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

(DESTRUCTION OF RECORD RULES, 1990)

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disposed date-13/02/2002

O.A.T.A No. 461/2001  
R.A/C.P.No.  
E.P/M.A No. 7/2002

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Application No. 461 /2001

Applicant(s) :- Amit Saha

Respondant(s) :- CCOT & ORS.

Advocate for the Applicant :- Mn B.K. Sharma S. Sharma,  
U.K. Goswami.

Advocate for the Respondant :-

C.G.S.C.

Notes of the Registry

Date

Order of the Tribunal

29.11.01

Heard Mr.B.K.Sharma, learned counsel  
for the applicant.

The application is admitted. Call for  
the records.

Issue notice as to why the order  
dated 20.11.2001 transferring and posting  
the applicant from Divisional Forest  
Officer, Aie-Valley Division, Bongaigaon  
to Deputy Conservator of Forest, attached to  
C.F., Lower Assam (S.F.) Circle shall not be suspended.  
Returnable by three weeks.

Mrs.M.Das, learned counsel for the  
State of Assam, accepts notice on behalf  
of respondent nos. 1 and 2 as well as Mr.  
A.K.Choudhury, learned Addl. C.G.S.C.,  
accepts notice on behalf of respondent no.  
3. The applicant take steps of service of  
notice to the respondent no.4.

List on 24.12.01 for further order.

In the meantime, the operation of the  
the order dated 20.11.2001 shall remain  
suspended.

Member

Vice-Chairman

mb

This is application in form  
C. F. for Rs. 50/- deposited  
vide IPD/No. 64/740216  
Dated .... 28/11/2001

Dr. Registrar 28/11/2001

4 copies filed.

NS  
28/11/2001

Pl comply order  
dated 29-11-2001.

NS  
28/11/2001

Respondent No. 3 Notice  
received by No. A.K. Choudhury -  
Addl. C.G.S.C.

ACGSC  
4/12/01

Received copy of original  
application no - 461 of 2001

Kunji Hazari.

Respondent no. 4.  
4/12/2001

Recd copy of  
O.A. No 461/01  
Manjula Das

Advocate  
5/12/01

Services Completed  
5/12/01

Order dtd. 24/12/01  
Communicated to the  
Parties Counsel.

On  
9/1/02

Appearance filed by  
Mr A.K. Choudhury,  
Addl. Counsel.

NS  
16/01/02

No. 103 has been  
filed.

21/1/02

21/01/02

W/s has been filed  
on behalf of the  
R-4 at P-75-81

NS  
21/01/02

M.M. Das, learned  
counsel for the govt. of  
Assam submitted

a file bearing no. - FR/68/201  
before the Court.  
A.K. Das  
21/1

29.1. Heard Mr B.K. Das, learned Counsel  
for the applicant, & Mrs M. Das, learned  
counsel for the govt. of Assam,  
Mr G. V. 218, learned Counsel for the  
respondent no. 4 & Mr A.K. Choudhury  
Addl. C.G.S.C.

Heard Concluded.

Judgment reserved.

NS  
A.K. Das  
29/1

List on 22.1.2002 to  
enable the respondents to file  
written statement.

Interim order 29.11.01  
shall continue.

Member

IC Choudhury  
Member

Vice-Chairman

Vice-Chairman

mb

11.1.02 List on 22.1.02 alongwith  
A.P.No.7 of 2002.

Vice-Chairman

22.1.02 Respondent No.4 has already filed  
the written statement. The State of  
Assam is yet to file written statement.  
The matter may now be posted for hearing  
on 29.1.2002 as agreed by the learned  
counsel for the parties. Before the date  
of hearing the State respondents may  
file written statement. The applicant  
may also file rejoinder, if any, before  
the date of hearing. On that day the  
learned counsel for the State of Assam  
is requested to produce the records.

List on 29.1.2002 for hearing.

A copy of the order may furnish to  
the learned counsel for the respondents.

Member

Vice-Chairman

13.2.2002

Judgment pronounced in open court, kept  
in separate sheets. The application is allowed.  
No order as to costs.

1 C 1 U Shan  
Member

  
Vice-Chairman

nk m

Received CM  
10/2/02

Recd. copy  
H.K. Chandel  
H.K. Chandel  
20/2/02

8.3.2002

Copy of the Judgment  
has been sent to the  
office for issuing the  
order to the applicant  
as well as to the  
Dist. Adv. Assn.

H.P.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 461 of 2001

Date of Decision. 13.2.2002

Shri Amit Sahai, IFS

Petitioner(S)

Mr B.K. Sharma, Mr S. Sarma and

Mr U.K. Goswami

Advocate for the  
Petitioner(s)

Versus-

The Union of India and others

Respondent(s)

Mr A.K. Choudhury, Addl. C.G.S.C.

Mr Gautam Uzir, Mr S.K. Medhi, Mr M. Ahmed,

Dr Y.K. Phukan, Sr. Government Advocate, Assam and

Advocate for the  
Respondent(s)

Mrs M. Das, Government Advocate, Assam.

THE HON'BLE

MR JUSTICE D.N. CHOWDHURY, VICE-CHAIRMAN

THE HON'BLE

MR K.K. SHARMA, ADMINISTRATIVE MEMBER

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

Judgment delivered by Hon'ble : Vice-Chairman

Yes

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.461 of 2001

Date of decision: This the 13th day of February 2002

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

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

Shri Amit Sahai, IFS  
Divisional Forest Officer,  
Aie Valley Division, Bongaigaon,  
Dist.- Bongaigaon, Assam.

.....Applicant

By Advocates Mr B.K. Sharma, Mr S. Sarma and  
Mr U.K. Goswami.

- versus -

1. The State of Assam, represented by the  
Chief Secretary,  
Dispur, Guwahati.
2. The Secretary to the Government of Assam,  
Department of Forest,  
Dispur, Guwahati.
3. The Union of India, represented by the  
Secretary to the Government of India,  
Ministry of Environment and Forests,  
New Delhi.
4. Shri Kunja Hazarika, DCF,  
attached to the Conservator of Forests,  
Lower Assam Social Forestry Circle, Bongaigaon.

.....Respondents

By Advocates Mr A.K. Choudhury, Addl. C.G.S.C.,  
Mr Gautam Uzir, Mr S.K. Medhi and Mr M. Ahmed,  
Dr Y.K. Phukan, Sr. Government Advocate, Assam and  
Mrs M. Das, Government Advocate, Assam.

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O R D E R

CHOWDHURY. J. (V.C.)

This application under Section 19 of the Administrative Tribunals Act, 1985 has arisen and is directed against the order dated 20.11.2001 transferring and posting the applicant as Deputy Conservator of Forests attached to the Conservator of Forests, Lower Assam Social Forestry Circle, Bongaigaon. A thumbnail sketch, relevant for the purpose of adjudication of the O.A. is summed up below:

The applicant is a member of the Indian Forest Officer (IFS for short), recruited under Section 7 of the IFS (Recruitment) Rules, 1966

read with Section 8 of the IFS (Appointment by Competitive Examination) Regulations, 1967, allocated to the Assam Wing of the Assam-Meghalaya Joint Cadre. The applicant, on his return from Central deputation, by order dated 9.8.2000 was posted as Divisional Forest Officer, Aie Valley Division, Bongaigaon. The said order was modified by order dated 6.9.2000 and he was appointed as Divisional Forest Officer, Western Assam Afforestation Division on temporary basis and posted at Manikpur. By order dated 11.6.2001 the applicant thereafter was transferred and posted as Divisional Forest Officer, Aie Valley Division, Bongaigaon. By the same order the respondent No.4 was also transferred and posted as Deputy Conservator of Forests attached to the Conservator of Forests, Lower Assam, Social Forestry Circle, Bongaigaon. It was stated that the order of transfer dated 11.6.2001 was challenged in W.P.(C) No.4193 of 2001 and by order dated 15.6.2001 the said application was dismissed. The matter was further assailed in Writ Appeal No.219 of 2001 against W.P.(C) NO.4193/2001 and by order dated 13.9.2001 the said Writ Appeal was also dismissed. By the impugned order dated 20.11.2001 the respondent No.1 passed the following order transferring and posting the applicant and respondent No.4 in the respective places as indicated by the Joint Secretary, Government of Assam:

"NO.FRE.68/2001/15 : Shri K. Hazarika, Deputy Conservator of Forests, attached to the Conservator of Forests, Lower Assam Social Forestry Circle, Bongaigaon is in the interest of public service transferred and posted as Divisional Forest Officer, Aie-Valley Division, Bongaigaon with effect from the date he takes over charges vice Shri A. Sahai, IFS, transferred.

NO.FRE.68/2001/15-A : Shri A. Sahai, IFS, Divisional Forest Officer, Aie-Valley Division, Bongaigaon is in the interest of public service is transferred and posted as Deputy Conservator of Forests attached to Conservator of Forests, Lower Assam (SF) Circle, Bongaigaon with effect from the date he takes over charge vice Shri K. Hazarika, Deputy Conservator of Forests transferred."

The legality of the aforesaid order is thus challenged in this proceeding as arbitrary, discriminatory and unlawful and violative of Article 14 of the Constitution of India.

2. The respondent Nos.1, 2 and 4 contested the case. The respondent Nos.1 and 2 in their written statement filed through the Joint Secretary, Government of Assam, Forest Department, denied and disputed any impropriety in passing the impugned order of transfer. In para 8 of the written statement the respondent Nos.1 and 2 stated that some proposals were made by the State Government for the triennial review of the IFS Cadre including the Aie-Valley Division in the senior scale. The Government of India by Notification dated 9.11.1995 earmarked 22 out of 33 Territorial Deputy Conservator of Forests posts for cadre officers. The State Government, however, has not, so far, made any Division-wise identification of 22 posts of Territorial Divisions for cadre officers (IFS).

3. The respondent No.4 submitted a separate written statement opposing the claim of the applicant. The respondent No.4 refuted the claim of the applicant that the post of Divisional Forest Officer, Aie-Valley Division is a cadre post. The respondent No.4 in the written statement contended that the order of transfer was made bonafide in the public interest. It was also contended that the power to transfer is totally vested on the employer and unless the order is patently malafide or unlawful, such order is not the subject matter of judicial review.

4. We have heard Mr B.K. Sharma, learned Sr. counsel assisted by Mr S. Sarma and Mr U.K. Goswami, on behalf of the applicant, Mrs M. Das, learned Government Advocate, Assam, Mr Gautam Uzir, learned counsel for the respondent No.4 and also Mr A.K. Choudhury, learned Addl. C.G.S.C., at length.

5. Mr Gautam Uzir, learned counsel for the respondent No.4, time and again reminded us of the constriction and restriction of judicial review in the area of exercise of discretionary power. Indubitably, transfer of an officer from one place to another is in the domain of the employer, pointedly mentioned by Mr Uzir. Judicial review is not an appeal in disguise. Mr Uzir also contended that an order of transfer is not to be lightly interfered while exercising jurisdiction under Section 19 of the Administrative Tribunal Act, 1985. The learned counsel for that purpose also referred to the decision of the Supreme Court in the case of State

Bank of India Vs. Anjan Sanyal and others, reported in (2001) 5 SCC 508.

6. There cannot be any demurral on the proposition put forward by Mr Uzir and the Tribunal while exercising the power under Section 19 of the Administrative Tribunals Act is required to conform to the accepted policies and principles pertaining to judicial review. Judicial review is not an appeal against the merits of the decision. It is only meant to be exercised basically for upholding the rule of law and to keep going the constitutional norms or to maintain the constitutional <sup>standards</sup> norms. An officer of the Government cannot claim any vested right to any particular post and a member of the All India Service is expected to serve anywhere in India. As alluded, transfer and posting of officers indubitably is a Governmental business belonging to a discretionary area. The Constitution, the lex supreme, however, defined the parameters of power. All power has its legal limits. Discretionary exercise of power must also emit from a legal pedigree. Unfettered discretion is what the Courts refuse to countenance. Discretionary power is to be exercised for valid and lawful purpose. The applicant belongs to the All India Forest Service. He can only be posted to a cadre post as enjoined under the IFS (Cadre) Rules, 1966. The IFS (Cadre) Rules, 1966, the IFS (Pay) Rules, 1968 and all the cognate Rules are meant to provide a safeguard to the members of the Indian Forest Service. The Rules are intended to ensure that a member of the IFS is not elbowed out to a non-cadre post which is inferior in status and responsibility. The statutory framework is devised, devising a potent palladium against unjust, unreasonable and unequal treatment from the administration. The jurisprudential motif is demonstrated in the decision rendered by the Supreme Court of India in E.P. Royappa Vs. State of Tamil Nadu, reported in AIR 1974 SC 555; T.N. Administration Service Officers' Association and others Vs. Union of India, reported in (2000) 5 SCC 728.

7. All appointments and postings in the cadre posts are to be made by the State Government through the officers of IFS Cadre. The Scheme of All India Services, Act, 1951 read with the rules clearly speaks

of.....

of manning the important posts in the administration of the State. Statutorily, these officers are protected from postings in any insignificant post. By statutory mechanism the Central Government is entrusted with the responsibility of identifying such posts and to identify in the cadre. Admittedly, the post of Deputy Conservator of Forests attached to the Conservator of Forests cannot be said to be a cadre post. At any rate, the post of Deputy Conservator of Forests attached to the Conservator of Forests cannot be said to be equivalent to the post of Divisional Forest Officer in the Aie-Valley Division, Bongaigaon. As per IFS (Pay) Sixth Amendment Rules, 1995 there are 22 posts of Deputy Conservator of Forests. In the Territorial Division, one post of Deputy Conservator of Forests is for Assam State Zoo and two posts of Deputy Conservator of Forests are for Wildlife. There is no such cadre post of Deputy Conservator of Forests attached to the Conservator Forests. It may also be mentioned that in the order of the Governor dated 11.6.2001 under the signature of the Principal Secretary, Government of Assam, Forest Department, pursuant to the order of the High Court, the State Government pointed out that the post of Divisional Forest Officer, Territorial, Aie-Valley Division is one of the 33 posts of Territorial Division, of which 22 were reserved for IFS officers. The same order also indicated that at the relevant time there were only 9 IFS officers in these posts and the said fact was highlighted by the Director General of Forests and Special Secretary, Ministry of Environment and Forests by communication dated 27.4.2001 addressed to the Chief Secretary. The State Government accordingly took a conscious decision by the aforesaid order not to post the respondent No.4 in the post of Divisional Forest Officer, Territorial, Aie-Valley Division. Mr Gautam Uzir, learned counsel for the respondent No.4, however, contended that there is no bar for the Government to change the view on a lapse of time. As such there is no prohibition, but then, here is a case where the Government took a conscious decision not to post the officer concerned and no overwhelming reasons are ascribed for change of its opinion. At least no materials were furnished to show that there was change of circumstances after the aforesaid.....

aforesaid order dated 11.6.2001 was passed. In our view, in the circumstances, the posting of the applicant as Deputy Conservator of Forests attached to the Conservator of Forests is contrary to the statutory provisions enjoined in the Cadre Rules and IFS Pay Rules.

8. As alluded earlier the applicant took over charge of the post of Divisional Forest Officer, Aie-Valley Division only on 4.7.2001. Hardly four months after, the impugned order of transfer dated 20.11.2001 was issued scuttling the tenure of the applicant. It is the State Government which has laid down its policy fixing a normal tenure of three years. Mr Uzir submitted that it was only a guideline and not a statutory instrument. Admittedly, the rules contain a mandatory flavour. Executive policies are meant for guidance. Guidance are also meant to be obeyed. Such policy guidelines generated expectation conferring some benefits. A Government servant legitimately expects that those policies are to be followed. The rule of legitimate expectation is founded on basic principles of justice and fair play. Legitimate expectations are not to be readily thwarted. The safeguard of legitimate expectation has its root in the constitutional principle of rule and law that calls for legality, regularity, predictability and certainty in the government dealings. The expectation cannot endure for all times. It can, ofcourse be revoked either by express or implied representation. It can also be superseded. We were not made aware that the policy of tenure posting had ever been superseded. A policy formulated can be departed from, but there must be some good and weighty reasons. No justifiable reasons are ascribed as to why in this fashion the applicant's tenure of posting at Aie-Valley Division had to be brought to an end abruptly and despatch him to a nondescript post four months after his assignment.

9. Mrs M. Das, learned Government Advocate, Assam appearing on behalf of respondent Nos.1 and 2 promptly referred to the orders by the Governor dated 20.11.2001 mentioning that the transfer was made in the interest of public service. Mr Uzir added that transfer

is.....

is an incident and condition of service and such orders are passed in the public interest and efficiency of public administration. As pointed out earlier, there is no dispute on the principle of transfer. No Government servant or employee has a legal right for being posted in a particular place. Transfer of a public servant made on administrative ground or in public interest is not to be interfered with unless there are strong and pressing ground rendering the transfer order illegal on the violation of statutory rules or on the ground of malafides. We have already discussed the matter in the preceding paragraphs and reached the conclusion that the transfer order was made contrary to the statutory provisions. However, to consider the plea of the respondents that the transfer was made in public interest, we called for the records. On perusal of the records it transpired that the Hon'ble Minister, Forests/HAD etc. sent the Memo No.M/HAD/F/M/19/2001 dated 16.10.2001 addressed to the Secretary, Forests. By the said communication the Hon'ble Minister issued the following instruction:

"The transfer and posting of the following Officers may please be made with immediate effect in the interest of public service.

<u>From</u>	<u>To</u>
1) Shri Kunja Hazarika, DFO (SF), attached to office of the C.F., Bongaigaon.	AS DFO, Aie Valley Division in place of Shri Amit Sahai.
2) Shri Amit Sahai, DFO, Aie Valley Division, Bongaigaon	As DFO (SF) in place of Shri M. Kalita, DFO (SF), Bongaigaon.
3) Shri M. Kalita, DFO (SF), Bongaigaon.	As DFO, attached to office of the C.F., Bongaigaon in place of Shri Kunja Hazarika.

Please arrange to put up in the file at the earliest.

Sd/- 16/10

Minister, Forest/HAD, etc., Assam."

