

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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Date 12/12/17
SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal :: Guwahati Bench
Guwahati

ORDER SHEET

APPLICATION NO. 485/2001

Applicant(s)

Prajiv L. Agarwal

Respondent(s)

CL01 & 015

Advocate for Applicant(s) Mr. B.K. Sharma, S. Sarma, C.K. Nair

Advocate for Respondent(s) Mr. B.C. Pathak

Addl. Case - / Mr. M.R. Pathak, Council for the
State of Tripura.

Notes of the Registry

Date.

Order of the Tribunal

22.1.02

Heard Mr. S. Sarma, learned
counsel for the applicant.

Issue notice as to why the
application shall not be admitted

List on 25.2.2002 for admis
on.

IC (Chairman
Member

Vice-Chairman

mb

25.2.02

Heard learned counsel for
the parties.

The application is admitted,
keeping open the question of
limitation. Call for the records.

Mr. B.C. Pathak, learned Addl.
C.G.S.C. for respondent Nos. 1, 2, and
5 and Mr. M.R. Pathak, learned counse
representing the State of Tripura,
prayed for time to file written
statement.

List on 28.3.2002 for order.

IC (Chairman
Member

Vice-Chairman

mb

DI No 391 & 397

Dtd 11/2/02

28.3.2002

No written statement so far filed.

As per order dtd. 28.3.2002
enter the name of the learned
Counsel in the Order Sheet.

2/4/02

Appearance is made on behalf of the
respondent No.6. Office to notify the
name of the learned counsel for the
respondents accordingly.

List the case on 2.5.2002.

K L U Shaha

Member

Vice-Chairman

bb

2.5.02

No written statement filed

by the Union of India and State Respon-
dents. List on 3.6.02 for filing of
written statement and further orders.

K L U Shaha

Member

Vice-Chairman

lm

3.6.02

The respondents so far yet to
file written statement. Mr. B.C.
Pathak, learned Addl. C.G.S.C. for
respondents No.1,2 and 5 prays for
time to file written statement.

Similarly, Mr. S. Roy, learned counsel
appearing on behalf of respondent
No.6 prays for time to file written
statement. Prayer is allowed. List
on 24.6.02 for orders.

K L U Shaha

Member

Vice-Chairman

lm

24.6.02

The respondent No.6 has filed the
written statement. The other respondents
are yet to file written statement. Mr.
A. Deb Roy, learned Sr. C.G.S.C. prays
for time to file written statement on
behalf of respondent Nos. 1,2 and 5.

List on 2.8.2002 for orders.

K L U Shaha

Member

Vice-Chairman

folg. to 6/8/2002 for
W/S by resp. 1,2 & 5.

By order

B

12.7.02

W/S Submitted by
Respondent No.1.

mb

3
3
O.A. 485/2001

Notes of the Registry

Date

Order of the Tribunal

2.8.02

Respondent Nos. 1 and 6 have filed the written statement. The case may not be listed for hearing on 28.8.2002. The other Respondents may also file written statement if any, within three weeks from today. The applicant may also file rejoinder, if any, within two weeks from today.

The case is ready
for hearing as
regard Writ and rejoinder.

By
27.8.02

mb

28.8.02

I C Usha

Member

Vice-Chairman

Prayer has been made on behalf of Respondent No.6 on the ground of personal difficulty of the learned counsel for the respondents. Mr. S. Sarma learned counsel for the applicant has no objection. As agreed by the learned counsel for the parties the matter may be posted for hearing on 27.9.02.

I C Usha

Member

Vice-Chairman

lm

27.9

Heard Mr. S. Sarma, learned Counsel for the appellant & Mr. A. Verma, for Respondent no. 6 & Mr. A. Debroy, Mr. C. G. Iyer.

Hearing concluded,
Judgment reserved.

By
A. K. Datta
27.9

Notes of the Registry	Date	Order of the Tribunal
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3.10.02	Judgment delivered in open Court. Kept in separate sheets. Application is dismissed. No costs.
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1 C Usha Member

Vice-Chairman

3/11/2002
Copy of the Judgment
has been sent to the
Office for issuing the
same to the applicant
as well as to the
L/Adm for the Registry

st

6

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./~~XXX~~ NO. 485 of 2001

DATE OF DECISION 3rd oct 2002

Shri Pravin L. Agarwal

APPLICANT(S)

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

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

The Union of India and others

RESPONDENT(S)

Mr A. Deb Roy, Sr. C.G.S.C.,
Mr Alok Verma, Mr Sanjoy Roy and
Jayati Purkayastha for respondent No.6.

ADVOCATE FOR THE
RESPONDENTS.

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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.485 of 2001

Date of decision: This the 3rd day of October 2002

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

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

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

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

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Environment and Forest, New Delhi.
2. The Secretary to the Government of India, Ministry of Environment and Forest, New Delhi.
3. The State of Tripura, represented by the Chief Secretary to the Government of Tripura, Agartala.
4. The State of Manipur, represented by the Chief Secretary to the Government of Manipur, Imphal.
5. The Union Public Service Commission, represented by the Secretary, New Delhi.
6. Shri Prasenjit Biswas,
Divisional Forest Officer,
Planning Division, Sapahijala,
P.O. Bishalgarh, Tripura.
7. Shri Debasis Chakraborty, DCP, Wile Life,
Office of the PCCF, Nehru Complex,
Gorkha Basti, Agartala.Respondents

By Advocates Mr A. Deb Roy, Sr. C.G.S.C.,
Shri Alok Verma, Shri Sanjay Roy and
Jayati Purkayastha for respondent No.6.

.....

O R D E R

CHOWDHURY. J. (V.C.)

This application under Section 19 of the Administrative Tribunals Act, 1985 has arisen and is directed against the order dated 2.9.1998 communicated by the Under Secretary, Government of India, Ministry of Environment and Forests, determining the year of allotment and seniority of the respondent Nos.6 and 7, two State Forest Service Officers borne on the Manipur-Tripura Joint Cadre of the Indian Forest Service promoted from the State Forest Service of Tripura to the Indian Forest Service (IFS for short). By the said order the aforementioned two officers, namely respondent Nos.6 and 7 were given 1993 as the year of allotment and placed below the juniormost direct recruit IFS officer of the Cadre of 1993 batch.

