divn., Sibangar.

10. Divisional Forest Officer, Bengaldol S.F. Divn., Bengaldol.

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, Golapara S.F. Divn., Golapara.

16. Divisional Forest Officer, S.F. Divn., Biswanath Challa.

17. Divisional Forest Officer, Hamren W.L. Divn., Bagmon.

18. Divisional Forest Officer, Kokrajhar W.L. Divn., Kokrajhar.

19. Divisional Forest Officer, Bengaldol W.L. Divn., Bengaldol.

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, S.F.R. Divn., Guwahati.

24. Divisional Forest Officer, F.R. Divn., Jorhat.

25. Divisional Forest Officer, I.T. & S. Plant, B. Kum.

26. Director, Assam Forest School, Jaldibari.

27. Divisional Forest Officer, Southern Assam Afforestation Divn., Diphu.

28. Divisional Forest Officer, Southern Assam Afforestation Divn., Diphu.

29. Divisional Forest Officer, Silvicultural Divn., Hailong, Diphu.

Contd. P. 7/7.

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Divisional Forest Officer, Hilla, Diphu.

Divisional Forest Officer, F.A.S. Divn. Hilla, Haflong.

Divisional Forest Officer, Consolidation Hilla, Haflong.

Divisional Forest Officer, Genetic Coll. Divn. Guwahati.

Dy. C.F. (Publicity), attached to the O/O CCF, W.L. Assam, Guwahati.

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

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

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

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

Dy. C.F. (Enforcement), attached to the O/O CCF, W.L. Assam, Guwahati.

Dy. C.F., W.L. Wildlife Warden, attached to the O/O CCF, S.F. Guwahati.

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

Dy. C.F., attached to the O/O C.F., H.A.C. Loozpur.

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

Dy. C.F., attached to the O/O C.F., S.A.C. Silchar.

Dy. C.F. (Instructor), attached to the O/O Principal, H.L.P. College, Dibrugarh.

Dy. C.F. (Instructor), attached to the O/O Principal, H.L.P. College, J. L. Dibrugarh, Guwahati.

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

Asst. Planning Officer, attached to the O/O C.F., Hilla, Haflong.

XXXX

Atul



DISTRICT:

IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR  
TRIPURAM, MIZORAM AND ARUNACHAL PRADESH)

(CIVIL WRIT JURISDICTION)

WP(C) No 3884 / 2000

IN THE MATTER OF :

~~XXXXXXXXXX~~

WP(C) No. 3884/2000.

Shri Anindya Swargowari.

.. Petitioner

VERSUS.

State of Assam & ors.

.. Respondents.

AND.

IN THE MATTER OF :

An affidavit-in-opposition for and  
on behalf of Respondent Nos 1 and  
2.

AFFIDAVIT-IN-OPPOSITION

I, Shri A.B.Md. Eunus, son of late  
Shamsur Ali, aged about 47 years, resident  
of Guwahati do hereby solemnly affirm and swear as  
follows :

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2.

1. That I am the Joint Secretary to the Govt. of Assam, Forest department, Dispur and I have been impleaded as Respondent No 2 in the instant writ petition, a copy of which has been served on me through the Government Advocate, I have gone through the same and understood the contents thereof. I am also competent to swear this affidavit for and on behalf of the State of Assam.

2. That with regard to the statements made in paragraphs 1 & 2 of the petition this deponent does not offer any comments save and except those which are matters of record.

3. That with regard to the statements made in para 3 paragraph 4 of the petition the deponent begs to state that he is a member of the Indian Forest Service of RR-1988. Initially he was appointed and posted as Assistant Conservator of Forests and attached to the Field Director, Manas Tiger Project, where he was continued till April, 1993.

4. That with regard to the statements made in paragraph 5 of the petition the deponent begs to state that he was posted as Divisional Forest Officer, Social Forestry Division, Kokrajhar on promotion from Assistant Conservator of Forests to Deputy Conservator of Forests vide Govt. Notification No. FRE.3/90/124-G dt. 23.3.93. The deponent joined at Kokrajhar on 21.5.93 and continued upto 17.1.1997.

5. That with regard to the statement made in paragraph the deponent begs to state that the deponent again transferred from Kokrajhar and posted as Divisional Forest officer, Cachar Forest Division vide Govt. Notification No. FRE.51/96/32-A dt. 9.1.97 where he assumed the charge on 22.01.1997.

A photostat copy of the said notification is Annexure-I herewith which is marked as Annexure-I.

6. That as the averments made in paragraph 7 of the petition the deponent begs to state that the State Government have not made vision wise identification of cadre posts. As per the cadre schedule of posts for IFS notified by the Government of India, Ministry of Environment and Forests vide Notification No. 16016/2/93-AIS (II dt. 9.11.93) there are 22 posts of Deputy Conservator of Forests (Territorial) when an IFS officer holds a post of Deputy Conservator of Forests in a territorial division, he is said to have held a cadre post at that relevant period of time. Conversely when it is held by a Deputy Conservator of Forests belonging to State Forest Service, it will have the meaning of a non-cadre post.

A copy of the Notification dt. 9.11.93 is annexed herewith as Annexure-II to this Affidavit.

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4.

7. That with regard to the statements made in paragraph 8 & 9 of the petition the deponent begs to state that a Deputy Conservator of Forest belonging to the State Forest Service can be posted in a territorial division, he is said to have held a cadre post at that relevant time. The post of Divisional Forest officer, Cachar Forest division had been held by a member of Deputy Conservator of Forests belong to the State Forest Service earlier. The post of Deputy Conservator of Forest Social Forestry, Kokrajhar is not within the IFS cadre schedule. The petitioner held the post of D.F.O., Social Forestry, Kokrajhar for a period of about 4 years.

8. That as regard the statement made in paragraphs 10 ~~xxxxx~~ the deponent has no comments to offer.

9. That with regard to the averments made in para 11 & paragraph 12 of the petition the deponent begs to state that the Deponent submitted a representation dt. 22.5.2000 through the Principal Chief Conservator of Forests to the Commissioner & Secretary, Govt. of Assam, Forest department. Also another representation dt. 22.5.2000 from Smti Silpee Swargowari, wife of the petitioner, D.F.O., Cachar division was received in the department, wherein she prayed to allow

78-29  
5.

her husband to continue at Silchar upto 30.6.2000 for completion of half yearly examination of their children which was considered by the department, and stayed the transfer order issued vide Notification no FRE 19/2000/pt-I/11,11-A,11-B dt.20.5.2000 until further order vide notification no FRE.19/2000/pt.I/31 dt.9.6.2000.

10. That with regard to the statement made in paragraph 13 the deponent begs to reiterate the statement made in paragraph 92 above. The allegations made and levelled against the deponent is baseless and denied by the deponent.