The matter was processed and the office endorsed the file to the Joint Secretary. In the note it was indicated that none of those officers had completed three years in their present place. It also mentioned

about.....

about the cases and counter cases filed by the parties. Subsequently, it appears that the file was taken back in order to put up another note from the Hon'ble Minister. It appears from the file that the instruction sent by the Hon'ble Minister on 16.10.2001 was subsequently modified. The following note was sent to the Secretary, Forests by the Hon'ble Minister bearing No.M/F/HAD-01 dated 22.10.2001:

"Please refer my note NO.M/HAD/F/M/19/2001 dated 16th October, 2001 regarding transfer and posting of 3(three) DFOs. The proposal has been slightly modified as below:

From	To
1) Shri Kunja Hazarika, DFO (SF), attached to office of the C.F., Bongaigaon	As DFO, Aie Valley Division in place of Shri Amit Sahai
2) Shri Amit Sahai, DFO, Aie Valley Division, Bongaigaon	AS DFO, attached to office of the C.F., Bongaigaon in place of Shri Kunja Hazarika.
3) Shri M. Kalita, DFO(SF), Bongaigaon.	Remain unchanged.

The transfer proposal of Shri M. Kalita, DFO(SF) Bongaigaon may be dropped at present as he has completed one and half year only in present place of posting."

The file was processed again. In the note it was mentioned that both the officers did not even complete one year at the present place of posting. It was also stated that Shri Sahai was a cadre officer and the post of DCF attached to the C.F. was a non-cadre post. The transfer may again invite litigation. The Joint Secretary put up the note before the Secretary. The Joint Secretary in his note mentioned that Shri A. Sahai joined as DFO, Aie-Valley on 4.7.2001 and Shri K. Hazarika as DFO attached to C.F., LA SF Circle, Bongaigaon on 17.9.2001. None of the officers were due for transfer from the respective place of posting. Such premature transfer did not seem to be desirable from the administrative point of view. It also mentioned that dismissal of the Writ Appeal of Shri K. Hazarika by the High Court vide order dated 13.9.2001 in W.P.(C) No.4193 of 2001. The Joint Secretary in his note dated 16.11.2001 accordingly advised not

to.....

to transfer Shri A. Sahai from the present post. The Secretary put up his note before the Minister of Forests for dropping the above proposal for transfer of Shri K. Hazarika. The file was put up before the Hon'ble Minister and he stuck to his gun and ordered accordingly on 19.11.2001 to transfer Shri K. Hazarika, DCF attached to C.F., Lower Assam SF Circle, Bongaigaon and posted to Aie-Valley Division, Bongaigaon vice Shri A. Sahai, DFO and transfer Shri A. Sahai as DCF attached to C.F., Lower Assam SF Circle, Bongaigaon.

10. From the above it thus appears that the office put up the note indicating the fact that both the officers did not complete their tenure of service. The office note also indicated that it was not desirable from the administrative point of view. Mere recital of public interest will not turn a transfer and posting as a transfer on public interest. It must genuinely be in the interest of public administration. Public interest is not for any particular person. It connotes matters which concern some public good and public interest. As per the Government policy an officer is entitled to station posting normally for three years and as a matter of fact the Hon'ble Minister modified his own order by dropping his proposal for transfer of Shri M. Kalita, DFO(SF), Bongaigaon since he completed only one and half years at the place of posting. On the other hand both the officers who were transferred did not even complete one year in their respective place of posting. One served for about four months and the other was attached to the office of C.F., Bongaigaon on 17.9.2001. It seems the persons were transferred by indiscriminate use of power instead of considering the cases on their own merits. In its decision making process the authority who was entrusted and reposed with the power and trust neglected the relevant consideration and took into consideration extraneous considerations. The materials on record, more particularly on the face of the pleadings of the District Authority, namely the Deputy Commissioner, Bongaigaon, the Principal Chief Conservator of Forests, Assam and the Chief Conservator of Forests, Territorial,

Assam .....

Assam speaks that the transfer was made other than the public interest. The Deputy Commissioner, Bongaigaon by his communication dated 22.11.2001 addressed to the Secretary, Government of Assam, Forest Department requested the authority to retain the officer at Aie-Valley Division in the public interest. The Principal Chief Conservator of Forests while forwarding the representation of the applicant to the Secretary, Government of Assam vide communication dated 23.11.2001 specifically mentioned that the transfer at that stage was not suggestible. The Principal Chief Conservator of Forests also mentioned the Government Notification dated 11.6.2001 that had specified the post was born in the IFS Cadre and posting a SFS Cadre officer in that cadre was not appropriate. The Chief Conservator of Forests, Territorial Division by his communication dated 27.11.2001 addressed to the Principal Chief Conservator of Forests with copy to the Secretary, Government of Assam, Forest Department also put his caveat that the transfer of the applicant at that stage at a short interval was not only humiliating for him, but also demoralising which will act as a deterrent in the protection of Forests. Indiscriminate and inconsistent use of power also amounts to abuse of discretion, particularly when undertakings or statements of intent are are disregarded unfairly or contrary to legitimate expectation of the officer. The core of Articles 14 and 16 is equality before the law and inhibition against discrimination. Public act must be based on valid and relevant principles applicable equally in all similar situations and it should not be guided by extraneous and/or irrelevant considerations, else it will amount to denial of equality. Where the State action appears to be not legitimate and relevant and the same is used outside the area of permissible considerations it will, undoubtedly amount to malafide exercise of power and thus violative of Articles 14 and 16. Malafide exercise of power and arbitrariness emanates from the same vice. One embraces the other. On the facts and circumstances of the case

the.....

the decision of the Supreme Court in State Bank of India Vs. Anjan Sanyal and others (Supra) is not applicable in the instant case.

11. We have also considered the contention of the learned Government Advocate, Assam and Mr Uzir appearing on behalf of the respondents to the effect that by the Rules of Business the Minister is entrusted with all the executive functions in the Forest Department under Clause (3) of Article 166 of the Constitution of India. The Minister is, no doubt the Head of the Department and is free to exercise discretion. But, in the Constitutional panorama the Minister is not entitled to use his discretion in such a way as to stymie the policy of the statute. This is the theme of legal authority broadly delineated in Padfield Vs. Minister of Agriculture, Fisheries and Food, reported in (1968) AC 997. Lord Reid, in the above case, inter alia, observed in his speech - "Parliament must have conferred the discretion with the intention that it should be used to promote the policy and objects of the Act. That policy and object of the Act must be determined by construing the Act as a whole and construction always a matter of law for the Court. In a matter it is not always possible to draw hard and fast line, but if the Minister by reason of his having misconstrued the Act or for any other reason, so used his discretion to thwart or run counter to the policy and object of the Act, then our law would be very defective if the persons aggrieved were not entitled to protection of the Court." In the same case Lord Upjohn observed that the Minister stated reasons showing a complete misapprehension of his duties and were bad in law. Indian Constitution is more clear on this aspect. In the instant case the Hon'ble Minister while issuing the instructions to the Secretary, Forests, for transfer and posting of the applicant and the respondent No.4, obviously disregarded the relevant considerations and took into consideration irrelevant considerations. The policy guidelines for station posting equally governs the decision maker.

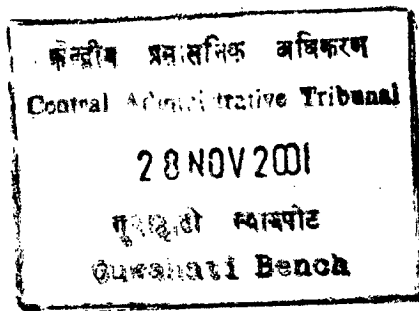
12. We are not impressed with the other contention of Mr Uzir that the application under Section 19 of the Administrative Tribunals Act, 1985 is not maintainable wherein the applicant questioned the transfer and posting of a State Forest Officer. Mr Uzir contended that the Tribunal's jurisdiction is delineated in Section 14 of the Act and since the matter involves transfer and posting of a State level officer the Tribunal is not the competent forum for adjudication. Section 14 of the Act conferred jurisdiction on the Central Administrative Tribunal in relation to recruitment and matters concerning recruitment to any All India Service as well as all service matters concerning a member of any All India Service. The applicant in the instant case is basically concerned with his transfer and placing him into a non-cadre post and for protection of his right as a Member of All India service is entitled to invoke jurisdiction of the Central Administrative Tribunal.

13. On consideration of all the aspects of the matter we set aside and quash the order No.FRE.68/2001/15-A dated 20.11.2001.

14. The application is accordingly allowed. There shall, however, be no order as to costs.

  
( K. K. SHARMA )  
ADMINISTRATIVE MEMBER

  
( D. N. CHOWDHURY )  
VICE-CHAIRMAN



THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH  
GUWAHATI

O.A. No. 461 of 2001

Shri Amit Sahai

... Applicant

- Versus -

Union of India & Ors.

... Respondents

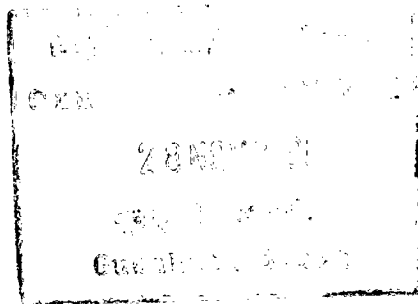
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Filed by :

Advocate

U K Guzman



Filed by:  
the Applicant  
through  
Ujjal K. Gowan.  
Advocate  
28-11-2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

D.A. No. \_\_\_\_\_ of 2001

BETWEEN

Shri Amit Sahai, IFS  
Divisional Forest Officer, Aie  
Valley Division, Bongaigaon,  
Dist.-Bongaigaon, Assam.

... Applicant

AND

1. The State of Assam, represented by the Chief Secretary, Dispur, Guwahati-6.
2. The Secretary to the Government of Assam, Department of Forest, Dispur, Guwahati-6.
3. Union of India, represented by the Secretary to the Government of India, Ministry of Environment & Forests, Paryabaran Bhawan, CGO Complex, Lodhi Road, New Delhi,
4. Shri Kunja Hazarika, DCF, attached to the Conservator of Forests, Lower Assam Social Forestry Circle, Bongaigaon.

... Respondents

DETAILS OF APPLICATION

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

The present DA is directed against a Notification issued under Memo No. FRE.68/2001/15-A dated 20.11.2001 issued purportedly under order of the Governor and signed by the Joint Secretary to the Government of Assam, Forest Department.

2. JURISDICTION OF THE TRIBUNAL :

The Applicant declares that the subject matter of

*Amit Sahai*  
*[Signature]*

the application is within the jurisdiction of this Hon'ble Tribunal.

**3. LIMITATION :**

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

**4. FACTS OF THE CASE :**

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

4.2 That the Applicant is a direct recruit IFS Officer and is allocated to the Assam Wing of the Assam-Meghalaya Joint Cadre. His wife Dr. (Smti) Alka Bhargava is also an IFS officer belonging to the same cadre. Both of them belong to the 1987 batch of direct recruits. The Respondent No. 4 is a State Forest Service Officer.

4.3 That the Applicant alongwith his wife was sent on Central Deputation in December, 1993 and they were posted at Tropical Forest Research Institute, Jabalpur, in the State of Madhya Pradesh. They remained on deputation upto 31.5.2000 and thereafter they were repatriated to their parent cadre.

4.4 That the Applicant alongwith his wife reported on 3.7.2000 before PCCF, Assam for their posting after availing terminal leave in addition to their joining


time. However, they were not given any posting till 9.8.2000 when the Government of Assam issued a Notification under Memo No. FRE.1/2001/136-C by which the Applicant was posted as DFO, Aie Valley Division, Bongaigaon. However, before the Applicant could take over charge formally, the Government of Assam in the Forest Department was pleased to issue a Notification dated 6.9.2000 staying the transfer of the earlier incumbent at Aie Valley Division until further order and the Applicant was given temporary posting as DFO Western Assam Afforestation Division, Manikpur.

Copies of the Notifications dated 9.8.2000 and 6.9.2000 are annexed as Annexure-1 and 2 respectively.

4.5 That the Applicant could join at Manikpur 11.10.2000 only since the incumbent there was reluctant to hand over charge. Thereafter, by a Notification dated 11.6.2001, the Applicant was given posting as DFO, Aie Valley Division, and he assumed charge of the post 4.7.2001.

A copy of the Notification dated 11.6.2001 is annexed as Annexure-3.

4.6 That the Applicant states that the Respondent No. 4 was transferred and posted as DFO, Aie Valley Division, Bongaigaon by a Notification dated 5.3.2001 and the incumbent at Aie Valley Division was transferred to Guwahati. However, the said transfer Notification was stayed by another Notification dated 17.3.2001. The Respondent No. 4 being aggrieved by such stay of his



transfer, approached the Hon'ble Gauhati High Court by filing a writ petition being WP(C) No. 2111/2001 and the Hon'ble Court was pleased to stay the Notification dated 17.3.2001.

4.7 That pursuant to the said stay order dated 23.3.2001, the Government of Assam in the Forest Department was pleased to issue a Notification dated 29.3.2001 reviving the earlier order of transfer dated 5.3.2001. Being aggrieved by the said Notification, the incumbent at Aie Valley Division preferred writ petition being WP(C) No. 2422/2001. Both the writ petitions i.e. the one preferred by the Respondent No. 4 herein and the then incumbent at Aie Valley Division Shri K.N. Barman were taken up for disposal and was disposed off with the order that both the writ Petitioners were at liberty to file fresh representations in respect of their cases and the appropriate authority was to decide the matter as per their wisdom and the exercise was to be carried out within one month.

A copy of the said order dated 4.4.2001 is annexed as Annexure-4.


4.8. That the Applicant states that amidst the aforesaid litigations and issuance of Notification etc., the official Respondents had totally forgotten about the case of the Applicant in whose case it was only a temporary transfer to Manikpur from his earlier posting at Aie Valley Division. In the said litigations

the Applicant was not a party.

4.9 That the Government of Assam in the Forest Department was pleased to deal with the representations of both the writ Petitioners mentioned above and the same were disposed off by an order dated 11.6.2001 holding interalia that the posting of the Respondent No. 4 at a territorial Division like Aie Valley Division would not be appropriate and that the Aie Valley Division is meant for only IFS Officers being a cadre post. Likewise, the claim of Shri K.N. Barman, DFO, Aie Valley Division, was also rejected by the said order dated 11.6.2001. Alongwith the passing with the said order, a Notification dated 11.6.2001 was issued posting the Applicant as DFO, Aie Valley Division and the Respondent No. 4 was transferred to his present post.


A copy of the order dated 11.6.2001 is annexed as Annexure-5.

4.10 That the Respondent No. 4 being aggrieved by the said order dated 11.6.2001 once again approached the Hon'ble Gauhati High Court by filing a writ petition being WP(C) No. 4193/2001. The transfer Notification dated 11.6.2001 was also brought to the notice of the Hon'ble Court. The writ petition was dismissed by the Hon'ble Court by its order dated 15.6.2001 interalia taking note of the fact that the post of DFO, Aie Valley Division is a cadre post and meant to be filled up only by IFS Officers.



A copy of the said order dated 15.6.2001 is annexed as Annexure-6.

4.11 That being aggrieved by the said order dated 15.6.2001 passed by the learned Single Judge, the Respondent No. 4 preferred a writ appeal No. 219/2001 and the same was also dismissed by an order dated 13.9.2001. The Division Bench of the Hon'ble Court took note of the speaking order dated 11.6.2001 referred to above. It will be pertinent to mention here that two affidavits were filed on behalf of the Government of Assam in the Forest Department stating interalia that the Applicant was only temporarily posted as DFO, Western Assam Afforestation Division, Manikpur and that there is fewer number of cadre officer in the posts of DCF (T) and the Applicant has been transferred and posted as DFO, Aie Valley Division towards filling up the required admissible quota of DCF(T) as per IFS Cadre Schedule. By filing an additional affidavit the Government of Assam in the Forest Department also highlighted as to how as per the Cadre Review Committee meeting held on 21.12.81, the post of DFO, Aie Valley Division was encadred to IFS as per the proposal of the State Government. Be it further stated here that the Applicant also filed his affidavit and rejoinder highlighting the above factual aspects of the matter including the fact that the post of DFO, Aie Valley Division, is a cadre post and as per the provisions of the IFS (Cadre) Rules, it is mandatory to post an IFS Officer to fill up a cadre post.



The Applicant craves leave of the Hon'ble Tribunal to produce the copies of the affidavits filed by the State of Assam in the Forest Department and so also the affidavits filed by the Applicant in the above writ appeal, if and when required.

A copy of the order dated 13.9.2001 is annexed as Annexure-7.

4.12 That the Applicant states that it is an admitted position that the post of DFO, Aie Valley Division is a cadre post and was encadred to IFS way back in 1981 pursuant to a cadre review meeting held on 21.12.81. It is also an admitted position that the post of DCF attached to CF, Lower Assam (SF) Circle, Bongaigaon is not a cadre post and is borne in the State Forest Service Cadre. These fact is also borne out from the letters dated 28.12.94 and 8.1.96 issued by the PCCF, Assam to the Government of Assam in the Forest Department, Notification dated 9.11.95 issued by the Government of India and the letter dated 27.4.2001 issued by the Government of India.

Copies of the minutes of the meeting dated 21.12.81 and the letters dated 28.12.94, 8.1.96, 27.4.2001 and Notification dated 9.11.95 is annexed as Annexure-8 Series.

4.12A That after the aforesaid development only the Applicant could take over charge of the post of DFO, Aie Valley Division only on 4.7.2001. He has been

staying in the official accommodation at Bongaigaon since 1.8.2001 and his children are students of Delhi Public School, Dhaligaon. They are pursuing their studies in the said school and they are in Class-VI and II. Presently it is their mid-academic session and their examination will be held in March, 2002.

4.13 That when the matter rested thus, the Applicant is now surprised to come across the impugned Notifications dated 20.11.2001 issued under Memo No. FRE.68/2001/15-A by which the Government in the Forest Department have reversed the process and contrary to their stand before the Hon'ble High Court have sought to post the Respondent No. 4 as the DFO, Aie Valley Division in place of the Applicant and the Applicant is sought to be transferred to his (Respondent No. 4) place.

4.14 That the Applicant states that he is yet to be served with a copy of the of the aforesaid notification dated 20.11.2001 officially. Much before the issuance of the said notification, it was whispered in the office of the Applicant as well as the Official Respondents that the Respondent No. 4 is trying hard for his transfer as DFO Aie Valley Division to the replacement of the Applicant. Although in view of the earlier proceedings and the fact that the said post is a cadre post and that the Applicant has hardly completed about 3/4 months in his present place of posting, he did not believe such a rumour. Now he is proved to be wrong with the issuance of Notification

dated 20.11.2001. On getting the definite information about the said order, the Applicant has since collected a copy of the same and has submitted his representations against the same as stated herein below.