2. The applicant belongs to the 1994 batch of direct recruit IFS Officers. According to the applicant the respondent Nos.6 and 7 were appointed to the IFS on promotion on 8.10.1997 and 8.12.1997 respectively after his promotion. The applicant claimed that since he as well as another officer were officiating in the senior scale post at the time of promotion respondent Nos.6 and 7, the year of allotment of these two respondents was required to be fixed in reference to the applicant and the other officer, namely Shri A. Vajpayee and therefore, their year of allotment was to be determined as 1994 below the applicant and Shri Vajpayee. In the application the applicant pleaded that he as well as Shri Vajpayee,

his batch mate, were allowed to officiate in the IFS senior scale cadre post by Notification dated 29.9.1997 and 11.9.1997 respectively. Since they were holding the senior scale posts till their promotion to the senior scale with effect from 1.1.1998, the year of allotment of respondent Nos.6 and 7 who were promoted to the IFS with effect from 8.10.1997 and 8.12.1997 respectively were required to be fixed in reference to the applicant and Shri Vajpayee and therefore, the year of allotment of respondent Nos.6 and 7 could not have been prior to 1994 and thus the seniority of the two respondents ought to have been below the applicant as well as Shri Vajpayee. The applicant after coming to know of the order dated 2.9.1998 in the year 2000, submitted his representation before the competent authority. Failing to get appropriate response on his representation the applicant moved this application assailing the legitimacy of the impugned order dated 2.9.1998.

3. The respondent Nos.1 and 6 contested the application and submitted their respective written statement denying and disputing the claim of the applicant.

4. The issue raised in this application is relating to the statutory mechanism as provided by the rules and regulations, more particularly by the IFS (Pay) Rules, 1968, the IFS (Recruitment) Rules, 1966 and the IFS (Regulation of Seniority) Rules, 1968. The relevant provisions of the Rules are cited hereinbelow:

The IFS (Pay) Rules, 1968:

2. Definition- In these rules, unless the context otherwise requires-

(d) 'Direct recruit' means a person appointed to the Indian Forest Service in accordance with Rule 7 of the Indian Forest Service (Recruitment) Rules, 1966;

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(f) 'promoted officer' means an officer appointed to the Indian Forest Service by promotion from a State Forest Service in accordance with sub-rule (1) of Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966.

3. Time scale of pay- (1) The scale of pay admissible to a member of the Service and the dates with effect from which the pay scales shall be deemed to have come into force, shall be as follows:

Junior scale: Rs.2600-75-2800-EB-100-4000, with effect from the 1st day of January, 1986.

Senior scale-

- (i)
- (ii)

Provided that a member of the service shall be appointed to the senior scale on his 'completing four years of service, subject to the provisions of sub-rule (2) of Rule 6-A of the Indian Forest Service (Recruitment) Rules, 1966 and to the Junior Administrative Grade on completing nine years of service."

The IFS (Recruitment) Rules, 1966

"6-A. Appointment of officers in the junior time-scale of pay to posts in the senior time-scale of pay- (1) Appointments of officers recruited to the Service under clause (a) of clause (aa) of sub-rule (2) of Rule 4 to posts in the senior time-scale of pay shall be made by the State Government concerned.

(2) An officer, referred to in sub-rule (1), shall be appointed to a 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 IFS (Regulation of Seniority) Rules, 1968

"3. Assignment of years of allotment- (1) Every officer shall be assigned a year of allotment in accordance with provisions hereinafter contained in this rule.

(2) The year of allotment of an officer appointed to the Service shall be-

(a) where an officer is appointed to the Service on the results of a competitive examination, the year following the year in which such examination was held;

(b) where an officer is appointed to the Service at its initial constitution in accordance with sub-rule (1) of Rule 4 of the Recruitment Rules, such year will be determined in accordance with the following formula-

.....
.....
.....

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

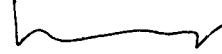
Provided that seniority of officers who are substantively holding the post of a Conservator of Forest or a higher post on the date of constitution of the Service and are not adjudged suitable by the Special Selection Board in accordance with the Indian Forest Service (Initial Recruitment) Regulations, 1966, but who may later on be appointed to the Service under Rule 8 of the Recruitment Rule shall be determined ad hoc by the Central Government in consultation with the State Government concerned and the Commission."

5. From the conspectus of the Rules, it is apparent that a statutory mechanism is prescribed for fixing the year of allotment vis-a-vis determination of the seniority of the officers in the IFS. Admittedly, the applicant belongs to the 1994 direct recruit batch of the IFS officers. He was entitled to get senior scale of pay as per the statutory rules only in the year 1998, i.e. after the appointment by promotion respondent Nos.6 and 7 to the IFS. On the own showing of the applicant he was promoted to the senior scale on 1.1.1998 and in terms of the provisions of sub-rule 3(1)(c) of the IFS (Regulation of Seniority) Rules, 1968 the seniority of the aforementioned two respondents were determined. As per the statutory device, a promotee officer appointed to the IFS is to be placed below the juniormost direct recruit officer in the senior scale of pay prior to the date of appointment of the promotee officer to the IFS.

6. The two respondents were appointed to the senior scale of pay on 8.10.1997 and 8.12.1997 respectively on promotion to the IFS, whereas the applicant was promoted to the above scale at a later date. The determination of the year of allotment vis-a-vis the seniority and fixing of the interse seniority of the two respondents were done strictly in conformity with the statutory provisions. No infirmity as such is discernible requiring interference by the Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

7. The application thus stands dismissed. There shall, however, be no order as to costs.


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN

Case No. 310/2001
13
Guwahati
THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

GUWAHATI

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

Title of the case : O.A. No. 485 of 2001

Sri Pravini L. AgarwalApplicant.

-Versus-

The Union of India & Ors.Respondents.

I N D E X

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For use in Tribunal's Office

Date of filing

Registration No.

REGISTRAR

THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
AT GUWAHATI

24
Filed By:
Shri Pravin L. Agarwal
Applicant
Through:
Chuni Krishnan Nall
Advocate

O. A. NO. 485 /2001

BETWEEN

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

APPLICANT

-VERSUS-

1. The Union of India,
represented by the Secretary to the Government of
India, Ministry of Environment & Forest,
Pariyavan Bhawan, CGO Complex, New Delhi.

