

30/100

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

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 470/2001

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Application No. 470 /2001

Applicant(s):- A.K. Sinha

Respondant(s):- U.O.I Govt

Advocate for the Applicant :- Chandran Sekhar Sinha

Advocate for the Respondant:- case

Notes of the Registry	Date	Order of the Tribunal
This is application in form C. F. for Rs. 50/- deposit vide IP <u>804534</u> Dated <u>23.11.2001</u> <i>Dy. Registrar</i>	21.12.01	List on 2.1.2002 for admission.  <i>K. Usha</i> Member <i>[Signature]</i> Vice-Chairman
<i>Steps taken with envelops. <u>excess money paid by</u> applicant.</i>	2.1.02	The application is admitted. Call for the records. List on 1.2.2002 for order.  <i>K. Usha</i> Member <i>[Signature]</i> Vice-Chairman
<i>Notice prepared and sent to Dls for my dls Respondent No. 170 14 by Regd A/D</i>	1.2.02	Await service report. The applicant may furnish atleast two copies of the application to Sri A. Deb Roy, learned Sr. C.G.S.C. for the respondents to enable him to take necessary steps. List on 21.2.2002 for order.  <i>K. Usha</i> Member <i>[Signature]</i> Vice-Chairman
<i>DI No <u>124/137</u> Dt <u>22/1/02</u></i>	21/1/02	
<i>No deposit receipt for Rs. 45/- is enclosed.</i>	21/01/02	

Notices returned in  
S/o Respondent No.  
6, 8 & 11 as  
addresses left.

By  
21/2/02.

① Service report are  
still awaited.

By  
20.2.02.

Pl comply order  
dated 21.2.02.

By  
21/2/02

I failed to communicate  
the order dtd 1/2/02 to  
the parties Counsel member -  
tently. I may kindly be excuse  
for this. By  
21/2/02

21.2.02

By order dated 1.2.02 two copies  
of the application we ordered to furnish  
to Mr. A. Deb Roy, learned Sr. C.G.S.C.  
The Office note is incomplete and Office  
to clarify the matter within 24 hours.

List again on 27.2.2002 for order.

1 C C Shaha  
Member

Vice-Chairman

22.2.02

Seen the Office note. It seems that  
the notices were sent to the respondents  
on 10.1.2002 by registered post and notices  
could not be served to respondent Nos. 6, 8  
and 11 as addresses are left. The applicant  
may take necessary steps of service of  
notices. The service on other respondents  
are accepted. The respondents may file  
written statement, if any. List on 27.3.2002  
for order.

Member

Vice-Chairman

22.2.02

Seen the Office note. It seems that  
the notices were sent to the Respondents  
on 10.1.2002 by registered post and notices  
could not be served to respondent Nos. 6, 8  
and 11 as addressees were reported to have  
left the addressess. The applicant may take  
necessary steps of service of notices on  
Respondent Nos. 5, 8 and 11. The service on  
other respondents are accepted. The Respond-  
ents may file written statement, if any.

List on 27.3.2002 for order.

1 C C Shaha  
Member

Vice-Chairman

mb

Order dtd 22/2/02  
Communicated to the  
parties Counsel & Applicant.  
By  
22/2/02

No written statement  
has been filed.

By  
26.3.02.

Notes of the Registry	Date	Order of the Tribunal
<p>Order dtd 27/3/02 Communicated to the parties concerned. do 4/4/02</p> <p>3 No. Slets received and handover to Mr. A Deb Roy, Sr. C.G.S.C. received copy do 4/4/02</p> <p>No written statement has been filed. do 8.4.02</p> <p>Notice preferred under order dtd 27/3/02 and sent to D/S for issuing the respondents No. 6, 8 &amp; 11 by Regd-A/D. do 11/4/02 DINo 1159 to 1161 Dtd 23/4/02</p> <p>No written statement has been filed. do 3.6.02</p> <p>No written statement has been filed. do 28.6.02</p>	<p>27.3.02</p> <p>mb</p> <p>9.4.02</p> <p>mb</p> <p>14.5.02</p> <p>mb</p> <p>4.6.02</p> <p>lm</p>	<p>List on 9.4.2002 to enable Mr. Mr. R.K. Deb Choudhury, learned counsel for the applicant to take necessary steps. Mr. Deb Choudhury, learned counsel for the applicant, however, may serve the copy of the application to Mr. A. Deb Roy, learned Sr. C.G.S.C. in course of the day.</p> <p>Member Vice-Chairman</p> <p>Put up on 14.5.2002 to enable the Respondents to file written statement.</p> <p>Member Vice-Chairman</p> <p>List on 4.6.2002 for further orders.</p> <p>Member Vice-Chairman</p> <p>Service is completed. Mr. A. Deb Roy, Sr. C.G.S.C. prays for time to file written statement for Respondent No.1. List on 5.7.02 for orders.</p> <p>Member Vice-Chairman</p>

4.7.2002  
Agartala

Heard Mr C. Sinha, learned counsel for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. Despite orders, the respondents have not yet filed their written statement. Further four weeks time allowed for filing of written statement, on the prayer of Mr A. Deb Roy, learned Sr. C.G.S.C. List for order orders on 10.8.02. The respondents are directed to file their written statement positively by that day.

*K. C. Sinha*  
Member

*[Signature]*  
Vice-Chairman

nkm

12.7.02

12.8.02

Written statement has been filed. Rejoinder has also been filed. The learned counsel for the applicant served the copy of the rejoinder to C.G.S.C. today. The matter is ready for hearing. Accordingly, the matter is posted for hearing on 27.8.2002.

W/S Submitted by the Respondent No. 1.

*[Signature]*

6.8.2002

Rejoinder submitted by the applicant in reply to the W/S filed by the Respondent No. 1.

27.8.2002

Heard Mr.C.S.Sinha, learned counsel for the applicant at length and also Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents.

List the case again on 4.9.2002 for further hearing.

*K. C. Sinha*  
Member

*[Signature]*  
Vice-Chairman

bb

5/10  
OA 470/201

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Notes of the Registry	Date	Order of the Tribunal
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Heard Mr. R.K. Debchoudhury, learned  
Counsel for the applicant &  
Mr. A. Debroy, S.C. & S.C. for the  
respondent.  
Hearing concluded.  
Judgment reserved.

Mho,  
A.K. Debroy  
4/9/22

6.9.02

Judgment delivered in open Court,  
kept in separate sheets. The application  
is allowed in terms of the order. No  
order as to ~~s~~ costs.

Received Copy on 23/9/02

*Debchoudhury*  
(R.K. Debchoudhury)

Judgment dtd 6/9/02  
Communicated to the  
parties counsel.

Dr  
24/9/02

mb

*K. C. Choudhury*  
Member

*[Signature]*  
Vice-Chairman

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Notes of the Registry	Date	Order of the Tribunal
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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A./XXX.No.,...470.....of 2001

DATE OF DECISION. 6th Sept 2002....

Shri Achintya Kumar Sinha ..... APPLICANT(S)

Mr Chandrasekhar and R.K. Dev Choudhury ..... ADVOCATE FOR THE APPLICANT(S)

-VERSUS-

The Union of India and others ..... RESPONDENT(S)

Mr A. Deb Roy, Sr. C.G.S.C. .... ADVOCATE FOR THE  
RESPONDENT(S)

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





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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.470 of 2001

Date of decision: This the 6th day of September 2002

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

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

Shri Achintya Kumar Sinha,  
Deputy Conservator of Forests,  
Headquarter, Aranya Bhavan,  
Agartala, Tripura.

.....Applicant

By Advocates Mr Chandrasekhar Sinha and  
Mr Ranjit Kumar Dev Choudhury.

- versus -

1. The Union of India, represented by the  
Secretary,  
Ministry of Environment and Forests,  
Government of India,  
Paryavaran Bhawan, Lodhi Road, New Delhi.
2. The State of Tripura represented by the  
Chief Secretary, Government of Tripura,  
Agartala, Tripura.
3. The State of Manipur, represented by the  
Chief Secretary, Government of Manipur,  
Imphal.
4. The Union Public Service Commission, represented by  
The Secretary,  
Union Public Service Commission,  
Dholpur House, New Delhi.
5. Shri B.N. Mohanty, IFS,  
Office of the Principal Chief Conservator of  
Forests,  
Manipur, Imphal.
6. Shri A. Rastogi, IFS,  
Project Manager, TFDPC Ltd.,  
Agartala, West Tripura.
7. Shri P.K. Pant, IFS,  
DFO, Southern Forest Division,  
Churachandpur, Manipur.
8. Shri D.J.N. Anand, IFS,  
DFO, Southern Forest Division,  
Churachandpur, Manipur.
9. Th. Ibobi Singh,  
Deputy Conservator of Forests,  
Social Forestry Division, Imphal.
10. Shri Jagdish Singh,  
Assistant Inspector General of Forests,  
Ministry of Environment and Forests,  
Government of India,  
Paryavaran Bhawan, Lodhi Road, New Delhi.
11. Shri S.K. Srivastava,  
Deputy Conservator of Forests,  
Care of Principal Chief Conservator of Forests,  
Manipur Imphal.

12. Shri A.C. Srivastava,  
Care of Principal Chief Conservator of Forests,  
Tripura, Agartala.
  13. Shri Ngulkhohao,  
Deputy Conservator of Forests,  
Care of Principal Chief Conservator of Forests,  
Manipur, Imphal.
  14. Dr Khaizalian,  
Deputy Conservator of Forests,  
Care of Principal Chief Conservator of Forests,  
Manipur, Imphal. ....Respondents
- By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

.....

O R D E R

CHOWDHURY. J. (V.C.)

The legitimacy of the action of the respondents of giving effect to the Select List for promotion to the Indian Forest Service in terms of the Indian Forest Service (Recruitment) Rules in conformity with the Indian Forest Service (Appointment by Promotion) Regulations, 1966 is the subject matter of this proceeding that has arisen in the following circumstances:

The applicant was a State Forest Service Officer of Tripura. He was promoted to the Indian Forest Service (IFS for short) with effect from 10.3.1992. According to the applicant he was to be promoted prior to 10.3.1992 on the basis of the Select List prepared in the year 1989 and 1990. Instead, his promotion was delayed unlawfully till 10.3.1992 and wrongly allotted his year of allotment as 1988. The applicant, being aggrieved by the action of the respondents moved this Tribunal by way of an O.A., which was numbered and registered as O.A.No.276 of 1996. The Tribunal by Judgment and Order dated 24.3.1999 disposed of the aforementioned O.A. directing the authority to consider all aspects of the matter and dispose of the

representation of the applicant by a reasoned order. The applicant was also allowed to submit a fresh representation giving details of his claim. The applicant submitted a fresh representation and the Government of India, Ministry of Environment and Forests by its reasoned order dated 9.8.2000 allotted 1987 as the year of allotment of the applicant. Being aggrieved by the aforesaid order, the applicant again moved this Tribunal by this application assailing the legality of the action of the respondents.

2. The respondent No.1, i.e. Union of India, has only submitted written statement contesting the claim of the applicant. The other respondents including the State of Tripura did not contest the claim of the applicant. In the written statement the respondent No.1 placed the necessary facts. In paragraphs 3.1 and 3.2 of the written statement, the respondent No.1 has stated as follows:

"A Select List was drawn up for Tripura segment of the Manipur-Tripura cadre of IFS the Selection Committee in its meeting held on 30.12.1989 and 7.4.1990. The following officer's names were included in that list:

1. Sh A K Roy
2. 2. Sh A K Sinha

UPSC approved the list vide their communication dated 28th May 1990. Since Shri A K Roy had already been promoted to IFS with effect from 16th December 1989 on the basis of his inclusion in the select list for 1988, the list prepared by the Selection Committee in its meeting held on 30.12.89 and 7.4.1990 consisted of one effective name only i.e. that of Sh A K Sinha. This was communicated to the Government of Tripura vide our letter No.17013/12/90-IFS II dated 20th September 1990 with the request that a detailed proposal for promotion of the applicant may be sent to the Govt. of India as and when the State Government proposed to appoint the applicant by promotion to the State Cadre of IFS. It is submitted here that as per promotion regulations the appointment of the SFS officers included in the Select List shall be made by the Central Government on the recommendations of the State Government in the order in which the names of the members of the SFS officers appear in

the.....

the select list for the time being in force.

3.2 Though the State Government sent the proposal in this regard vide the Government of Tripura letter No.F.2(13)-GA/89 dated 15th March 1991, Sh A K Sinha could not be promoted to IFS as the proposal was received late and the subsequent Selection Committee meeting had been held on 15th March 1991 rendering the earlier Select List invalid."

The respondent No.1 in the written statement also stated that in the list prepared by the Selection Committee in its meeting held on 15.3.1991, the name of the applicant was at serial No.1. The said Select List was approved by the UPSC on 25.11.1991 and on the basis of the proposal received from the Government of Tripura the applicant was appointed to the IFS with effect from 10.3.1992.