A copy of the Notification dated 20.11.2001 is annexed as Annexure-7.

4.15 That on the face of it the said Notification dated 20.11.2001 is arbitrary and illegal and thus not sustainable in law. It is really surprising that the same very Government in the Forest Department which had earlier defended the posting of the Applicant at Aie Valley Division and opposed the posting of the Respondent No. 4 there on the ground of same being a cadre post and also on the ground of a departmental proceeding pending against the Respondent No. 4, has now issued the impugned order of transfer reversing its own stand. The State Government cannot approbate and reprobate in this manner. Even otherwise also the impugned order is legally not sustainable inasmuch as already pointed out above the post of DFO, Aie Valley Division being a cadre post, it is only a cadre officer who can be posted there and no State, Forest Service Officer can be posted there. On the otherhand the post to which the Applicant has been transferred, is not a cadre post and is meant for State Forest Service Officer. As per the provisions of Rule 8 and 9 of the IFS (Cadre) Rules, no cadre officer can be posted to a non cadre post and vice-versa. The Apex Court has also

held so in Syed Khalid Rizvi's case as reported in 1993 Supp 3 SCC 575.

4.16 That the Applicant further states that he has hardly completed 4 months of service in the present place of posting and as per the provisions of transfer guidelines, an officer is normally has a tenure of posting of three years. As per the guidelines formulated by the Government of Assam in the Personnel Department as circulated under office Memorandum dated 21.8.85, a Government servant who is proposed to be transferred before two years, his case shall be referred to the Board as constituted in the said Memorandum before making such a transfer. The said OM further provides that reasons for such a proposed transfer should also be given.

A copy of the said Memorandum is annexed as Annexure-10.

4.17 That the Applicant states that as already stated above, both the children are students of Delhi Public School, Dhaligaon and they are at mid-academic session which will be over in the month of March, 2002. To the best of knowledge of the Applicant, the official Respondents have not complied with the requirements of the said OM dated 21.8.85 before issuing the impugned order dated 20.11.2001. That apart the post to which the Applicant is sought to be transferred being not a cadre post and the Applicant having been sought to be deprived of his posting to a cadre post only to

accommodate a non-cadre officer by way of the Respondent No. 4, the impugned order is not sustainable. The stand which was taken by the official Respondents in the earlier proceedings namely Writ Appeal No. 219/2001 cannot be flouted in this manner and the same is not expected of a model employer like that of a State Government. The earlier proceedings having been disposed of taking note of the speaking order dated 11.6.2001 as well as the affidavits filed on behalf of the official Respondents, the said official Respondents are bound by the same and they cannot approbate and reprobate with the change of time. It is the definite information of the Applicant that the impugned order has been issued at the behest of the Respondent No. 4 who even after losing the legal battle kept on pressurizing the authorities for his posting at Aie Valley Division for the reasons best known to him. Under no circumstances the impugned order of transfer can be said to be in the interest of public service but the same has been issued at the behest of the Respondent No. 4 and with the sole purpose of accommodating him at the cost of the Applicant.

4.18 That the Applicant states that the impugned order has been issued at a time when the model code of conduct is applicable in view of the ensuing Panchayat Election which was notified by the State Election Commission vide Notification No. SEC.29/2001/107 dated 19.11.2001 setting in motion the election process which has also been notified by the respective Deputy Commissioner and the Sub-divisional Officers as per the

*[Handwritten signature]*

time schedule announced by the State Election Commission. As per the said Model Code of Conduct putting restrictions on transfers and fresh recruitments, launching of fresh developmental works etc. has come into force with effect from 19.11.2001 and will remain in operation till the Panchayat Election is over. In this connection, the Applicant had written a letter dated 26.11.2001 and the same has been replied to by the Deputy Commissioner, Bongaigaon affirming the position.

Copies of the letters dated 26.11.2001 are annexed as Annexure-11 and 12 respectively.


4.19 That the Applicant immediately on coming to know about the impugned order dated 20.11.2001, has submitted a representation dated 21.11.2001 urging for cancellation of the same his said representation has been duly forwarded by the PCCF, Assam, and the Conservator of Forests, Western Assam Circle, Kokrajhar with due recommendations. The Chief Conservator of Forest (T) Assam has also recommended the case of the Applicant. Be it stated here that the Applicant had endorsed copies of his representations to the said authorities. Be it further stated here that the Deputy Commissioner of Bongaigaon has also recommended the case of the Applicant for his retention at Aie Valley Division.

A copy of the representations dated 21.11.2001 is annexed as Annexure-13. Further copies of the letters of the PCCF, CCF (T), CF and DC are

annexed as Annexures- 14 series.

4.20 That the Applicant states that with the issuance of the impugned order dated 20.11.2001, he has been put to great humiliation apart from the inconveniences which will have to be faced by him alongwith his family members. Earlier he used to stay at a rented house at Bongaigaon same being his headquarter. He has since shifted to the official accommodation at Bongaigaon with effect from 1.8.2001. The impugned order, if given effect to shall not only render the Applicant and his two school going children homeless. The wife of the Applicant is posted as DFO, Western Assam Afforestation Division, Manikpur. This will lead to family suffering and would disturbed the children who are to sit in their examinations soon.

4.21 That the Applicant states that inspite of the aforesaid factual aspects of the matter, the official Respondents have not done anything towards redressal of the grievance of the Applicant. On the other hand the Respondent No. 4 is mounting pressure on the Applicant for handing over charge to him. He has not handed over charge to the Respondent No. 4 and continues to be the DFO, Aie Valley Division. However, the way the things are moving against him, it is not unlikely that the Respondent No. 4 will manage to get an order for unilateral charge. In any case the Applicant will have to hand over charge on expiry of the stipulated joining time and/or after the election. Thus there is urgency in the matter as regards interim relief. Having regard



to the facts and circumstances of the case, it is a fit case for passing an interim order as has been prayed for.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the action/inaction on the part of the Respondents is prima facie illegal and liable to be interfered with by the Hon'ble Tribunal.

5.2 For that the Applicant having joined in his present place of posting only a few months back, the official Respondents could not have issued the impugned order making a volteface to their earlier stand taken before the Hon'ble High Court and they also ought to have considered that on the first occasion the Applicant could not join the post of DFO, Aie Valley Division in view of his temporary shifting to Manikpur.

5.3 For that the Hon'ble High Court having not interfered with the earlier order of transfer after taking note of the stand of the State Government, the official Respondents are duty bound to obey the same but instead they have issued the impugned order in violation of their own stand and orders of the Hon'ble Court.

5.4 For that the impugned order dated 20.11.2001 has not been issued in supersession of the earlier order of transfer dated 11.6.2001 and thus there is confusion and chaos and accordingly the impugned order is not sustainable and liable to be set aside. The official Respondents also did not take into account the fact

that the Applicant was temporarily attached at Manikpur and his order of posting as DFO, Aie Valley Division from the earlier occasion was never cancelled.

5.5 For that it being an admitted position that the post of DFO, Aie Valley Division is a cadre post and the post to which the Applicant is sought to be transferred is not a cadre post, the impugned order could not have been issued in violation of the cadre Rules and the own stand taken by the official Respondents before the Hon'ble High Court.

5.6 For that the official Respondents cannot adopt the policy of approbate and reprobate as per their sweet will and must behave in the manner befitting to a model employer, but instead they have acted in a manner unbecoming of a model employer towards issuance of the impugned order.

5.7 For that the official Respondents ought to have taken note of the fact that the model code of conduct as already become effective pursuant to election notification dated 19.11.2001 and accordingly could not have issued the impugned order of transfer dated 20.1.2001.

5.8 For that the official Respondents ought to have considered that the Applicant has hardly completed four months of service as DFO, Aie Valley Division and he is not due for a further transfer at this stage when all his superior officers and DC, Bongaigaon are satisfied with his work and there is not allegation or complaint against him. That the impugned order of transfer will

seriously tell upon the academic interest of his children.

5.9 For that before the issuing the order of transfer, the requirement as envisaged in OM dated 21.8.85 having not been complied with the, impugned order is not sustainable and liable to be set aside.

5.10 For that there being already pronouncement from the Apex Court as well as the High Court in conformity with the cadre rules that the cadre post should be manned by only cadre officer and a non-cadre officer cannot be allowed to hold the cadre post only with the exception of non-availability of a cadre officer and the official Respondents having already taken such a stand in the earlier proceedings before the Hon'ble High Court, they could not have turned round the same towards issuance of the impugned order.

5.11 For that in any view of the matter, the impugned order is not sustainable and the Applicant is entitled to the reliefs sought for in this OA.

6. DETAILS OF REMEDIES EXHAUSTED :

The Applicant declares that he has exhausted all the remedies available to him there is no alternative remedy available to him in law.

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

The Applicant further declares that he has notified any application, writ petition or suit



regarding the matter in respect of which this applicant has been made before any Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances and in the premises aforesaid the OA be admitted records be called for an upon hearing the parties on the cause or causes that may be shown and on perusal of the records be pleased to grant the following reliefs :

8.1 To set aside and quashed the impugned order dated 20.11.2001 (Annexure- 9) issued in the name of the Governor of Assam, under the signature of the Joint Secretary to the Government of Assam, Forest Department.

8.2 Cost of the application.

8.3 To pass any other order/orders or give direction/directions as may be deemed fit and proper under the facts and circumstances of the case and as may be deemed fit and proper by this Hon'ble Tribunal so as to give complete and full relief to the Applicant.

9. INTERIM ORDER PRAYED FOR :

In the facts and circumstances stated above, the Applicant prays for an interim relief by way of stay/suspension of the impugned order dated 20.11.2001 (Annexure- 9) with a further direction to allow the Applicant to continue as DFO, Aie Valley Division till

disposal of the OA.

10. ....

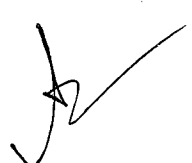
The application is filed through Advocate.

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

- i) I.P.O. No. : 66 740214
- ii) Date : 28/11/2001
- iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.



VERIFICATION

I, Shri Amit Sahai, aged about 39 years, son of Shri H.S. Saksena, DFO, Aie Valley Division, Bongaigaon, do hereby solemnly affirm and verify that the statements made in paragraphs 4'1, 4'2, 4'3, 4'4, 4'5, 4'12A, 4'14, 4'15, 4'17, 4'19, 4'20, 4'21 &

5'1 to 5'11 are true to my knowledge ; those made in paragraphs 4'6, 4'7, 4'8, 4'9, 4'10, 4'11 4'12, 4'13 4'16, 4'18 are true to my information derived from records and the rests are my humble submissions before the Hon'ble Tribunal.

And I sign this verification on this the 26th day of November, 2001.

*Amit Sahai*

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 9th August, 2000.

NO.FRE. 1/2000/136 :- The services of Shri K.N. Barman, Divisional Forest Officer, Aia-Valley Division, Bongaigaon, in the interest of public services are placed at the disposal of North Cachar Hills Autonomous Council, Haflong for his posting as Divisional Forest Officer, FRS Division, Haflong vice Shri A.D. Bharali, D.C.F. relieved of the additional charge.

NO.FRE. 1/2000/136-A :- The services of Shri D. Zaman, DCF (Publicity) attached to Chief Conservator of Forests (Wildlife) Assam, Guwahati, is in the interest of public services are placed at the disposal of N.C. Hills Autonomous Council for his posting as Planning Officer attached to Conservator of Forests, Hills, Haflong vice Shri A. D. Bharali.

NO.FRE. 1/2000/136-B :- On his services being withdrawn from the N.C. Hills Autonomous Council, Haflong Shri A. D. Bharali, Planning Officer attached to Conservator of Forests, Hills, Haflong is in the interest of public services transferred and posted as Divisional Forest Officer, Dhemaji Division vice Shri D. Gogoi, Divisional Forest Officer relieved of the dual charge.

NO.FRE. 1/2000/136-C :- On return from deputation Shri A. Sahai, IFS, DCF is posted as Divisional Forest Officer, Aia-valley Division, Bongaigaon with effect from the date of taking over charge vice Shri K.N. Barman, Divisional Forest Officer transferred.

NO.FRE. 1/2000/136-D :- On return from deputation Shri D.P. Bankhwal, IFS, DCF is posted as DCF (Publicity) attached to Chief Conservator of Forests (Wildlife), Assam, Guwahati with effect from the date of taking over charge vice Shri D. Zaman transferred.

Contd....P/2..

**Attested**

**Advocate**

-: 2 :-

**NU.FRE. 1/2000/136-E :-** On her return from deputation Smti Alka Bhargava, IFS, DCF is posted as DCF attached to the Conservator of Forests, Lower Assam Social Forestry Circle, Bongaigaon with effect from the date of taking over charge against the existing vacancy.

Sd/- A.B. Md. Eonus,  
Joint Secretary to the Govt. of Assam,  
Forest Department, Dispur.

Dated Dispur, the 9th August, 2000.

**Memo No.FRE. 1/2000/136-F,**

**Copy to :-**

- 1) The Accountant General (A&E), Assam, Bultala, Guwahati-28.
- 2) The Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8.
- 3) The Chief Conservator of Forests (Social Forestry), Assam, Zoo Narengi Road, Guwahati-24.
- 4) The Chief Conservator of Forests (Wildlife), Assam, Rehabari, Guwahati-8.
- 5) The Chief Conservator of Forests (Territorial), Assam, Panbazar, Guwahati-1.
- 6) The Chief Conservator of Forests (Research, Education & Working Plan), Assam, Guwahati-24.
- 7) The Principal Secretary, N.E. Hills Autonomous Council, Haflong with a request to allow the officers to take over charge under the Council. He is requested to release Shri A.D. Bharali, P.O. and Divisional Forest Officer, FRS Division, Haflong by making local arrangement.
- 8) The Conservator of Forests.
- 9) Shri K.N. Barman, Divisional Forest Officer, Kiu-Valley Division, Bongaigaon.
- 10) Shri D. Zaman, DCF (Publicity) attached to Chief Conservator of Forests (Wildlife), Assam, Rehabari, Guwahati-8.
- 11) Shri A.D. Bharali, Planning Officer attached to Conservator of Forests, Hills, Haflong.
- 12) Shri M. Sahai, IFS, DCF, C/S Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8.
- 13) Shri D.P. Bankhwal, IFS, DCF C/S Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8.
- 14) Smti Alka Bhargava, IFS, DCF, C/O Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8.
- 15) Shri D. Gogoi, Divisional Forest Officer, Lakhimpur Division, Lakhimpur.
- 16) Shri J. Ahmed, Divisional Forest Officer, Southern Afforestation Division, Haflong.
- 17) The P.S. to the Chief Minister, Assam, Dispur, Guwahati-6 for information of the Chief Minister (Minister of Forests).
- 18) The P.S. to the Minister of State Forests, Assam, Dispur, Guwahati-6 for information of the Minister.
- 19) The Deputy Director, Assam Govt. Press, Umunimaidam, Guwahati-21 for publication of the above Notification in the next issue of the Assam Gazette.
- 20) Personal File of the officers.

By Order Sd/-

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

ORDERS BY THE GOVERNOR  
- NOTIFICATION -

40

Dated Dispur, the 06th Sept '2000

NO.FRE.1/2000/141 : The transfer of Shri K.N. Barman, Divisional Forest Officer, Aie Valley Division, Bongaigaon to N.C. Hills Autonomous Council, Haflong for his posting as Divisional Forest Officer, FRS Division, Haflong made vide Notification No.FRE.1/2000/136, dtd. 9-8-2000 is hereby stayed until further orders.

No.FRE.1/2000/141-A : In modification of this Department Notification No.FRE.1/2000/136-C, dtd.9-8-2000, Shri Sahai, IFS, DCF is posted as Divisional Forest Officer, Western Assam Afforestation Division, Manikpur on temporary basis with effect from the date of taking over charge vice Shri F.A. Ahmed, Divisional Forest Officer transferred.

During the period of temporary posting at Manikpur, the headquarter of the officer will be at Bongaigaon.

NO.FRE.1/2000/141-B : The services of Shri F.A. Ahmed, Divisional Forest Officer, Western Assam Afforestation Division, Manikpur in the interest of public service are placed at the disposal of N.C. Hills Autonomous Council, Haflong for his posting as Divisional Forest Officer, F.R.S. Division, Haflong with effect from the date of taking over charge vice Shri J. Ahmed, Divisional Forest Officer, Southern Assam Afforestation Division relieved of the dual charge.

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

Memo. No.FRE.1/2000/141-C, Dated Dispur, the 06th Sept/2000.  
Copy to :-

1. The Accountant General (A&E) Assam, Beltola, Guwahati-28.
2. The Principal Chief Conservator of Forests, Assam, Guwahati-8
3. The Chief Conservator of Forests (SF) Assam, Guwahati-24.
4. The Chief Conservator of Forests (WL) Assam, Guwahati-8.
5. The Chief Conservator of Forests, Research, Education and Working Plan, Assam, Guwahati-24.
6. The Chief Conservator of Forests (T) Assam, Panbazar, Guwahati-1.
7. The Principal Secretary, N.C. Hills Autonomous Council, Haflong. He is requested kindly to accept Sri F.A. Ahmed, DCF in place of Shri K.N. Barman, DCF.
8. The Conservator of Forests concerned.
9. Shri K.N. Barman, Divisional Forest Officer, Aie Valley Divn. Bongaigaon.
10. Shri Amit Sahai, DCF, Aie Valley Division, Bongaigaon.
11. Shri J. Ahmed, Southern Assam Afforestation Division, Haflong.
12. Shri F.A. Ahmed, Divisional Forest Officer, Western Assam Afforestation Division, Manikpur.
13. P.S. to the Chief Minister, Assam for information of the Chief Minister.
14. P.S. to the Minister of State, Forest, Assam, Dispur for information of the Minister.
15. The Deputy Director, Assam Govt. Press, Panunimaitam, Guwahati-21 for publication in the next issue of the Assam Gazette.
16. Personal file of the officers. By order etc.,

Joint Secretary to the Govt. of Assam

**Accepted**

Advocate

- 23 - 15 -

Annexure - 3

GOVERNMENT OF ASSAM  
FOREST DEPARTMENT :: DISPUR

ORDERS BY THE GOVERNOR

- NOTIFICATION -

Dated Dispur, the 11th June, 2001.