2. The Secretary To the Government of India,
Ministry of Environment & Forest,
Pariyavan Bhawan, CGO Complex, New Delhi.

3. The State of Tripura,
represented by the Chief Secretary to the Govt. of
Tripura, Agartala.

Contd... P/-

4. The State of Manipur, represented by the Chief Secretary to the Government of Manipur, Imphal.
5. The Union Public Service Commission, represented by the Secretary, Dholpur House, Shahjahan Road, New Delhi.
6. Shri Prasenjit Biswas, Divisional Forest Officer, Planning Division, Sepahijela, P.O. Bishalgarh, Tripura.
7. Shri Debasis Chakraborty, DCP, Wild Life, Office of the PCCF, Nehru Complex, Gorkha Basti, Agartala.

RESPONDENTS

DETAILS OF APPLICATION

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

The present application is directed against any order No. 17013/12/97-IFS-11 dated 2.9.98 issued by the Government of India, Ministry of Environment and Forests under the signature of the Under Secretary to the Government of India assigning the years of

allotment of the Respondents No. 6 and 7 placing them above the applicant. The O.A. as also directed against the deemed rejection of the representation submitted by the Applicant making a grievance against the said order dated 2.9.98.

2. JURISDICTION OF THE TRIBUNAL

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

3. LIMITATIONS

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

4. FACTS OF THE CASE:

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

4.2 That the petitioner belongs to 1994 batch of direct recruit IFS. He was allocated to the Manipur-Tripura Joint Cadre. He is presently working as DFO, Sadar at Agartala. It will be pertinent to mention here that one Shri Anurag Vajpayee, a batchmate of the

applicant is also allocated the said Joint Cadre of Manipur Tripura and is posted in the Manipur Wing of the Joint Cadre.

4.3 That on 11.9.97 said Shri Anurag Vajpayee on being appointed to the senior time scale post of DCF (Rubber) which is a cadre post, joined as such. On 29.9.97, the Government of Tripura in the Forest Department issued a notification posting the Applicant as DFO, Manu on transfer which is an IFS cadre post in the senior time scale of pay. On 4.10.97 by yet another notification issued by the Government of Tripura in the appointment and Services Department, one Sri Ratneswar Das, a Forest Officer was granted earned leave stating that the charge will remain with the applicant. The Applicant joined as DFO, Sadar vide said Shri Ratneswar Das which is also a senior scale cadre post. Thereafter, the Applicant joined as DFO, Manu on 19.11.97.

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

4.4 That on 8.10.97, the Respondent No. 6 Shri Prasenjit Biswas appointed to IFS on promotion. On 8.12.97 the Respondent No. 7 was also appointed to IFS on promotion. It will be pertinent to mention here that

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

4.5 That the applicant remained posted at Manu till 27.12.99 wherefrom he was transferred to the present place of posting. On the other hand, said Shri Vajpayee remained posted as DCF (Rubber) /DFO till about October 2000 and thereafter he was transferred to the office of the PCCF, Imphal to another cadre post.

4.6 That both Shri Vajpayee and the Applicant got promotion to senior scale with effect from 1.1.98. After the transfer of the Applicant as DFO, Sadar after December, 1999 to the present place of posting, the applicant came across the civil list of IFS officers

and could come to know about the assignment of seniority and year of allotment of the Respondent No. 6 and 7 above him and said Shri Vajpayee. It will be pertinent to mention here that Manu is a very interior place and the Applicant did not have any occasion to receive the copy of the impugned notification dated 2.9.98 and/or the civil list copy of which were never endorsed and/or furnished to the Applicant.

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

4.8 That the Applicant having come to know about the fixation of year of allotment of the Respondents No. 6 and 7 as 1993 above the Applicant on perusal of the civil list only in the early part of 2000 made further

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

4.9 That to the best of knowledge of the Applicant, the State Government concerned had named one Shri A.M. Kanphade and S.S. Chabra of 1992 and 1993 batch respectively stating them to be officiating in the senior scale post at the time of promotion of the Respondents No. 6 and 7 to the IFS. This being the position, their year of allotment has been fixed in reference to said Shri Kanphade and Shri Chabra and has been assigned 1993 as their year of allotment adversely affecting the seniority of the Applicant. It was only during the early part of 2000, the Applicant could come to know about the impugned notification dated 2.9.98 by which the year of allotment of the Respondents No. 6

and 7 has been fixed as 1993 . By the said notification dated 2.9.98 the year of allotment of the Respondents No. 6 and 7 has been fixed as per the provision of the relevant rules i.e the IFS (Regulation of Seniority) Rules, 1968 assigning them the year of allotment as 1993 below Shri S.S.Chabra so far as the Respondent No. 6 is concerned and below Shri Prasenjit Biswas so far as the Respondent No. 7 is concerned . It was on that basis , in the impugned civil list, the Respondents No. 6 and 7 were shown above the Applicant with their year of allotment as 1993.

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

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

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

4.11 That the Applicant states that the said representations of the Applicant are yet to be attended to and the Applicant is still in dark about the fate of

his grievance relating to fixation of seniority and year of allotment of the Respondents No. 6 and 7 above him. The fixation of year of allotment of the Respondents No. 6 and 7 as 1993 is the result of incorrect information furnished by the State Government concerned, but for which the year of allotment of the said Respondents would have been fixed as 1994 below the Applicant and said Shri Vajpayee.

4.12 That the Applicant having been allowed to officiate in an IFS senior scale cadre post by notification dated 29.9.97 and his batchmate Shri Vajpayee having been allowed to do so, with effect from 11.9.97 and they having continuously held the senior scale posts till their promotion to the senior scale with effect from 1.1.98, naturally, as per the provisions of Rule 3 of the IFS (Regulation of Seniority) Rules, 1968, the year of allotment of the Respondents No. 6 and 7 who were promoted to IFS with effect from 8.10.97 and 8.12.97 are required to be fixed in reference to the Applicant and said Shri Vajpayee. Had this been done, their year of allotment would have been 1994 fixing their seniority below the Applicant and said Shri Vajpayee as per the provisions of the said Rules. Unfortunately, the State Government concerned did not furnish the Central Government with the correct information and to the query of the Central Government as to who were the juniormost direct recruit officers officiating in senior scale cadre posts in the IFS, the State Government concerned did not furnish the correct information.