3. We have heard Mr C.S. Sinha, learned counsel for the applicant and also Mr A. Deb Roy, learned Sr. C.G.S.C., at length. Admittedly, on the own showing of the respondents the Selection Committee in its meeting held on 30.12.1989 and 7.4.1990 cleared the name of the applicant. On the own showing of the respondents the UPSC also approved the list on 28.5.1990. There is no explanation, not to speak of reasonable explanation as to why the applicant could not be appointed to the IFS on or before 15.3.1991, the date on which the Select List became inoperative. The promotion of the State Forest Service Officers to the All India Service is regulated by statutory rules like IFS (Recruitment) Rules, 1966 and IFS (Appointment by Promotion) Regulations, 1966. The authorities are charged with the statutory duties. As mentioned under the Regulations, 1966, preparation of list of suitable officers for promotion is a mandatory duty. Regulation 5 cast a duty to hold Selection Committee meetings at intervals not exceeding one year and prepare a

list.....

list of such members of the State Civil Service as are held by them to be suitable for promotion to the Service. Preparing a list of such members mentioned in the Regulation of State Civil Service for promotion to the Service had to be followed assiduously as was observed in Syed Khalid Rizvi Vs. Union of India, reported in 1993 Supp (3) SCC 575. The said decision was also followed in Union of India and others Vs. Vipinchandra Hiralal Shah, reported in (1996) 6 SCC 721.

4. The whole object is to afford equal opportunity to promotee officers to reach the higher position in conformity with the policy laid down in Articles 14 and 16 (1) of the Consitution of India. As per the Constitutional Scheme mentioned above, every civil servant has a right to have his case considered for promotion according to his turn and the guarantee is inbuilt in Articles 14 and 16 of the Constitution. Consideration of promotion can only be postponed on just and reasonable grounds. In the case in hand, admittedly, the name of the applicant appeared in the Select List of 1989-90. The UPSC also approved the list on 28.5.1990. It took about four months time for the Ministry of Environment and Forests to adress on this issue to the Government of Tripura vide Memorandum dated 20.9.1990 asking the Government of Tripura for the particulars in the event the State Government proposed to appoint the officer by promotion to the State Cadre of the IFS. The State Government in its turn took about six months time for sending the recommendations to the Central Government vide Memorandum dated 15.3.1991 and in the meantime the Select List came to an end.

5. The statutory rules regulating appointment also fixed a time schedule for taking all the necessary steps.

No.....

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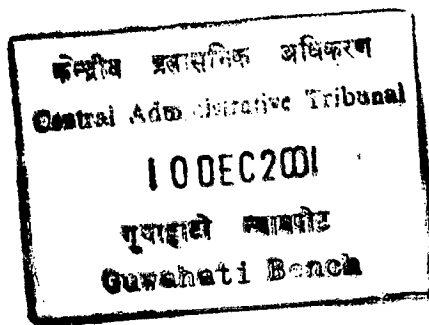
No explanation came forthwith as to why the recommendation could not be forwarded prior in time for giving effect to the Select List of 1990. At any rate, the fault squarely lies on the respondents, who had a statutory duty to discharge. For the dereliction of duties by the instrumentalities of the State the promotional prospects of the applicant cannot be jeopardized or prejudiced. The dereliction or lapses on the part of the respondents directly impinges upon the legitimate expectation of the applicant. The aforesaid action of the respondents is not justified by law.

6. On consideration of all the aspects of the matter we are of the opinion that the applicant was entitled for being considered for promotion on the basis of the Select List of 1990, which was duly approved by the UPSC on 28.5.1990. We accordingly direct the authority to take necessary steps for antedating his year of allotment due to him by treating the selection of the applicant for promotion to the Indian Forest Service had taken place in 1990 and not in 1992. We accordingly direct the respondents to take up the matter with utmost expedition and pass necessary orders with all consequential benefits within two weeks from the date of receipt of the order.

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

  
( K. K. SHARMA )  
ADMINISTRATIVE MEMBER

  
( D. N. CHOWDHURY )  
VICE-CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH.

(An application under section 19 of the Administrative Tribunals Act, 1985)

Title of the case:

O.A. No.

470/2001

Shri Achintya Kumar Sinha:

Applicant

-Versus-

Union of India & others:

Respondents.

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For use by Tribunal's office:

Date of filing:

Registration No.:

Registrar

Achintya Kumar Sinha

Achintya Kumar Sinha

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

BETWEEN

Shri Achintya Kumar Sinha, Dy. Conservator of Forests, HQ, Aranya Bhavan, P.O. Kunjavan, Agartala, Tripura: 799 006

... Applicant

VERSUS

1. The Union of India represented by the Secretary, Ministry of Environment and Forests, Government of India, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Dehli-110 003
2. The State of Tripura represented by the Chief Secretary, Government of Tripura, Agartala, Tripura-799 001.
3. The State of Manipur represented by the Chief Secretary, Government of Manipur, Imphal.
4. The Union Public Service Commission represented by the Secretary, UPSC, Dholpur House, Shahjahan Road, New Delhi.
5. Shri B.N.Mohanty, IFS, office of the Principal Chief Conservator of Forests, Manipur, Imphal.
6. Shri A. Rastogi, IFS, Project Manager, TFDPC Ltd., P.O. Kunjavan, Agartala, West Tripura, Pin: 799 006
7. Shri P.K. Pant, IFS, Associate Professor, Indira Gandhi National Forest Academy, P.O. New Forest, Dehradun
8. Shri D.J.N. Anand, IFS, DFO, Southern Forest Division, Churachandpur, P.O. Churachandpur, Manipur
9. Th. Ibobi Singh, Dy. Conservator of Forests, Social Forestry Division, Imphal.
10. Shri Jagdish Singh, Assistant Inspector General of Forests, Ministry of Environment and Forests, Government of India, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110 003.
11. Shri S.K.Srivastava, Dy. Conservator of Forest, care of Principal Chief Conservator of Forests, Manipur, Imphal.
12. Shri A.C.Srivastava, care of Principal Chief Conservator of Forests, Tripura, P.O. Kunjavan, Agartala-799 006.
13. Shri Ngulkhohao, Dy. Conservator of Forests, care of Principal Chief Conservator of Forests, Manipur, Imphal.
14. Dr. Khaizalian, Dy. Conservator of Forests, care of Principal Chief Conservator of Forests, Manipur, Imphal.

... Respondents

**DETAILS OF APPLICATION**

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

The instant application is directed against the Order issued under No.F.22012/10/97-IFS-II dated 09-08-2000 by the Ministry of Environment and Forests, Government of India assigning the year of allotment of the applicant as '1987'.



R<sup>3</sup>  
R<sup>9</sup> IFS (App)

17  
Achinga Kumar Sanku  
Central Govt

Copy of the order No.F.22012/10/97-IFS-II dated 09-08-2000 by the Ministry of Environment and Forests, Government of India is enclosed and marked as Annexure-1.

## 2. JURISDICTION OF THE TRIBUNAL: -

The applicant declares that the subject matter of the application is within the jurisdiction of the Guwahati Bench of the Honourable Central Administrative Tribunal (Tribunal for short, here in after).

## 3. LIMITATION: -

former order

The applicant declares that the instant 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 this Honourable Tribunal, in Order dated 24-03-99 in the Original Application No. 276/ 96 of the applicant, observed in para-6 of the judgment that "adequate materials are not available to determine for what reasons the applicant was not appointed in the year 1989-90". The said judgment stated further in the same para that "the entire matter needs to be considered by the authority concerned taking into consideration all the materials in the records and dispose of the representation by a reasoned order." Finally, the Honourable Tribunal allowed the petitioner to file a fresh representation giving details of his claim.

4.2. That the applicant, who was away from his Headquarters in connection with a foreign training since May, 1999, received the copy of the said judgment dated 24-03-99, forwarded by the Deputy Registrar, Central Administrative Tribunal, Guwahati Bench under his No.276/96/2066 dated 22-06-99 on 07-09-99, on his return to headquarters after the said training abroad.

4.3. That the applicant in pursuance to the liberty granted by the Honourable Tribunal in the judgment dated 24-03-99 submitted a representation on the 20<sup>th</sup> September, 1999 giving details of his claim referring to relevant documents/materials with submission on grounds for relief addressed to the Secretary, Ministry of Environment and Forests, Government of India (Ministry for short, here in after), and duly forwarded by the Principal Chief Conservator of Forests, Tripura under his No.F.3 (23) /For/ Estt-94 / Pt / 14864 dated 15-10-99.

*Adhitya Kumar Sinto*  
*Subodh Kumar Sinto*

*Copy of the letter dated 20-09-99 of the Applicant is enclosed and marked as Annexure 2.*

4.4. That the Ministry of Environment and Forests, Government of India issued an order under No. F. 22012 / 10 / 97-IFS. II dated 09-08-2000, in pursuance to the impugned judgment dated 24-03-99 of the Honourable Tribunal, considering only one issue, but completely ignoring, and by making no reference to the others as tendered in the fresh representation dated 20-09-99 made by the applicant in pursuance to this Honourable Tribunal's Order dated 24-03-99.

4.5. That the applicant, being aggrieved by the impugned order dated 09-08-2000 from the Ministry, made a fresh representation in appeal dated 03-10-2000 to the Ministry duly forwarded by the Divisional Forest Officer, Forest Training Division, Sepahijala, West Tripura under No. F. 5-1 (A) / FTD-98 / 3031-32 dated 03-10-2000 submitting in brief in reference to the earlier representation dated 20-09-1999 as under for consideration by the Ministry:

i). That the Ministry committed an error by denying the benefit of officiation in a cadre post in the Indian Forest Service (IFS for short, here in after) to the applicant with effect from 15-02-91 in the impugned order dated 09-08-2000 on the wrong plea that the Applicant was not in the Select List at the particular time;

ii). That the said order dated 09-08-2000 completely ignored and failed to consider the other submissions for relief and the grounds for such relief as tendered by the applicant in his fresh representation dated 20-09-99 in pursuance to the Honourable Tribunal's Order for:

(a) the applicant's representation for protection of his seniority against unusual and arbitrary delay in his promotion to the IFS by considering his deemed date of promotion from 22-11-1990;

(b) protection against loss of seniority due to irregular order for promotion of three 1987 batch IFS officers to the Senior Scale before they had become eligible;

(c) claim for adopting the same rationalised basis for fixation of seniority of the applicant on promotion to the IFS, as had already been adopted in case of the other two All India Services since 1988 as per Government of India guidelines dated 18-01-1988.

*Copy of the representation in appeal dated 03-10-2000 of the Applicant is enclosed and marked as Annexure-3.*

4.6. That the Ministry failed to consider the fact, while issuing the order dated 09-08-2000,

19  
 Jeevanta Kumar Sankar  
 Subbarao Sankar

that the Applicant had already been selected for promotion to IFS and included in the Select List prepared in meetings held on 30-12-89 and 07-04-90 as communicated under No. 17013/ 12/90-IFS II dated 20<sup>th</sup> September, 1990 of the Ministry, and that the said Select List was in force as per the extant rules when the applicant was given officiating appointment with effect from 15-02-91, and the Ministry, therefore, committed a grave error and injustice under the circumstances by illegally denying the benefit of officiation in a cadre post to the applicant with effect from 15-02-91 on the wrong assumption that the applicant was not in the Select List till 15-03-91.

*Copy of letter No. 17013/ 12/90-IFS II dated 20<sup>th</sup> September, 1990 of the Ministry of Environment and Forests, Government of India is enclosed and marked as Annexure-4.*

4.7. That the Ministry in its order dated 09-08-00 failed to consider the fact that a fresh vacancy had arisen in the promotion quota in Tripura part of the IFS Joint Cadre as per Notification no. 16016 / 6 / 90 – AIS (II) –A dated 22-11-90 of the Ministry, and the applicant's name was effectively the only one at the time in the valid Select List after promotion of Shri AK Roy (Year of allotment - 85), number one in the said Select List, and that the concerned respondent authorities, instead of promoting the applicant with effect from 22-11-1990, caused double jeopardy to the applicant by illegally and irregularly promoting three 1987 batch direct recruit officers of the IFS to the senior scale with retrospective effect from 01-02-91 under an illegal and premature Order No. F. 2 (14)- GA / 90 dated 04-02-91 of the Appointments and Services Department, Government of Tripura, long before they had completed the minimum period of one year of work / service after completion of their probation period in July, 1990, without the mandatory concurrence of the Joint Cadre Authority, and that the Ministry did not at all discuss this submission in the Order dated 09-08-2000 in spite of the Order dated 24-03-99 of this Honourable Tribunal, which had categorically advised that "the entire matter needs to be considered by the authority concerned taking into consideration all the materials in the records and dispose of the representation by a reasoned order.", and the Ministry also failed to review the matter even after further representation dated 03-10-2000 against the Ministry's order dated 09-08-2000.

*Copy of order No. F. 2 (14)- GA / 90 dated 04-02-91 of the Appointments and Services Department, Government of Tripura is enclosed and marked as Annexure-5.*

4.8. That the Ministry in its order dated 09-08-2000, arising out of the Hon'ble Tribunal's direction in O.A.No.276/96 of the applicant, completely ignored and failed to consider the submission of the applicant in the original OA and subsequent representations in respect of his claim for adopting the same rationalized basis of fixation of seniority on promotion to IFS, as

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 Acharya Kumar Sinto  
 (understand)

had already been adopted since 1988 in case of the other two All India Services, that is the Indian Administrative Service & the Indian Police Service, and to allow consequential benefit on that basis to the applicant, as there was no logic or grounds for discrimination amongst All India Services on a basic issue like fixation of seniority on promotion.