11. That with regard to the statements made in paragraphs 14 and 15 the deponent begs to state that the transfer and posting is an administrative arrangement which is made in the public interest. Hence the allegation, for obvious reason, personal interest etc. ~~xxxxxxxxxxxx~~ levelled against the deponent are baseless and stoutly denied by the deponent. No discrimination has been made to the petitioner.

12. That as regards the statement made in paragraph 16 of the petition, the deponent has no comment to offer.

13. That with regard to the averments made in paragraph 17 of the petition the deponent denies the statement and allegation levelled against the

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deponent. The petitioner has completed more than 3 years at Silchar. The State Government had duly considered the representation filed by the wife of the petitioner and stayed the transfer order. Hence no illegality has been done in transferring the petitioner.

14. That the deponent denies the allegation made in paragraph 18 of the petition and begs to reiterate the statement made in paragraph 11 of the affidavit-in-opposition.

15. That the deponent denies the statement/allegations made in paragraphs 19, 20, 21 & 22 of the petition.

16. That the petitioner has not been able to show any cause for interference by this Hon'ble Court exercising extra-ordinary jurisdiction. As such, the writ petition is liable to be dismissed in limine.

17. That the statements made in this affidavit and in paragraphs are true to my knowledge, those made in paragraphs are being matters of record and the rests are my humble submission before this Hon'ble Court.

I sign this affidavit this the 2nd day of August, 2000. a

Identified by

Abul Basar Md. Fuzul  
DEPONENT.

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-807

Patel Shillong, the 12th Dec. 1971

The following notification published by the  
Government of India, Cabinet Secretariat, is re-publication  
for general information:-

No. 3/15/70-AIS(17)  
Government of India  
Cabinet Secretariat  
Department of Personnel.

... New Delhi dated the 6th Dec. 1971.

NOTIFICATION

In exercise of the powers conferred by rule 6 of the Indian Forest Service (Recruitment) Rules, 1966, the President is pleased to appoint the following Assam State Forest Service Officers, recruited under sub-rule (1) read with sub-rule (3A) of rule 4 of the said Rules, to the Indian Forest Service, on probation, in the Indian Forest Service Cadre of Assam, with effect from the 1st October, 1966:-

Shri H.C. Chakrabarty  
Shri A.H. Choudhury

Sd/- U. J. H. Changkakoti,  
Joint Secretary to the Govt. of Assam,  
Forest Department.

Memo. No. FWS. 28/70/170-A,

Dated Shillong, the 17th January 72.

- Copy to the (1) Principal Private Secretary to the Chief Minister, Assam.  
(2) Accountant General, Assam, Meghalaya & Nagaland, Shillong-1.  
(3) Appointment (A) Department.  
(4) Chief Conservator of Forests, Assam, Shillong.  
(5) Superintendent, Assam Govt. Press, for publication of the notification in the next issue of the Assam Gazette.  
(6) Shri H.C. Chakrabarty, I.F.S., Divisional Forest Officer, Kachugaon Division, P.O. Gossaigaon.  
(7) Shri A.H. Choudhury, I.F.S., Divisional Forest Officer, Mikir Hills West Division, P.O. Diphu.  
(8) Personal file of Shri H.C. Chakrabarty.  
Personal file of Shri A.H. Choudhury.

By order etc.,

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

Filed by

Date.

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Filed by  
Advocate

STATEMENT SHOWING PRODUCTION POSTS AS PER CAREER SCHEDULE  
FOR THE YEAR 1990-1991

| Year | Professional Grade |                 |        | Career Strength |                 |        | Senior Duty Posts |                 |               |
|------|--------------------|-----------------|--------|-----------------|-----------------|--------|-------------------|-----------------|---------------|
|      | Total              | Men in Position | Vacant | Total           | Men in Position | Vacant | Total             | Men in Position | Vacant/Excess |
| 1966 | 8                  | -               | 8      | 32              | -               | -      | 24                | -               | -             |
| 1969 | 6                  | -               | 6      | 32              | 3               | -      | 24                | -               | -             |
| 1972 | 8                  | -               | 8      | 32              | 33              | -      | 24                | 30              | (+)6          |
| 1975 | 9                  | -               | 9      | 39              | 32              | 7      | 29                | 30              | (+)1          |
| 1978 | 9                  | -               | 9      | 39              | 33              | 6      | 29                | 32              | (+)3          |
| 1981 | 9                  | -               | 9      | 39              | 34              | 5      | 29                | 35              | (+)6          |
| 1984 | 9                  | -               | 9      | 39              | 37              | 2      | 29                | 37              | (+)8          |
| 1987 | 10                 | -               | 10     | 43              | 37              | 6      | 32                | 37              | (+)5          |
| 1990 | 14                 | -               | 14     | 61              | 44              | 17     | 44                | 41              | (-)3          |
| 1993 | 14                 | -               | 14     | 61              | 45              | 16     | 44                | 40              | (-)4          |
| 1996 | 14                 | -               | 14     | 61              | 45              | 16     | 44                | 38              | (-)6          |
| 1999 | 14                 | -               | 14     | 61              | 46              | 15     | 44                | 35              | (-)9          |
| 2002 | 19                 | -               | 19     | 83              | 50              | 33     | 66                | 37              | (-)31         |
| 2005 | 19                 | -               | 19     | 83              | 61              | 23     | 63                | 45              | (-)23         |
| 2008 | 19                 | -               | 19     | 83              | 62              | 21     | 68                | 44              | (-)24         |
| 2011 | 19                 | -               | 19     | 83              | 67              | 16     | 68                | 45              | (-)23         |
| 2014 | 19                 | -               | 19     | 83              | 70              | 13     | 68                | 51              | (-)17         |
| 2017 | 25                 | -               | 25     | 107             | 73              | 34     | 76                | 50              | (-)26         |
| 2020 | 25                 | -               | 25     | 111             | 76              | 35     | 76                | 52              | (-)24         |
| 2023 | 25                 | -               | 25     | 111             | 79              | 32     | 76                | 60              | (-)16         |
| 2026 | 25                 | -               | 25     | 111             | 79              | 32     | 76                | 64              | (-)12         |
| 2029 | 25                 | -               | 25     | 111             | 79              | 32     | 76                | 70              | (-)6          |
| 2032 | 25                 | -               | 25     | 111             | 80              | 31     | 76                | 70              | (-)6          |
| 2035 | 25                 | -               | 25     | 111             | 73              | 38     | 76                | 63              | (-)13         |
| 2038 | 25                 | -               | 25     | 111             | 69              | 42     | 76                | 70              | (-)6          |
| 2041 | 25                 | -               | 25     | 111             | 74              | 37     | 76                | 70              | (-)6          |
| 2044 | 25                 | -               | 25     | 111             | 70              | 41     | 76                | 66              | (-)10         |

Annex 29  
835

Copy of letter No. 1701/2/75-ALS(IV) dt. 26.3.76  
for the Govt. of India, Department of Personnel, P.O.  
and to the Secretary to the Government of Assam, P.O.  
Dispur, Gauhati-781005.