Contd. . . P / -

ciating in senior scale posts of IFS as on 8.10.97 and 8.12.97, the State Government concerned instead of referring the Applicant and said Shri Vajpayee as the juniormost officers officiating in senior scale posts, preferred one Shri Kanphade and Shri S.S.Chabra of 1992 and 1993 batch to be the officers officiating in the senior scale posts. Because of this wrong information, the impugned notification and the consequent civil list has been prepared assigning the year of allotment to the Respondents No. 6 and 7 as 1993 instead of 1994 placing them below the Applicant and said Shri Vajpayee.

4.13 That the Applicant states that having not received any response to the representations submitted by the Applicant, he had visited the office of the Government of India in the Forest Department and upon his enquiry, he has been intimated that since no information has been furnished by the Government of Tripura, they are handicapped from issuing necessary orders. When contacted, the concerned officials of the Tripura Government has intimated the Applicant that they are in touch with the Manipur Government in the matter and needful would be done on receipt of information from the Government of Manipur. Such information both by the Central Government and the State Government has been furnished to the Applicant after Annexure -6 representation dated 15.1.2001 and the Applicant was all along with the legitimate expectation that needful would be

done in the matter and his grievance would be redressed. However, since nothing has been done in the matter till this very date, the Applicant is now left with no other option than to come under the protective hands of this Hon'ble Tribunal.

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

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

and consequent civil list has been prepared adversely affecting the service career of the Applicant which is required to be remedied by this Hon'ble Tribunal.

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

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

4.18 That your Applicant states that he had earlier approached this Hon'ble court by way of an original application being O.A.No. /2001, but due

to some technical defects, the same was withdrawn with liberty to refile the same and accordingly this O.A. has been filed.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS

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

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

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

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

5.5 For that the impugned notification having been issued behind the back of the Applicant in violation of the principles of natural justice, same is liable to be set aside and quashed.

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

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

5.8 For that the posts in the senior scale being held by the Applicant and Shri Vaipayee are admittedly IFS cadre posts and since they held the said posts continuously with effect from 7.10.97 and 11.9.97, under no circumstances, the seniority of the Respondents No. 6 and 7 could have been fixed above the Applicant.

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

6. DETAILS OF REMEDIES EXHAUSTED:

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

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

The applicant further declares that no other application, writ petition or suit in respect of the

subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

6. RELIEF SOUGHT FOR:

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

6.1 To set aside and quash the impugned order at Annexure-2 dated 2.9.98 assigning the year of allotment to the Respondents No. 6 and 7 as 1993 and placing them above the Applicant.

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

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

8.4 Cost of the application.

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

9. INTERIM ORDER PRAYED FOR

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

10.....

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O.

- i) I.P.O. No. : 6678854
- ii) Date : 28.11.01
- iii) Payable at : Guwahati

12. LIST OF ENCLOSURES:

As stated in the Index.

Contd., P/-

VERIFICATION

I, Shri Pravin L. Agarwal, aged about 33 years, Son of Shri Lakshmi Narayan Agarwal, presently holding the post of Divisional Forest Officer Sadar Division Jagaharimura, Agartala, district West Tripura, do hereby solemnly affirm and verify that the statements made in paragraphs (to 3, 4'1), 4'2, 4'3, 4'4, 4'5, 4'6, 4'7, 4'8, 4'9 (partly), 4'10 to 4'18 and 5'12 are true to the best of my knowledge, those made in paragraphs 4'9 (partly)

are true to my information derived from records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 19th day of December, 2001 at Guwahati.

Pravin L Agarwal

STATE

EXPRESS

TELEGRAM

SHRI SRIRAM TARANIKANTI
DEPUTY SECRETARY (DP),
GOVERNMENT OF MANIPUR
IMPHAL

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

N.T.T.

PARYAYARAN

Ch. Anand

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

NO. 17013-12/97-IFS.II

NEW DELHI, THE 22ND MAY, 1998

COPY BY POST IN CONFIRMATION.

Arrested

Advocate.

SPEED POST

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

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

SEPTEMBER, 2, 1998

ORDER

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

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

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

Arrested

Anu 20/2
Advocate.

-21-

-X9-

1. 3. 1.

3. Accordingly, the year of allotment of the above mentioned two officers and their placement is determined in accordance with the provisions of the Indian Forest Service (Regulation of Seniority) Rules, 1968, as under:

Sl. No.	Name	Year of Allotment	Placement
---------	------	-------------------	-----------

S/Shri

1. Sh. Prasanjit Biswas 1993 Below Sh. S.S. Chhabra (RR: 1993)
2. Sh. Debasish Chakraborty 1993 Below Sh. Prasanjit Biswas.

1. Note The ~~intended~~ seniority of the officers who have been appointed to the Indian Forest Service on the basis of the I.F.S. Examination 1990 and onwards has not yet been fixed.

Chawdhury

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

Copy for distribution to:

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

EXTRACT

प्राप्ति-प्रदानकारी (TRIPURA)

क्रम संख्या	प्राप्ति-प्रदानकारी का नाम क्र. संख्या वर्ष	उपचार विभाग क्र. संख्या वर्ष	कार्यालय क्रमांक से वर्तमान पर नियुक्ति का तारीख	प्राप्ति दृष्टि क्र. (वर्ष)
S.NO	STATE OFFICE'S NO. C.O. NO. DATE OF BIRTH E.C.C. S.D.C.	YEAR OF EDUCATION DATE OF BIRTH M.T.C. APP. QUALIFI- TO ITS CATION	FARES SCALE DATE OF PAY M.T.C. APP. TO FEES TO SCALE	EDUCATION TELEPHONE NO. C.