NO.FRE.2/91/Pt-I/250 :- In the interest of public service Shri A. Sahai, IFS, Divisional Forest Officer, Western Assam Afforestation Division, Manikpur is transferred and posted as Divisional Forest Officer, Aie-Valley Division, Bongaigaon with effect from the date of taking over charge vice Shri K.N. Barman, who has already been transferred and posted as Deputy Conservator of Forests (Monitoring), Office of the Chief Conservator of Forests (SE) Assam, Guwahati vide Notification No.FRE.2/91/Pt-I/161-A, dtd. 5-3-2001.

NO.FRE.2/91/Pt-I/250-A :- In the interest of public service, Smti. A. Bhargava, IFS, Deputy Conservator of Forests attached to the Conservator of Forests, Lower Assam S.F. Circle, Bongaigaon is transferred and posted as Divisional Forest Officer, Western Assam Afforestation Division, Manikpur with effect from the date of taking over charge vice Shri A. Sahai, IFS transferred.

NO.FRE.2/91/Pt-I/250-B :- In modification of earlier Government Notification No.FRE.2/91/Pt-I/161, dated 5-3-2001, Shri K. Hazarika, Deputy Conservator of Forests, is transferred and posted as Deputy Conservator of Forests attached to the Conservator of Forests, Lower Assam S.F. Circle, Bongaigaon with effect from the date of taking over charge vice Smti. A. Bhargava, IFS transferred.

Sd/- A.B.Md. Eunos,  
Joint Secretary to the Govt. of Assam,  
Forest Department, Dispur

Memo No.FRE.2/91/Pt-I/250-C, Dated Dispur, the 11th June, 2001.  
Copy to :-

1. The Accountant General, Assam, Belitola, Guwahati-29.
2. The Principal Chief Conservator of Forests, Assam, Rehabori, Guwahati-8. This Deptt. letter No.FRE.2/91/Pt-I/229, dated 10.4.2001 allowing Shri K.N. Barman, to continue as D.F.O. Aie Valley Division, Bongaigaon is cancelled.
3. The Chief Conservator of Forests (SE) Assam, Guwahati-24.
4. The Chief Conservator of Forests (WL) Assam, Rehabori, Guwahati-8.

**Attested**

  
Advocate

Contd...P/2...

- 5) The Chief Conservator of Forests (Territorial) Assam, Panbazar, Guwahati-1.
- 6) The Chief Conservator of Forests, Research, Education and Working Plan, Assam, Guwahati-24.
- 7) The Conservator of Forests, Upper Assam Circle, Kokrajhar.
- 8) The Conservator of Forests, Lower Assam S.F. Circle, Bongaigaon.
- 9) Smt. A. Sahai, IFS, Divisional Forest Officer, Western Assam Afforestation Division, Manikpur.
- 10) Smt. A. Bhargava, IFS, Deputy Conservator of Forests attached to Conservator of Forests, Lower Assam S.F. Circle, Bongaigaon.
- 11) Smt. K.N. Barman, Aie-Valley Division, Bongaigaon.
- 12) Smt. K. Hazarika, Deputy Conservator of Forests, C/O the Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8.
- 13) The P.S. to the Minister, Forests, Assam, Dispur for information of the Minister.
- 14) The P.S. to the Chief Secretary, Assam for information of the Chief Secretary.
- 15) The Deputy Director, Assam Govt. Press, Ramunimaidam, Guwahati-21 for publication in the next issue of the Assam Gazette.
- 16) Personal files of the officers.

They are directed hand over to the Saku Office in 7 days

By order etc.

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

Attached

Advocate

ANNEXURE 4

28

28

कॉपी और फीस का जो बख्शी  
शेरा, मुद्रित करने की तिथि पर  
रहिये  
The first fee notifying  
the regular number of  
stamps and folios.

अपेक्षित कॉपी और फीस जो  
देने का तिथि  
Date of delivery of the  
duplicate stamp, a and  
folios.

तारीख, जबकि देने के लिए  
अपेक्षित तिथि थी  
Date on which the copy  
was ready for delivery.

अपेक्षित तिथि पर अपेक्षित  
कॉपी  
Date of making over the  
copy to the applicant.

- 10 -

ANNEXURE - 12 4

IN THE GAUHATI HIGH COURT  
High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram &  
(Arunchal Pradesh)

CIVIL APPELLATE SIDE

No. 2/111 of 19 2001

Appeal from  
Civil Rule

Shri Kunda Majumdar

Appellant  
Petitioner

Verus

The State of Assam  
Et al

Respondent  
Opposite-Party

Appellant Mr. G. Ugrin,

For Petitioner Mr. M. Ahmed,

Respondent Mr. P. Kumar, Mr. S. K. Deka,

For Opposite-Party G. M. Assam

Attested

Advocate

-26-33-

-21-

-25-

-29-

44

5

-AND-

IN THE MATTER OF :

Sri Kunja Hazarika,

Son of Late Dinanath Hazarika,

15/4

-27-30-  
Resident of Jorpuhuri,  
Uzanbazar, Guwahati.

45  
PETITIONER

VERSUS -

1. The State of Assam,  
through the Principal Secretary-  
cum-Commissioner to the  
Government of Assam, Forest  
Department, Dispur Guwahati.

2. The Joint Secretary to the  
Government of Assam, Forest  
Department, Dispur, Guwahati.

3. Sri Khanindra Nath Barman,  
Divisional Forest Officer,  
Aia Valley Division, Bongaigaon,  
Dist. Bongaigaon.

RESPONDENTS

The humble petitioner

Officer or Associate	Social No.	Date	Office notes, Reports, orders or proceedings With signature
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B E F O R E

THE HON'BLE MR.JUSTICE HS SINGH

4.4.2001

Heard Mr.N.Dutta, learned senior counsel for the writ petitioner in W.P.(C) No.2422 of 2001 and respondent No.3 in W.P.(C) No.2111 of 2001, Mr.G. Uair, learned counsel for the writ petitioner in W.P.(C) No.2111/2001 and respondent No.3 in W.P.(C) No.2422/2001 and also Mr.B.Gowami, learned G.A. in both the cases. These 2(two) cases involve common question of facts and, apart from it, there are claims and counter claims by the parties - writ petitioners in both the cases and, as such, I hereby propose to dispose of these cases at this stage considering the matter pertaining to transfer and posting of the parties concerned which require expeditious disposal and, accordingly, these 2(two) cases are hereby disposed of with the following short order.

According to the writ petitioner Shri Khanindra Nath Barman in W.P.(C) No.2422/2001, he has been serving as Divisional Forest Officer, Aie Valley Division, Bongaigaon and he was initially transferred to Halflong under a related order dated 9.8.2000 which was cancelled by the competent authority on 6.9.2000 on the representation made by him and,

Contd.....P/2.

Officer or Locate	Serial No.	Date	Office notes, Reports, orders or proceedings With signature
		4.4.2001	<p>thereafter, in the month of March, 2001, Shri Khanindra Nath Barman was again transferred to Guwahati after completion of about 4(four) years at Bongaigaon and, in this connection, he submitted another representation for considering his place of posting at Bongaigaon and, in the meantime, the official respondents concerned had stayed the order of 5.3.2001 under a related order dated 17.3.2001 <sup>maintaining his</sup> keeping <del>the</del> place of posting at Bongaigaon intact. Being aggrieved by this order of 17.3.2001, the petitioner Shri K. Hazarika filed a writ petition being W.P.(C) No.2111/2001 before this Court questioning the validity of the stay order dated 17th March, 2001 issued by the competent authority. This Court by an interim order dated 26.3.2001 suspended the impugned order of 17.3.2001 thus, enabling the writ petitioner Shri K. Hazarika to join his place of posting at Bongaigaon and, accordingly, he joined. In view of the existing circumstances, <sup>certain terms</sup> <del>certain terms</del> have been dropped up in the Department concerned.</p> <p>It is not disputed that the petitioner Shri Khanindra Nath Barman has submitted representation for consideration <sup>of</sup> his place of posting at Bongaigaon on certain grounds as highlighted in the related <sup>representation</sup> submitted by him and he has not yet handed over the</p>

430 -

24-23

15

WB

Officer or Associate	Serial No.	Date	Office notes, Reports, orders or proceedings With signature
		4.4.2001	<p>charge to Shri K. Hazarika through Shri K. Hazarika, the writ petitioner, in W.P. (C) No. 2111/2001 submitted his joining report and joined his place of posting at Bongaigaon under the related orders issued by the competent authority. It is also an admitted fact that Shri K. Hazarika could join his place of posting at Bongaigaon on the basis of the said ad-interim order dated 26.3.2001 passed by this Court in W.P. (C) No. 2111/2001 as well as related notification/order issued by the Election Commission.</p> <p>It is well settled that this Court while exercising its power and jurisdiction under Article 226 of the Constitution, generally and ordinarily do not interfere with the matters pertaining to the transfer and posting of the Government employees as transfer is an incident to service and entire jurisdiction lies and vests upon the wisdom and domain of the appropriate authority. At this stage, this Court requires the assistance of the official respondents concerned, so as to enable them to settle the claims, and counter claims and disputes in respect of transfer and posting under their wisdom for which the official respondents shall see and examine the matter particularly, the representation submitted by the writ petitioner Shri Khagendra Nath Barman and dispose of</p>

Contd...P/4.



5

4.4.2001

For the reasons, observations and direction made above, those two writ petitions are disposed of. Mr. B. Gowami, learned Govt. Advocate shall highlight the existence of this order to the appropriate authority for which the Registry is directed to supply/furnish a copy of this order to the learned Govt. Advocate as early as possible. The parties are also allowed to obtain certified copy of this order on payment of necessary fees within 48 hours.

[illegible]

-33-77-  
Annexure-15  
GOVERNMENT OF ASSAM  
FOREST DEPARTMENT  
DISPUR

NO. FRS.2/91/P.L.I/251.

Dated Dispur, the 11th June, 2001.

*Received*  
ORDERS BY THE GOVERNOR

ORDERS

Whereas, both Shri K. Hazarika and Shri K.N. Barman, filed petitions before the Hon'ble Gauhati High Court in the matter of their transfer and posting in W.P(C) No.2112/2001 and W.P(C) No.2422/2001, respectively.

And, the Hon'ble High Court passed an order on 4-6-2001 directing the State Government to settle the matter of transfer and posting of the two petitioners in which the two officers could file fresh representation if they so desired,

And whereas Shri Kunja Hazarika and Shri K.N. Barman have submitted representations dated the 7-6-2001 and 8-6-2001 respectively.

On examination thereof it is seen that Shri Kunja Hazarika in the 'grounds' of his above-mentioned representation has essentially only stated why Shri K.N. Barman should continue as Divisional Forest Officer, Aio-Valley Division and has made no specific claims of his own right to that post, and whereas the post of the Divisional Forest Officer, Territorial Aio Valley Division is one of the 33 posts of the Territorial Division of which 22 are reserved for IPS officers and at present there are only 9 I.P.S. officers in these posts, and this fact has been recently highlighted by the Director General of Forests and Special Secretary, Ministry of Environment and Forests vide his D.O.No.17020/01/04-IFS.II, dated April, 27, 2001 addressed to the Chief Secretary and Shri K. Hazarika is an officer in the State Forest Service.

And whereas, it is further noted that a disciplinary case is pending against Shri K. Hazarika in which a show cause notice was issued to the officer vide letter No.FRS.11/92/67, dated 4-6-99 in which the officer is yet to submit his written statements in defence, inspite of reminders.

It is, therefore, not considered appropriate that Shri K. Hazarika at this stage be posted in the post of Divisional Forest Officer, Territorial Aio Valley Division and he may be accommodated suitably elsewhere.

Contd...2/8...

*Initialed*  
*Advocate*

On examination of the representation of Shri K. M. Barman, Divisional Forest Officer, Aiz Valley Division he is noted that the argument put forward by him that his transfer at this juncture would be detrimental to the works of the Division has not bases as ongoing work of this nature can be and is undertaken without any problem by successor officers in all such cases of routine transfer.

and whereas Shri K.M. Barman has been in the post of Divisional Forest Officer, Aiz Valley Division for a period of over 4 years while as per Government policy an officer should be transferred normally after about 3 years.

Shri K.M. Barman may, therefore, not continue in the post of Divisional Forest Officer, Aiz Valley Division and may be transferred from this post to an appropriate post elsewhere.

By order etc. and in the  
name of Governor.

Sd/- Alok Jain,

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

Memo No. FRE.2/91/Pt-1/251-A. Dated Dispur, the 11th June, 2001.

Copy to :-

1. The Registrar, Gauhati High Court, Guwahati-1 with reference to the order of the Hon'ble Gauhati High Court dtl. 4-4-2001 passed in W.P(C) No.2422/2001 and W.P(C) No.2111/2001. A copy of the Govt. Notification No. FRE.2/91/Pt-1/250, dtl. 16.6.2001 is *inclosed*
2. The Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-2.
3. Shri K.M. Barman, Divisional Forest Officer, Aiz Valley Division, Bongaigaon.
4. Shri K. Hazarika, Deputy Conservator of Forests, C/O Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-2.

By order etc.,

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



the Government of Assam,  
Forest Department, Dispur,  
Guwahati.

2. The Joint Secretary to the  
Government of Assam, Forest  
Department, Dispur, Guwahati.

3. Sri Khanindra Nath Barman,  
Divisional Forest Officer,  
Aia Valley Division,  
Bongaigaon, Dist, Bongaigaon.

4. Sri Amit Sahai,  
Divisional Forest Officer,  
Western Assam Afforestation  
Division, Manikpur,  
District- Bongaigaon.

Respondents

Officer  
ate

Serial No. & Date

Office notes, Reports  
orders of proceedings  
with signature

1

WP(C) No 4193/2001

15.6.2001

**BEFORE**

**THE HON'BLE MR JUSTICE R GOGOI**

Heard Mr. G Uzir, learned counsel for the petitioner and Mr B Goswami, GA, Assam.

By order dated 5.3.2001 ( Annexure -I), the petitioner who was on leave was posted as Divisional Forest Officer, Aie Valley Division, Bongaigoan and the incumbent in the said post, respondent No 3, was transferred and posted as Deputy Conservator of Forest ( Monitoring) in the office of the Chief Conservator of Forest, Social Forestry, Government of Assam. The petitioner claimed to have joined in that said post on 5.3.2001 but the charge of the office has not handed over to him by the respondent No 3. By a subsequent order dated 23.3.2001, the order of transfer dated 5.3.2001 was stayed by the authority. Writ Petition © No 2111/2001 was initiated by the present petitioner challenging the order dated 17.3.2001 and this Court by order dated 26.3.2001 stayed the operation of the order dated 17.3.2001 until further orders. In compliance with this Court's order, the authority issued an order dated 29.3.2001 staying the operation of the order dated 17.3.2001 until further order and reviving the order passed on

16/6  
2

by Officer  
Advocate

Serial No. Date

Office notes, Reports  
orders of proceedings  
with signature

2

5.3.2001 The respondent No 3 initiated a separate writ petition being WP( C) No 2422/2001 challenging the aforementioned order dated 29.3.2001. Both the writ petitions were taken up for consideration by this Court and by order dated 4.4.2001 this Court, inter alia, directed the authority to consider respective case of the parties and pass a reasoned order in the matter. Subsequently, another order dated 11.6.2001 has been passed by which order one Shri A Sahai, an IFS cadre Officer, has been posted as the Divisional Forest Officer, Aie Valley Division, Bongaigaon; respondent No 3 has been transferred to the post to which he was <sup>earlier</sup> as Deputy Conservator of Forest (Monitoring) in the office of the Conservator of Forest, Social Forestry, Assam and the petitioner was transferred and posted as Deputy Conservator of Forest in the office of the Conservator of Forests, Lower Assam SF Circle, Bongaigaon. The legality and validity of the order dated 11.6.2001 is under challenge in the present writ petition. Pursuant to the order dated 13.6.2001, Mr Goswami, GA, Assam, has produced before this Court the relevant records in File No FRE.2/91/Pt-I including the order dated 11.6.2001 passed by the Principal Secretary to the Government of Assam, Forest Department, pursuant

3

to the order dated 4.4.2001 of this Court in WP( C) No 2111/2001 and 2422/2001. In the aforesaid order dated 11.6.2001, it has been stated that the post of Divisional Forest Officer, Aie Valley Division, Bongaigoan, is a cadre post and meant to be filled up only by IFS Officers. In the said order, it was also stated that the grounds put forward by the respondent No 3 to permit his continuance in the said cadre post is not tenable consequent to the said order of the Principal Secretary to the Govt of Assam, Forest Department dated 11.6.2001, the respondent No 3 has submitted that the findings of the authority that the post of the Divisional Forest Officer, Aie Valley Division is a cadre post is not correct.

This Court while considering the validity of the transfer is not inclined to go into the aforesaid question. A perusal of the order dated 11.6.2001 passed by the Principal Secretary to the Government of Assam, Forest Department, would go to show that both the petitioner and the respondent No 3 were adequately considered pursuant to the order dated 4.4.2001 passed by this Court in WP ( C) No 2111/2001 and 2422/2001. In view of above, this Court is not inclined to interfere with the order dated

- 40 - 550

4

by Officer  
date

Serial No. Date

Office notes, Reports  
orders of proceedings  
with signature

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11.6.2001 impugned in the present proceedings.

The Writ petition is accordingly dismissed. No costs.

*Justice*  
*Justice*

NE-16457  
16/6/01

Entered to the Copy  
*Kishore Kumar Sharma*  
16/6/2001  
GAC  
Authority

16/6/2001

Advised

Advocate

21/7/2001 25/7/2001 26/7/2001 28/7/2001 29/7/2001  
ANNEXURE-7

ANNEXURE-7

13. THE GAJNETI HIGH COURT  
(ASSAM : NAGALAND : MEGHALAYA : MANIPUR : TRIPURA : MIZORAM  
(AND ARUNACHAL PRADESH))

CIVIL APPELLATE SIDE

E SIDE  
WA No 219 of 2001  
in WP(C) No 4193 of 01

W. K. Hagström

Appellant  
Petitioner.

- Versus -

10. Ascomitales

Respondent.  
Opp. Party.

for the Vizianagaram  
M. Ahmed  
S. K. Medhi (Hans)

Mr. R. K. Sharma, Mr. H. K. Nair,  
Mr. R. K. B. B. B., Mr. H. K. G. G. G. —  
for Rs. —

Sy. G A A-15-2

Mrs. A. Harnish, ACV - for Respondent No. ① & ②

10. B. K. Stone

office notes, reports, orders.