Sub: Indian Forest Service (Appointment by Promotion) Regulation  
1966-Assam-Meghalaya Joint cadre-preparation of Select List  
of the State Forest Service officers.

Sir,

I am directed to refer to your letter No. FRS.2/75/197  
dated 2 February, 1976 addressed to the Union Public Service  
Commission and copy endorsed to this Department and to say that  
the Commission have approved on 4-3-1976 a Select List of the  
State Forest Service officers of Assam-Meghalaya Joint cadre  
which consists of the following names prepared by the Selection  
Committee at its meeting held at Gauhati on 23-12-75 for appoint-  
ment to the Indian Forest Service by promotion:

S/Sr2

1. R.O.L. Nongbri (Sr)
2. S.K. Chelma
3. K.C. Das
4. B.N. Kalita
5. B. Ali
6. P.N. Loken.

If and when, the State Govt. propose to appoint one or  
more of the above officers to the State Cadre of the Indian  
Forest Service the full particulars of the officer(s) in the  
proforma prescribed vide Ministry of Home Affairs' letter No. 16/  
4/66-ALS(III) dated 19th March, 1966 (reproduced as Government of  
India's instructions on pages 750-60 of All India Service Manual  
Second Edition) together with declaration of Martial status and  
written consent for the termination of lien in the State Forest  
Service alongwith recommendation of the State Government may kindly  
be sent to this Department.

3. Proposals for fixation of seniority may also be sent  
simultaneously in the prescribed proforma as required under  
this Deptt. letter No.

HSR

Filed by -  
Advocate.

ANNEXURE-2 11

JOINT CADRE OF ASSAM & MEGHALAYA  
EFFECTIVE FROM 21.01.72

Senior posts under the  
State Government

| Assam    | Meghalaya |
|----------|-----------|
| CCF- 1   | -         |
| CF - 2   | 1         |
| DCF- 14  | 2         |
| WPO - 2  | 1         |
| PUO - 1  | -         |
| Silvi- 1 | -         |
| FO - 1   | 1         |
| 22       | 5         |
|          | 27        |

2. Senior post under Central  
Government 8%

1. Posts to be filled up by  
promotion

1. Posts to be filled by  
direct recruits

Deputation reserve 15% of  
4 above

Leave reserve 11% of  
4 above

Junior posts @ 20% of  
4 above

Training Reserve @ 5% of  
4 above

Direct Recruit posts  
Promotion posts

Total authorised strength

30  
9

39

After  
8

Filed by -  
Advocate.

OFFICE BY THE GOVERNMENT

MINISTRY OF FORESTS

NOTIFICATION NO. 16016/75-16(IV) dt. 26-2-77.

NOTIFICATION NO. 16016/75-16(IV) dt. 26-2-77. - The following notification issued by the Govt. of India, Ministry of Forests, Deptt. of Personnel & A.R. is republished for general information.

1. S.O. No. 93(1) - In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Indian Forest Service - Act, 1951, (61 of 1951) read with rule 4 of the I.F.S. (Cadre) Rules, 1966, the Central Govt. in consultation with the State Govt. concerned, hereby makes the following regulations further to amend the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, namely :-

- 1. (1) These regulations may be called the Indian Forest Service (Fixation of Cadre Strength) second Amendment Regulations, 1977.
- (11) They shall come into force on the date of their publication in the Gazette of India.

2. For the existing schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, for the heading Assam-Naghalaya and the entries there under, the following shall be substituted, namely :-

ASSAM - NAGHALAYA

1. Senior posts under the State Governments

27

ASSAM

|                               |    |
|-------------------------------|----|
| Chief Conservator of Forests. | 1  |
| Conservator of Forests.       | 2  |
| Deputy Conservator of Forests | 14 |
| Working Plan Officer          | 2  |
| Forest Utilization Officer    | 1  |
| Planning Officer              | 1  |
| Agriculturist                 | 1  |

NAGHALAYA

|                                     |    |
|-------------------------------------|----|
| Conservator of Forests              | 1  |
| Deputy Conservator of Forests       | 2  |
| Working Plan Officer                | 1  |
| Joint-Director-cum-Planning Officer | 1  |
|                                     | 27 |

2. Senior posts under the Central Government

32

3. Posts to be filled by promotion in accordance with rule 8 of the Indian Forest Service (Recruitment) Rules, 1966.

10 ✓

4. Posts to be filled by direct recruitment

22

5. Deputation Reserve of 1% of 4 above

3

6. Leave Reserve of 1% of 4 above

2

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Advocate.

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7. Senior posts (any of 4 above)

8. Training Reserve (any of 4 above)

Direct Recruitment Posts

Probation Posts :-

TOP & AUTHORIZED STRENGTH :-

( SO/- B.N. CHAKRA )

JOINT SECRETARY TO THE GOVERNMENT OF INDIA.

SO/- T. P. Das,  
Under Secretary to the Govt. of Assam,  
Forest Department.

....

Radio No. F.R. 47/77/114, Dated Gauhati-781006, the 23rd April/77.

Copy forwarded to :-

- 1). Publisher Assam Gazette, Dispur, Gauhati-781001 for publication in the Gazette.
- 2). The Accountant General, Assam etc., Shillong-783001.
- 3). The Chief Conservator of Forests, Assam, Gauhati-781001.
- 4). The Secretary to the Govt. of India's above notification are forwarded for information and necessary action.
- 5). The Secretary to the Govt. of Assam, Forest Department, Shillong-783001.
- 6). The Secretary to the Govt. of Assam, Personnel (A) & M. Deptt., Dispur.
- 7). Finance (A.C.11) Deptt., Dispur.

By order etc.,

Under Secretary to the Govt. of Assam,  
Forest Department.  
Telephone No. Sectt-136.

Filed by -

Advocate.

No. 16016/29/78-113(19-78)  
Government of India/Gharat Sarkar  
Ministry of Home Affairs/Grih Mantralaya  
Department of Personnel & Administrative Reforms  
(Karmik Aur Prashashnik Sarkar Vibhag)

New Delhi, dt. 13/1/78 01/1/78

NOTIFICATION

G.S.R. 13(E)... In exercise of the powers conferred by sub-section (1) of Section 3 of the All India Services Act, 1951, (31 of 1951) read with rule 4 of the Indian Forest Service (Cadre) Rules, 1955, the Central Government, in consultation with the State Governments concerned, hereby makes the following regulations further to amend the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, namely:-

- (1) These Regulations may be called the Indian Forest Service (Fixation of Cadre Strength) Amendment Regulations, 1978.
  - (2) They shall come into force on the date of their publication in the Gazette of India.
2. In the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, for the heading "Assam and Meghalaya" and the entries occurring thereunder, the following shall be substituted, namely:-

ASSAM AND MEGHALAYA

1. Senior posts under the State Governments.

ASSAM:

Chief Conservator of Forests  
Additional Chief Conservator of Forests  
Conservator of Forests  
Conservator of Forests, Development  
Conservator of Forests, Economic Circle  
Deputy Conservator of Forests  
Deputy Conservator of Forests  
Eastern Assam Wild Life Division  
Deputy Conservator of Forests,  
Assam State Zoo  
Working Plan Officer  
Forests Utilisation Officer  
Planning Officer  
Silviculturist

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ate.