865	अर्जिता दास, जन्म- 15/3/1971 BORN: M. 14722 14/03/1964 S.S.	1992 21/01/1993 B.C.	12220-15228 NO. 20, AGRAHA SOUTH TRIPURA, DIST. TRIPURA	1993 21/01/1993 B.C.
866	हरिहरा दास 15-385 HARIPRAO DAS 18/01/1943 S.S.	1992 27/03/1997 B.C.	12220-15228 NO. 20, AGRAHA, TRIPURA	1995 27/03/1997 B.C.
867	दीपा देवी दास 15-288 DEEPA DEVI DAS 30/11/1954 S.S.	1992 15/03/1997 B.C.	12220-15228 NO. 20, AGRAHA, NORTH TRIPURA	1996 15/03/1997 B.C.
868	सरल दीपा दास 15-275 SARAL DEPI DAS 05/07/1964 S.S.	1993	12220-15228 NO. 20, WEST MANIPUR	1996 21/06/1997 B.C.
869	रमेश कुमार दास 15-273 RAMESH KUMAR DAS 23/05/1963 S.S.	1993 15/03/1994 B.C.	12220-15228 NO. 20, GOMTI, JHARKHAND	1997 23/03/1994 B.C.
870	प्रसादी दिलक्षण 15-267 PRASADII DILAKSHAN 23/01/1958 S.S.	1992 22/12/1997 B.C.	12220-15228 NO. 20, AGRAHA, TRIPURA	1998 22/12/1997 B.C.
871	प्रियंका दास 15-288 PRYANKA DAS 05/02/1955 S.S.	1993 05/12/1997 B.C.	12220-15228 NO. 20, AGRAHA, SOUTH TRIPURA	1998 05/12/1997 B.C.
872	प.ल. अक्षय 15-277 P.L. AKSHAY 25/06/1963 S.S.	1994 15/05/1994 B.C. (CIVIL 12220-15228 NO. 20, AGRAHA, TRIPURA)	12220-15228 NO. 20, AGRAHA, TRIPURA	1998 15/05/1994 B.C.
873	उमराया दास 15-276 UMARAYA DAS 15/01/1970 S.S.	1991 27/11/1994 B.C.	12220-15228 NO. 20, AGRAHA, JHARKHAND	1998 27/11/1994 B.C.

प्राप्ति-प्रदानकारी (TRIPURA)

क्रम संख्या	प्राप्ति-प्रदानकारी का नाम क्र. संख्या वर्ष	उपचार विभाग क्र. संख्या वर्ष	कार्यालय क्रमांक से वर्तमान पर नियुक्ति का तारीख	प्राप्ति वर्ष प्रदानकारी का वर्ष क्र. संख्या वर्ष
S.NO	STATE OFFICE'S NO. C.O. NO. DATE OF BIRTH E.C.C. S.D.C.	YEAR OF EDUCATION DATE OF BIRTH M.T.C. APP. QUALIFI- TO ITS CATION	FARES SCALE DATE OF PAY M.T.C. APP. TO FEES TO SCALE	EDUCATION TELEPHONE NO. C.

874	प्रियंका दास 15-283 PRYANKA DAS 23/01/1973 S.S.	1995 21/06/1995 B.C.	12220-15228 NO. 20, AGRAHA, TRIPURA	1995 21/06/1995 B.C.
875	प्र. संदीपन 15-284 S. SUNDIPAN 21/03/1963 S.S.	1995 21/06/1995 B.C.	12220-15228 NO. 20, AGRAHA, TRIPURA	1995 21/06/1995 B.C.
876	क. कर्ण देवी 15-285 K. KARUNI DEVI 25/06/1971 S.S.	1996 21/06/1996 B.C.	12220-15228 NO. 20, AGRAHA, TRIPURA	1996 21/06/1996 B.C.
877	कम. कर्ण देवी 15-286 K. KARUNI DEVI 25/06/1966 S.S.	1996 21/06/1996 B.C.	12220-15228 NO. 20, AGRAHA, TRIPURA	1996 21/06/1996 B.C.
878	पू. दीपा देवी 15-281 P. DEEPA DEVI 19/01/1972 S.S.	1997 21/06/1998 B.C.	12220-15228 NO. 20, AGRAHA, TRIPURA	1997 21/06/1998 B.C.
879	पू. दीपा देवी 15-282 P. DEEPA DEVI 25/03/1962 S.S.	1997 21/06/1998 B.C.	12220-15228 NO. 20, AGRAHA, TRIPURA	1997 21/06/1998 B.C.
880	पू. दीपा देवी 15-283 P. DEEPA DEVI 25/03/1963 S.S.	1998 21/06/1998 B.C.	12220-15228 NO. 20, AGRAHA, TRIPURA	1998 21/06/1998 B.C.
881	पू. दीपा देवी 15-284 P. DEEPA DEVI 25/03/1964 S.S.	1998 21/06/1998 B.C.	12220-15228 NO. 20, AGRAHA, TRIPURA	1998 21/06/1998 B.C.

REG. NO. 2000

Annexure-3

Attached

Annexure-3

Advocate.

From,

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

24/1/2000

To,

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

(THROUGH PROPER CHANNEL)

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

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

Sir,

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

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

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

1. Assignment of year of allotment of officer appointed by promotion, is dealt with rule 3(2) (c) of IFS Regulation of seniority rules 1968, which reads as
Where an officer is appointed to the service by promotion in accordance with rule 8 of the recruitment rules (appointment by promotion), the year of allotment of the junior most among the officers recruited to the service in accordance with rule 7 (appointment by competitive examination, or if no such officer is available the year of allotment of the junior most among the officers recruited to the service in accordance with rule 4(1) of these rules, who officiated

Accredited
Anu. B.
Advocate.

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

Explanation 1: in respect of an officer appointed to the service by promotion in accordance with sub-rule (1) of rule 8 of the recruitment rules, period of his continuous officiation in a senior post shall, for the purpose of determination of seniority counts only from the date of inclusion of his name in the select list, or from the date of his officiating appointment to such senior post, which ever is later.

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

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

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

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

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

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

6. H'ble Central Administrative Tribunal also admit in the Shri R.L.Srivastava's case that for the purpose rule 3(2) (c) of seniority rules, "what is crucial is officiation in a senior post and not senior scale (page 1.2)"

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

Advocate.

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

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

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

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

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

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

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

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

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

Yours faithfully

Pravin Agrawal

(Pravin Agrawal), IFS
MT-1994

Copy to:

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

Advance Copy to:

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

By Speed post

- 27 -

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

Date: 3/8/2000

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

Through Proper Channel

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

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

Sir,

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

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

(RTO)

Attested

Advocate.

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

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

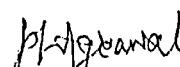
Thus I request you to reexamine the details as noted in this letter and Order No.17013/12/97-IFS-II dated September 2, 1998 assigning year of allotment of said officers as 1993 should be cancelled & they should be allotted 1994 as the year of allotment.