4.9. That the applicant instead of repeating the contentions, craves leave of this Honourable Tribunal to refer to and rely upon the statements made in the representation dated 20-09-99 and representation dated 03-10-2000 addressed to the Ministry, and submits to your lordships to be graciously pleased to treat them as a part of statements made in the instant application.

#### 5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the impugned order dated 09-08-2000 (Annexure-1) having failed to consider the matter, save and except for one issue, in the original Application No.276/96 and as resubmitted by the applicant in pursuance to this Honourable Tribunal's Order in a fresh representation dated 20-09-99 (Annexure-2) with necessary details, and having ignored once again the above fact as tendered by the applicant in his representation dated 03-10-2000 (Annexure-3) to the Ministry, the entire matter deserves reconsideration and fresh trial by this Honourable Tribunal for ends of justice.

5.2 For that the applicant having been included in the Select List for promotion to the IFS prepared by the Selection Committee meeting held on 30-12-89 and 07-04-90 and communicated vide Ministry's letter dated 20-09-90 (Annexure-4), there was no ground or basis for denial of benefits of officiation in cadre post to the applicant with effect from 15-02-91 on the wrong assumption that the applicant was not in the Select List at the time, and this Honourable Tribunal may be graciously pleased to restore the benefit of officiation with effect from 15-02-91.

5.3. For that the applicant being selected for promotion to the IFS in the Selection Committee Meeting held on 30-12-89 and 07-04-90, and being in number two position of a Select List of two officers, and Shri AK Roy IFS (Manipur-Tripura Cadre -1985) in number one position of the said List having already been promoted, there was no justifiable reasons for not promoting the applicant against the substantive vacancy in the promotion quota that arose on 22-11-90; and this Honourable Tribunal may be graciously pleased to direct the respondent authorities to give effect to the promotion of the applicant from 22-11-90 for ends of justice.

5.4. For that the three direct recruit IFS officers in Tripura part of the Manipur-Tripura Cadre

Shri. Kumar Sinto,  
Member

had completed their probation of three years in July, 1990, and they were, therefore, not even eligible for consideration for promotion to the senior scale before August, 1991 as per direction from the Department of Personnel and Training, Government of India (DOPT for short, here in after) under No. 16011 / 3 / 82 -AIS (IV) dated 23-08-1982; and the respondent authorities by illegally and prematurely promoting them with retrospective effect from 01-02-1991 caused grievous injury to the applicant by way of substantial loss of seniority by placing him below 1987 direct recruit officers, and this Honourable Tribunal may be graciously pleased to remedy this gross injustice to the applicant due to downright violation of their own directions by the respondent authorities by directing modification of the promotion order dated 04-02-1991 (Annexure-5) making that effective from 01-08-1991 on completion of at least one year service after probation by the 1987 batch of IFS direct recruits.

5.5 For that according to Sub-rule (1) of Rule 6-A read with clause (h) in Rule 2 of the IFS (Recruitment) Rules, 1966 appointments to the posts in the senior time scale of pay shall be made by the Joint Cadre Authority in case of a Joint Cadre, but the Government of Tripura, being one of the constituent states for the Manipur-Tripura Joint Cadre, committed a grave error and serious breach of rule by appointing, all on its own by an unduly hurried, premature and illegal order dated 04-02-1991, three direct recruit IFS officers of 1987 batch in the senior scale; causing substantial loss of seniority unfairly and illegally to the applicant by placing him below them in seniority; and this Honourable Tribunal may be graciously pleased to set aside the said illegal order dated 04-02-1991 (Annexure-5).

5.6 For that the Department of Personnel and Administrative Reforms, Government of India under their communication No. 14014 / 17 / 86 -AIS (I) GSR 42 (F) dated 18-01-1988 rationalised the basis for regulating the seniority of officers promoted to the All India Services making it dependent on the length of the qualifying service before appointment in the cadre post, and that the said basis having been adopted for two of the three All India services, that is Indian Administrative Service and the Indian Police Service since 1988, not adopting the same for the Indian Forest Service without any justification amounted to serious discrimination, causing thereby grievous injury to this applicant vis-à-vis the position of similarly situated promoted officers in the other two All India Services in the State of Tripura. This Honourable Tribunal may be graciously pleased, therefore, to direct the respondent authorities to adopt the same rationalised the basis for fixing the seniority of the applicant in the IFS, as in case of the other two All India Services.

*Aditya Kumar Sinha**Aditya Kumar Sinha*

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant declares that he has no other alternative of efficacious remedy than to come under the protective hands of this Honourable Tribunal.

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

The applicant further declares that he has not filed any application, writ petition or suit before any other Court and/or authority and/or any other Bench of this Honourable Tribunal in respect of the subject of the instant application or any such application, writ petition or suit is pending with any of them.

8. RELIEFS SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prays that the Honourable Tribunal may be graciously pleased to admit this application, call for the records of the case and up on hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief to the applicant.

(i) To direct the respondent authorities to quash the order dated 09-08-2000 of the Ministry (Annexure-1) in respect of benefit of officiation and to grant the same to the applicant in a cadre post of IFS with effect from 15-02-1991 instead of 15-03-91.

(ii) To direct the respondent authorities to give effect to the appointment of the applicant to the IFS with effect from 22-11-1990 with consequential benefit of '1986' year of allotment.

(iii) To direct the respondent authorities to cancel the illegal and premature Notification dated 04-02-1991 (Annexure-5) of the Government of Tripura and to issue revised Order giving effect to the appointment of three IFS direct recruit officers to the senior scale from 01-08-1991, with consequential benefit of '1986' year of allotment to the applicant.

(iv) To direct the respondent authorities to adopt the rationalised basis for fixation of seniority on promotion in case of IFS as per DOPT Communication No. 14014 / 17 / 86-AIS (I) GSR 42 (F) dated 18-01-1988, and to allow consequential benefit to the applicant.

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Achintya Kumar Sinha

vs  
Kunjavan  
Agartala9. INTERIM ORDER PRAYED FOR

The applicant does not pray for any interim order at this stage.

10. THE APPLICATION IS FILED THROUGH ADVOCATE11. PARTICULARS OF BANK DRAFT

- (i) Demand Draft No. 804534 for Rs.50/- of the State Bank of India, Kunjavan Branch, Agartala, West Tripura.
- (ii) Date: 23/11/2001
- (iii) Payable at Guwahati Branch

12. LIST OF ENCLOSURES

As stated in the Index.

VERIFICATION.

I, Achintya Kumar Sinha, son of Late Nil Kanta Sinha, aged about 51 years, presently holding the post of Deputy Conservator of Forests, Headquarters in the office of the Principal Chief Conservator of Forests, Tripura at Kunjavan, Agartala, West Tripura, do hereby solemnly affirm and verify that the statements made in the instant application in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to the legal advice received and I have not suppressed any material facts.

And, I sign this verification on the 24th day of November, 2001 at Agartala.

Achintya Kumar Sinha.

No.F.22012/10/97 - IFS.II  
Government of India  
Ministry of Environment and Forests

Paryavaran Bhavan, CGO Complex,  
Lodi road, New Delhi-110003

Dated, the 9<sup>th</sup> August, 2000.

### **O R D E R**

Shri A.K. Sinha, a State Forest Service (SFS) officer of Tripura was promoted to the Indian Forest Service (IFS) w.e.f. 10-3-92. Subsequently, his year of allotment was determined as '1988' vide order dated 18-5-95 and he was placed below Shri R. Das, a direct recruit officer of 1988 batch. Aggrieved by the order dated 18.5.95. Shri Sinha filed OA No.276/96 before the Hon'ble Central Administrative Tribunal - Guwahati Bench seeking a direction to assign him '1985' year of allotment with all consequential benefits including correct assignment of seniority and promotion prospects etc. with retrospective effect. The OA was decided by the Hon'ble Tribunal vide order dated 24.3.99. The operative portion of Tribunal's order is extracted below:-

"On consideration of the entire facts we find that adequate materials are not available to determine for what reasons the applicant was not appointed in the year 1989-90. The contention of Mr. Sharma is that the post was available but he was not appointed. For all these we feel the entire matter needs to be considered by the authority concerned taking into consideration all the materials in the records and dispose of the representation by a reasoned order. Mr. Sharma wants to file a fresh representation giving details of his claim. If he wants to file a fresh representation he may do so within a period of fifteen days from today. If such representation is filed within the time allowed the competent authority shall also consider the same and dispose of it as early as possible, at any rate within a period of six months from the date of receipt of the representation. The counsel for the applicant and the respondent Nos.19 and 20 submit that before taking any decision by the competent authority the persons interested may be given opportunity of personal hearing. This submission is reasonable. Therefore, we direct the respondents that before taking any decision they shall give notice by giving sufficient time to all persons interested for personal hearing."

In pursuance of the directions given by the Hon'ble Tribunal, Shri Sinha submitted a fresh representation on 18.12.99 which was received on 22.12.99. As per Tribunal's order the representation should have been submitted by 7<sup>th</sup> April, 1999. Broadly, Shri Sinha has made following submissions: -

- i) He became eligible for consideration for appointment to the IFS in 1982.



- ii) He was appointed to the IFS on 10.3.92 and was assigned '1988' year of allotment whereas his immediate senior in the Tripura SFS, Shri A.K. Roy, was appointed to the IFS on 16.12.89 and was assigned '1985' year of allotment.
- iii) The Central Govt. while fixing the number of promotion posts, took into account only item No.1 & 2 of the Cadre Schedule, i.e. the Senior duty posts under the State Government and the Central Deputation Reserve. But in terms of the order dated 20.1.99 passed by the Central Administrative Tribunal – Guwahati Bench in OA No.15/95: Th. Ibobi Singh Vs. Union of India and Ors, the Union of India was directed to compute the promotion vacancies by taking into consideration the State Deputation Reserve also. Therefore, he is also entitled to the benefit of the judgment rendered by the Hon'ble Tribunal in Th. Ibobi Singh's case.
- iv) In terms of the above said judgment, there were 8 promotion posts in the Tripura segment of the Joint Cadre, out of which 7 posts were filled up when Shri A.K. Roy was appointed on 16.12.89. He (Shri Sinha) is entitled for consideration for promotion to the IFS against the 8<sup>th</sup> vacancy.
- v) The direct recruit IFS officers of 1985 and 1986 batch were appointed to the Senior time scale w.e.f. 1.4. 1989 and 1.4.1990 respectively. Therefore, he is entitled to '1985' year of allotment.

2. In his earlier representations attached to O.A. No.276/96 the main ground urged by Shri Sinha was that he had been continuously officiating on cadre post from 15.2.91 till his appointment to the IFS and, as such, he was entitled to the benefit of such officiation and pleaded to assign him '1985' year of allotment.

3. As per directions of the Hon'ble Tribunal, Shri R. Das and Shri D.K. Sharma, the direct recruit officers (Respondent No.19 & 20), were afforded an opportunity of personal hearing. Initially, the date of personal hearing was fixed on 6<sup>th</sup> March, 2000 but neither of the two officers appeared on that date. Therefore, another date was given to them on 20<sup>th</sup> March, 2000. This time, only Shri D.K. Sharma appeared. He made the following submissions:

- i) According to Shri A.K. Sinha, he was promoted to the IFS on 10.3.92 whereas he claims promotion in November, 1990. The IFS (Recruitment) Rules provides only the maximum number of posts that can be filled up. Mere presence of vacancy does not entitle Shri Sinha to claim promotion to the IFS. Further, it is not necessary that his name would have been considered had the Select List been prepared earlier.

- ii) Officiation of Shri Sinha on cadre post from 15.2.91 to 16.5.92 cannot be considered for seniority because his name was included in the Select List only on 25.11.91 when the list was approved by the UPSC. His officiation cannot, therefore, be counted for the purpose of fixation of his seniority before 25.11.91.
- iii) As per rule-9 of the IFS (Cadre) Rules, prior approval of the Central Government is required by the State Government in case a non-cadre officer is posted on a cadre post beyond a period of three months.
- iv) He (Shri D.K. Sharma) was entitled to Senior time scale w.e.f. 4.7.91. Therefore, he was senior to Shri Sinha whose name was included in the Select List w.e.f. 25.11.91.
- v) In view of above, the year of allotment (1988) assigned to Shri Sinha is correct and does not require any change.

Shri Sharma also asked for a copy of representation dated 18.12.89 submitted by Shri Sinha which was sent to him vide letter dated 18.04.2000. Shri Sharma furnished his comments on the said representation vide his letter dated 1.5.2000.