# MAHARASHTRA

Chief Conservator of Forests  
 Director of Soil Conservation  
 Deputy Conservator of Forests  
 Deputy Conservator of Forests, Training  
 Working Plan Officer  
 Planning Officer

1  
 1  
 3  
 1  
 1  
 1

37

2. Senior posts under the Central Government @ 20% of 1 above.

7

43

3. Posts to be filled by promotion in accordance with rule 8 of the Indian Forest Service (recruitment) Rules, 1966

14

4. Posts to be filled by direct recruitment  
 5. Deputation Reserve @ 15% of 4 above  
 6. Leave Reserve @ 11% of 4 above.  
 7. Junior Posts @ 20% of 4 above.  
 8. Training Reserve @ 10% of 4 above.

30  
 5  
 3  
 6  
 3

DIRECT RECRUITMENT POSTS  
 DEPUTATION POSTS

47  
 14

TOTAL AUTONOMOUS STAFF

61

*(Signature)*  
 (P.H. KHELI)  
 DEPT. OFFICER

ab: -10  
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Filed by  
 Advocate

ANNEXURE - VIII

ANNEX. 14

89-87

(Copy)

NO. 17013/34/77-AM (IV)  
DEPARTMENT OF PERSONNEL  
AND ADMINISTRATIVE REFORMS  
MINISTRY OF HOME AFFAIRS  
(New Delhi)

The Secretary to the Govt. of Assam,  
Forest Department, Dispur.

D. No. 22.8.78

Indian Forest Service-Assam-Meghalaya Cadre-Preparation of Select  
of State Forest Service Officers for promotion to the-

I am directed to refer to State Government's letter No. FNE.15/77/8  
dated the 27th Dec., 1977 addressed to the U.P.S.C. and to say that the  
Commission have approved vide their letter No. F.10/2/77-AM dated the  
March, 1978, a Select List of the State Forest Service Officers for  
promotion to the Joint Indian Forest Service Cadre of Assam-Meghalaya  
prepared by the Selection Committee at its meeting held at Dispur (Gauhati)  
on 25th November, 1977 consisting of the following names:-

1. Shri K.K. Gohai.
2. Shri S.I.A. Kazi.
3. Shri K.N. Deb Goswami.
4. Shri C. Tangliana (ST).
5. Shri B. Bora.
6. Shri K.C. Patra (ST).
7. Shri R.C. Goswami.

It and when the State Govt. propose to appoint one or more of the  
officers to the Assam-Meghalaya Joint Cadre of the Indian Forest  
Service, full particulars of the procedure in the proforma prescribed  
in the Ministry of Home Affairs letter No. 10/4/66-AM (III) dated the 19th  
March, 1966 (Reproduced as Govt. of India's Instructions on pages 258-60  
of the Indian Services Manual, Second Edition) together with declaration  
of status and written consent for termination of the State Govt. may  
be sent to this Department. A certificate that no deterioration in  
the officer(s) has taken place since inclusion of his/their  
name in the Select List may also be forwarded.

Proposals for selection of officers may also be sent simultaneously  
of this Department's letter No. 13021/1/76-AM (IV) dated the 24th  
March, 1976.

Yours faithfully,

Sd/- R.T. Agarwal  
Under Secy. to the Govt. of India.

-1000-

Filed by



- 90 -

ASSAM FOREST SERVICE (CLASS-I) ASSOCIATION  
Date: 12/12/95

MEMORANDUM  
TO SHRI M.F. AHMED, I.F.S., INSPECTOR GENERAL OF FORESTS,  
GOVERNMENT OF INDIA DURING HIS RECENT VISIT TO THE STATE OF  
ASSAM SUBMITTED BY THE ASSAM FOREST SERVICE (CLASS-I)  
ASSOCIATION ON 27.11.1995.

Respected Sir,

I, on behalf of the Members of the Assam Forest Service (Class-I) Association and on my own behalf, convey our heartiest welcome to you on your august visit to our State.

We would beg your kind indulgence to submit few facts related to management of the forests and of man management in the Forest Department in our State in the following few paras :

1. FORESTS :

1.1. That once regarded as a forest rich State, we would painfully submit that the present scenario of Assam forests cannot be termed as rich, in spite of our most sincere endeavours.

1.2. That, very acute unemployment problem due to deficiency in industrial activities; rampant poverty due to poor productivity in agriculture sector accentuated by series of flash floods during the peak agriculture season; large dependence of the population in fringe forest areas not only for meeting their daily requirements but also adopting it as a source of livelihood.

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Advocate.

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maintenance based differential price quotation of timber and other forest products compared to the relatively affluent states; rate of earning a living lost by large groups of educated unemployed youths; generation of unemployment and madding forest against the encroachment of the insurgents; all these factors have adversely affected the status of Assam forests.

1.3. That, the State Forest Department's sincere endeavour is reflected in amendment of Assam Forest Regulation vesting more powers upon forest officers to deal with forest offences; creation of the second battalion of the Assam Forest Protection Force; submission of the draft memorandum for adoption of Joint Forestry Management; but very acute financial constraints have compelled to curtail activities in the forests to a large extent which in turn has become another cause of employment shrinkage leading to encroachment and illicit felling in the forests by the people in the border of poverty line.

1.4. That, the aforementioned reasons for depletion of forests are only a few amongst other social, political and economic reasons.

## 2. MAN-MANAGEMENT IN THE FOREST DEPARTMENT

2.1. That Sir, we would like to say that when joining the department, we could understand that though in the initial stage we could be serving the forest

Advocate.

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Cadre but with a wide scope of getting promoted to the Forest Service and promotions thereafter.

2.2. That Sir, to our utter dismay, we find that though as per rule, a State Forest Service Officer, after 8 (eight) years of continuous service is eligible for promotion to the Indian Forest Service but the ground realities indicate that our future career is absolutely bleak which would be evident from the situation projected in the table below :

TABLE - I

|    |                                                                   |    |
|----|-------------------------------------------------------------------|----|
| 1. | No. of officers worked in S.F.S. Cadre for 20 - 25 years and more | 12 |
| 2. | No. of officers worked in S.F.S. Cadre for 15 - 20 years          | 8  |
| 3. | No. of officers worked in S.F.S. Cadre for 10 - 15 years          | 20 |
| 4. | No. of officers worked in S.F.S. Cadre for 5 - 10 years           | 30 |

2.3. That Sir, this situation has emerged because of following reasons :

2.3.1. Calculation of the promotional posts have been wrongly made without including the number of posts under deputation reserves, leave reserves and training reserves. This point was assailed by the promotee I.F.S. Officers of Madhya Pradesh and West Bengal in their respective Benches of the Central Administrative Tribunals and the Hon'ble Tribunal admitted their prayers and passed judgement in their favour. Inclusion of these posts for calculation of the promotional quota would also have increased availability of the number of posts for recruitment through promotion.