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

Enclosures:

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

Yours truly,


(Pravin Agrawal, IFS)

MT-1994

Copy to :-

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

Advance copy to :-

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

From,

Pravin Agrawal IFS
Sadar Forest Division
Jagaharimura College Road
Agartala 799004

15/1/2001

To,

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

(THROUGH PROPER CHANNEL)

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

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

Sir,

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

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

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

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

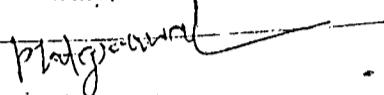
Advocate.
Anurag Bajpai
Advocate.

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

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

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

Yours truly,


Pravin Agrawal IFS
MT-94

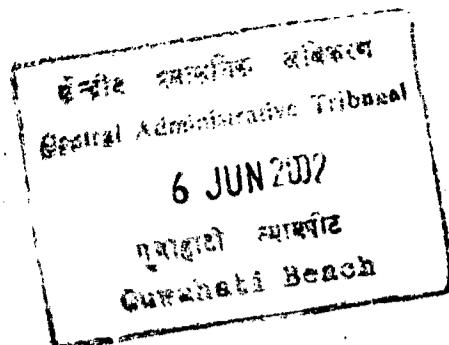
Enclosures:

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

Copy to:

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

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



Filed by respondent
No. 6
Shri. Prasenjit Baruah
through
Tanjali Purkayastha
Advocate
6/5/2002

THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : AT GUWAHATI.

O.A. NO. 485/2001

BETWEEN

Shri Pravin Lal Agarwal

.....APPLICANT

- Versus -

The Union of India and Others.

.....RESPONDENTS

IN THE MATTER OF:

The written statement for and on behalf of the respondent No.6.

WRITTEN STATEMENT

1. That, the respondent No.6 as impleaded in the Original Application as one of the party has received a copy of the original application on notice being served on him. He has gone through the same and understood the contents thereof. He is competent to submit the written statement before this Hon'ble Tribunal.

2. That, save and except what has specifically being admitted herein below with respect to the

averments made in the Original Application by the applicant; the rest are deemed to be categorically denied.

3. That, with regard to the statements made in para 1, 2 and 3 of the original application the answering respondent begs to state that as these are the matters related to Order under challenge, Jurisdiction of the Tribunal and limitation, so, it has to be fairly adjudicated in the course of hearing by the Hon'ble Tribunal. Be it noted here that as the entire subject matter of the case rests on notification dated 02.09.98 the present O.A. is filed beyond the limitation period prescribed under Section 21 of the Administrative Tribunal Act, 1985, and it may be taken up as preliminary objection.

4. That, with regard to the statements made in para 4.1 of the original application the answering respondent begs to offer no comment as it relates to the applicant of being an Indian National and his entitlement to certain rights protections and privileges.

5. That with regard to the statements made in paragraph 4.2 of the original application the answering respondent begs to state that as the applicant was borne in the Indian Forest Service in the Year 1994 as the regular recruitee and allocated to the Manipur - Tripura Joint Cadre; the year of the allocation of the applicant is therefore fixed at 1994 in terms of Rule 3(2)(a) of the IFS (Regulation of Seniority) Rules, 1968.

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It is pertinent to mention here that the applicant has tried to bring the case of Sri Anurag Vajpayee at par with his case has got no relevance in the present context which may have a misleading effect.

6. That, with regard to the statements made in para 4.3 of the Original Application the answering respondent begs to state that the applicant has been appointed to the Tripura part of M.T. Cadre as a regular Recruitee in the Junior time scale of pay in the post with the designation of Assistant conservator of Forests (ACF) in terms of rule 6(2) of the IFS (Recruitment) Rules, 1966 read with rule 4(2)(a) of the IFS (recruitment) Rules 1966. The applicant was promoted to the IFS Senior time scale post of Deputy Conservator of Forests with effect from 01.01.98 vide Notification No.F.2(14)-GA/90/L dated 10.07.98. On the other hand, Sri Vajpayee, of the Manipur part of the M.T. Cadre was promoted to the senior scale post of Deputy Conservator of Forests on 04.03.98 vide Orders of the Governor of Manipur No. 3/9/89 - IFS/DP of the Department of Personnel and administrative Reforms, Govt. of Manipur.

A copy of Notification dated 10.07.98 of the Govt. of Tripura and Orders by the Governor Manipur dated 04.03.98 are filed hereto and marked as ANNEXURE-'A' & 'B' respectively.

7. That with regard to the statements made in para 4.4 the answering respondent begs to state that as per the provisions of Rule 3 of the IFS (pay) Rules, 1968, a member of the service shall be appointed to the senior scale on his completion of four years of service subject to the provision of Rule 6-A of the IFS (Recruitment) Rules, 1968 and to the Junior administrative grade on completion of nine years of service. The four years and nine shall be calculated from the allotment assigned to him under regulation 3 of the IFS (Regulation of Seniority) Rule, 1968. Further in terms of Rule 6-A(3)(b) of the IFS (Recruitment) Rules, 1966, it is open to the State Govt concerned to post officers, even pending promotion to the senior time scale to the senior posts in the state cadre of IFS on a purely temporary and local arrangement basis. Such temporary and local arrangements do not court for determination of seniority in terms of explanation 2 below Rule, 3(2)(c) of the IFS (Regulation of Seniority) Rules, 1968. As per Rule, 6(30 of the IFS Recruitment) Rules, 1966 the appointment of persons included in the service would be in the senior time scale as per rule, 6(3) of the IFS (pay) Rules, 1966. Thus it is evident that the answering respondent was appointed to the senior scale on 08.10.97 on promotion to the IFS where as the applicant was promoted at a much later date and that too only when actually he became due for promotion. The seniority of the answering respondent was fixed under Rule 3(2)(c) of the IFS (Seniority) Regulation,

1968. The principle of rule envisages assignment of year of allotment and here the applicant has no locus standi since at that point of time he was not even due for promotion to the senior time scale.

8. That, with regard to the statements made in para 4.5 the answering respondent begs to state that there are fixed set of Rules, governing the promotion of regular recruitee and only when one became eligible. The applicant was appointed on 01.01.98 to senior scale post of Deputy Conservator of Forests which is a cadre post. It is note worthy that Shri Vajpayee was promoted at a much later date but he is satisfied with his position and has no grievance on that as he did not approach the Hon'ble Tribunal. It is only the applicant who keeps his name repeating to somehow make out a case without having any nexus; nor the applicant has made him a party and it is the rule of law that nothing can be said against or in support of an employee unless he is impleaded as party to the proceeding, otherwise, that will hamper the principles of Natural Justice and fair play.