Attasted  
Advocate

...Appellant

petitioner in

w.p.(c) No: 4193 of 2001

-Versus-

1. The State of Assam,  
through the Principal Secretary-cum  
Commissioner to the Government of

cont'd...

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Assam, Forest Department,  
Dispur, Guwahati.

2. The Joint Secretary to the  
Government of Assam, Forest Depart-  
ment, Dispur, Guwahati.

3. Sri Khanendra Nath Barman  
Divisional Forest Officer, Aiz  
Valley Division, Bongaigaon  
Dist. Bongaigaon.

4. Sri Amit Sahai  
Divisional Forest Officer, Western  
Assam Afforestation Division,  
Manipur, Dist. Bongaigaon.

... Respondents

13.3.2001

PRESENT :

THE HON'BLE THE CHIEF JUSTICE (ACTING)

THE HON'BLE MR. JUSTICE HKK SINGH

Heard Mr. G. Uzir, learned counsel for the appellant, Mr. N. Hizarika, learned State-counsel, appearing for respondents Nos.1 and 2, and Mr. B.K. Sharma, learned counsel for respondent.No.4.

After hearing the learned counsel for the parties, we are of the view that no case for interference is made out. At an earlier stage, the Bench was of the view that perhaps the petitioner is not being posted at the initial place of posting as Divisional Forest Officer, Nagaon Wildlife Division on the ground that that post was meant for a cadre officer of IFS. The appellant is an officer of the State Forest Department. However, after perusing the affidavit now filed on behalf of the respondents, it is found that all posts of IFOs are not being held by the cadre officers of the IFS. Out of the 22 posts, 9 are only being held by the cadre officers of the IFS and the rest are being manned by the officers of the State Forest Dept.

However, the question then arises is has a person the inherent right to be posted or transferred at a particular place? The answer to this, without any reservation, is in the negative.

The learned Single Judge had also passed an order asking the respondent State authorities to reconsider the matter and pass a speaking order regarding transfer. A speaking order dated 11.6.2001 was passed after considering the representations of all concerned. The learned Single Judge has not interfered with the order dated 11.6.2001, which was passed on the direction of the learned

13.8.2001 (contd.)

Single Judge. The transfer being purely of administrative nature, a very strong case of mala fides has to be made out to upset an order of transfer. We do not find that any such eventuality has occurred in this case. Consequently, there is no merit in this appeal. The same is hereby dismissed.

Sd/ HKK Singh  
Judge

Sd/ R. S. Mongia  
Chief Justice (Acting)

CERTIFIED TO BE TRUE COPY

Date ..... 20th Sept 2007

Superintendent (Copying Section)

Gauhati High Court

Authorised U/s 76, Act I, 1878

*[Handwritten signature]*

Pt NO 16785  
21/9/2007

- 4 - -46 -

ANNEXURE-8  
(SERIES)

MINUTES OF THE MEETING OF THE INDIAN FOREST SERVICE CADRE  
REVIEW COMMITTEE OF ASSAM MEGHALAYA HELD AT 12-30 P.M. ON 21ST  
DECEMBER 1981 IN THE COMMITTEE ROOM OF CABINET SECRETARIAT  
RASHTRAPATI BHAVAN NEW DELHI.

The proposals made by the Governments of Assam and Meghalaya for the triennial review of the Indian Forest Service Joint Cadre of Assam Meghalaya were considered by the Cadre Review Committee and the following decisions were taken.

ASSAM WING.

- (i) Encadrement of a post of Conservator of Forests,  
Headquarters in the scale of Rs. 1800-2000.

It was explained by the representative of the State Govt. that at present there is only one cadre post at the level of Deputy ~~Conservator~~ Conservator of Forests in the headquarters to look after planning and that an Officer at the level of Conservator of Forests is required to assist the Chief Conservator of Forests on policy matters and in supervising the plans . etc. It was also stated that an ex- cadre post of Conservator of Forests had been created in the headquarters for the purpose . After discussion , the Committee agreed to the encadrement of the post of Conservator of Forests, Headquarters.

- (ii) Encadrement of two posts of Conservator of Forests  
Northern Assam Circle and Central Assam Circle in the scale of Rs.  
1800-2000.

The proposals were accepted.

- (iii) Encadrement of the post of Conservator of Forests  
Social Forestry in the scale of Rs. 1800-2000.

The proposal was accepted.

- 2 ✓ (iv) Encadrement of 4 posts of Deputy Conservator of Forests  
Divisional Forest Officer ) Lakhimpur , Golaghat , West  
Kamrup and Aie Valley Divisions in the Senior Scale.

The Committee accepted the proposal .

- 1 ✓ (v) Encadrement of one post of Deputy Conservator of Forests  
Divisional Forest Officer ) Western Assam Wild Life  
Division , in the Senior Scale.

The proposal was accepted.

- 1 ✓ (vi) Encadrement of two posts of Working Plan Officer  
Kokrajhar and Hills Divisions in the Senior Scale.

After discussion, it was agreed that only one of the two posts may be encadred.

Contd..2.

Entered  
Advocate

MEGHALAYA WING.

(i) Encadrement of one post of Conservator of Forests Development in the scale of Rs. 1800-2000.

The proposal was accepted.

(ii) Encadrement of one post of Silviculturist in the Senior Scale.

The proposal was accepted.

2. The Committee agreed to the proposal of the Government of Meghalaya for an ad-hoc deputation reserve of two posts for manning the posts of Managing Director, Forest Development Corporation of Meghalaya Limited (Rs. 1800-2000) and General Manager, Forest Development Corporation of Meghalaya Limited (Rs. 1100-1600).

3. As a result of the decisions taken by the Committee, the posts to be included/ continued to be included, as the case may be in item I of the Cadre Schedule and the revised composition and strength of the cadre of the Indian Forest Service of Assam Meghalaya will be as follows :

1. Senior posts under the State Government.

Assam.

Posts in the scale of Rs. 2500-2750 .

Chief Conservator of Forests .

I

Posts in the scale of Rs. 2250-2500.

Additional Chief Conservator of Forests .

I

Posts in the scale of Rs. 1800-2000.

Conservator of Forests

5

Conservator of Forests, Development

1

Conservator of Forests, Economic Circle

I

Conservator of Forests, Headquarters

I

Conservator of Forests, Social Forestry

I

Posts in the Senior Scale.

Deputy Conservator of Forests, Eastern Assam and Western Assam, Wild Life Division

2

Deputy Conservator of Forests

18

Deputy Conservator of Forests, Assam, State Zoo

1

Working Plan Officers.

3

Forests Utilisation Officer

1

Contd.3.

Planning Officer  
Silviculturist

2

1

28-

MEGHALAYA

Posts in the Scale of Rs. 2500-2750.

~~Senior~~ Chief Conservator of Forests

I

Posts in the Scale of Rs. 1800-2000.

Conservator of Forests, Development

I

Director of Soil Conservation

I

Posts in the Senior Scale.

Deputy Conservator of Forests

3

Deputy Conservator of Forests, Training

I

Working Plan Officer

I

Planning Officer

I

Silviculturist

I

Total

49

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

10

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

40

5. Deputation Reserve @ 15% of 4 above.

8 \*

6. Leave Reserve @ 11% of 4 above.

4

7. Junior posts @ 20% of 4 above.

8

8. Training Reserve @ 10% of 4 above.

4

Direct Recruitment posts, 64

Promotion posts. 19

Total Authorised  
Strength 83

\* Includes an ad-noc increased of 2 for  
the Meghalaya div.

Sd/-  
C. R. Krishnaswamy Rao Sahib.

- Chairman

Sd/-  
Secy. (Personnel)  
Member

Sd/-  
Chief Secy. Meghalaya  
Member

Sd/-  
Representing Secy. (Agriculture)

Sd/-  
Chief Secy. Assam  
Member

Sd/-  
I. G. P. member

GOVERNMENT OF ASSAM  
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS::ASSAM::  
GUWAHATI-8.

NO.FE.24/44/87

Dated Guwahati, the 28th Dec/94.

To.

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

Sub :-

Cadre Strength.

Ref :-

Govt. letter No.FRE.82/94/14, dt.9.12.94.

Sir,

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

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

Yours faithfully,

Principal Chief Conservator of Forests,  
Assam at Guwahati.

32/12/94

Examined  
Advocate

STATEMENT SHOWING THE IFS CADRE STRENGTH

68

Existing Cadre Posts

Addl. posts proposed for encadrement.

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

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

C.F.(Territorial):-

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

- Principal-N.E.F.R.C.-1  
C.F., Wildlife- - 1  
C.F.(Border) - - 1

C.F.(Functional):-

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

D.C.F.(Territorial)

D.C.F.(Functional)

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

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

Contd.

~~21. Sibsagar Divn., Nagaon Sibsagar Divn.~~  
~~22. Nagaon Divn., Nagaon Nagaon cantt division~~

D.C.F. (Functional) :-

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

\*\*\*\*\*

STATEMENT SHOWING THE S.F.S. CADRE STRENGTHExisting Cadre Posts:-D.C.F.-Territorial

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

D.C.F.-Functional

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

-13- ANNEXURE - 8 (SERIES)

GOVERNMENT OF ASSAM  
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS, ASSAM  
REJABARI III GOWHATI-B.

No. FE.24/44/87.

Dated Guwahati, the 8th Jan./1996.

To

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

Sub :-

Notification of Cadre post and Non-  
Cadre posts.

Ref :-

This Office letter No. FE.24/44/87  
dt. 8-11-95 and Govt. No. FRB.89/94/14,  
dt. 9-12-94.

Sir,

In enclosing herewith a copy of D.O. letter  
No. 18011/01/94-IFS-II dt. 14.11.95 from Inspector General of  
Forests, Govt. of India, I would like to inform you that the  
required information regarding issue of Notification in  
respect of I.F.S. Cadre posts and S.F.S. Cadre posts has  
already been furnished to Govt. vide this office letter  
No. FE.24/44/87, dt. 23-12-95, which may kindly be referred  
to for onward action, as desired by Govt. of India. However  
it is now necessitated to include the following Cadre posts  
due to revision of I.F.S. Cadre schedule made vide Govt.  
of India's letter No. 16016/2/95-96(M) -A dt. 9-11-95.

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

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

Kindly treat it as urgent.

Yours faithfully,

Principal Chief Conservator of Forests,  
ASSAM III GOWHATI-B.

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

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

Principal Chief Conservator of Forests,  
ASSAM III GOWHATI-B.

Attested

Advocate

SHOWING THE A.F.S. CADRE STRENGTH

Existing cadre posts.

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

CONSERVATOR OF FORESTS, (TERRITORIAL):

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

CONSERVATOR OF FORESTS, (FUNCTIONAL):

7. Conservator of Forests, Research & Education, Guwahati.
8. Conservator of Forests, Working Plan Circle, Guwahati.
9. Conservator of Forests, Western Assam Social Forestry, Ghy.
10. Field Director Tiger Project, Barpeta Road, Barpeta.
11. Director, Kaziranga National Park, Bokakhat.
12. Conservator of Forests, (H.Q.) attached to O/O PCCF, Assam.
13. Conservator of Forests, Eastern Assam Social Forestry Circle, Nagaon.
14. Conservator of Forests, Social Forestry Circle, Bongaigaon.
15. Conservator of Forests, Border, attached to H.Q. with H.Q. at Guwahati.
16. Conservator of Forests, wild life, attached to O/O CCF, Wild Life, Assam, Guwahati.
17. Principal, North East Forest Ranger College, Jalukbari, Ghy.

DEPUTY CONSERVATOR OF FORESTS (TERRITORIAL):

1. Divisional Forest Officer, Goalpara Divn. Goalpara. Normal.
2. Divisional Forest Officer, Dhubri Divn. Dhubri. SFS
3. Divisional Forest Officer, Kachugaon Divn. Bongaigaon. SFS
4. Divisional Forest Officer, Hailugan Divn. Kokrajhar. RR
5. Divisional Forest Officer, Aie-Valley Divn. Bongaigaon. SFS
6. Divisional Forest Officer, Sonitpur East Divn. Biswanath Chariali. SFS
7. Divisional Forest Officer, Sonitpur West Divn. Tezpur. SFS
8. Divisional Forest Officer, North Kamrup Divn. Mangla. SFS
9. Divisional Forest Officer, Lakhimpur Divn. Lakhimpur. SFS

Contd.....P/2..

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

✓ DEPUTY CONSERVATOR OF FORESTS, (FUNCTIONAL) :

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

28. Replaced by DFO (Territorial),

Jairang Division

SFS

ONLY SHOWING THE S.F.S. CADRE STRENGTH EXISTING CADRE POSIA

(EDITORIAL)

1. Divisional Forest Officer, Darrang Divn., Mangaldai.
2. Divisional Forest Officer, Sibsagar Divn., Nazim.
3. Divisional Forest Officer, Nagaon South Divn., Nagaon Majai.
4. Divisional Forest Officer, Hamren Divn. Diphu.
5. Divisional Forest Officer, N.C.Hills Divn. Haflong.
6. Divisional Forest Officer, Karbi Anglong West Divn. Diphu.
7. Divisional Forest Officer, Karbi Anglong East Divn. Diphu.

DEPUTY CONSERVATOR OF FORESTS (FUNCTIONAL):

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

Contd.....P/2..

30. Working Plan Officer, Hills, Diphu,
31. Divisional Forest Officer, F.R.S. Divn. Hills, Haflong
32. Divisional Forest Officer, Consolidation Hills, Haflong
33. Divisional Forest Officer, Genetic Cell Divn. Guwahati
34. Dy. C.F., (Publicity), attached to the O/O CCF, W.L. Assam, Guwahati.
35. Dy. C.F., (Publicity), attached to the O/O PCCF, Assam Guwahati.
36. ~~Development~~ Dy. C.F., (Publicity), attached to the O/O PCCF, S.F. Assam, Guwahati.
37. Dy. C.F., (Extension & Motivation Cell), attached to the O/O PCCF, Assam, Guwahati.
38. Dy. C.F., (Monitoring Cell), attached to the O/O PCCF, S.F., Assam, Guwahati.
39. Dy. C.E. (Enforcement), attached to the O/O CCF, W.L. Assam, Guwahati.
40. Dy. C.F., Sr. Wildlife Warden, attached to the O/O CCF, W.L. Guwahati.
41. Dy. C.F., attached to the O/O C.F., Bongaigaon S.F.
42. Dy. C.F., attached to the O/O C.F., NAC, Tezpur.
43. Dy. C.F., attached to the O/O C.F., W.A.S.F. Circle, Guwahati.
44. Dy. C.F., attached to the O/O C.F., SAC, Silchar.
45. Dy. C.F. (Instructor), attached to the O/O Principal, N.E.F.R. College, Jalukbari.
46. Dy. C.F. (Instructor), attached to the O/O Principal, N.E.F.R. College, Jalukbari, Guwahati.
47. Dy. C.F. (Dy. Field Director, Tiger Project) attached to the O/O F.D.I.P., Barpeta Road,
48. Bxx Planning Officer, attached to the O/O C.F., Hills, Haflong.

(XXX)

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- 2 -

(PUBLISHED IN THE GAZETTE OF INDIA PART II SECTION 3(1))

DT.

No. 10010/2/05-AIS(11)-D  
Government of India  
Ministry of Personnel, P.G. & Pensions  
(Department of Personnel & Training)

New Delhi, the 9.11.95

### NOTIFICATION

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

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

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

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

#### "ASSAM-MEGHALAYA"

Posts under the Government of Assam.

<u>Particulars of Posts</u>	<u>Scale of Pay</u>	<u>Vecd Pcd.</u>
Principal Chief Conservator of Forests	Rs.7600/-	1
Chief Conservator of Forests (Protection)	Rs.5900-200-6700	1
Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden	Rs.5900-200-6700	1
Chief Conservator of Forests (Social Forestry)	Rs.5900-200-6700	1
Chief Conservator of Forests (Research Training & Working Plans)	Rs.5900-200-6700	1
Conservator of Forests (Territorial)	Rs.4500-150-5700	6
Conservator of Forest (Development)	Rs.4500-150-5700	1
Conservator of Forests (Economic Circle)	Rs.4500-150-5700	1
Conservator of Forests (Headquarters)	Rs.4500-150-5700	1
Conservator of Forests (Social Forestry)	Rs.4500-150-5700	2

Conservator of Forests (Wildlife)	1	Rs. 4500-150-5700
Conservator of Forests (Border)	1	Rs. 4500-150-5700
Field Director, Project Tiger, Manas	1	Rs. 4500-150-5700
Director-Kaziranga National Park	1	Rs. 4500-150-5700
Principal, NEF Rangers College, Jalukbari	1	Rs. 4500-150-5700
<b>MEGHALAYA</b>		
Principal Chief Conservator of Forests	1	Rs. 7300-100-7600
Chief Conservator of Forests (Social Forestry & Environment)	1	Rs. 5900-200-6700
Conservator of Forests (Territorial & Development)	1	Rs. 4500-150-5700
Conservator of Forests (Research & Training)	1	Rs. 4500-150-5700
Conservator of Forests (Social Forestry)	1	Rs. 4500-150-5700
Conservator of Forests (Wildlife)	1	Rs. 4500-150-5700

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

Posts under the Government of Assam

Deputy Conservator of Forests (Territorial)	22
Deputy Conservator of Forests - Assam State Zoo	1
Deputy Conservator of Forests (Wildlife)	2
Working Plan Officer	3
Forest Utilisation Officer	1
Planning Officer	3
Silviculturist	1

Posts under the Government of Meghalaya

Deputy Conservator of Forests (Territorial) (Khasi Hills, Jaintia Hills, Garo Hills)	22
Deputy Conservator of Forests (Training)	
Working Plan Officer	
Planning Officer	

Tripura  
Bokakhat

1) DCF (WL)  
\* East Assam Circle Bokakhat  
2) DCF (WL)  
Western Assam Circle, Tripura

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Vicullurint

Director, Dalphakram National Park

Deputy Conservator of Forests (Utilisation)

Deputy Conservator of Forests (Wildlife)  
Chal & West Khasi Hills, Wildlife Division

Deputy Conservator of Forests (Social Forestry)

*(Signature)*

(Madhumita D. Mitra)  
Desk Officer

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

S.No.	G.S.R.No.	Date of Publication
1	4831	12.10.68
2	4830	12.10.68
3	124	18.01.69
4	770	15.03.69
5	1269	31.05.69
6	2176	13.09.69
7	603	11.04.70
8	758	9.05.70
9	138(E)	24.01.71
10	662	8.05.71
11	22(E)	11.01.72
12	46(E)	20.01.72
13	493	29.04.72
14	401(E)	2.09.72
15	1313	14.10.72
16	1157	27.10.73
17	344	6.04.74
18	472(E)	15.11.74
19	781	20.06.75
20	408(E)	16.06.75
21	2228	16.08.75
22	751(E)	3.08.76
23	2268	23.08.75
24	2559	25.10.75
25	832(E)	2.07.70
26	445(E)	6.07.76
27	1285	1.10.77
28	632(E)	5.10.77
29	14(E)	6.01.78
30	696	3.06.78
31	361(E)	13.07.78
32	362(E)	13.07.78
33	953	29.07.78
34	437(E)	29.08.78
35	773	8.06.79
36	487(E)	25.08.80

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ANNEXURE-8 (SERIES)

3

29

P. OBERAI

भारत सरकार का वन विभाग  
मंत्रालय एवं वन विभाग  
DIRECTOR GENERAL OF FORESTS & SPECIAL SECRETARY  
MINISTRY OF ENVIRONMENT & FORESTS  
GOVERNMENT OF INDIA

No.17020/01/94-IFS.11  
April 27, 2001

Dear Shri

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

Meanwhile, it has come to notice that a few non-cadre officers have been posted against cadre posts earmarked as Dy. Conservator of Forests as per the notification dated 9.11.95. As per the information furnished by the PCCF vide letter No.Fr.24/44/97 dated 8.1.96, the detail of Divisions is given below, which includes 22 Territorial Divisions.