Contd.....

Filed by -

Advocate.

2.4. The promotee I.F.S. officers always come from lack of promotional scope because of the following reasons :

2.4.1. The select list is not prepared annually violating the mandatory provision under rule 3(1) of the Indian Forest Service (Appointment by promotion) Rules, 1966. Because of this, the promoted officers are denied their due seniority even on promotion as provided under rule 3(2)(c) - Explanation 1 of the Indian Forest Service (Regulation of Seniority) Rules, 1968. The situation in the State can be appreciated from the following :

Select list of 1982 was prepared after a gap of long 7 years, i.e. after 1975. After 1982, the select list was prepared during 1987 and 1989, both of which were incomplete as per provision of rule 15 of the Indian Forest Service (Appointment by promotion) Rules, 1966. Then during 1991 and 1992 select lists were prepared but they were annulled in the Gauhati Bench of the Assam Administrative Tribunal because of inherent defects in those select lists. Then during 1994, the Selection Committee for 1992 was re-constituted and a select list prepared. Though the select list was prepared during 1994, promotion was effected only during March, 1995. But it is a matter of great regret that there has been no initiative yet for preparation of the annual select list for 1996 though a vacancy against promotional quota is currently available.

Contd...

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Filed by  
Advocate.

2.4.1. There are large time gaps between sitting of the Selection Committee and notification of the Select List and the appointment of the officers on the select list. More often than not, this delay greatly damage the service prospects of the promoter officers. This ultimately leads to a perpetual feeling of humiliation and frustration of the S.F.S. Officers who get promoted to the I.F.S. at the very end of their service life may create a lot of dampening effect in their drive and initiatives.

3. We would take your kind indulgence in submitting that the status of forest scenario prior to creation of the Indian Forest Service, i.e. during the was perhaps not having the grim look as of to-day. We are sure your esteemed self would appreciate that existence of forests in India can be largely contributed to the sincere and dedicated services of the State Forest Service Officers only and they do not deserve to be neglected and denied their legitimate dues in matters of their service prospects, more so when there has been a special emphasis laid upon involvement of the local people more intimately in conservation and management of forests in the latest Indian Forest Policy.

4. We would further submit before your honour, who is the Cadre Management Authority of the country, that the Members of the Assam Forest Service (Class-I) Association observe with dismay the special treatment offered to the directly recruited I.F.S. Officers when flouting the eligibility criteria at the time of their promotion. Though promotion to senior time-scale is subject to clearance of the departmental examination, in many cases, the members of the Association observed that they are promoted to senior scale without strictly adhering to this rule. One of the direct recruits I.F.S. Officers remained absent without authority for about 10

Filed by -  
Advocate.

year and a half but on joining the department and for hardly a months, he was promoted to Junior. Theoretical completion of a year's calculation. The date of his joining to the Indian Forest Service can be considered as a biased inclination of authorities in favour of the I.F.S. Direct recruits officers.

In view of above facts and in consideration of perpetual sufferings endured by the officers of the State Forest Service, we would fervently pray to your honour to take appropriate steps to improve the lot of the State Forest Service Officers of Andam Cadre by adopting the following corrective measures in the Rules and enforcement of the existing Rules:

1. Immediate preparation of direct recruitment by July-August, 1996 in many promotional posts will become available.
2. Inclusion of deputation, reserve, leave, pension and training reserve computation of correct number promotional posts.
3. Amendment of the Indian Forest Service (Recruitment) Rules by enlarging the promotional quota to 50% of the total strength.
4. Suspension of intake of the direct recruitment of I.F.S. Officers till 2000 A.D. to allow very senior I.F.S. Officers to retire without losing their senior prospects due to disadvantageous year of allotment resulting from direct recruitment intake.

Filed by

Advocate.

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11/09/54  
-96-

In view of availability of a small number of S.P.S. officers, the special training, availing of deputation to Government of India, kindly be created which would also help easing the stagnation of the S.P.S. officers.

We would solicit your kind immediate act up for which the members of this Association shall be ever grateful.

Thanking you.

(H. MOHAJI)  
GENERAL SECRETARY,  
ASSAM FOREST SERVICE (CLASS-1) ASSOCIATION,  
GURAHATI

H. Mohaji

Filed by -  
Advocate.

132  
97-  
DIRECTOR GENERAL OF FORESTS &  
SPECIAL SECRETARY  
GOVERNMENT OF INDIA

NO. 13/166-11/1/97  
November 21, 1997

SIR

During my last visit to Assam, SFS Officers of Assam met me on 11.25 at about 8.00 PM in the circuit house, Guwahati.

They expressed lot of their grievances in service condition and matters. A copy of the representation submitted by them is enclosed herewith. It seems that most of the issues can be solved at State level.

May I request for your personal indulgence to kindly look into matter and do the needful to mitigate their grievances.

With kind regards,

Yours sincerely,

Sd/-

(M.F. ADDED)

As above.

A. Bhattacharya, IAS  
Secretary,  
Guwahati,  
Govt. of Assam.

For necessary action to:

Shri. Harish Sonowal, Commissioner & Secretary, Forest Department, Govt. of Assam, Dispur.

Shri R.N. Hazarika, Principal Chief Conservator of Forests, Dept. of Forests, Govt. of Assam, Guwahati.

(M.F. ADDED)

For information to:

Shri N. Moral, General Secretary, AFS Class I Association, C/o Conservator of Forests, CA Circle, Guwahati, Assam.

Ministry of Environment & Forests, C.G.O. Complex, Lodi Road, New Delhi-110003  
Phone: 4361502 Telex: 66135 DOE IN Fax: 4360673 Gann: PARYAYARAH

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To  
The Commissioner and Secretary,  
Govt. of Assam,  
Forest Department, Dispur,  
Guwahati.

Chief concern of the A.F.S. (Class 4) Association,  
Identification/Naming of cadre posts etc.

- Ref: (1) Our memorandum submitted to the Hon'ble Chief  
Minister, Assam and the discussion held with him  
on 13.11.95.  
(2) Our memorandum submitted to the Director General  
of Forests, Govt. of India on 27.11.95 and his  
letter No.13/1.G.F./P.P.S./95 dtd. 29.11.95  
addressed to the Chief Secretary, Govt. of Assam.  
(3) Govt. of India's Notification no. 6016/2/95-ATs  
(11)-A dtd 9.11.95.

With due respect, I on behalf of the members of the  
Assam Forest Service (Class 4) Association and on my own  
behalf, state the following for your kind perusal and immediate  
necessary action.