4. The ground urged by Shri Sinha in his earlier representations as well as the latest one as also the submissions made by Shri D.K. Sharma have been examined. As the outset, it is stated that the judgment rendered by the Hon'ble Tribunal in the case of Shri Ibobi Singh in OA. No.15/95 is pending for review with the Hon'ble Tribunal following filing of Review Petition by the Union of India. [As regard the contention of Shri Sinha that his immediate senior, Shri A.K. Roy was appointed to the IFS on 16.12.89 and was assigned '1985' year of allotment, it is stated that Shri Roy's name was included in the Select List prepared on 13.12.1988 whereas Shri Sinha's name could not be included in that list due to restriction on size of the Select List which depended upon the number of promotion vacancies available on the date of preparation of the list. In fact, Shri Roy was the only officer whose name was included in the Select List prepared on 31.12.1988. [The name of Shri Sinha was included in the subsequent Select List prepared on 15.3.91 and he was placed at Sl.No.1 of the list in which names of 5 other SFS officers of Tripura, who were found suitable for promotion to the IFS, were included. On the basis of that Select List, Shri Sinha was appointed to the IFS w.e.f. 10.3.92 and was subsequently assigned '1988' year of allotment.

5. The issue of extending the benefit officiation to a promotee IFS officer on a cadre post prior to his promotion to the IFS was examined by the Hon'ble Supreme Court in the case titled: M.V. Krishna Rao and Ors. Vs. UOI and Ors. – JT 1994(1) SC 492. In that case,

the Hon'ble Supreme Court held that for appointing a Select List officer on a cadre post prior to his induction into the all India Service, approval of the Central Government was not necessary. Such approval is required only in the case of non-Select List officer or one who is not next in order in the list. In the present case, Shri Sinha was at the top of list prepared on 15.3.91 and, as such, as per ruling of the Apex Court in the case cited above, no approval of the Central Government was necessary. Nevertheless, Central Government accorded approval to the State Government's proposal regarding officiation of Shri Sinha on cadre post w.e.f. 15.2.91 till his appointment to the IFS on 13.3.92. In a recent judgment dated 20.1.2000 delivered by the Hon'ble High Court at Allahabad in W.P. No.24393/97 : Chandra Bhushan Vs. Central Administrative Tribunal, Allahabad Bench and Ors., it has been held that Shri Bhushan was entitled to the benefit of officiation from 13.12.1984, i.e. the date when the Select List in which his name was included was drawn. While delivering the judgment, the Hon'ble High Court also relied upon the judgment rendered by the Apex Court in the case of M.V. Krishna Rao referred to above.

6. In view of the position explained above, Shri A. K. Sinha is entitled to the benefit of officiation on cadre post w.e.f. 15.3.91, the date when his name was included in the Select List and on that date Dr. Khaizalian was the junior-most direct recruit of 1987 batch borne on the Manipur-Tripura Joint Cadre who had been officiating continuously on a senior post. Accordingly, in terms of rule 3 (2) (c) of the IFS (Regulation of Seniority) Rules, 1968, Shri Sinha is placed below Dr. Khaizalian and is hereby assigned '1987 year of allotment.

Sd/- Mira Mehrishi  
Joint Secretary to the Govt. of India

AK Sinha IFS (MT-88)  
Divisional Forest Officer  
Forest Training Division,  
Sepahijala, West Tripura 799 102

Dated 20<sup>th</sup> September, 1999

To  
The Secretary,  
Ministry of Environment and Forests (IFS-Section),  
Government of India, Paryavaran Bhawan,  
4<sup>th</sup> Floor, CGO Complex, New Delhi 110 003.

Subj.: Representation for correct fixation of year of allotment in the Indian Forest Service on promotion in revision of the erroneous order dated 18-05-'95 of the Ministry of Environment and Forests, Government of India.

Ref.: Judgement dated 24-03-99 passed by the Guwahati Bench of the Central Administrative Tribunal, Guwahati, and communicated vide No. 276/96/ 2068 dated 22-06-99.

Sir,

I had been away since May, 1999 in connection with a foreign training. I returned to my post on the 7<sup>th</sup> September, 1999 and received the copy of the Judgement dated 24-03-99 passed by the Guwahati Bench of the Central Administrative Tribunal. I had to study the records and consult my lawyers. Having been posted in an isolated area, and the need for attending to my official duties and responsibilities, I have been able to make my representation now. I hope the delay, if any, is thus explained.

I made the following claims in my application vide No. 276/96 to the Guwahati Bench of the Central Administrative Tribunal:

i). I prayed for taking into account the period of my officiating appointment against a cadre post of the Indian Forest Service in Tripura from 15-02-91 to 09-03-92 for the purpose of fixing my year of allotment. The claim stands on the following grounds:

a). I have been in the select list continuously since 1989.

b). A clear vacancy arose in the Tripura part of the cadre from 22-11-90.

c). The Ministry of Environment and Forests, Government of India approved the period of officiating appointment.

*Reference: No. 17020 / 12 / 90 / IFS-II dated 02-06-92*

d). The Ministry of Environment and Forests, Government of India in their written statement dated 11-03-98 submitted to the Guwahati Bench of the Central Administrative Tribunal admitted of 'a slight omission' resulting in the ignoring of the aforesaid period of officiating appointment towards fixation of my year of allotment.

ii). I prayed for protection of my seniority against (1) unusual delay in my promotion to the Indian Forest Service and (2) simultaneous irregular order for promotion, merely ten days before my officiating appointment, of three officers from the 1987 batch to the senior scale long before they had been eligible. That would call for considering my deemed date of promotion with effect from 22-11-90, or ignoring the irregular and unfair order promoting three officers from the 1987 batch while fixing my seniority. The basic facts against which the claim was made are indicated below:

(1) Unusual delay in my promotion to the Indian Forest Service

The select list, against which the Appointment and Services Department, Government of Tripura proposed (No. F. 2 (12) - GA /89 DATED 24-09-91) for my regular appointment, was held back unattended for a long time in the office of the Principal Chief Conservator of Forests, Tripura. The Appointment and Services Department, Government of Tripura in the meantime tried to locate the same when a new vacancy arose with effect from 22-11-90. That resulted in the unusual delay in issue of order for my promotion to the Indian Forest Service.

(2) Irregular order for promotion of three officers from the 1987 batch to the senior scale

a). The Appointment and Services Department, Government of Tripura issued orders on the 4<sup>th</sup> February, 1991 (No. F. 2 (14) - GA / 90 dated 04-02-91) promoting Shri Avinash C Shrivastava, Shri Jagdish Singh and Shri Ngulkhohao (who joined the service on 6<sup>th</sup> July, 1987, 6<sup>th</sup> July, 1987 and 28<sup>th</sup> July, 1987 respectively) to the senior

scale with retrospective effect from the 1<sup>st</sup> of February, 1991. It was clearly a hurried action that aimed at depriving me of my due seniority in an unfair, arbitrary and irregular manner. I had been at the time already in the select list and a clear vacancy existed since 22-11-90; whereas (1) those three officers had not even become eligible for promotion and more over (2) the promotion order was issued without the mandatory concurrence of the Joint Cadre Authority. ✓

b). The State Government grossly violated the provision of the relevant rules and directions from the Government of India while issuing the promotion order dated 04-02-91. The authorities should protect me from loss of seniority as a result of such irregular, arbitrary and unfair order.

The DP & AR direction dated 23-08-82 categorically mentions as follows: "... it has been decided that in order to determine the suitability of the direct recruits to the Indian Forest Service for promotion to the posts in the senior time scale, their work and performance should be watched for a period of at least one year after they have completed successfully the period of probation of three years."

*Reference Direction issued by the DOPT, Government of India to the Chief Secretaries of State Governments vide letter no. 16011 / 3 / 82 - AIS (IV) dated 23-08-82 of the DP & AR, MoHA.*

iii). While one might argue about differences in some service conditions, there was no logic or grounds for discrimination amongst the three All India Services on a basic issue like fixation of seniority on promotion. I therefore prayed in my application for following the rationalised basis for fixation of seniority on promotion dependent on the length of qualifying service for fixing my seniority, as had already been enforced in case of the IAS and the IPS.

The Ministry of Environment and Forests, Government of India in its written statement indicated that my seniority was fixed on the basis of the extant Seniority Rules as the Seniority Rules for the IFS was revised only with effect from 01-01-98. I should not be made to suffer for the unusually long time taken by the Ministry of Environment and Forests, Government of India in issue of its Notification as per DP and AR guidelines dated 18-01-88,

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when those for the other two All India Services had been done in 1988. My claim was that I should be given justice by taking in to account the length of qualifying service before promotion to the IFS for fixation of my year of allotment. The Government of India may deliver justice against my valid claim, as not doing so would be unfair and discriminatory.

*Reference: DP & AR Notification No. 14014 / 17 / 86 - AIS (I) GSR 42 (F) dated 18-01-88.*

All the above claims were included in my application vide OA No. 276 / 96 of the Guwahati Bench of the Central Administrative Tribunal that was disposed of by the Honourable Tribunal on the 24<sup>th</sup> March, 1999. I have the honour to submit this representation for kind consideration and justice without any prejudice to my liberty to seek further legal redress, available if any, in the appropriate court of law following the disposal of the case by the Central Administrative Tribunal on the 24<sup>th</sup> March, 1999.

Yours faithfully,

Sd/- (AK Sinha)

AK Sirha, IFS (MT-87)  
 Sepahijala, West Tripura  
 Date: October 3, 2000.

To  
 The Secretary,  
 Ministry of Environment & Forests,  
 Government of India, Paryavaran Bhavan,  
 CGO Complex, Lodi Road,  
 New Delhi - 110003

Through Proper Channel

Sub :- <sup>OA</sup> No. 276/96 AK Sirha Verses Union of India & others : CAT - Guwahati Bench.

Ref :- Order No. 22012/10/97- IFS-II dated 9th August, 2000 of the M&F, GOI, and confidential letter No. P.33(6)-GA (P&T)/97 dated 28/08/00 of the GAD (P&T), Govt. of Tripura.

Sir,

I have the honour to acknowledge the receipt of the above order. I may point out that the Demand Notice dated 18/12/99 did not relate to O.A. No. 276/96 referred to above. My representation in pursuance to the order dated 24/03/99 of the Central Administrative Tribunal - Guwahati Bench in the said OA was submitted on 20/09/99, and was forwarded through proper channel vide letter No. F.5-1(A)/FTD-99/2336 dated 20/09/99 of the DFO, Forest Training Division, Sepahijala.

2. The Ministry of Environment & Forests, Govt. of India nevertheless considered my earlier representations attached to O.A. No. 276/96 in respect of one of my claims which was on entitlement of benefit of officiation on cadre post from 15/02/91. The denial of benefit of officiation on cadre post from 15/02/91, and granting the same from 15/03/91 on the ground that my name was included in the Select List prepared on 15/03/91 only was, however, not in conformity with the facts and circumstances of the case. The Ministry ignored the fact that my name was included in the Select List prepared in meetings held on 30/12/89 and 07/04/90 and that the said Select List was in force till its review and revision on the basis of the next Select List meeting held on 15/03/91.

Contd. P/2



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3. I have the honour also to point out that the Ministry in its order under reference did not consider the grounds stated in my representation dated 20/09/99 relating to the following claims :

- i) For protection of my seniority against unusual and arbitrary delay in my promotion to I.F.S. by considering my deemed date of promotion from 22-11-90 ;
- ii) Protection against loss of seniority due to irregular order for promotion of three officers from 1987 batch to the senior scale before they had become eligible ;
- iii) Claim for following the same rationalized basis for fixation of seniority on promotion in my case in IFS, as had already been adopted since 1988 as per DP & AR guidelines dated 18/01/88 for IAS and IFS.

Yours faithfully,

*(Signature)* 03/10/00  
( Achintya Kumar Sinha )

Copy to:-

The Principal Chief Conservator of Forests, Tripura through proper channel alongwith a copy of order dated 09/06/00 of the MOEF, Government of India.

Copy

No.17013/12/90-IFS-II  
Government of India  
Ministry of Environment and Forests

Paryavaran Bhavan,  
CGO Complex, Lodhi Road,  
New Delhi-110 003

Dated 20<sup>th</sup> September, 1990

To  
The Secretary,  
Appointment Department  
Government of Tripura, Agartala

4 months after the

6 months later by State Govt.

Govt. has given the  
Select list as per list  
on 7<sup>th</sup> April

For about 4 months  
proposed State

Subject : Indian Forest Service – TRIPURA CADRE –Promotion to communication of  
Select list.

30.12.1990 Selection Committee Meeting

28.5.90

Sir,

7.4.1990

28.5.1990

UPSC Approved

I am directed to refer to your letter No.F.2(13)-GA/89(part) dated the 20<sup>th</sup> April, 1990 addressed to the Union Public Service Commission and to say that the Commission have vide their letter No.F./10/12(4)/89-AIS dated 28<sup>th</sup> May, 1990 approved a Select list of officers of State Forest Service of Tripura for promotion to the Indian Forest Service cadre of Tripura prepared by the Selection Committee meeting held on 30<sup>th</sup> December, 1989 at Shillong and on 7<sup>th</sup> April, 1990 at Calcutta consisting of the following two names :

Name of the officer		Date of birth
01.	Shri A.K. Roy (SC)	04-05-1950
02.	Shri A.K. Sinha	19-05-1950

2. Since Shri A. K. Roy who has been included in the list stands promoted to the Indian Forest Service vide Ministry's Notification No.17013/12/89-IFS-II dated 16-12-89 the list would effectively consist of the name of only one officer i.e. Shri A.K. Sinha.