1. Goalpara Division, Goalpara
2. Dhubri Division, Dhubri
3. Goalgaon Division, Goalgaon
4. Mokrahar Division, Mokrahar
5. Aie-Valley Division, Bengalgaon
6. Sonitpur East Division, Biawanath Chariali
7. Sonitpur West Division, Tezpur.
8. North Kamrup Division, Rangia
9. Lakhimpur Division, North Lakhimpur
10. Nagaon Division, Nagaon
11. Jorhat Division, Jorhat.
12. Hailakandi Division, Hailakandi
13. Dibrupath Division, Dibrupath
14. Diphai Division, Diphai

1856  
18/5/2001

Attasted  
Advocate

15. Doom Dooma Division, Doom Dooma.
16. Golaphat Division, Golaphat
17. Karimganj Division, Karimganj
18. Cachar Division, Silchar
19. Kamrup East Division, Guwahati
20. Kamrup West Division, Guwahati
21. C.A. Afforestation Division, Hapari
22. W.A. Afforestation Division, Manikpuri
23. Planning Officer (I)
24. Planning Officer (II)
25. Silviculture
26. Planning Officer, Social Forestry
27. Working Plan Officer, Lomkingam Circle, Goalpara
28. Working Plan Officer, Kokrajhar
29. Working Plan Officer, Upper Assam Circle, Jorhat
30. Eastern Assam Wildlife Division, Belokhai
31. Western Assam Wildlife Division, Tezpur
32. Dy. Conservator of Forests (Assam State Zoo), Guwahati
33. Forest Utilization Officer

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

With regards,

Yours Sincerely,

(P. Chatterji)

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

- 63 - ANNEXURE-9 21

GOVERNMENT OF ASSAM  
FOREST DEPARTMENT DISPUR

ORDERS BY THE GOVERNOR  
-NOTIFICATION-

19th

Dated Dispur, the 20th November/2001

NO. FRE. 68/2001/15 : Shri K. Hazarika, Deputy Conservator of Forests, attached to the Conservator of Forests, Lower Assam Social Forestry Circle, Bongaigaon is in the interest of public service transferred and posted as Divisional Forest Officer, Aiz-Valley Division, Bongaigaon with effect from the date he takes over charges vice Shri A. Sahai, IFS, transferred.

NO. FRE. 68/2001/15-A : Shri A. Sahai, IFS, Divisional Forest Officer, Aiz-Valley Division, Bongaigaon is in the interest of public service is transferred and posted as Deputy Conservator of Forests attached to Conservator of Forests, Lower Assam (SF) Circle, Bongaigaon with effect from the date he takes over charges vice Shri K. Hazarika, Deputy Conservator of Forests transferred.

Sd/- A. B. Md. Eureka,  
Joint Secretary to the Govt. of Assam,  
Forest Department, Dispur

Home No. FRE. 68/2001/15-B, Dated Dispur, the 20th November, 2001.

Copy to :-

1. The Accountant General (A&E) Assam, Baitola, Guwahati-21.
2. The Principal Chief Conservator of Forests, Assam, Rahabari, Guwahati-8.
3. The Chief Conservator of Forests (Territorial) Assam, Panbazar, Guwahati-1.
4. The Chief Conservator of Forests (Wild Life) Assam, Rahabari, Guwahati-8.
5. The Chief Conservator of Forests, Research, Education and Working Plan, Assam, Guwahati-24.
6. The Chief Conservator of Forests (Social Forestry) Assam, Guwahati-24.
7. The Conservator of Forests, Western Assam Circle, Kokrajhar.
8. The Conservator of Forests, Lower Assam Social Forestry Circle, Bongaigaon.
9. Shri A. Sahai, IFS, Divisional Forest Officer, Aiz-Valley Division, Bongaigaon.
10. Shri K. Hazarika, Deputy Conservator of Forests attached to Conservator of Forests, Lower Assam Social Forestry Circle, Bongaigaon.
11. P. S. to Minister, Forests, Assam, Dispur for information of the Minister.
12. P. S. to the Chief Secretary, Assam, Dispur for information of the Chief Secretary.
13. The Deputy Director, Assam Govt. Press, Banuni Maidam, Guwahati-21 for publication in the next issue of the Assam Gazette.
14. Personal files of the officers.

By order etc.,

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

**Attasted**

**Advocate**

GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL ( PERSONNEL-B )  
GUWAHATI- 781 006.

6V

No.ABP-69/85/39,

Dated Dispur, the 21st. August/85.

OFFICE MEMORANDUM.

Subject :- Establishment of Civil Services Board.

The State Government after careful consideration of the working of the Civil Services Boards have been pleased to prescribe, in supersession of O.M.No.ABP-69/85/20, dated 9-5-85, the following instructions regulating transfers of officers :-

1.1. There shall be a Civil Services Board consisting of the following members -

- |     |  |                          |
|-----|--|--------------------------|
| (1) | Chief Secretary                            | ... Chairman.            |
| (2) | Agricultural<br>Production<br>Commissioner | ... Member.              |
| (3) | Secretary,<br>Personnel Department         | ... Member<br>Secretary. |

1.2. Secretary of the Administrative Department concerned may be co-opted as a Member in the meeting in which the transfers relating to his Department are discussed.

2. The cases of Gazetted Government servants who are proposed to be transferred before two years or retained in the same post or place for more than three years shall be referred to the Board before making such a transfer. The reasons for such a proposed transfer should be given. Any other matter, as decided from time to time may also be placed before the Board.

3. To enable the Civil Services Board to process proposals on systematic lines, all Administrative Departments will prepare history sheets of services of Gazetted officers

Contd..... ( two )

Attested

Advocate

from prepage:

and maintain them upto-date in the Department. The Departments will furnish all information and documents called for by the Civil Services Board.

4. There will be no Establishment Boards for non-gazetted staff. The transfer of such staff before two years or retention in a post or place beyond 3 years shall be reported by the Heads of Departments, where they are the Appointing Authority, to the Administrative Department with a copy to the Personnel (B) Department before such an action is taken. If such transfers are to be made by Administrative Departments, as the Appointing Authority, they will intimate Personnel (B) Department before such an action is taken.

5. Where transfers are regulated by any statutory rule or enactment or instructions of the Government, the provisions thereof will be duly complied with while sending the proposal to the Board.

JOINT SECRETARY TO THE GOVT. OF ASSAM,  
DEPARTMENT OF PERSONNEL (B).

Memo No. ABP-69/85/39-A

Dated Dispur, the 21st. August/85.

Copy forwarded for information and necessary action to the :-

1. Commissioners of Divisions.
2. Commissioners & Secretaries/Special Secretaries/Secretaries to the Govt. of Assam.
3. Chairman, Assam Administrative Tribunal, Gauhati-1.
4. Chairman, Board of Revenue, Assam, Gauhati-1.
5. All Heads of the Departments.
6. Principal Private Secretary to the Chief Minister, Assam, Dispur.
7. P.S. to Ministers/Ministers of State, Assam.
8. P.S. to the Chief Secretary, Assam, Dispur.
9. All Administrative Departments.

By Orders etc.,

Joint Secretary to the Govt. of Assam,  
Department of Personnel (B).

mlti/021885:

- 66 -

ANNEXURE - 11

GOVERNMENT OF ASSAM  
OFFICE OF THE DIVISIONAL FOREST OFFICER, AIE VALLEY DIVISION,  
BONGAIGAON - 783 380

No: B/13/56/DLF/485

Dated: 26<sup>th</sup> November 2001

To: The Deputy Commissioner,  
Bongaigaon,

Sub: Transfer of Shri Amit Sahai, I.F.S. - reg.

Ref: Govt. Order No. FRE.68/2001/15-A dated 20/11/01.

Sir,

With reference to the Govt. Order referred above, I have the honour to inform you that I have been transferred from the post of DFO Aie Valley Division, Bongaigaon and posted as DCF, attached to the Conservator of Forests, Lower Assam S.F. Circle, Bongaigaon, with effect from the date of taking over charge by the new incumbent.

The schedule of State Panchayat Elections had been notified on 19<sup>th</sup> Nov 2001, Hence I request you to kindly advise the Govt. and the undersigned regarding applicability of Model Code of Conduct issued by the Election Commission of India and whether the transfer can be implemented till completion of the election process.

Yours faithfully,

*Amit Sahai*  
Amit Sahai, IFS

26/11/01

DFO, Aie Valley Division,  
Bongaigaon

*[Signature]*  
Locate

GOVT. OF ASSAM  
OFFICE OF THE DEPUTY COMMISSIONER:.....BONGAIGAON  
No. BNC/E C/4/2001/205 Dated Bongaigaon, the 26<sup>th</sup> Nov, 2001

To,

The Divisional Forest Officer,  
Aie Valley Division, Bongaigaon.

Ref: Your letter No. B/13/56/DCF/485 Dtd. 26.11.2001.

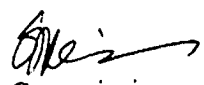
Sir,

With reference to your as referred above, I am to inform you that the State Election Commission had announced the schedule for holding Panchayat Election vide its notification No. SEC. 29/2001/107 Dtd. 19.11.2001 setting in motion the election process already notified by the Deputy Commissioners and Sub-Divisional Officers as per time schedule announced by the State Election Commission.

In exercise of plenary powers conferred under Article 243 (K) of the Constitution of India, the State Election Commission declares that the Model Code of Conduct for all concerned and other restrictions on transfer and fresh recruitments, launching of fresh developmental work etc. will come into force with immediate effect from 19.11.2001. and the same will be in operation till the Panchayat Election in Assam is over.

This is for your information and necessary action.

Yours faithfully,

  
Deputy Commissioner,  
Bongaigaon.

Memo No. BNC/DC/ 4/2001/205

Dated Bongaigaon, the 26<sup>th</sup> November, 2001.

Copy to :

1. The Commissioner to the Hon'ble Chief Minister, Assam, Dispur, Guwahati -6 for favour of information and necessary action.
2. The Secretary to the Govt. of Assam, Forest Department, Dispur, Guwahati-6 for favour of information and necessary action.

**Attasted**  
  
Advocate

Deputy Commissioner,  
Bongaigaon.

**From:** Amit Sahai, I.F.S.,  
D.F.O. Aie Valley Division,  
BONGAIGAON - 783 380

**To:** The Commissioner / Secretary,  
Govt. of Assam,  
Forest Department,  
Dispur.

(Through proper channel)

**Sub:** Transfer of Shri Amit Sahai, I.F.S. - reg.

**Ref:** Govt. Order No. FRE.68/2001/IS-A. dated 20/11/01.

**Su.**

With reference to the subject mentioned above, I have the honour to put forth the following facts for your kind consideration:

1. I am an IFS officer of 1987 batch and am presently posted as Divisional Forest Officer, Aie Valley Division, Bongaigaon. I took charge of the Division on 4.7.2001 in pursuance of order no. FRE 2/91/Pt.I/250 dated 11.6.2001.

In this context I would like to state that in the 14 years of service rendered by me, this is the first time I have been posted as incharge of a territorial division. Inspite of this I am being transferred out after only 4 months. In addition I am due for promotion as Conservator of Forests very shortly.

2. It would be pertinent to inform that I was to be posted as D.F.O., Aie Valley Division since 9.8.2000, vide Government Order No.FRE.1/2000/136-C, but the order was subsequently modified vide No.FRE.1/2000/141-A dated 6.9.2000, and I was posted as Divisional Forest Officer, Western Assam Afforestation Division, Manikpur, 'temporarily'. Finally the Govt. of Assam imparted justice by issuing an order No.FRE.2/91/Pt-I/250 dated 11.6.2001, wherein I was posted as D.F.O. Aie Valley Division. However, I could take over the charge of the division only on 4.7.2001.
3. The post of D.F.O. Aie Valley Division is an I.F.S. cadre post and should be manned only by an IFS officer. This post was encadred way back in 1981 in pursuance to the triennial cadre review of Assam - Meghalaya Joint Cadre of IFS. The Principal Chief Conservator of Forests, Assam mentioned Aie Valley Division as one of the territorial Divisions for IFS officers in his letter No. FE 24/44/97 dated 28.12.84 while forwarding the list of Forest Circles/Divisions. Whereas, the post of D.C.F., attached to the Conservator of Forests, Lower Assam, S.F. Circle, Bongaigaon, is a non cadre post, to which I am being transferred.
4. In the affidavit filed by the Govt. of Assam in Writ Appeal No 219/2001 in WP I No. 4193 of 2001, Kunja Hazarika vs. State of Assam, it was categorically stated

**Attasted**

  
Advocate

that "Aie Valley Division is a Territorial Division, hence an IFS officer is posted against this post towards filling up the required number of posts of territorial division by cadre officer". The Writ Appeal was finally rejected by the Hon'ble Guwahati High Court.

5. In the same Writ Appeal No. 219/2001 in WP I No 4193 of 2001, Kunja Hazarika vs. State of Assam, Shri Hazarika had challenged the Govt. Order No.FRE.2/91/Pt-I/251 dated 11.6.01, wherein he was not considered as a suitable candidate for the post of D.F.O. Aie Valley Division. This order reiterated the fact that DFO, Aie Valley Division is a cadre post reserved for IFS officers. It was further noted that a disciplinary proceeding was pending against Shri K. Hazarika and hence it was not appropriate to post him as DFO, Aie Valley Division and that he may be accommodated elsewhere. Since the appeal was rejected and the Govt. Order still stands, it would be against the stand taken by the Govt. in the said case in posting him as DFO Aie Valley Division.
6. I would also like to inform you that in a short span of 4 months, I have taken all possible steps to curb illicit extraction and trade in forest products in the division. In this respect I would like to cite a few statistics from 4.7.2001 i.e. from the date of my taking over charge to November 2001:

Total no. of offences	38 nos.
Total amount realized	Rs.59,094/-
Total vehicles seized	18 nos
Total no. of illegal saw mills	3 nos.
Total timber confiscated	21 703 cum
Royalty of timber	Rs. 79,393/-

I would like to mention that during the tenure of the previous incumbent, an amount of about Rs.50,000/- only had been realized from April to November 2000 from 25 offences, whereas the above figures are for a period of only 4 months. The revenue realized during my short tenure is increasing by over 35% every month. Recent efforts in consultation with the district authorities will enable realization of revenue from various brick kilns operators in the Division, an area, which had not been investigated earlier.


7. The Forest Department has initiated the concept of participatory management of forests. I have tremendous experience in joint forest management, having been associated with projects of The Indian Council of Forestry Research and Education and various International donor agencies like Ford Foundation and Winrock International. Using my past experiences the JFM committees of the Aie Valley Division are being made more meaningful and liaison with reputed NGOs of the area have been initiated.
8. In the Order no.FRE.2/91/Pt-I/251 dated 11/6/01, it is also mentioned that 'as per Government policy an officer should be normally transferred after about 3 years.' I have put in only 4 months in the present assignment and my fervent request

would be to permit me to have a full tenure so that the works started by me can be brought to their meaningful culmination.

Keeping the above points in view, I request you to kindly review the order under reference and cancel it so that I may continue in the present assignment and contribute towards the betterment of the forests of Western Assam.

Thanking you,

Yours faithfully,

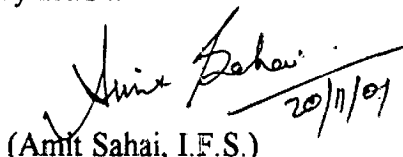
 20/11/01

**Dated: 21.11.2001**

(Amit Sahai, I.F.S.)  
D.F.O. Aie Valley Division,  
Bongaigaon - 783 380.

**Copy to:**

- (i) The Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati, for favour of his kind information and necessary action.
- (ii) The Chief Conservator of Forests (Territorial), Kacheri Ghat, Panbazar, Guwahati, for favour of his kind information and necessary action.
- (iii) The Conservator of Forests, Western Assam Circle, Kokrajhar, for favour of his kind information and necessary action.

 20/11/01

(Amit Sahai, I.F.S.)  
D.F.O. Aie Valley Division,  
Bongaigaon - 783 380.

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ANNEXURE-14 (SERIES)

GOVERNMENT OF ASSAM  
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS:  
REHABARI :: GUWAHATI-8

89

No. PC 342

Dated Guwahati, the 23<sup>rd</sup> Nov., 2001.

26/11

From : K. N. Dev Goswami, I.F.S.,  
Principal Chief Conservator of Forests,  
Assam.

To  
The Secretary to the Government of Assam,  
Forest Department, Dispur,  
Guwahati - 6.

Sub : Transfer of Shri Amit Sahai, I.F.S. - regarding.