(1) That the A.F.S. (Class 4) Association have  
submitted a memorandum to the Hon'ble Chief Minister, Govt. of Assam dtd  
10.9.95 with a copy to you highlighting the various grievances  
of the Association with a request for immediate action of  
the Government in taking appropriate steps.

(2) That the Hon'ble Chief Minister, Govt. of Assam  
kindly discussed the various grievances of the Association  
and requested the Government to take appropriate steps.

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# ASSAM FOREST SERVICE (CLASS-I) ASSOCIATION

MEMO: 17/92

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... Bhawan in his office chamber, with the representative of the Association on 13.11.95. The Hon'ble Chief Minister, Assam was also kind to assure the representative that the matter/issues discussed with him will be examined immediately and appropriate steps will be taken for mitigating the same. The issues discussed with him and represented before the Hon'ble Chief Minister, Assam on 13.11.95 are enclosed herewith for your kind ready reference.

(3) That Sir, the Association also have submitted a memorandum before the respected Inspector General of Forests, Govt. of India on 27.11.95 at the Circuit House, Guwahati during his kind visit to Assam and also discussed the grievances with a request to initiate appropriate steps and measures for removing grievances at once concerning the matters which are also within the period of Ministry of Environment, Govt. of India. The respected Inspector General of Forests are also kind to acknowledge our grievances and assured that he will take up the matters with the concerning authorities at appropriate level specially with the Govt. of Assam. He further opined that, primarily, the state Govt. was responsible and competent to mitigate the very genuine grievances relating to management of SFS personnel including the conditions of service of the members of the Association.

(4) That Sir, we have received a copy of letter No. V/10/195/95 dated 26.11.95 from the respected Inspector General of Forests, Govt. of India addressed to the Chief Secy. Govt. of Assam with a copy to you and the Principal Chief Conservator of Forests, Assam which in the letter mentioned that the Government of India will take up the matters with the concerning authorities at appropriate level specially with the Govt. of Assam.

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submitted to him on 27.11.95, requesting for examining and initiating appropriate steps for mitigating the grievances enumerated in the memorandum.

(5) That Sir, while several memorandum are being submitted to you including representation to the Hon'ble Chief Minister, Assam, but nothing as yet has been done by the authorities to mitigate the grievances of the association members.

(6) That Sir, it has come to the notice of the members that the Govt. of India vide notification No. 16016/2/95-AIS(11)-A dtd 09.11.95 have amended the amended Indian Forest Service (Fixation of Cadre Strength) Seventh Amendment Regulations, 1966 in respect of "Assam and Meghalaya" by amending the existing Indian Forest Service (Fixation of Cadre strength) Regulation, 1966. By this amended notification, the entries occurring under the heading "Assam Meghalaya" have been substituted by, amongst others (for Assam).

Deputy Conservator of Forests (Territorial) - 22 etc. etc.  
Deputy Conservator of Forests (Wild life)  
Deputy Conservator of Forests (Zoo)

(7) That Sir, it has also been learnt that the Govt. have processed steps to identify the divisions to be manned by IFS cadre officers, which is totally against the principle of effective personnel management and best administration in as much as the IFS officers will be deprived of their position in Territorial Divisions, Wild-life Divns etc. of the State Forest Deptt., who have been discharging duties and shouldering

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responsibilities by holding the charge of many of the Divisions since establishment of Forest Department and when posted by the Govt. This is also against the provision of the Rule 11 of the Assam Forest Service (Class I) Rules, 1941. It should be appreciated that these officers belonging to the S.F.S. cadre were primarily responsible for management of forests of the State who are otherwise all eligible for promotion to I.F.S. cadre but for the stagnance created due to mismanagement of S.F.S. personnel under the S.F.S. cadre.

(4) That Sir, it is pertinent to point out that since the posts of officers of S.F.S. cadre and I.F.S. cadre are posted in different Division of the State irrespective of identification/specification of cadre posts for the best administration and management of forests and Wildlife of the State. The S.F.S. officers who are all eligible for promotion to I.F.S. after completion of 8 years of service, discharge the duties and responsibilities are same with those of I.F.S. Officer which in no way are less or inferior to those of I.F.S. Officers. Further, no specific duties or responsibilities are separately vested or identified either for S.F.S. Officers or the I.F.S. Officers. Therefore, any step towards naming the Divisions (Territorial, Wildlife, etc.) for the purpose of identifying them as cadre posts will not only be detrimental to the overall management of forests of the State but also will be a totally discriminatory step towards the management of S.F.S. Personnel.

It is, therefore, earnestly requested that you will be kind to exercise your good offices and in particular to nullify the grounds of the A.S.S. (Class I) Association and

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ASSAM FOREST SERVICE (CLASS-I) ASSOCIATION

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refrain from identifying the post/divisions for the T.P.S. officers and to continue to post all eligible officers, as presently done.

We would solicit your kind immediate intervention for which the members of the Association shall be grateful to you.

Yours faithfully,

(H. MORAL)  
General Secretary,  
Assam Forest Service  
(Class-I) Association  
Gauhati-1.

- 1) P.S. to the Hon'ble Chief Minister, Assam for kind information of the Hon'ble CM.
- 2) Chief Secretary, Govt. of Assam, Dispur Sachivalaya alongwith copies of the above.
- 3) Shri M.P. Ahmed, Inspector General of Forests for his kind information and necessary action.
- 4) The Secretary, Personnel Department, Govt. of Assam, Dispur for kind information & necessary action.
- 5) P.C. of Assam for favour of kind information and necessary action.

(H. MORAL)  
General Secretary,  
Assam Forest Service  
(Class-I) Association  
Gauhati-1.

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MEMORANDUM OF ASSAM FOREST SERVICE (CLASS 1) ASSOCIATION  
GUWAHATI

Memo No. AFS/Gent/553-63

Dated 22nd Nov 1963

To,

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

Sub

Grievances of Assam Forest Services (Class 1)  
Association in matter of (Appointment to I.F.S. by  
promotion etc.

Sir,

Most respectfully, I on behalf of the Assam Forest Service (Class 1) Association beg to lay before your honour the following facts highlighting the long standing hardships faced/suffered by the members of Assam Forest Service (Class 1) as a result of introduction of I.F.S. I want to draw your attention on the historical background vis-a-vis the introduction of IFS over the head of the premier Forest Service i.e. Assam Forest Service.

That Sir, in 1888 under suggestion from the first I.C.S. of India recruitment to I.F.S. (Imperial Forest Service) started and probationers were sent to France and Germany, U.K. for training. This arrangement continue till training started in India in 1928. The training came to a close in 1932 as the forest to become a transferee subject in 1935 with the adoption of Govt. of India Act, 1935.

Recruitment and training for superior Forest Service (subsequently named as A.F.S. Class 1) started in 1938 at Indian Forest College, Dehradun after abolition of Indian Forest Service. The state of Assam, the present North East continued recruitment of officers who made an indelible mark in the Forest Administration of the state and the country.