3. If and when the State Government proposes to appoint the above officer by promotion to the State Cadre of the Indian Forest Service, the proposal in this behalf may kindly be sent to this Ministry along with the following documents, viz:

- information in respect of the officer proposed for promotion proforma I & II (pages 41-43 of the All India Services Manual ... part, Fifth Edition);
- a declaration as to single marital status;
- a certificate that no deterioration in the work of the officer has taken place since inclusion of his name in the Select List;
- a certificate that there is no stay order, or any other prohibition on promotion to the State cadre of the Indian Forest Service.

4. Proposals for fixation of seniority of the officers may also be sent simultaneously (in duplicate) in terms of letter No.18011/04/76-AIS dated 24.2.1976 from the Ministry of Home Affairs (Department of Personnel & AR) New Delhi.

Yours faithfully,

Sd/- (K.S. Achar)

Under Secretary to the Government of India

Copy forwarded for information with reference to letter cited in para 1 and subsequent letter No.10/12(1)/89-AIS dated 24<sup>th</sup> august, 1990 to :

The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi-110011.

Sd/- (K.S. Achar)

Under Secretary to the Government of India

ANNEXURE-5  
6GOVERNMENT OF TRIPURA  
APPOINTMENT & SERVICES DEPARTMENT

No.F.2(14)-GA/90

Dated, Agartala, the 4th February, 1991.

NOTIFICATION

The Governor has been pleased to appoint the following IFS Officers of 1987 batch of Tripura Wing of Joint Manipur Tripura Cadre on promotion to the IFS Senior Time Scale of Rs. 3000-4500/, plus usual allowances as admissible with effect from 1st February, 1991.

- a) Shri A.C. Srivastava, IFS (MT:87)
- b) Shri Jagdish Singh, IFS (MT:87)
- c) Shri Ngulkhohao, IFS (MT:87)

2. On appointment to the Senior Time Scale of IFS, they are posted as Deputy Conservator of Forests in the place noted against each below :

- a) Shri A.C. Srivastava, IFS (MT) - Deputy Conservator of Forest, Planning & Social Forestry against the existing vacancy.
- b) Shri Jagdish Singh, IFS (MT) - Deputy Conservator of Forests, Gumti Forest Division.
- c) Shri Ngulkhohao, IFS (MT) - Deputy Conservator of Forests, Wild Life.

- By order of the Governor,

( R.K. Gon )  
Deputy Secretary to the  
Government of Tripura.

Copy to :-

1. Chief Secretary, Tripura, Agartala.
2. Chief Secretary, Manipur, Impha.

Contd...F/2

- 26
3. Secretary to the Governor, Tripura, Agartala.
  4. Secretary to the Chief Minister, Tripura, Agartala.
  5. Offices of all Ministers/Ministers of State, Tripura, Agartala.
  6. All Principal Secretaries/Commissioners/Secretaries, Tripura.
  7. Deputy Secretary to the Government of India, Department of personnel & Training, New Delhi.
  8. Deputy Secretary to the Government of India, Ministry of Environment & Forests, New Delhi.
  9. Principal Chief Conservator of Forests, Tripura, Agartala.
  10. Chief Conservator of Forests, Tripura, Agartala.
  11. Forest Department, Tripura, Agartala.
  12. Accountant General (A&E), Tripura, Agartala.
  13. Finance Department (Establishment Branch), Civil Secretariat, Tripura, Agartala.
  14. Treasury Officer, Agartala, West Tripura.
  15. Officers Concerned.
  16. Personal files.

( R.K. Gon )  
Deputy Secretary to the  
Government of Tripura.

ORIGINAL APPLICATION NO. 470/2001  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Filed by  
11/7/02  
(A. DES ROY)  
Sr. C. C. J.  
C. A. T., Guwahati Bench

Shri A K Sinha - Applicant

Vs.

Union of India & Others - Respondents

Reply on behalf of the Respondent No. 1

I, Ashok Kumar, aged 46 years S/o Late Shri L D Kalra, working as Under Secretary in the Ministry of Environment & Forests, Government of India, Paryavaran Bhawan, New Delhi do hereby solemnly affirm and say as under: -

2. That I am Under Secretary in the Ministry of Environment & Forests, Government of India, New Delhi and having been authorised, I am competent to file this reply on behalf of Respondent No. 1. I am acquainted with the facts and circumstances of the case on the basis of the records maintained in the Ministry of Environment & Forests. I have gone through the Application and understood and contents thereof. Save and except whatever is specifically admitted in this reply, rest of the averments will be deemed to have been denied and the Applicant should be put to strict proof of whatever he claims to the contrary.

3.1 A Select List was drawn up for Tripura segment of Manipur-Tripura cadre of IFS the Selection Committee in its meeting held on 30.12.1989 and 7.4.1990. The following officer's names were included in that list:

1. Sh A K Roy
2. Sh A K Sinha

UPSC approved the list vide their communication dated 28th May 1990. Since Shri A K Roy had already been promoted to IFS with effect from 16th December 1989 on the basis of his inclusion in the select list for 1988, the list prepared by the Selection Committee in its meeting held on 30.12.89 and 7.4.1990 consisted of one effective name only i.e. that of Sh A K Sinha. This was communicated to the Government of Tripura vide our letter No.17013/12/90-IFS II dated 20th September 1990 with the request that a detailed proposal for promotion of the applicant may be sent to the Govt. of India as and when the

State Government proposed to appoint the applicant by promotion to the State Cadre of IFS. It is submitted here that as per promotion regulations the appointment of the SFS officers included in the Select List shall be made by the Central Government on the recommendations of the State Government in the order in which the names of the members of the SFS officers appear in the select list for the time being in force. ]

3.2 Though the State Government sent the proposal in this regard vide the Government of Tripura letter No.F.2(13)-GA/89 dated 15th March 1991, Sh A K Sinha could not be promoted to IFS as the proposal was received late and the subsequent Selection Committee meeting had been held on 15th March 1991 rendering the earlier Select List invalid.

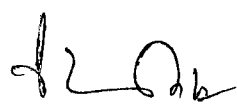
3.3 In the list prepared by the Selection Committee meeting in its meeting held on 15th March 1991, the name of Sh A K Sinha was at S.No.1. This Select List was approved by UPSC on 25th November 1991. On the basis of the proposal received from the Government of Tripura Sh A K Sinha was appointed to IFS with effect from 10.3.1992.

3.4 As submitted in preceding para, the applicant's name was included in the Select List prepared on 15.3.1991 and he was appointed to the IFS on 13.2.1992 after receipt of necessary proposal from the State Government of Tripura.

3.5 The applicant was promoted under IFS (Appointment by Promotion) Regulations, 1966, to the Tripura segment of Joint Manipur -Tripura cadre of IFS with effect from 10.3.92 on the basis of Select List of officers drawn by the Selection Committee in its meeting held on 15.3.1991, which was constituted under the provisions of the IFS (Appointment by Promotion) Regulations, 1966 and was approved by the Union Public Service Commission.

3.6 Against one reported vacancy, the applicant was appointed by promotion to IFS in the Tripura segment of Joint Manipur -Tripura cadre of IFS on 10.03.1992. After the appointment of the applicant, his seniority was fixed under Indian Forest Service (Regulation of Seniority) Rules, 1968 and he was assigned "1988" as his Year of allotment.

3.7 Shri A K Sinha challenged the year of allotment assigned to him by way of OA No.276/96 before the Guwahati bench of Hon'ble CAT. The OA was



Under Secretary  
Min. of Env. & Forests  
Govt. of India

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6- decided by the Hon,ble Tribunal vide its order dated 24.3.1999. The operative portion of the tribunal order directed the respondents that the entire matter needs to be considered by the authority concerned taking into consideration all the materials in the records and dispose of the representation by a reasoned order.

3.8 In pursuance of the directions given by the Hon'ble Tribunal, the respondent No.1 examined the records as well as the representations submitted by the Applicant and passed a reasoned order (No.F.22012/10/97-IFS II dated 9th August 2002 whereby the applicant was assigned "1987" as his year of allotment. The applicant has now challenged this order through this present OA. Having thus submitted the brief background of the case, the answering respondent submits his reply to the averments made in the Original Application in the succeeding paragraphs.

4.1 In response to para 4.1, the answering respondent has no comments as this is a matter of record.

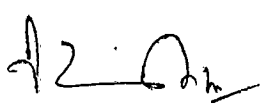
4.2 In response to para 4.2 the answering respondent has no comments.

4.3 In response to para 4.3, the answering respondent has no comments as this is a matter of record.

4.4 In response to para 4.4, as explained in para above, the impugned order issued under No.F.22012/10/97-IFS II dated 9th September, 2000, was issued after considering all the issues involved and giving opportunity of personal hearing to the persons interested ( Respondent No.19 and 20 in the OA No.276/96). This is further explained in the succeeding paragraph.

4.5 In response to para 4.5 (i) it is submitted that Rule 3 of the IFS (Regulation of Seniority) Rules 1968 provides for assignment of year of allotment. Rule 3(2)(c) which is material in the present case is extracted below:-

"3(2)(c) "Where an officer is appointed to the Service by promotion in accordance with rule 8 of the Recruitment Rules, the year of allotment of the junior-most among the officers recruited to the

  
**Under Secretary**  
**Min. of Env. & Forests**  
**Govt. of India**

Service in accordance with rule 7 of if no such officer is available the year of allotment of the junior most among the officers recruited to the Service in accordance with rule 4(1) of these Rules who officiated continuously in a senior post from a date earlier than the date of commencement of such officiation by the former”

Explanation 1.- In respect of an officer appointed to the Service by promotion in accordance with sub rule(1) of rule 8 of the Recruitment Rules, the period of his continuous officiation in a senior post shall, for the purpose of determination of his seniority, count only from the date of the inclusion of his name in the Select List, or from the date of his officiating appointment to such senior post, whichever is later.”

4.6 This issue was examined by the Hon'ble Supreme Court in the case titled RRS Chouhan and Ors. Vs. Union of India and Ors., 1995(2) SLJ(SC) 142. The relevant passages from the judgment of the apex court in that case where the scope of these rules was explained are quoted below:

“.....This means that the two requirements, namely, officiating appointment to the senior post and the inclusion of the name in the select list, must be fulfilled before the benefit of officiation can be availed by a promotee officer for the purpose of seniority. From the said provisions it necessarily follows that both these conditions must be satisfied not only at the stage of commencement of the period of officiation but should continue to be satisfied during the entire period of officiation till appointment made to the Service. In other words, under rule 3(2)(c) of the Seniority Rules, a promoted officer can avail the benefit of the period of continuous officiation in a senior post for the purpose of seniority only if the following two conditions are fulfilled at the time of his appointment to the Service:

- a. he had been continuously officiating in a senior post; and
- b. his name was in the select list during the period of such continuous officiation.”

4.7 In the case of the applicant, he was officiating on a senior post with effect from 15.2.1991 and his name was included in the Select List prepared on



15.3.1991. The applicant was appointed on promotion to IFS on 13.2.1992. Since he was officiating in a senior post till his appointment to the IFS, he was entitled to the benefit of officiation on cadre post with effect from 15.3.1991, i.e. the date on which both the conditions, namely inclusion of his name in the select list and his officiation in a senior post, were met. Junior most Direct Recruit officer of 1987 batch was officiating in a senior post with effect from 01.02.1991 and therefore in terms of rule 3(2)(c) of the IFS (Regulation of Seniority) Rules 1968 the applicant was assigned "1987" as his year of allotment in IFS cadre of Manipur-Tripura. Even if it is conceded that the applicant should have got the benefit of officiation w.e.f. 15.2.1991 as his name was included in the earlier Select List, he would have got "1987" as his year of allotment as the Junior most Direct Recruit officer of 1987 batch was officiating in a senior post with effect from 01.02.1991.

4.8 In response to para 4.5 (ii) it is submitted all the relevant facts of the case and submissions made by the applicant were considered before the issue of the impugned order.

4.9 In response to para 4.5 ii) (a), it is denied that there was any unusual or arbitrary delay on the part of the answering respondent in the promotion of the applicant to the IFS. It is admitted that in the list drawn up by the Selection Committee in its meeting held on 30.12.1989 and 7.4.1990, the following officer's names were included

1. Sh A K Roy
2. Sh A K Sinha

UPSC approved the list vide their communication dated 28th May 1990. Since Shri A K Roy had already been promoted to IFS with effect from 16th December 1989 on the basis of his inclusion in the select list for 1988, the list consisted of one effective name only i.e. that of Sh A K Sinha. This was communicated to the Government of Tripura vide our letter No.17013/12/90-IFS II dated 20th September 1990 with the request that a detailed proposal for promotion of the applicant may be sent to the Govt. of India as and when the State Government proposed to appoint the applicant by promotion to the State Cadre of IFS. Though the State Government sent the proposal in this regard vide the Government of Tripura letter No.F.2(13)-GA/89 dated 15th March 1991, Sh A K Sinha could not be promoted to IFS as the proposal was received

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late and the subsequent Selection Committee meeting had been held on 15th March 1991 rendering the earlier Select List invalid. In the list prepared by the Selection Committee meeting in its meeting held on 15th March 1991, the name of Sh A K Sinha was at S.No.1. This Select List was approved by UPSC on 25th November 1991. On the basis of the proposal received from the Government of Tripura Sh A K Sinha was appointed to IFS with effect from 10.3.1992.