Sir,

I have received the transfer order of Shri Amit Sahai, I.F.S., Divisional Forest Officer, Aie Valley Division, Bongaigaon vide Government Notification No. FRE.68/2001/15-A dated 20.11.2001 on a short tenure of 4 months only. In this regard, I have also received a representation of Shri Sahai addressed to you with a copy marked to the undersigned and others praying for stay of the above Government notification (copy enclosed).

In this connection, I am to state that Shri Sahai joined in the Aie Valley Division only in July, 2001 and his transfer at this stage is not suggestible.

Further, it is to be stated that the Government vide notification No. FRE.2/91/Pt-I/251 dated 11.6.2001 have already specified that the post is born in the I.F.S. cadre and hence posting of Shri K. Hazarika of S.F.S. cadre is not considered to be appropriate.

In view of the above, I request Government to stay the transfer order of Shri Sahai and allow him to continue in the said post.

Yours faithfully,

K. N. Dev Goswami 23/11

( K. N. Dev Goswami ),  
Principal Chief Conservator of Forests,  
Assam :: Guwahati-8.

**Attasted**

A  
Advocate

- 72 -

ANNEXURE-14 (SERIES)

AD

GOVERNMENT OF ASSAM.  
OFFICE OF THE CHIEF CONSERVATOR OF FORESTS: (TERRITORIAL): ASSAM.  
G U W A H A T I - 1.

Letter No. FET.12/TP/DCF, Dated Guwahati, the 27/11/2001.

To,

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

Sub : Transfer and posting of Shri Anit Sahai, I.F.S.,  
D.F.O., Aie Valley Division, Bengaigaan.

Ref : Govt. Notification No. FRE.68/2001/15, dt.20-11-2001

Sir,

With reference to above, I would like to mention that Shri Sahai, during his short tenure of 4 months as the Divisional Forest Officer of Aie Valley Division, tried his best to prevent all sorts of trade in illegal timber in and around his jurisdiction. He also took lot of steps to activate the J.F.M. Committees for protecting the nearby forests. As such his transfer at this stage after such a short tenure and that too without getting any adverse report from any departmental authority will not only humiliate him, but also encourage the illegal timber traders. This will also discourage the sincere forest officials to take any concrete steps for preventing illegal activities, which will be detrimental to the protection of forests.

I would, therefore, request you kindly to examine whether Govt. can be moved to stay the said transfer order for the time being.

Yours faithfully,

Attasted

Advocate

( M. C. MALAKAR, IFS )  
CHIEF CONSERVATOR OF FORESTS: (T):  
A S S A M.

Copy to the Secretary to the Govt. of Assam, Forest Department, Dispur for information and necessary action.

CHIEF CONSERVATOR OF FORESTS: (T):  
A S S A M.

OFFICE OF THE CONSERVATOR OF FORESTS  
WESTERN ASSAM CIRCLE  
KOKRAJHAR.

No.PGW.4/2000

Dated, 21th November 2001

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

Sub: Representation of Shri Amit Sahay, I.F.S. for  
cancellation of Govt. Notification transferring  
him from Aie Valley Division to D.C.F. attached  
to C.F. (Social Forestry) & L.A.C.

Ref: Govt. Order No.FRE.68/2001 dated 20.11.01.

Sir,

I have the honour to forward the representation of Shri Amit Sahai, I.F.S., D.F.O. Aie Valley Division, Bongaigaon dated 21.11.2001 in connection with a request for cancellation of his transfer order under reference. In this reference, I would like to state that Shri Sahai has been holding the post of Aie Valley Division merely 4 months and his retention in the Aie Valley Division is crucial at this juncture for curbing illegal activities in timber movement, both inside and outside the State. Further, I would like to impress upon the authorities that for the implementation of various interim orders of Hon'ble Supreme Court and various guidelines framed by Ministry of Environment and Forest, Govt. of India and Govt. of Assam, the continuance of Shri Sahai in the present post is very essential for implementing the decisions in letter and spirit. This would add significance in view of shaping of forces in bringing normalcy in enforcement of various forest laws and rules in the Western Assam Circle, which has been witnessing a striking degradation of forest in last few years.

Sri Sahai has very good exposure in Joint Forest Management by virtue of being associated in various projects of Govt. of India and international donor agencies. At this time when JFM movement is picking up momentum in Western Assam Circle, the implementation of this transfer order would not only be a great setback to the Forest Department, but also a great embarrassment to all concerned with JFM, as the JFM committees of the Aie Valley Division have been revived and nurtured with great effort during the last few months. Moreover, a seminar conducted by Shri Sahai recently with the help of D.C. Bongaigaon, has been instrumental in initiating a network of most of the NGOs of Bongaigaon and Kokrajhar Districts, working for conservation through community participation.

In the light of the above, I would earnestly request the authorities to review their order under reference and not to transfer Shri Sahai in the interest of the Department as well as the public at large. Keeping in view the initiatives taken up by Shri Sahai during a short span of only 4 months since he took charge of the Aie Valley Division, he may be given more time to bring the activities to their meaningful completion.

Yours faithfully  
*[Signature]*  
(D.P. Bankhwal, IFS)  
Conservator of Forests (WAC)  
Kokrajhar.

Encl.: As stated above

*[Signature]*  
Advocate

Copy to:

1. C.C.F. (T) for favour of his kind information and necessary action.
2. P.C.C.F, Assam for favour of his kind information and necessary action.

*[Signature]*  
(D.P. Bankhwal, IFS)  
Conservator of Forests (WAC)

ANNEXURE-14 (SERIES)

FAX No. 95-361-261346

GOVT. OF ASSAM

OFFICE OF THE DEPUTY COMMISSIONER.....BONGAIGAON  
No. BNC/DC/4/2001/0125 Dated Bongaigaon, the 22<sup>nd</sup> November, 2001.

To,

The Secretary to the Govt. of Assam,  
Forest Department, Assam Sachivalaya, Disput.

Sub: Transfer of Sri Amit Sahai, IFS, DFO, Aie Valley Division, Bongaigaon- reg.

Sir,

With reference to the subject mentioned above, I have the honour to inform you that I have come to know that Shri Amit Sahai, I.F.S., DFO, Aie Valley Division, Bongaigaon has been transferred within a short span of 4 months. His retention at this post is crucial at this juncture as he has maintained a close liaison with the district administration and has been instrumental in curbing illegal activities in timber movement both inside and outside the state.

Shri Sahai has taken up the task of realizing the Govt. revenue from forest produce very earnestly as observed during the past four months of our working together and has increased it by over 35% every month. His recent efforts in consultation with the district authorities will enable realization of revenue from various brick kilns operators in the district, an area, which had not been investigated earlier by the forest department. Since maximizing the Govt. revenue is the need of the hour, Shri Sahai, is trying to plug the losses of forest revenue and his removal would be a setback to the process.

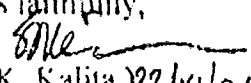
Shri Sahai's exposure and experience in the field of participatory management of natural resources is being put to tremendous use in the district. He is an important resource person in all such activities. Recently a Seminar on Community Conservation was held in the office of the undersigned. It was attended among others by Dr. Robert Horwich, Director, Community Conservation Inc., USA. Shri Sahai introduced the participants to the latest concepts and field practices of JPM, which were greatly lauded. A programme of networking between all the NGOs of the district and the Govt. officials has been mooted by Shri Sahai, which would go a long way in rehabilitation of the forests of Western Assam.

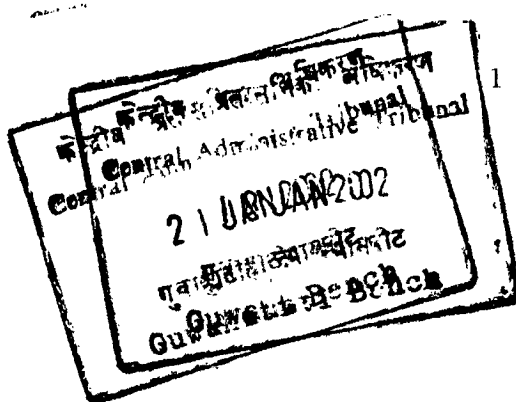
Joint efforts are being made by the staff of the Aie Valley Division, headed by Shri Sahai and the district administration for rejuvenating the deteriorating home of the Golden Langer i.e. the Kakojana RF in Bongaigaon district. An action plan has been prepared and the transfer of Shri Sahai would be detrimental to these efforts.

I am, therefore, to request you to kindly take necessary steps so that Shri Amit Sahai is retained as D.F.O., Aie Valley Division, Bongaigaon till he completes his tenure and could bring the activities initiated by him to a meaningful culmination.

**Attasted****Advocate**

Yours faithfully,

  
(G.K. Kalita 22/11/01)  
Deputy Commissioner,  
Bongaigaon.



P- 75-

Kunja Hazarika  
filed by  
The Respondent  
through  
22 Sayonkr Nulky  
Advocate 21/11/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:

GUWAHATI.

O.A. No. 461 of 2001

IN THE MATTER OF :

Written statements of the  
Respondent No.4.

-AND-

IN THE MATTER OF :

O.A. No. 461 of 2001

Sri Amit Sahai

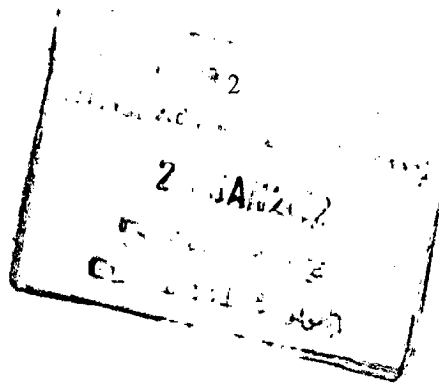
-Versus-

Union of India & others.

The Respondent No.4 above named -

BEGS TO STATE AS FOLLOWS -

1. That the Respondent No.4 presently holding the post of Deputy Conservator of Forests, attached to the Conservator of Forests, Lower Assam Social Forestry Circle, Bongaigaon.
2. The Government of Assam, Forest Department issued a Notification dated 20.11.2001 and whereby the Respondent No.4 has been transferred and posted as Divisional Forest Officer, Aie Valley Division, Bongaigaon in place of the applicant.
3. Against the said transfer order dated 20.11.2001 the applicant approached this Hon'ble Tribunal by filling O.A. No.461 of 2001 and obtained an ex-parte



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order dated 29.11.2001 and whereby this Hon'ble Tribunal was pleased to stay the operation of this said transfer order dated 20.11.2001.

4. The Respondent No.4 has filed an application, being numbered as M.P. No. 7 of 2002 in the said O.A. No. 461 of 2001 for vacating the said ex-parte interim order dated 29.11.2001. The Respondent No.4 begs to state that the grounds taken in the said M.P. No. 7 of 2002 are also be taken in this written statement in support of the case of the Respondent No.4. That apart, while replying to the statements made in O.A. No. 461 of 2001 by the applicant the Respondent No.4 does not admit anything which are contrary to record and or miss-representation of facts.

5. That with regard to the statements made in paragraph 4.1 to 4.3 the answering respondents have no comment as the answering respondent does not have any personal knowledge on it.

6. That with regard to the statements made in 4.4 to 4.7 the answering respondent say that answering respondent will not admit anything which are contrary records and miss-representation of facts.

7. That with to the statements made in paragraphs 4.8 the answering respondent say that those are the hypothesis of the applicant and as such does not admit anything.

8. With regard to the statements made in paragraph 4.9 the answering respondent say that the said order dated 11.6.2001 (Annexure-5 to the O.A. No. 461 of 2001)

was procured by the applicant only to deprive the answering respondent as the answering respondent has a reason to believe that facts have not been properly placed before the Government and as a result of which the State Government, on misleading facts, issued the aforesaid order.

9. That with regard to the statements made in 4.10 the answering respondent states that it is not correct that the Hon'ble Gauhati High Court while passing the order dated 15.6.2001 in W.P.(C) No. 4193 of 2001 that the Court inter alia took note of the fact that the post of D.F.O., Aie Valley Division was meant for the IFS Officers which is clearly evident from Annexure-6 to the O.A. No. 461 of 2001 itself. Hence, the claim of the applicant that the post of D.F.O., Aie Valley Division is a cadre post. In this context the answering respondent craves liberty to rely upon the grounds taken in ground No.B of M.P. No. 7 of 2002 filed in O.A. 461 of 2001.

10. That with regard to the statements made in paragraph 4.11 the answering respondents states that whatever been stated therein are only interpretation of the applicant on the order dated 13.9.2001 passed in Writ Appeal No.219 of 2001 by the Hon'ble High Court. As such, the answering respondent does not agree or admit anything which are contrary to the record and law.

11. That with regard to the statements made in paragraphs 4.12, 4.12 and 4.13 the answering respondents state that the answering respondent will not admit anything which are contrary to records and contrary to policy of the State Government. Rather, the answering

respondent further states that the statements made in the aforesaid paragraphs are nothing but the hypothesis of the applicant and the State Government will not act as per the sweet will and desire of the applicant. In this context, the answering respondent further begs to state that "Forest" is a state subject and the State of Assam will decide as to whether any post of the Divisional Forest Officer in Forest Department is / are to be kept reserved for the cadre officers.

12. That with regard to the statements made in paragraph 4.14 the answering respondent states that such statements are not to be taken account into as at the time of moving the O.A. No. 461 of 2001 the said Notification dated 20.11.2001 was very much annexed with the said O.A. No. 461 of 2001 and as such the applicant shall not be permitted to take such ground, which is contrary to Administrative Law.

13. That with regard to the statements made in 4.15 and 4.16 the answering respondent states that it is the wisdom of the Government to transfer and post a Government employee but not at the sweet will and desire of the employee concern. In this context the answering respondent begs to rely upon the grounds taken in ground No.F of M.P. No. 7 of 2002 filed in O.A. No. 461 of 2001. The answering respondent further begs to state that in view of the law laid down by the Apex Court in the case of the State Bank of India versus Anjan Sanyal and others, reported in (2001) 5 SCC 508 the O.A. No. 461 of 2001 is liable to be dismissed.

14. That with regard to statements made in 4.17 the answering respondent states that applicant is not posted outside Bongaigaon Town and as such it is not understood as to how the studies of his children would be affected. So far the rest of the statements are concerned the answering respondent states that there was / were no such order or orders from any Court of law to appoint the applicant in the post of D.F.O., Aie Valley Division and as such the State Government is at liberty to transfer the applicant from the post of D.F.O., Aie Valley Division to other Division as transfer and posting of a Government employee is an incident of service which cannot be denied by the applicant. Also, the applicant, as a matter of right, cannot compel the State Government to post him at a particular place.

15. That with regard to the statements made in paragraph 4.18 the answering respondent states that those are misleading and false. In support of the claim of the answering respondent, the answering respondent begs to rely upon the grounds taken in ground No. of M.P. No. 7 of 2002 filed in O.A. No. 461 of 2002. The answering respondent further states that there was no Panchayat Election in Bongaigaon. As such, the O.A. No. 461 of 2001 is liable to be dismissed on this ground only for the simple reason that the applicant deliberately misled this Hon'ble Tribunal.

16. That with regard to the statements made in paragraphs 4.19, 4.20 and 4.21 the answering respondent does not admit and acknowledge anything as those are no grounds to stay the operation of the Government

Notification dated 20.11.2001 by this Hon'ble Tribunal since those grounds are stereotyped grounds having been taken superficially.

17. That with regard to the grounds taken in paragraphs 5.1 to 5.11 the answering respondent states that the answering respondent has already countered those grounds in M.P. No. 7 of 2002 filed in O.A. No. 461 of 2001. As such, the answering respondent craves liberty to rely upon the grounds taken in ground Nos. A to H in M.P. No. 7 of 2002 to counter the grounds taken in O.A. No. 461 of 2001.

18. That the answering respondent begs to state that the subject matter of O.A. No. 461 of 2001 is transfer and the Apex Court has already laid down the law as to under what circumstances a transfer order is to be interfered with. It is further stated that there is no such ground in consonance with the law laid down by the Apex Court in O.A. No. 461 of 2001 which calls for intervention from this Hon'ble Tribunal and as such the said O.A. NO.461 of 2001 is liable to be dismissed.

#### VERIFICATION

I, Sri Kunja Hazarika, aged about 39 years, son of Late Dinanath Hazarika, by profession service, resident of Joorpukhuri, Uzanbazar, Guwahati-1, in the District of Kamrup, Assam, presently working as the Deputy Conservator of Forests, Lower Assam Social Forestry Circle, Bongaigaon do hereby verify and state

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that the contents in paragraphs 1 to 17 are true to my knowledge, and the contents of the paragraph 18 are humble submissions before this Hon'ble Tribunal.

And I put my signature on this verification on this the ....<sup>21<sup>st</sup></sup> day of January, 2002, at Guwahati.

*Kunja Hazarika.*

Respondent No. 4

100  
Filed by: -  
The State of Assam & Co.  
Respondents  
Nos. 1 and 2  
Mr. J. N. Deka  
Mr. J. N. Deka  
Mr. J. N. Deka  
28/7/2002

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH :: GUWAHATI

O.A. NO. 461/2001

IN THE MATTER OF :

O.A. No. 461/2001

Shri A. Sahai

... Applicant.

-VERSUS-

Union of India & Ors.

... Respondents.

-AND-

IN THE MATTER OF :

Written statement on behalf  
of the respondent Nos. 1  
(State of Assam) and respondent  
No. 2 (Secretary to the Govt. of  
Assam, Forest Department) in  
the above case.

(Written statement on behalf of the Respondent  
Nos. 1 and 2 to the application filed by the  
applicant).

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-: 2 :-

I, Shri Alok Khare, IAS, Son of Shri D.C. Khare, presently working as Joint Secretary, Forest Department, do hereby solemnly state as follows :-

1. That I am the Joint Secretary to the Government of Assam, Department of Forest. Copies of the application of the above case had been served upon the respondent Nos. 1 and 2. I perused the same and understood the contents thereof. I am competent to file this written statement as I have been authorised to file the same before this Hon'ble Tribunal. I do not admit any of the allegations/averments which are not specifically admitted hereinafter are to be deemed as denied.

2. That with regard to the statements made in paragraph 4.1 of the application the answering respondent has nothing to make comment on it.