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2. That Sir, with India attaining Independence in 1947, the major portion of Shyllet District including 50% portion of Reserved Forests was transferred to the state of Pakistan. Now Bangladesh. In 1961, ethnic unrest due to diverse vegetation, culture, local identities and language leading to reorganisation of States on linguistic basis further truncated the territory of Assam. In 1963 and 1972, with the creation of Nagaland (Nagaland Act, 1962), Meghalaya and Mizoram under the North East Areas (Reorganisation) Act, 1971.

2.1 That Sir, Transfer of power of Management of Forest to Autonomous Hill District Councils namely N.C.H.D.C. and Karbi Anglong (1/5th of the total area of State) and Bodoland have reduced the forest areas considerably from the management of the state.

3. That Sir, during 1953, the constitution of New All India Service was amended introducing I.F.S. alongwith two other proposed services. The architect of the constitutional Amendment had in their mind to infuse national character in the Forest Management and taking the Forest administration beyond the realm and influence of individual state and elevating it to national status, there was not the least intention of jeopardising the service prospects of Assam Forest Service (Class-I) officers numbering 77 (seventy seven) at the time of reintroduction of I.F.S. in 1966 without mending the first schedule of Constitution of India when Forest was the state subject.

3.1 That Sir, the Rules making authorities were given full liberty to the initial cadre strength of the I.F.S. In such a way that none of the serving officers and Assam Forest Service recruits suffer adversely due to the reintroduction of new All India Service. In case of state of Assam, Sir, I would submit with a lot of pain that it remained a very pathetic saga for the Assam State Service Officers which would be apparent from the following facts:--

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3.2 Initial recruitment against a total authorised cadre strength of 32 was first made in 1966 without considering the salient features contained in the I.F.S. (Initial Recruitment) Regulation 1966. This led to denial of legitimate claim of the existing eligible members of A.F.S. (Class-1) for induction into the I.F.S.

3.3 The authorities allowed to work a large number of Officers in senior scales of A.F.S. (Class-1) i.e. Deputy Conservator of Forests without being inducted into I.F.S. Further the following posts were not considered for inclusion namely a) post of Technical Expert under Industries Deptt, b) Entire and Conservation Deptt, c) posts in Tourism Deptt, d) Plantation Development Corporation, e) Deputation posts in community and Rural Development etc. etc. This had reduced the scope of induction and subsequent enlargement of cadre substantially.

3.4 The order of initial recruitment because of its inherent defects was annulled and the Hon'ble Guwahati High Court had quashed the order.

3.5 In the process, the S.F.S. Officers belonging to 1982-84, 1983-85, 1984-86 completing the total service length varying from 9 years to 7 years and thereby becoming eligible for getting inducted into I.F.S. senior/ junior scale remained un-absorbed as Deputy Conservator of Forests under Assam Forest Service (Class-1).

3.6 In Assam, initial recruitment started in Oct 1966 and completed during December, 1971 depriving the eligible Officers as mentioned in foregoing para.

3.7 In total disregard to the legitimate claims of as many 17 A.F.S. Officers 3 direct recruits were allowed to join during 1969. This was in gross violation of rule 4(1) of I.F.S. (Recruitment) Rules 1966 which is categorical in expression that

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Only after completion of initial recruitment under rule 4(1) of the aforesaid Rules, the direct recruit (D.R.) could only be inducted under rule 4(2) of the aforesaid Rules.

3.8 While inducting direct recruits, the Govt. of Assam stretched the strength of cadre beyond the authorized strength from 32 to 34 for accommodating the direct recruits.

Though the I.F.S. (Fixation of cadre) Rules, 1968 has a mandatory provision of reviewing cadre strength every third year, during 1969 the cadre was not reviewed i.e. the due year for triennial reviews.

This caused 2nd hardship to A.F.S. Officers as such the scope of inducting the state officers into I.F.S. denied.

3.9 During 1972, the state of Meghalaya emerged and with the sole objective of giving support of I.F.S. cadre Officers to the new state the cadre was revised without giving due weight to the senior posts, under the Govt. of Assam having the status in perpetuity.

This was the third cause of hardships, since by 1972 even 1964-65 A.F.S. batch became eligible to be inducted in the senior time scale of I.F.S. The unkindest cut of all was the Officers who joined between 1961 and 1964 were totally oblivious about ushering of a new service snatching away their promised prospect in service guaranteed under A.F.S. (Class-1) Rules 1942.

3.10 During 1975 the 1st planula was due, but no one showed extreme injustice to the senior A.F.S. Officers belonging to 1961-63 to 1967-69 batches.

This was the fourth instance of injustice to the A.F.S. Officers.

3.11 During 1977 a triennial review was made in the authorized strength of Assam Meghalaya Joint Cadre was increased

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from 39 to 43 only as a result of increased percentage of senior posts under Govt. of India without any reference to ground realities. This led to restriction of promotional quota to the level of only 10 and denial of legitimate claim of A.F.S. (Class-1) Officers, getting inducted into I.F.S., jeopardizing their career prospects.

This is Fifth Instance of injustice to the A.F.S. Officers.

3.12. The I.F.S. (Appointment by promotion) Regulation, 1968 has a mandatory provision under rule 5(1) for Selection Committee Meeting to be convened every year but from 1967 onward no such Selection Committee meeting was convened till 1974.

Non preparation of annual select list deprived the eligible Officers from deriving the benefit of seniority as provided under rule 3 of I.F.S. (Regulation of seniority) Rules, 1968.

This remain a perpetual source of hardships to the A.F.S. Officers.

3.13. The first ever selection committee, 1975 i.e. after a lapse of 9 years from the years of creation of I.F.S. and a select list of only 6 (six) Officers was prepared in violation of rule 5(1) of I.F.S. (Appointment by promotion) Rules, 1968 which should contain the names of not more than the double existing vacancies, but in the instant case the select list contain the members of Officers equal to the number of existing vacancies. This was a denial of fundamental rights and opportunity to the eligible A.F.S. Officers.

This was the ANOTHER cause of injustice meted out to A.F.S. Officers.

3.14. During 1978, a select list was prepared comprising the name of 7 Officers, though the actual vacancy under promotional could.....6

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judicial was stipulated, this shows the debarment of non-Indian non-application of which leading to a different interpretation and discrimination to A.F.S. Officers.

3.15 The next select list was prepared in 1982 after a lapse of 5 years and the cadre was also revised for A.F.S. Joint Cadre.

3.16 The Rule 1 P(1) of L.F.S. (Recruitment) Rules, 1966, prescribed inter-alia for recruitment to L.F.S. by promotion from the substantive members of state forest service and rule 9 of the aforesaid Rules lays down that the numbers of persons recruitment under rule 8 in any state shall not at any time exceed 33.1/3 percent of the number of senior duty posts borne in the cadre of the particular State. Senior posts which in same as senior duty post has been defined in the rule 2(g) of the L.F.S. (Regulation of seniority) Rules 1968 and the same includes and covers items 1, 2 & 5 of the cadre of each state in the schedule to the L.F.S. (Fixation of cadre strength) Regulation 1966.