As submitted in preceding para, the applicant's name was included in the Select List prepared on 15.3.1991 and he was appointed to the IFS on 13.2.1992 after receipt of necessary proposal from the State Government of Tripura.

4.10 In response to para 4.5 ii) (b), the answering respondent has no comments as it relates to Respondent No.2 whose response in this regard may kindly be referred to.

4.11 In response to para 4.5 ii) (c), the answering respondent submits that the seniority of the applicant has been fixed in terms of Rule 3(2)(c) of the IFS (Regulation of Seniority) Rules 1968 which were in operation at that point of time.

4.12 In response to para 4.6, the answering respondent submits that the applicants name was included in the Select List prepared on 15.3.1991 and he was promoted to IFS on the basis of the proposal received from the Government of Tripura in this regard..

4.13 In response to para 4.7, the answering respondent submits that as stated in the preceding para, the name of the applicant was included in the Select List prepared on 15.3.1991 and therefore the averment of the applicant that he should have been considered for promotion w.e.f. 22.11.1990 is misconceived. As regards promotion of three direct recruit officers of 1987 batch to senior scale of pay, the submissions of Respondent No.2 may kindly be referred to.

4.14 In response to para 4.8, it is submitted that the fixation of seniority of promotee officers was dealt with under the IFS (Regulation of Seniority) Rules 1968 which were in operation at that point of time. These have been amended with effect from 1.1.1998 and the seniority of promotee officers is now decided

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under the provisions of the Indian Forest Service (Regulation of Seniority) Rules, 1997. Since the applicant was promoted in 1992, his seniority had to be fixed in terms of the regulations prevalent at that point in time. His contention that his seniority should be fixed in terms of the Indian Forest Service (Regulation of Seniority) Rules, 1997, which came into effect from 1.1.98 is misconceived.

4.15 In response to para 4.9, the answering respondent has no comments


5.1 In reply to averments made in Para 5, it is submitted that the position as brought out in the preceding paragraphs is that the name of Applicant was included in the select list prepared on 15.3.1991 and he was appointed to IFS on promotion on the basis of this select list on receipt of proposal from the Government of Tripura.

from 15.2.91

5.2 The applicant was officiating on a senior post with effect from 15.2.1991 and his name was included in the Select List prepared on 15.3.1991. The applicant was appointed on promotion to IFS on 13.2.1992. Since he was officiating in a senior post till his appointment to the IFS, he was entitled to the benefit of officiation on cadre post with effect from 15.3.1991, i.e. the date on which both the conditions, namely inclusion of his name in the select list and his officiation in a senior post, were met. Junior most Direct Recruit officer of 1987 batch was officiating in a senior post with effect from 01.02.1991 and therefore in terms of rule 3(2)(c) of the IFS (Regulation of Seniority) Rules 1968 the applicant was assigned "1987" as his year of allotment in IFS cadre of Manipur-Tripura.

#### P R A Y E R

In view of the foregoing paragraphs, it is abundantly clear that the present Application is devoid of any merit and deserves to be dismissed forth with and the Respondent prays accordingly.

  
(Ashok Kumar)

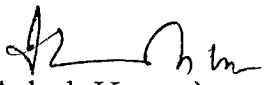
**Under Secretary**  
**Min. of Env. & Forests**  
**Govt. of India**

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VERIFICATION

I, Ashok Kumar, Under Secretary to the Government of India having my office at Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi - 110 003, do hereby verify that the contents stated above are true and correct to the best of my knowledge, belief and information and that nothing has been suppressed there from.

Verified at New Delhi on this 3<sup>rd</sup> day of July, 2002.

  
(Ashok Kumar)

**Under Secretary  
Min. of Env. & Forests;  
Govt. of India**

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ORIGINAL APPLICATION No. 470/2001  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Achintya Kumar Sinha

Applicant

Vs

Union of India & Others

Respondents

Rejoinder by the applicant to the written statement by respondent no. 1

1. I, Achintya Kumar Sinha, aged 52 years S/o, Lt. Nilkanta Sinha, working as Conservator of Forests (Working Plan, Research & Training) in the office of the Principal Chief Conservator of Forests, Aranya Bhavan, Agartala do hereby solemnly affirm and submit this rejoinder to the written statement by respondent no. 1.
2. That the answering applicant submits consolidated comments hereunder in paragraphs 3 to 11 below of this rejoinder, with regard to denials and submissions made in the written statement on issues appearing in the O.A.: -
3. That submission by this applicant that order no. F. 22012 / 10 / 97-IFS-II dated 09-08-2000 (Annexure - 1 of OA) of the Government of India (GoI for short hereinafter) had considered only one issue and completely ignored the others in his representation dated 20-09-99 (Annexure - 2 of O.A.), was denied by respondent no.1 without any explanation, and that the said denial amounts to deliberate misrepresentation of facts contrary to admitted documents indicated hereinabove; and for clarity and easy reference the issues not at all considered by the GoI in its order dated 09-08-2000 are listed below:
  - (a) protection of seniority against unusual and arbitrary delay in promotion of the applicant to IFS by considering his deemed date of promotion from 22-11-1990;
  - (b) protection against loss of seniority of the applicant due to irregular order for promotion of three 1987 batch IFS officers to senior scale before they had become eligible;
  - (c) adoption of the same rationalised basis for fixation of seniority of the applicant on promotion to IFS, as had already been applied in case of the other two All India Services since 1988 as per GoI guidelines dated 18-01-1988.

In view of the submission as above read with paragraph 5.1 in the O.A., the entire matter deserves kind reconsideration by this Honourable Tribunal on the basis of materials on record and admitted facts, now available, for ends of justice.

*Achintya Kumar Sinha*

Valam 2  
22/11/90

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✓  
Ambedkar

4. That for such misuse of the judicial process, as narrated in the foregoing paragraph, through deliberate and willful misrepresentation of facts relating to matter of records, the respondent no.1 deserves exemplary punishment to protect this Honourable Tribunal in future from such misuse; and the written statement dated 11-07-02 deserves rejection on the same ground.
5. That denial by respondent no.1 on the applicant's claim for benefit of officiation in cadre post of IFS w.e.f. 15-02-1991 is vague, without substance, deliberately evasive and is a clear act of willful suppression of relevant material facts, as appearing in GoI letter dated 20-09-1990 (Annexure 4 to O.A.) that the applicant had been in the Select List for promotion to IFS prepared in Selection Committee Meetings held on 30-12-89 and 07-04-90; and further that according to the extant Sub-Regulation (4) of Regulation 7 of IFS (Appointment by Promotion) Regulation, 1966 effective till its revision vide Notification dated 31-12-1997, the said Select List had been valid till the subsequent Select List was prepared on 15-03-1991. ✓
6. That the respondent no. 1, in illegally and arbitrarily denying the submission of this applicant for the benefit of officiation with effect from 15-02-1991, has retreated from its own written statement dated 11-03-1998 filed in O.A. No. 276 of 1996 – AK Sinha vs Union of India & others, wherein at paragraph 6 the respondent no. 1 categorically admitted that “the officiation of the applicant on a cadre post from 15.2.91 to 9.3.92 was approved by the Government of India. Accordingly, he is entitled to the benefit of such officiation into the matter of fixation of his seniority in the IFS.” That further in the same written statement dated 11-03-1998 it was reiterated at paragraph 7 that “the applicant was entitled to the benefit of officiation on a cadre post for the period 15-02-1991 till his appointment to the IFS”. ✓  
*A copy of written statement dated 11-03-1998 filed in O.A. No. 276 of 1996 – AK Sinha vs Union of India & others is enclosed and marked as Annexure – A.*
7. That for such misuse of the process of justice through this Honourable Tribunal, as narrated in the foregoing paragraph, through deliberate and willful misrepresentation of facts relating to matter of records, which had already been specifically admitted by the same authority in the written statement dated 11-03-1998 as referred to above, the respondent no.1 deserves exemplary punishment in order to protect this Honourable Tribunal from such rampant, insensitive and expressly deliberate misuse, and the instant written statement dated 11-07-02 deserves rejection on the same ground.
8. That on the question of delayed promotion of this applicant to IFS in spite of his name having effectively been the only one in the Select List prepared on 30-12-1989

Srinivas Kumar Sena

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to  
Amrinder Singh

and 07-04-1990, and a clear vacancy having had arisen since 22-11-1990, the explanation in the instant written statement is as follows:

- (a) That the applicant could not be promoted to IFS against the Select List prepared on 30-12-1989 and 07-04-1990 due to delayed receipt of proposal from the Government of Tripura, being the respondent no.2.
- (b) The other explanation put forward in support of denial of the applicant's claim for promotion to IFS w.e.f. 22-11-1990 is that the applicant was included in the Select List on 15-03-1991, obviously suggesting, inter alia, that the applicant was not in the Select List on 22-11-1990, which is not a fact as per records, being GoI letter dated 20-09-1990 (Annexure- 4 to O.A.).

Thus, respondent no. 1 admitted that delay was there and it was caused by Government of Tripura, being respondent no.2. The fact that the applicant's name having effectively been the only name in the select list prepared in meetings held on 30-12-1989 and 07-04-1990, and that the respondent authorities had failed to promote the applicant in spite of vacancy in the promotion quota during the currency of the said select list till its review in the Selection Committee meeting held on 15-03-91, clearly shows the unusual delay by the concerned authorities in promoting the applicant, and the respondents have thus no justifiable grounds for refusing benefit of promotion to IFS to the applicant w.e.f. 22-11-1990.

9. That this applicant begs to draw the attention of this Honourable Tribunal that respondent no. 1 resorted to deliberate suppression of the relevant fact that the applicant's name had effectively been the only one in the valid Select List when the vacancy had arisen in the promotion quota with effect from 22-11-1990; and for such misuse of the process of justice through this Honourable Tribunal, as narrated in paragraph 8 (b) of this rejoinder, the respondent no.1 deserves exemplary punishment to protect this Honourable Tribunal from such insensitive and deliberate misuse, and the written statement dated 11-07-02 deserves rejection on the same ground.
10. That on the applicant's claim for protection against loss of seniority due to irregular order of promotion of three 1987 batch IFS officers to senior scale before they had become eligible, the respondent no. 1, being the appointing authority for IFS, has no comments apart from suggestion to refer to response from respondent no.2, and it may therefore be assumed that the respondent no. 1 had no disagreement with the matter relating to application of rules as raised by the applicant.

Ashwin Kumar Singh

4A  
to  
Kumar Singh

- (a) This applicant begs to add in this regard that the Department of Personnel and Admn. Reforms, Ministry of Home Affairs, Government of India under their letter No. 16011 / 3 / 82 -AIS (IV) dated 23-08-1982 reviewed the previous directive under their letter dated 24<sup>th</sup> September 1973, which required "that the direct recruits to the Indian Forest Service may be considered for promotion to senior scale on completion of 5 years of service, including period of their training." The new directive as per the said letter dated 23-08-1982 was as follows, "it has been decided that in order to determine the suitability of the direct recruits to the Indian Forest Service for promotion to the posts in the senior time scale, their work and performance should be watched for a period of at least one year after they have completed successfully the period of probation of 3 years. In other words, the direct recruits to the Indian Forest Service may be considered for promotion to senior scale on completion of 4 years of service, including the period of their training."

*A copy of the letter No. 16011 / 3 / 82 -AIS (IV) dated 23-08-1982 is enclosed and marked as Annexure-B.*

- (b) This applicant begs to resubmit in connection with this matter that according to Sub-rule (1) of Rule 6-A read with clause (h) in Rule 2 of the IFS (Recruitment) Rules, 1966 appointments to the posts in the senior time scale of pay shall be made by the Joint Cadre Authority in case of a Joint Cadre, Further, that Notifications dated 13-09-1989 for promotion for three officers of 1985 batch of direct recruits and Notifications dated 24-05-1990 for promotion of two direct recruit officers of 1986 batch had been issued with the express concurrence of the Joint Cadre Authority, and as such the order/Notification dated 04-02-1991 (Annexure-5 to O.A.) of the Government of Tripura promoting three direct recruit IFS officers of 1987 batch to the senior scale without concurrence of the Joint Cadre Authority was evidently a hasty and irregular action by an incompetent authority and was, therefore, void and inoperative.

*A copy of the Notification dated 13-09-1989 of the Appointment & Services Department, Government of Tripura is enclosed and marked as Annexure C, and a copy of the Notification dated 24-05-1990 of the Appointment & Services Department, Government of Tripura is enclosed and marked as Annexure D.*

That the petitioner submits that as the said void and otherwise premature and illegal promotion order also caused substantial and undue loss of seniority to the applicant by placing him below three 1987 batch of IFS direct recruits in seniority, this Honourable Tribunal may be graciously pleased to set aside the said illegal order/Notification dated 04-02-1991.