9. That, with regard to the statements made in para 4.6 the answering respondent respectfully submits that the applicant has cooked up a story to get some relief which does not fall within the ambit and scope of IFS Rules, and Guidelines issued from time to time by the Government in the present context. Moreover, he is scratching the name of Shri Vajpayee time and again in

other words, on and on to mislead the Court and to wash his hand under his umbrella.

10. That, with regard to the statements made in para 4.7 the answering respondent respectfully submits that there are definite Rules, framed by the Govt. governing the seniority of officers promoted to the Indian Forest Service and only following the said Rule, the seniority of the applicant is fixed. It is submitted that the promotion of a regular recruit (RR) appointed to the Junior time scale of IFS first, like the applicant, is promoted to the senior time scale after a fixed period of service and the same is governed by the Rule, 6-A of the Recruitment Rules, which is reproduced hereunder.

"6-A Appointment of officers in the Junior time scale of pay to the post in the senior time scale of pay.

i) Appointment of Officer recruited to the service under clause (a) or Clause (aa) to the Sub-Rule (2) of the Rule, to the posts in the senior time scale of pay shall be made by the State Govt. concerned.

ii) An officer referred to in Sub-rule (i) shall be appointed to a post in the senior time scale of pay if having regard to the length of service and experience, the State Govt. is satisfied that

, he is suitable for appointment to the post in the senior time scale of pay.

Notwithstanding anything contained in Sub-rule(2) the Govt. may

(a) *****

(b) appoint an officer to in Sub-rule at any time to a post in the senior time scale of pay as a purely temporary or local arrangement.

Such temporary and local arrangement do not Court for determination of seniority in terms of explanation 2 below Rule 3(2)(c) of the Seniority Rules."

It is worthy to mention here that the applicant was not serving nor appointed to the senior time scale of IFS on 08.10.97 i.e. the day the answering respondent was promoted to senior scale post of Dy. CF and question of claiming of seniority over the answering respondent is absurd invalid and is not tenable in the eye of law.

11. That in regard to the statements made in para 4.8 of the original application the answering respondent

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begs to state that the so called telegram dated 22.05.98 as described by the applicant was not sent to the Govt. of Tripura and since the applicant is serving in the State of Tripura he has nothing to do with the said telegram. Moreover, the answering respondent further asserts that the applicant has brought in certain irrelevant issues to make out a case which if weighed in proper perspective it can be assessed that in fine, the applicant has got no case.

12. That with regard to the statements made in para 4.9 and 4.10 of the original application the answering respondent begs to state that as these are matters of record, so he demands the strictest proof of the same. Moreover, although the applicant has made representations to the competent authorities on certain fictitious basis the authorities instead of passing a futile Order opted to maintain silence.

13. That, with regard to the statements made in para 4.11 to 4.18 the answering respondent reiterates his submissions made in the foregoing paragraphs of the written statement. It is further asserted by the answering respondent that the applicant in order to bring home his purpose has taken shelter of certain unformded facts which are beyon the scope of any Rule or Regulation so prevalent and maintained in the Indian Forest Service. Hence, the instant original application is devoid of any merit and is liable to be rejected at the thrash-hold.

14. That with regard to the statements made in para 5 of the Original application, the answering respondent reiterates his submissions made in para 1 to 13 of this written statement.

15. That with regard to the statements made in para 6 and 7 the answering respondent begs to offer no comment.

16. That with regard to the statements made in para 8 of the original application the answering respondent begs to state that the instant original application of the applicant is barred by limitation and is without any merit. Hence, the same is liable to be dismissed and rejected.

17. That with regard to the statements made in para 9 to 12 of the original application the answering respondent begs to offer no comments.

continued to verification

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

I, Shri Prasenjit Biswas, aged about 43 years son of Late Pratip Biswas, presently holding the post of D.C.S. and resident of Malancha Nagare, Kunjaban, Agartala District- West Tripura. do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4, 5, 8, 9, 11 — 15 are true to the best of knowledge, those made in paragraphs 6, 7, 10 are true to my information derived from records and the rests are my humble submissions before this Hon'ble Tribunal.

And, I sign this Verification on this 6th day of June 2002 at Guwahati.

Prasenjit Biswas
S I G N A T U R E

ANNEXURE— A

+11-

GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

MO.F.2(14)-GA/90(L)

Dated, Agartala, the 10th July, 1998.

ANNOUNCEMENT

The Governor, Tripura is pleased to appoint the following IFS officers of Tripura Wing of Manipur-Tripura Joint Cadre on promotion to the IFS Senior Grade Scale post of Deputy Conservator of Forests, Tripura in the scale of Rs.10,000-325-15,200/- plus usual allowances as admissible with effect from the date as stated against each :-

- 1) Shri R.K.Sahal, IFS (MR:1993) 1.1.1997
- 2) Shri P.L.Agarwal, IFS (MT:1994) 1.1.1998

By order of the Governor,

(T. Singh)

Joint Secretary to the
Government of Tripura.

Copy to :-

10/7/98

1. Chief Secretary, Tripura, Agartala.
2. Chief Secretary, Manipur, Imphal.
3. Special Secretary to Governor, Tripura, Rajbhavan, Agartala.
4. Secretary to Chief Minister, Tripura, Agartala.
5. Secretary, Govt. of India, Ministry of Environment & Forests, Parayavaran Bhavan, C.G.O. Complex, Lodi Road, New Delhi 110003.
6. Deputy Secretary, Govt. of India, Ministry of Personnel & Training, Administrative Reforms & Public Grievances & Pensions, New Delhi - 110001.
7. Accountant General (A & E), Tripura, Agartala.
8. Finance(Estt.Br.)/Forest Department, Tripura.
9. Principal Chief Conservator of Forests, Tripura.
10. Treasury Officer, Agartala/Udaipur/Kailashahar.
11. Manager, Govt. Press, Agartala for publication.
12. Shri R.K. Sahal, IFS (MR:93), D.F.O., Sunam, Dhalai Distt. South Tripura.
13. Shri P.L. Agarwal, IFS (MT:94), D.F.O., Manu, Dhalai Distt.
14. Personal files/Guard file.

(T. Singh)

Joint Secretary to the
Government of Tripura.

10/7/98

Certified to be true copy

Jayati Purkayastha
Advocate

S/No.