But in case of Assam and Meghalaya joint cadre while computing of promotional quota in L.F.S. the authority excluded the item no. 5 of the cadre schedule thus depriving quite some of the A.F.S. Officers from getting inducted into L.F.S.

The anomaly was assailed in the case No. TAA 81/88 (K.K. Goswami Vs Union of India) in Hon'ble Central Administrative Tribunal, Jabalpur Bench, during 1988 and the Hon'ble Tribunal admitted the claim of the petitioner and passed judgement with a direction to include 33.1/32 of the deputation reserve post listed in item No. 5 for the purpose of computing the promotional quota. The Govt of India had preferred a SLP bearing No. 1025/87 against the aforesaid judgement to the apex court which was dismissed by its order dated 18.04.88. Even in view of this judgement and the judgement passed by the Hon'ble C.A.T. Calcutta Bench in 1994 on the same impact in computation of promotional vacancies in the cadre schedule of 1995 notified by Govt of India for the Assam & Meghalaya Joint Cadre.

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4. Be it mentioned here that Govt. of India increased numbers of Regular Recruits suddenly during the decade between 1980 and 1990. In the past, large scale induction to I.F.S. was never done as may be seen in the following comparison in Table 1

Table 1: Showing number I.F.S. (R.R. recruited during British period

| No.   | Place of training    | Period    | No. of I.F.S. officers | Remarks  |
|-------|----------------------|-----------|------------------------|----------|
| 1.    | France               | 1867-71   | 25                     |          |
| 2.    | Germany              | 1871-85   | 17                     |          |
| 3.    | Coopers HILL UK      | 1885-1905 | 173                    |          |
| 4.    | Oxford University    | 1905-1927 | 203                    |          |
| 5.    | Cambridge University | "         | 55                     |          |
| 6.    | Edinburgh University | "         | 38                     |          |
| 7.    | Delhradun            | 1926-32   | 14                     |          |
| Total |                      |           | 580                    | 65 years |

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| Sl. No. | No. of Officers | Year of recruitment in A.F.S (Class - I) | No. of years in service |        | Remarks |
|---------|-----------------|------------------------------------------|-------------------------|--------|---------|
|         |                 |                                          | Junior                  | Senior |         |
| 1.      |                 | 1963                                     | --                      | 1      |         |
| 2.      |                 | 1969                                     | --                      | 2      |         |
| 3.      | 3               | 1973                                     | --                      | 3      |         |
| 4.      | 3               | 1974                                     | --                      | 3      |         |
| 5.      | 3               | 1975                                     | --                      | 3      |         |
| 6.      | 20              | 1976                                     | --                      | 20     |         |
| 7.      | --              | 1977-78                                  | --                      | --     |         |
| 8.      | 2               | 1979                                     | --                      | 2      |         |
| 9.      | 3               | 1980                                     | --                      | 3      |         |
| 10.     | 8               | 1981                                     | --                      | 8      |         |
| 11.     | 9               | 1982                                     | --                      | 9      |         |
| 12.     | 1               | 1983                                     | --                      | 4      |         |
| 13.     | 8               | 1984                                     | --                      | 8      |         |
| 14.     | 4               | 1985                                     | --                      | 4      |         |
| 15.     | 5               | 1988                                     | --                      | 5      |         |
| 16.     | 21              | 1987                                     | /                       | 14     |         |
| 17.     | 15              | 1988                                     | 15                      |        |         |
| 18.     | 1               | 1989                                     | 1                       |        |         |
| 19.     | --              | 1990                                     | 1                       |        |         |
| 20.     | --              | 1991                                     | 1                       |        |         |
| 21.     | 42              | 1992                                     | 42                      |        |         |
| 22.     | 4               | 1993                                     | 4                       |        |         |

Further, I would like to draw your kind attention on the recommendations of fourth pay commission (which the pay of mission, Assam, 1988 also relieved) that

"The pay should be sufficient and satisfactory enough to motivate the employee for the efficient performance of his duties and responsibilities with sense of rectitude".

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"There should be a pronounced objective and well defined policy of Promotion".

"The effort should be to generate in employees a pervading feeling that he is serving an employer which has a genuine desire to look after him not only during the tenure of his employment but thereafter also." (7.52)

It is clearly evident that during British period when the territory of India included the territories of present Pakistan and Bangladesh and Burma (upto 1926) the Govt. recruited 580 IFS officers over a period 65 years but after partition with loss of territorial areas, the Govt. hurriedly recruited 2600 IFS officers (including 1700 RR) in just over a period of 24 years (1968-94).

5. Due to facts and circumstances narrated above, I would most humbly submit that the very senior officers of AFS (Class-1) are languishing at this stage for periods varying from 1973 to 1993.

Now Sir, participatory Management of Forest between state & the union has to be accepted under circumstantial compulsion. In such concept, participation of local officer as grown in the same tradition and culture can only restore the confidence of the people. On this count alone the percentage of local officer in the IFS cadre should be 75% if not more. Be it mentioned here that Lee Commission way back in 1923-24 while recording evidence on Forest education vis-a-vis recruitment, IFS recommended that recruitment should be 75% Indians and 25% Europeans. The recommendation was made at a time when there was no sign India getting independence. Since officer of State Forest service is inducted in the IFS after a tough scrutiny of proved merit and efficiency in theory and practical vis-a-vi field and office works leaving aside the initial comparative rough arduous training and since the IFS is meant to be supervisory service supervising the work of trained personnel

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the proportion of IFS should be considerably low. It was on this very principle the initial cadre was fixed even leaving some of the posts of DCF, Incharge Divisions for the AFS (Class-I) without including them in the IFS cadre.

In view of Unprecedented hardships and neglect, discrimination and apathy.

narrated above, I on behalf of the members of the AFS (Class-I) Association with due difference submit to your benign self to

the following relief to redress the Cumulative hardships suffer in over two and half decades of service prospect by the AFS officers.

1. Imposition of an embargo against direct recruit against the Assam and Meghalaya joint cadre till 2005 A.D.

2. Immediate inclusion of 33.1/3% of not only item No.5 but also 6 while computing the promotion quota for Assam and Meghalaya joint cadre.

3. Immediate selection Committee for preparation of select list starting from the base year i.e. year of reintroduction of IFS.

4. Increase of 33.1/3% of senior duty post to 75% under promotional quota to rationalise the principle of inclusion of local talent with the national human resource for augmenting the status of forest conservation and management jointly by the state and centre and also translating the latest approach enshrined in the National Forest Policy, 1988.

Yours faithfully,

(NIJAMANI MORAL)  
General Secretary,  
Assam Forest Service  
Class-I Association  
GUWAHATI

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