*Kumar Singh*



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by  
Kumar Singh

11. As regards the submission for direction to the respondent authorities to adopt the same rationalised basis for fixing the seniority of the applicant in the IFS, as adopted since 1988 in case of the other two All India Services, the respondent no. 1 submitted that IFS (Regulation of Seniority) Rules, 1968 was amended w.e.f. 01.01.1998, and the seniority of the promoted officers are decided accordingly as per the revised rules. The respondent no. 1 failed to explain or justify for differential treatment for the long period from 1988 to 1997 on a basic issue like fixation of seniority on promotion in case of the IFS vis-à-vis the other two All India Services, which had adopted the rationalized basis for fixation of seniority on promotion dependent on the length of qualifying service in the feeder post since 1988. This applicant, therefore, craves for appropriate orders of this Honourable Tribunal to correct this blatant discrimination without any justification or logic and graciously order for application of the same rationalized basis for fixation of seniority on promotion to IFS in case of this applicant.
12. That the answering applicant, after responding to the averments made in the written statement by the respondent no. 1 in general in a consolidated manner, submits here under para wise reply to the averments made in the said written statement.
13. That on the averments made in paragraphs 1, 2, 3.1 to 3.8, 4.1, 4.2 and 4.3 this applicant does not intend to make any submission at this stage, being formal and matter of records, and the respondents may substantiate those averments to the satisfaction of the Honourable Tribunal at the time of hearing wherever called for, and in case any of the issues covered in the aforementioned paragraphs assume any relevance at the time of hearing, this applicant may kindly be allowed the liberty to respond to those in the appropriate manner.
14. That on the averments made in paragraph 4.4 it is submitted that the date of the GoI order is wrongly quoted in the written statement as 9<sup>th</sup> September 2000 in place of 9<sup>th</sup> August 2000, and the claim by the respondent no. 1 that the said order was issued considering all the issues is a complete misrepresentation facts, and has been dealt with in details in paragraphs 3 and 4 of this rejoinder.
15. That it is also evident from said paragraph 4.4 of the written statement that the respondent authority failed to comply with the order dated 24-03-1999 of this Honourable Tribunal that " before taking any decision by the competent authority the persons interested may be given opportunity of personal hearing.", as the respondent authority did not give any opportunity to this applicant for personal hearing, before taking the decision under its letter dated 09-08-2000 leading to non consideration of majority of the issues involved in the OA, as pointed out in para 3 of this rejoinder

*Schultz Kumar Singh*

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by  
Ambedkar  
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and illegal and unjust decision in a deliberate deviation from its own categorical admission in its previous written statement in O.A. No. 276/96 as described in paragraphs 5, 6 and 7 of this rejoinder., compelling this humble petitioner to approach this Honourable Tribunal once again for justice.

16. That on the averments made in paragraphs 4.5 and 4.6 of the written statement this applicant does not intend to make any submission at this stage, being matter of records relating to rules and case laws, and the respondents may substantiate those averments to the satisfaction of the Honourable Tribunal at the time of hearing wherever called for, and in case any of the issues covered in the aforementioned paragraphs assume any relevance at the time of hearing, this applicant may kindly be allowed the liberty to respond to those in the appropriate manner.
17. That on the averments made in paragraph 4.7 of the written statement on the issue of benefit of officiation in a cadre post w.e.f. 15-02-1991, this applicant humbly submits that the respondent no. 1 has resorted to deliberate suppression of relevant facts through misrepresentation, and this has been dealt with in details in paragraphs 5, 6 and 7 of this rejoinder.
18. That on the averments made in paragraph 4.8 of the written statement on the issue of non consideration all issues other than one as per this Honourable Tribunal's order dated 24-03-99, the denial, a repetition of the averments in para 4.4 of this written statement, by the respondent is once again a complete misrepresentation of facts, and this has been replied and explained adequately in paragraphs 3 and 4 of this rejoinder.
19. That on the averments made in paragraph 4.9 of the written statement on the issue of protection of seniority against unusual and arbitrary delay in his promotion to IFS by considering his deemed date of promotion w.e.f. 22-11-1990, the respondent has accepted that there was delay, but indicated the responsibility for the same to the respondent no.2, and for that there is no causant reason on the part of the respondents for not extending the said relief to this applicant with consequential benefits, and the Honourable Tribunal may, therefore, be graciously pleased to pass appropriate orders to allow the legitimate relief.
20. That on the averments made in paragraph 4.10 of the written statement on the issue of protection against loss of seniority due to irregular order for promotion of three 1987 batch IFS direct recruit officers to the senior scale before they had become eligible, the respondent no. 1 had no comments as it relates to respondent no. 2. This is untenable as the respondent no. 1, being the appointing authority, definitely was in a position to comment on the matter with reference to legality of the action taken by the

*Shenky Kumar Singh*

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respondent no. 2, which this applicant challenged citing provisions of rules. This issue has been dealt with in details in paragraph 10 of this rejoinder clearly showing that the impugned order/notification dated 04-02-1991 for promotion of three IFS direct recruit officers was void and inoperative, and for that there is no causant reason on the part of the respondents for not extending the said relief to this applicant with consequential benefits, and the Honourable Tribunal may, therefore, be graciously pleased to pass appropriate orders to allow the legitimate relief by quashing the illegal order dated 04-02-1991.

21. That on the averments made in paragraph 4.11 of the written statement on the issue of adoption of the same rationalised basis for fixation of seniority of the applicant on promotion to IFS, as had already been applied in case of the other two All India Services since 1988, the respondent no. 1 simply stated that the extant rule for IFS in this regard was followed, and did not address the question of discriminatory treatment to the IFS vis-à-vis the other two All India Services on a basic issue like fixation of seniority on promotion for the long period from 1988 to 1997. This has been dealt with in details in paragraph 11 of this rejoinder, and for that there is no causant reason on the part of the respondents for not extending the said relief to this applicant by following the same rationalized basis for fixation of seniority in case of the applicant, who had agitated about this discrimination since long, with consequential benefits, and the Honourable Tribunal may, therefore, be graciously pleased to pass appropriate orders accordingly as deemed proper.
22. That on the averments made in paragraph 4.12 of the written statement on the issue of commission of a grave error and injustice by the Ministry in denying the benefit of officiation in a cadre post to the applicant with effect from 15-02-91 on the wrong assumption that the applicant was not in the Select List till 15-03-91, the respondent no. 2 resorted to deliberately evasive and willful suppression of facts to mislead this Honourable Tribunal, and this matter has been dealt with in details in paragraphs 5, 6 and 7 of this rejoinder.
23. That on the averments made in paragraph 4.13 of the written statement on the issue of the claim of this applicant for promotion w.e.f. 22-11-1990, the respondent no. 1 has taken the plea that the claim was misconceived as the applicant was included in the Select List prepared on 15-03-91, deliberately suppressing the fact that the applicant was in the Select list prepared in Selection Committee meetings held on 30-12-1989 and 07-04-1990 and the said Select List was valid till it was replaced by the subsequent Select List prepared on 15-03-1991, and this matter has been dealt with in paragraphs 8 and 9 of this rejoinder.

Ashutosh Kumar Sinha

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24. That on the averments made in paragraph 4.14 of the written statement on the issue of adoption of the same rationalised basis for fixation of seniority of the applicant on promotion to IFS, as had already been applied in case of the other two All India Services since 1988, the matter has been dealt with in paragraphs 11 and 21 of this rejoinder.
25. That on the averments made in paragraph 4.15 of the written statement this applicant has nothing further to comment.
26. That on the averments made in paragraph 5.1 of the written statement the applicant begs to submit that the answering respondent purposely suppressed the fact that the applicant was continuously in the select list prepared in meetings held on 30-12-1989 and 07-04-1990 till he was appointed to IFS on 10-03-1992, and that the applicant's name was effectively the only name in the select list from 07-04-1990 to 14-03-1991 as Shri AK Roy, being no. 1 in the said Select List had already been promoted to IFS in December, 1989, and that the applicant was no. 1 in the Select List prepared on 15-03-1991, and that a clear vacancy had arisen in Tripura part of the cadre since 22-11-1990, and for that there is no causant reason on the part of the respondents for not extending the relief of promotion w.e.f. 22-11-1990 to this applicant with consequential benefits, and this Honourable Tribunal may, therefore, be graciously pleased to pass appropriate orders to allow this legitimate relief.
27. That on the averments made in paragraph 5.2 of the written statement this applicant submits that the respondent has wrongly quoted the date of promotion of this applicant to IFS as 13-02-1992 in place of 10-03-1992, and further submits that the respondent no.1 has in this paragraph resorted to evasive reference and deliberate misrepresentation of relevant facts in a pathetic attempt, by retreating from the position in its own written statement in O.A. No. 276/1996 – AK Sinha vs Union of India and others, to support its illegal decision in the matter of denial of benefit of officiation w.e.f. 15-02-1991 to the applicant, and this matter has been dealt with in details in paragraphs no. 5,6 and 7 of this rejoinder.
28. That as regards averments in para 1 to 5.2 in the written statement of the respondent number 1, the answering applicant begs to submit that besides matters of records and others specifically admitted in the foregoing paragraphs of this rejoinder, the other averments are denied and disputed. The answering applicant further submits that the foregoing paragraphs of this rejoinder covers all the relevant averments made in the written statement by respondent no. 1.
29. That the rest would be submitted at the time of hearing.

*Scheriffs Kumar Singh*

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Submitted  
20/08/02PRAYER

In view of the foregoing paragraphs, it is abundantly clear that the written statement failed to justify the actions and inactions of the respondent authorities challenged and disputed by this applicant in the Original Application, and as such this Honourable Tribunal may be graciously pleased to allow expeditiously the reasonable and lawful relief prayed for by this humble applicant in the OA.

This applicant further submits that in consideration of the fact that the respondent no. 1 resorted to deliberate misrepresentation as well as willful suppression of facts in the written statement dated 03-07-02, as narrated here in above, to the detriment of the process of justice through this Honourable Tribunal, and, therefore, the said respondent deserves exemplary punishment for ends of justice.

*Achintya Kumar Sinha*  
(Achintya kumar Sinha)

VERIFICATION

I, Achintya Kumar Sinha, aged 52 years S/o, Lt. Nilkanta Sinha, working as Conservator of Forests (Working Plan, Research & Training) in the office of the Principal Chief Conservator of Forests, Aranya Bhavan, Pandit Nehru Complex, P.O. Kunjavan, Agartala: 799 006, do hereby verify that the contents stated above are true and correct to the best of my knowledge, belief and information and that nothing has been suppressed there from.

Verified at Agartala on this 2<sup>nd</sup> August 2002

*Achintya Kumar Sinha*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

OA No.276/96

ANNEXURE - A

Shri A.K. Sinha

.....Applicant

Versus

Union of India & Ors.

..... Respondents

IN THE MATTER OF

Written Statements submitted by the

Respondent No.1.

Filed by:

(MD. SHAUKAT)

Central Administrative Tribunal  
Guwahati Bench

The humble Respondent No.1 submits his  
Written Statements as follows :

That I am Under Secretary in the Ministry of Environment and Forests, Government of India, Paryavaran Bhavan, New Delhi. I am acquainted with the facts and circumstances of the case. I have gone through the application and understood the contents thereof. Save and except whatever is specifically admitted in this reply, rest of the averments will be deemed to have been denied.

1. That with regard to the statements made in paragraph 1 the Respondent No.1 begs to state that the position so far as the answering respondents are concerned will be explained in the forthcoming paragraphs.

2. That With regard to the statements made in paragraph 2 of the application the Respondent begs to state that the jurisdiction of this Hon'ble Tribunal is not disputed.

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3. That With regard to the statements made in paragraphs 3 & 4 of the application the Respondent has no comments to offer.

4. That With regard to the statements made in paragraph 4.1 of the application the Respondent has no comments to offer, being formal.

5. That With regard to the statements made in paragraph 4.2 of the application the Respondent begs to state that the averments regarding service of the applicant under the State Government prior to his induction into the Indian Forest Service (IFS) pertain to respondent Nos.2 to 5 and will be met by them.

It is admitted that the applicant was appointed to the IFS vide notification dated 10.3.92 and was allocated to the Manipur-Tripura joint cadre of the Service.

So far as appointment of respondent Nos.13, 15 & 17 to the Senior Time scale is concerned, it is submitted that such appointments fall within the purview of the State Government who in terms of rule 6A(2) of the IFS (Recruitment) Rules, 1966 may appoint an officer, recruited to the Service on the basis of Open Competitive Examination, to a post in the Senior time scale, if

(Signature)

having regard to his length of service and experience, they are satisfied that the officer is suitable for appointment to a post in the Senior Time scale of pay.

Subsequent to his appointment to the IFS vide notification dated 10.3.92, the year of allotment of the applicant was determined as '1988' vide impugned order dated 18.5.95. There has been slight omission on the part of the answering respondents while fixing the year of allotment of the applicant. The papers regarding approval of the period of his officiation on cadre post from 15.2.91 to 9.3.92 i.e. till his appointment to the IFS could not be linked at the time of fixing his year of allotment. Therefore, that period was not taken into account while determining his year of allotment. If his officiation on cadre post w.e.f. 15.2.91 is taken into account, the applicant will be entitled to '1987' year of allotment. The answering respondents have no objection to fixing the year of allotment of the applicant as '1987'.

So far as the arguments regarding fixing the year of allotment on the basis of the Service rendered by the applicant in the State Forest Service (SFS) is concerned, it is submitted that while necessary changes were made in the IAS (Regulation of Seniority) Rules providing weightage to be given to the past service rendered by a

*Chandrasekhar*



promotee Indian Administrative Service (IAS) officer in the State Civil Service prior to his induction into the IAS no, such provisions were made in the IFS (Regulation of Seniority) Rules at the relevant point of time. Consequently, the year of allotment of the applicant had to be decided under the extant rule.