3. That the statements made in paragraphs 4.2, 4.3, 4.4, 4.5 and 4.6 are admitted by the answering respondent.

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-: 3 :-

4. That with regard to the statements made in paragraph 4.7 of the application, it is stated that in compliance of the Hon'ble Gauhati High Court's order dated 26.3.2001 in W.P.(C) NO. 2111/2001. The State Government issued a notification No.FRE. 2/91/Pt.I/193 dated 29.3.2001 whereby reviving the earlier transfer order dated 5.3.2001 where the Respondent No. 4 Shri K. Hazarika was transferred and posted as Divisional Forest Officer, Aie Valley Division, Bongaigaon in place of Shri K.N. Barman by staying the earlier order dated 17.3.2001. Being aggrieved Shri K.N. Barman preferred a Writ Petition being No. 2422/2001 before the Hon'ble High Court. The Hon'ble High Court vide its order dated 4.4.2001 disposed of both the matter with at liberty to file fresh representations in respect of their cases before the appropriate authority.

Copies of the said notifications dated 5.3.2001 and 17.3.2001 and 29.3.2001 are annexed hereto and marked as Annexure- 'A', 'B' and 'C'.

5. That with regard to the statements made in paragraph 4.8 of the application it is stated that the statements are not true rather assumption of the applicant.

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6. That with regard to the statements made in paragraph 4.9 of the application it is stated that in compliance of High Court's order dated 4.4.2001. The State Government vide its speaking order No.FRE. 2/91/Pt.I/251 dated 11.6.2001 disposed of the two representations namely made by Sri K. Hazarika and Shri K.N. Barman and thereafter the Government issued an order dated 11.6.2001 under No.FRE. 2/91/Pt.I/250 whereby Shri A. Sahai (applicant) was transferred and posted as Divisional Forest Officer, Aie-Valley Division, Bongaigaon and Shri K. Hazarika was posted Deputy Conservator of Forests attached to Conservator of Forests, Lower Assam Social Forestry Circle, Bongaigaon.

A copy of the transfer order dated 11.6.2001 is annexed herewith and marked as Annexure-'D'.

7. That the statements made in paragraphs 4.10, 4.11 are admitted by the answering respondent.

8. That with regard to the statements made in paragraph 4.12 of the application it is stated that some proposal were made by the State Government for the triennial review of IFS Cadre

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-: 5 :-

including the Aie-Valley Division in the senior scale. The Government of India vide notification No. 16016/2/95-AIS (II)-A dated 9.11.95 earmarked 22 out of 33 Territorial Deputy Conservator of Forests post for cadre officers. However State Government have not made Division-wise identification of 22 posts of Territorial Divisions for cadre officers (IFS) as yet.

9. That the statement made in paragraph 4.12 A of the application the answering respondent has nothing to make comment on it.

10. That with regard to the statement made in paragraph 4.13 of the application it is stated that the applicant was transferred and posted as Deputy Conservator of Forests attached to Conservator of Forests, Lower Assam Social Forestry Circle, Bongaigaon vice Shri K. Hazarika transferred and posted as Divisional Forest Officer, Aie Valley Division.

A photocopy of the said transfer order dated 20.11.2001 is annexed ~~hereto~~ hereto and marked as Annexure 'E'.

11. That with regard to the Statements made in paragraphs 4.14, 4.15, 4.16, 4.17 and 4.18 of the application. The answering respondent has nothing to make comment on it. He, however

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- 6 -

does not admit any statement which are  
contrary to records.

12. That with regard to the state-  
ments made in paragraph 4.19 of the appli-  
cation it is stated that the representation  
of the applicant is being processed and not  
yet disposed of.

13. That the statements made in  
paragraphs 4.20 and 4.21 the answering  
respondent has nothing to make comment on  
it.



Contd....9/7..

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-: 7 :-

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

I, Shri Alok Khare, IAS, son of Shri D.C. Khare, Joint Secretary to the Government of Assam, Forest Department, Dispur, Guwahati-6 do hereby solemnly state that the statements made in paragraphs 1, 2, 3, 5, 7, 9, 11, 12 and 13 are true to my knowledge and those made in paragraphs 4, 6, 8 and 10 are true to my information being matters of records of the case derived therefrom which I believe to be true. No material facts have been suppressed.

I sign this verification on this  
.28<sup>th</sup>. . . day of January, 2002 at Guwahati.

Alok Khare

DEPONENT.

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

NOTIFICATION

Dated Dispur, the 5th March, 2001.

NO.FRE. 2/91/Pt.I/151 :- In modification of Govt. Notification No.FRE. 19/2000/Pt.II/15-A, dtd. 18.10.2000. Shri K. Hazarika, D.C.F. (now on leave) is in the interest of public service is transferred and posted as Divisional Forest Officer, Aie Valley Division, Bongaigaon with effect from the date he takes over charge vice Shri K.N. Barman, Divisional Forest Officer transferred.

NO.FRE. 2/91/Pt.I/161-A :- Shri K.N. Barman, Divisional Forest Officer, Aie Valley Division in the interest of public service is transferred and posted as Deputy Conservator of Forests (Monitoring) in the office of the Chief Conservator of Forests (Social Forestry), Assam, Guwahati against the existing vacancy with effect from the date he assumes charges.

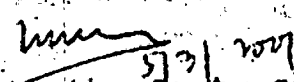
Sd/- A.B. Md. Eunus,  
Joint Secretary to the Govt. of Assam,  
Forest Department, Dispur.

Memo No.FRE. 2/91/Pt.I/161-B, Dated Dispur, the 5th March, 2001.

Copy to:-

- 1) The Accountant General (A&E), Assam, Maidamgaon, Beltola, Guwahati-29.
- 2) The Principal Chief Conservator of Forests, Assam, Rohabari, Guwahati-8.
- 3) The Chief Conservator of Forests (Territorial), Assam, Panbazar, Guwahati-1.
- 4) The Chief Conservator of Forests (Wildlife), Assam, Rohabari, Guwahati-8.
- 5) The Chief Conservator of Forests (Social Forestry), Assam, Zoo Narengi Road, Guwahati-24.
- 6) The Chief Conservator of Forests (Research, Education and Working Plan), Assam, Guwahati-24.
- 7) The Conservator of Forests, Western Assam Circle, Kokrajhar.
- 8) The Conservator of Forests, Central Southern Assam Social Forestry Circle, Guwahati-1.
- 9) The P.S. to the Chief Minister, Assam, Dispur, Guwahati-6 for favour of information of the Chief Minister.
- 10) The P.S. to the Minister of State Forests, Assam, Dispur, Guwahati-6 for favour of information of the Minister.
- 11) Shri K. Hazarika, DCF on leave.
- 12) Shri K.N. Barman, Divisional Forest Officer, Aie Valley Division, Bongaigaon.
- 13) The Deputy Director, Govt. Printing Press, Assam, Bamunimaldam, Guwahati-21 for publication of the above Notification in the next issue of the Assam Gazette.
- 14) Personal File of the officers.

By order etc.,

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

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GOVERNMENT OF ASSAM  
FOREST DEPARTMENT :::: DISPUR

ORDERS BY THE GOVERNOR

- NOTIFICATION -

Dated Dispur, the 17th March, 2001.

NO.FRE.2/91/Pt-I/165 : The transfer and posting in respect of Shri K. N. Barman, Divisional Forest Officer, Aie-Valley Division, Bongaigaon and Shri K. Hazarika, DCF (on leave) issued vide Government Notification No. FRE.2/91/Pt-I/161-A and No. FRE.2/91/Pt-I/161 dtd. 5-3-2001 are hereby stayed until further orders.

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

Memo No. FRE.2/91/Pt-I/165-A, Dtd., Dispur, the 17th March, 2001.  
Copy to :-

1. The Accountant General (A&E) Assam, Beltola, Guwahati-29.
2. The Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8.
3. The Chief Conservator of Forests (Territorial) Assam, Panbazar, Guwahati-1.
4. The Chief Conservator of Forests (Wildlife) Assam, Rehabari, Guwahati-8.
5. The Chief Conservator of Forests (Social Forestry) Assam, Zoo Narengi Road, Guwahati-24.
6. The Chief Conservator of Forests, Research, Education and Working Plan, Assam, Guwahati-24.
7. The Conservator of Forests, Western Assam Circle, Kokrajhar.
8. The Conservator of Forests, Central Southern S.F. Circle, Guwahati.
9. P.S. to the Chief Minister, Assam for information of the Chief Minister.
10. P.S. to the Minister of State, Forests, Assam, Dispur for information of the Minister.
11. Shri K. Hazarika, DCF (On leave), C/O P.C.C.F., Assam, Rehabari, Guwahati-8.
12. Shri K. N. Barman, Divisional Forest Officer, Aie-Valley Division, Bongaigaon.
13. The Deputy Director, Assam Govt. Press, Bamunimaidam, Guwahati-21 for publication of the notification in the next issue of the Assam Gazette.
14. Personal files of the officers.

By order etc.,

17/3/2001  
Joint Secretary to the Govt. of Assam,  
Forest Department, Dispur

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

NOTIFICATION

Dated Dispur, the 29th March, 2001.

NO. FRE. 2/91/Pt.I/193 :- In pursuance of the order of the Hon'ble Gauhati High Court passed on 26.3.2001 in W.P.(C) No. 2111 of 2001 (Shri K. Hazarika -Vs- State of Assam & ors), the Govt. order issued vide Notification No. FRE. 2/91/Pt.I/165, dated 17.3.2001 is hereby stayed until further orders and therefore, the Govt. order issued vide Notification No. FRE. 2/91/Pt.I/161, dtd. 5.3.2001 and Notification No. FRE. 2/91/Pt.I/161-A, dated 5.3.2001 are revived.

Sd/-A.B. Md. Eunus,  
Joint Secretary to the Govt. of Assam,  
Forest Department, Dispur.  
Dated Dispur, the 29th March, 2001.

Memo No. FRE. 2/91/Pt.I/193-A,

Copy to :-

- 1) The Accountant General (A&E), Assam, Maidamgaon, Beltola, Guwahati-29.
- 2) The Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8.
- 3) The Chief Conservator of Forests (Territorial), Assam, Panbazar, Guwahati-1.
- 4) The Chief Conservator of Forests (Social Forestry), Assam, Zoo Narengi Road, Guwahati-24.
- 5) The Chief Conservator of Forests (Wildlife), Assam, Rehabari, Guwahati-8.
- 6) The Chief Conservator of Forests (Research, Education and Working Plan), Assam, Guwahati-24.
- 7) The Conservator of Forests, Western Assam Circle, Kokrajhar.
- 8) The Conservator of Forests, Central Southern Assam Social Forestry Circle, Guwahati.
- 9) The P.S. to the Chief Minister, Assam, Dispur, Guwahati-6 for information of the Chief Minister.
- 10) The P.S. to the Minister of State Forests, Assam, Dispur, Guwahati-6 for information of the Minister.
- 11) Shri K. Hazarika, DCF (on leave).
- 12) Shri K.N. Barman, Divisional Forest Officer, They will hand over/take over charge immediately.  
Aiz-Valley Division, Bongaigaon.
- 13) The Deputy Director, Assam Govt. Press, Bamunimaidam, Guwahati-21 for publication of the above Notification in the next issue of the Assam Gazette.
- 14) Personal File of the officers.
- 15) Senior Govt. Advocate, Assam  
Gauhati High Court.

By order etc.,

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

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GOVERNMENT OF ASSAM  
FOREST DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 11th June, 2001.

NO.FRE.2/91/Pt.I/250 :- In the interest of public service Shri A. Sahai, IFS, Divisional Forest Officer, Western Assam Afforestation Division, Manikpur is transferred and posted as Divisional Forest Officer, Aie Valley Division, Bongaigaon with effect from the date of taking over charge vice Shri K.N. Barman, who has already been transferred and posted as Deputy Conservator of Forests (Monitoring), Office of the Chief Conservator of Forests (SF) Assam, Guwahati vide Notification No.FRE.2/91/Pt-I/161-A, dtd. 5-3-2001.

NO.FRE.2/91/Pt-I/250-A :- In the interest of public service, Smti. A. Bhargava, IFS, Deputy Conservator of Forests, attached to the Conservator of Forests, Lower Assam S.F. Circle, Bongaigaon is transferred and posted as Divisional Forest Officer, Western Assam Afforestation Division, Manikpur with effect from the date of taking over charge vice Shri A. Sahai, IFS transferred.

NO.FRE.2/91/Pt-I/250-B :- In modification of earlier Government Notification No.FRE.2/91/Pt-I/161, dated 5-3-2001, Shri K. Hazarika, Deputy Conservator of Forests, is transferred and posted as Deputy Conservator of Forests attached to the Conservator of Forests, Lower Assam S.F. Circle, Bongaigaon with effect from the date of taking over charge vice Smti. A. Bhargava, IFS transferred.

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

Memo No.FRE.2/91/Pt-I/250-C, Dated Dispur, the 11th June, 2001.  
Copy to :-

1. The Accountant General, Assam, Beltola, Guwahati-29.
2. The Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8. This Deptt. letter No.FRE.2/91/Pt.I/229, dated 10.4.2001 allowing Shri K.N. Barman, Dto.continue as D.F.O. Aie Valley Division, Bongaigaon is cancelled.
3. The Chief Conservator of Forests (SF) Assam, Guwahati-24.
4. The Chief Conservator of Forests (WL) Assam, Rehabari, Guwahati-8.

MASSA GOVERNMENT

- 5) The Chief Conservator of Forests (Territorial) Assam, Panbazar, Guwahati-1.
- 6) The Chief Conservator of Forests, Research, Education and Working Plan, Assam, Guwahati-24.

- 7) The Conservator of Forests, Western Assam Circle, Kokrajhar.

- 8) The Conservator of Forests, Lower Assam S.F. Circle, Bongaigaon.

- 9) Shri A. Sahai, IFS, Divisional Forest Officer, Western Assam Afforestation Division, Manikpur.

- 10) Smt. A. Bhargava, IFS, Deputy Conservator of Forests attached to Conservator of Forests, Lower Assam S.F. Circle, Bongaigaon.

- 11) Shri K. N. Barmah, Aie-Valley Division, Bongaigaon.

- 12) Shri K. Hazarika, Deputy Conservator of Forests, C/O the Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8.

- 13) The P.S. to the Minister, Forests, Assam, Dispur.

- 14) The P.S. to the Chief Secretary, Assam, for information of the Chief Secretary.

- 15) The Deputy Director, Assam Govt. Press, Bamunimaidam, Guwahati-21 for publication in the next issue of the Assam Gazette.

- 16) Personal files of the officers.

MASSA GOVERNMENT - IN MODIFICATION OF EARLIER GOVERNMENT

Notification No. F.R.E. 2/91/P-1/220-B By order etc.,

Hazarika, Deputy Conservator of Forests, is transferred and posted as Deputy Conservator of Forests attached to the

Joint Secretary to the Government of Assam, Forest Department, Dispur.

Smt. A. Bhargava, IFS, transferred.

11/11

Joint Secretary to the Government of Assam, Forest Department, Dispur.

Joint Secretary to the Government of Assam, Forest Department, Dispur.

Memo No. F.R.E. 2/91/P-1/220-C, Dated Dispur, 11/11/2001.

Copy to :-

1. The Accountant General, Assam, Beldanga, Guwahati-29.

2. The Principal Chief Conservator of Forests, Assam, Guwahati-8. This Deptt. letter No. F.R.E. 2/91/P-1/220-B is forwarded to you for information.

3. The Chief Conservator of Forests, Western Assam Circle, Kokrajhar.

4. The Chief Conservator of Forests, Lower Assam S.F. Circle, Bongaigaon.

5. The Chief Conservator of Forests, Research, Education and Working Plan, Assam, Guwahati-24.

6. The Chief Conservator of Forests, Assam, Rehabari, Guwahati-8.

7. The P.S. to the Minister, Forests, Assam, Dispur.

8. The P.S. to the Chief Secretary, Assam, for information of the Chief Secretary.

9. The Deputy Director, Assam Govt. Press, Bamunimaidam, Guwahati-21.

10. The Joint Secretary to the Government of Assam, Forest Department, Dispur.

They are directed to hand over/take over charge within 7 days.

GOVERNMENT OF ASSAM  
FOREST DEPARTMENT : : : DISPUR

ORDERS BY THE GOVERNOR

NOTIFICATION -

Dated Dispur, the 20th November/2001.

NO.FRE.68/2001/15 : Shri K. Hazarika, Deputy Conservator of Forests, attached to the Conservator of Forests, Lower Assam Social Forestry Circle, Bongaigaon is in the interest of public service transferred and posted as Divisional Forest Officer, Aie-Valley Division, Bongaigaon with effect from the date he takes over charges vice Shri A. Sahai, IFS, transferred.

NO.FRE.68/2001/15-A : Shri A. Sahai, IFS, Divisional Forest Officer, Aie-Valley Division, Bongaigaon is in the interest of public service is transferred and posted as Deputy Conservator of Forests attached to Conservator of Forests, Lower Assam Social Forestry Circle, Bongaigaon with effect from the date he takes over charge vice Shri K. Hazarika, Deputy Conservator of Forests transferred.

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

Memo No. FRE.68/2001/15-B, Dated Dispur, the 20th November/2001.  
Copy to :-

1. The Accountant General (A&E) Assam, Beltola, Guwahati-29.
2. The Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8.
3. The Chief Conservator of Forests (Territorial) Assam, Panbazar, Guwahati-1.
4. The Chief Conservator of Forests (Wild Life) Assam, Rehabari, Guwahati-8.
5. The Chief Conservator of Forests, Research, Education and Working Plan, Assam, Guwahati-24.
6. The Chief Conservator of Forests (Social Forestry) Assam, Guwahati-24.
7. The Conservator of Forests, Western Assam Circle, Kokrajhar.
8. The Conservator of Forests, Lower Assam Social Forestry Circle, Bongaigaon.
9. Shri A. Sahai, IFS, Divisional Forest Officer, Aie-Valley Division, Bongaigaon.
10. Shri K. Hazarika, Deputy Conservator of Forests attached to Conservator of Forests, Lower Assam Social Forestry Circle, Bongaigaon.
11. P.S. to Minister, Forests, Assam, Dispur for information of the Minister.
12. P.S. to the Chief Secretary, Assam, Dispur for information of the Chief Secretary.
13. The Deputy Director, Assam Govt. Press, Bamunimaidam, Guwahati-21 for publication in the next issue of the Assam Gazette.
14. Personal file of the officers.

By order etc.,

*20/11/2001*  
Joint Secretary to the Govt. of Assam,  
Forest Department, Dispur