6. That With regard to the statements made in paras 4.3 and 4.4 of the application the Respondent begs to state that the officiation of the applicant on a cadre post from 15.2.91 to 9.3.92 was approved by the Government of India. Accordingly, he is entitled to the benefit of such officiation into the matter of fixation of his seniority in the IFS.

7. That With regard to the statements made in para 4.5 of the application the Respondent begs to state that the applicant was appointed to the IFS vide notification dated 10.3.1992.

7. That With regard to the statements made in paras 4.6 & 4.7 of the application the Respondent begs to state that the applicant is entitled to the benefit of officiation on a cadre post for the period 15.2.91 till his appointment to the IFS only which was approved by the UPSC on 21.5.92. With this, his year of allotment could be advanced to '1987' as against '1988'.

*Ch. Ramesh*

It is submitted that the question of giving benefit of officiation on cadre post prior to one's induction into the All India Service was examined by the Hon'ble Supreme Court in Civil appeal No.823 of 1989 - Syed Khalid Rizvi and Ors. Vs. Union of India & Ors. While examining the provisions of rule 9 of the IPS (Cadre) Rules which correspond to the provisions of the IFS (Cadre) Rules, the Apex Court in their judgment dated 29.11.92 delivered in that case held that the State Government was empowered to post a non-cadre officer to a cadre post for a period of three months only and beyond that period, approval of the Central Government/UPSC was required. Subsequent to this judgment, only such period of continuous officiation on a cadre post by a non-cadre officer beyond three months prior to his induction into the IFS which has the prior approval of the central Government/UPSC is taken into account while determining his seniority in the IFS.

9. That With regard to the statements made in para 4.8 of the application the Respondent begs to state that Shri A.K. Roy was promoted to the IFS on 16.12.1989 based on the Select List prepared by the Selection Committee in its meeting held on 31.12.1988. It is denied that the applicant position in the said Select List was at S.No.2. In fact, Shri A.K. Roy was the only officer whose name was included in the said Select List.

*C. Q. A. C. S.*

The applicant was promoted to the IFS on the basis of the subsequent Select List prepared by the Selection Committee in its meetings held on 15.3.91 and approved by the UPSC on 25.11.91. Therefore, his contention to appoint him to the IF on the basis of Select List in which only the name of Shri A.K. Roy was included is without any basis.

10. That With regard to the statements made in para 4.9 of the application the Respondent begs to state that a State Government may appoint a direct recruit IFS officer to the Senior Time scale keeping in view the provisions of rule 6A (2) of the IFS (Recruitment) Rules which provide that such an officer shall be appointed to post in the Senior time scale of pay if, having regard to his length of service and experience, the State Government is satisfied that he is suitable for appointment to a post in the Senior Time scale of pay. The State Government appointed respondent Nos.13,15 and 17 to the Senior Time scale of pay keeping in view the relevant provisions of the IFS (Recruitment) Rules. As already submitted, the applicant is entitled to '1987' year of allotment.

11. That With regard to the statements made in para 4.10 of the application the Respondent begs to state that the IAS (Regulation of Seniority) Rules were revised in

1988 in accordance with which the year of allotment of a promotee IAS officer is now determined on the basis of the length of qualified service rendered by him in the State Civil Service prior to his appointment to the IAS. However, in the case of IFS, the Seniority Rules have been revised w.e.f. 1.1.98 only. Consequently, the seniority of the applicant was determined in terms of the extant Seniority Rules which provided that a promotee officer is to be placed below the junior-most direct recruit officiating continuously on Senior duty post prior to the date of commencement of such officiation by the former. The period of officiation on a cadre post by a non-cadre officer prior to his induction into the IFS is also taken into account while determining his seniority in the IFS if such officiation has been in accordance with the IFS (Cadre) Rules which require prior approval of the Central Government/UPSC beyond a period of three months. So far as the year of allotment of Shri A.K. Roy is concerned, the same has not been determined for want of requisite information from the State Government. It is, however, submitted that the year of allotment of Shri Roy will be determined in accordance with the extant IFS (Regulation of Seniority) Rules in terms of which the year of allotment of the applicant has been determined.

12. That With regard to the statements made in para 4.11 of the application the Respondents beg to state

ChR. 11111

that the averments made therein are not relevant. The factual position is that the applicant has been assigned '1988' year of allotment and taking into account his approved officiation on cadre post from 15.2.91 till his appointment to the IFS on 10.3.92, he is entitled to '1987' year of allotment. This will be rectified by the answering respondent after the present application has been decided by this Hon'ble Tribunal.

13. That With regard to the statements made in paras 4.12 to 4.22 of the application the Respondent begs to state that only the applicant has been assigned '1988' year of allotment but he is entitled '1987' year of allotment taking into account his continuous officiation on cadre post from 15.2.91 till his appointment to the IFS. The answering respondents deeply regret for the omission on their part and necessary orders revising the year of allotment of the applicant from '1988' to '1987' will be issued in this behalf after the present application has been decided by this Hon'ble Tribunal.

14. That With regard to the statements made in para 5 of the application the Respondent begs to state that the averments made therein are more or less repetitions of what the applicant has stated in the previous paragraphs. The answering respondent have already explained the position above.

(Sd/-)

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15. That With regard to the statements made in paras 6 & 7 of the application the Respondent begs to state that he has no comments to offer for these paras.

16. That With regard to the statements made in para 8 of the application the Respondent begs to submit that the applicant has been assigned '1988' year of allotment. He is, however, entitled to '1987' year of allotment taking into account his continuous officiation on cadre post for the period from 15.2.91 till his appointment to the IFS on 10.3.92. The applicant is not entitled to any other relief as prayed for.

17. That with regard to the statements made in paras 9 to 12 of the application the Respondent has no comments to offer, being formal

New Delhi  
Dated: 11.3.98

*C. S. Sanwal*  
For Respondent No.1

#### VERIFICATION

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

Verified at New Delhi on this the 11th day of March, 1998.

New Delhi  
Dated: 11.3.98

*C. S. Sanwal*  
For Respondent No.1

No.F.16011/3/82-AIS(IV)  
Government of India/Bharat Sarkar  
Ministry of Home Affairs/Grih Mantralaya  
Department of Personnel and Admn. Reforms  
(Karmik Aur Prashasnik Sudhar Vibhag)

New Delhi, the 23 August, 1982

The Chief Secretaries of all the State Governments.

Subject: - Indian Forest Service-Promotion of direct recruit from junior time scale to the senior time scale minimum length of service for the purpose of -

Sir,

I am directed to draw your attention to this Deptt.'s letter No.3/7/72-AIS (IV) dated the 24<sup>th</sup> September, 1973 (copy enclosed) intimating that the direct recruits to the Indian Forest Service may be considered for promotion to senior time scale on completion of 5 years of service, including period of their training and to say that the matter has been reviewed in consultation with the Ministry of Agriculture, (Department of Agriculture and Cooperation), Government of India. In view of the fact that the requirements of the Central Government and the State governments for manning senior posts in the various cadres of the Indian Forest Service have gone up considerably and that the training of the Indian Forest Service probationers at the Forest Research Institute and Colleges, Dehradun is such that it equips the probationers for their multifarious tasks, it has been decided that in order to determine the suitability of the direct recruits to the Indian Forest Service for promotion to the posts in the senior time scale, their work and performance should be watched for a period of at least one year after they have completed successfully the period of probation of 3 years. In other words, the direct recruits to the Indian Forest Service may be considered for promotion to senior time scale on completion of 4 years of service, including the period of their training.

2. I am to request that the above instructions may kindly be brought to the notice of the authorities concerned for their information and necessary action.

Yours faithfully,

Sd/-

( P. N. Kohli )

Under Secretary to the Govt. of India.

No.16011/3/82-AIS(IV)

New Delhi, the 23 August, 1982

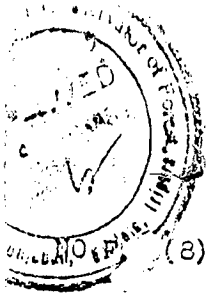
Copy with 5 spare copies forwarded to: -

1. The Ministry of Agriculture (Department of Agriculture and Cooperation) (IFS Section), New Delhi.
2. The Inspector General of Forests, Department of Agriculture and Cooperation, Ministry of Agriculture, New Delhi.

Sd/-

( P. N. Kohli )

Under Secretary to the Govt. of India.



GOVERNMENT OF TRIPURA  
APPOINTMENT & SERVICES DEPARTMENT

ANNEXURE - C

(8)-GA/79

Dated, Agartala, the 13-74 Sept., 1989.

NOTIFICATION

The Governor, with the concurrence of the Joint Cadre Authority Manipur is pleased to appoint on promotion the following Indian Forest Service Officers of Manipur-Tripura Cadre, Tripura wing to the IFS senior scale post of Deputy Conservator of Forest, Tripura in the scale of Rs.3000/- (5th and 6th year)-100-3500-125-4500/- plus other allowances as admissible under the rules with effect from 1/4/1989 and until further orders :-

1. Shri Surender Kumar, IFS(MT-1985)
2. Shri Balbir Singh, IFS(MT-1985)
3. Shri G. Samuel Raju, IFS(MT-1985)

By order of the Governor,

Government of Tripura,  
Office of the Principal Chief Conservator  
of Forests, Tripura.

(M. Dhar)

Deputy Secretary to the  
Government of Tripura.

Copy to

1. Chief Secretary, Tripura, Agartala.
2. Chief Secretary, Manipur, Imphal.
3. Special Secretary to Governor, Rajbhavan, Tripura, Agartala.
4. Secretary to Chief Minister, Tripura, Agartala.
5. Offices of all Ministers/Ministers of State, Tripura, Agartala.
6. Secretary Department of Environment Wildlife, Government of India, Krishai Bhavan, New Delhi.
7. Deputy Secretary to the Government of India, Ministry of Personnel & Training Administrative Reforms and Public Grievances and Pension, New Delhi.
8. The Additional Secretary to the Government of India, Ministry of Environment & Forests Paryavaran Bhavan C.G.O. Complex, New Delhi.
9. Accountant General (A&E), Tripura, Agartala.
10. Finance Department (Gazetted Officers Establishment Branch) Civil Secretariat, Tripura, Agartala.
11. Principal Chief Conservator of Forests, Tripura, Agartala.
12. Forest Department, Tripura, Agartala.
13. Treasury Officer, West Tripura, Agartala.
14. Supdt. of Govt. Press, Agartala for publication.
15. Shri Surender Kumar, IFS(MT-85), Asstt. Conservator of Forests, C/O. Principal C.C.F. Tripura, Agartala.
16. Shri Balbir Singh, IFS(MT-85) Asstt. Conservator of Forests, Tripura, C/O. Principal C.C.F. Tripura, Agartala.
17. Shri G. Samuel Raju, IFS(MT-85), Asstt. Conservator of Forests, C/O. Principal C.C.F. Tripura, Agartala.

(M. Dhar)

Deputy Secretary to the Govt. of Tripura.

Office of the Principal Chief Conservator

Government of Tripura

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ANNEXURE - D

GOVERNMENT OF TRIPURA  
APPOINTMENT & SERVICES DEPARTMENT

NO.F.2(14)-GA/90 .


Dated, Agartala, the 24<sup>th</sup> May, 1990

N O T I F I C A T I O N

Governor with concurrence of J.C.A., Manipur is pleased to appoint the following I.F.S. Officers of 1986 batch of MT Cadre (Tripura part) to the Senior Scale of IFS of Rs. 3000-4500/- plus usual allowances as admissible time to time with effect from 1st April, 1990 :-

1. Shri Alind Rastogi, IFS (MT : 1986)
2. Shri P.K. Pant, IFS (MT : 1986)
2. On appointment to Sr. Scale, Shri A. Rastogi is posted as D.F.O. Kailashahar. Shri P.k. Pant will continue to hold the post of D.F.O., Training Division.

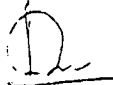
By order of the Governor,

  
( M. Dhar )  
Deputy Secretary to the  
Government of Tripura.

....

Copy to :-

1. Chief Secretary, Tripura, Agartala.
2. Chief Secretary, Manipur, Imphal.
3. Special Secretary to Governor, Tripura, Agartala.
4. Secretary to the Chief Minister, Tripura, Agartala.
5. Offices of All Ministers/Ministers of State, Tripura, Agt.
6. All Principal Secretaries/Commissioners/Secretaries, Tripura, Agartala.
7. Deputy Secretary to Govt. of India, Department of Personnel & Training, New Delhi.
8. Deputy Secretary to the Govt. of India, Ministry of Environment & Forests, New Delhi.
9. Accountant General (A & E), Tripura, Agartala.
10. Finance Department, Estt. Branch, Civil Secretariat, Tripura, Agartala.
11. Forest Department, Tripura, Agartala.
12. Treasury Officer, Agartala, West Tripura.
13. Principal Chief Conservator of Forest, Tripura, Agartala.
14. Officers Concerned
15. Personal files.

  
(M. Dhar)  
Deputy Secretary to the  
Government of Tripura.

...