M/s/

Ministry

Manipur

Dated

17/3/98

1/3/98

GOVERNMENT OF MANIPUR

DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(PERSONNEL DIVISION)ORDERS BY THE GOVERNOR: MANIPUR:

Imphal, the 4th March 1998.

NO: 3/9/89-IFS/DP: The Governor of Manipur is pleased to appoint Shri Anurag Bajnai, IFS (MT-84) Deputy Conservator of Forest (Rubber Jiribam Division) in the IFS Senior Scale of Rs. 10,000-325-15200/- Pm with immediate effect.

2. On his appointment to IFS Senior Scale he shall continue in his present place of posting.

By orders & in the name of Governor,

N. Ibobi Singh
(N. Ibobi Singh)
4/3/98

Under Secretary (DP) Government of Manipur.

Copv to:- 1. The Secy to the Chief Minister, Manipur.
 2. The PS to Minister (for & Env), Manipur.
 3. The PS to Chief Secretary, Govt. of Manipur.
 4. The Chief Secretary, Govt. of Tripura.
 5. The Under Secretary to the Govt. of India,
 Minister of Env & Forest, New Delhi.
 6. The Commissioner (for & Env), Govt. of Manipur.
 7. The Accountant General (A & E) Manipur.
 8. The Pr. Chief Conservator of Forest, Manipur.
 9. All DC/CF/DFO's Forest Department.
 10. The Treasurer Officer/ Jiribam.
 11. Shri Anurag Bajnai, IFS/DFO (Jiribam)
 12. File concerned.

Yah

Certified to be true copy
 Jayati Purkayastha
 Advocate

1/3

12

ORIGINAL APPLICATION NO. 485/2001
IN THE
HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

57
11/7/02
Filed by
(A. DEB HOR)
Sr. C. O. C.
C. A. T. Guwahati Bench

Shri Pravin L Agarwal - - 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 Indian Forest Service (I.F.S.) is one of the three All India Services constituted under the All India Services Act, 1951. The service is organised into cadres, one each for a State or a group of States.

3.2 The State of Tripura is a participating unit of the Joint Manipur -Tripura Cadre of IFS. Appointment of persons to this Service is made as per provisions

2
Under Secretary
Min. of Env. & Forests

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made in the IFS (Recruitment) Rules, 1966, IFS (Appointment by Competitive Examination) Regulations, 1967 and IFS (Appointment by Promotion) Regulations, 1966 and other provisions as amended from time to time.

3.3 Promotion, under IFS (Appointment by Promotion) Regulations, 1966, to the Tripura segment of Joint Manipur - Tripura cadre of IFS was made in 1997 on the basis of Select List of the following 2 officers drawn by the Selection Committee, which was constituted under the provisions of the IFS (Appointment by Promotion) Regulations, 1966 and approved by the Union Public Service Commission.

1. Sh Prasanjit Biswas
2. Sh Debasis Chakraborty

Against two reported vacancies, the above mentioned two officers were appointed by promotion to IFS in the Tripura segment of Joint Manipur - Tripura cadre of IFS on 08.10.1997 and 08.12.1997 respectively.

3.4 After the appointment of these two officers their seniority was fixed under Indian Forest Service (Regulation of Seniority) Rules, 1968. The relevant provisions of Rule 3(2)(c) of these Rules are extracted below:

“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 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”

A. K. Chakraborty
Under Secretary
Min. of Env. & Forests
Govt. of India

The expression "Senior post" is defined in Rule 2(g) of the Indian Forest Service (Regulation of Seniority) Rules 1968 in the following terms:

"Senior post" means a post included and specified under Item 1 of the Cadre of each State in the Schedule to the Indian Forest Service(Fixation of Cadre Strength) Regulations 1966, and includes a post included in the number of posts specified in items 2 and 5 of the said cadre, **when held on senior scale of pay**, by an officer recruited to the Service in accordance with sub-rule(1) of rule 4 or rule 7 of the Recruitment Rules"(emphasis supplied)

3.5 The Government of Manipur (Respondent No.4) intimated to the answering respondent that the year of allotment of the junior-most among the officers recruited to the Service in accordance with rule 7 of the Recruitment Rules (i.e. Competitive examination recruits) who officiated continuously in a senior post from a date earlier than the date of commencement of such officiation by the former was 1993. A copy of the letter received from Govt. of Manipur in this regard is annexed at R-1.

3.6 Accordingly, Sh Prasanjit Biswas and Sh Debasis Chakraborty (Respondents No.6 & 7 respectively) were assigned "1993" as their Year of allotment and were placed below the junior-most Direct Recruit IFS officer of Manipur-Tripura Cadre of 1993 batch. Since the applicant is 1994 batch officer of IFS Manipur-Tripura Cadre his name has to appear below the officers having their year of allotment as "1993". 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.


Under Secretary
Min. of Env. & Forests
G. vt. of India

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4.1. In reply to averments made in Paras 1, 2, 3, and sub-paras 4.1, 4.2, & 4.3 of the O.A., the answering Respondent has no comments of offer.

4.2 In reply to averments made in Sub-Para 4.4, as has been explained in Para 3.5 and 3.6 of this reply, the year of allotment of Respondent No 6 & 7 has been assigned under the Rules then in force and as per the information provided by the Respondent No.4 in regard to the year of allotment of the junior-most among the officers recruited to the Service in accordance with rule 7 of the Recruitment Rules (i.e. Competitive examination recruits) who officiated continuously in a senior post from a date earlier than the date of commencement of such officiation by these two promotee officers. In regard to the contention of the applicant that he officiated in a senior post prior to the appointment of the Respondent No 6 & 7, it is submitted that a direct recruit IFS Officer, which the applicant is, is eligible to get a senior scale of pay only after 4 years of the. The applicant belongs to 1994 batch of Direct Recruit IFS officers. In terms of the IFS Pay Rules he is entitled to get senior scale of pay in 1998 only which is after the promotion of Respondents No 6 & 7 in 1997. As such his contention that the respondents No 6 & 7 should be junior to him is misconceived.

4.3 The answering respondent has no comments on sub para 4.5 4.6 and 4.7 except to submit that as admitted by the applicant in sub-para 4.5, that he got promotion to senior scale with effect from 1.1.98, and as such in terms of provisions of rule 3(2)(c) of Indian Forest Service (Regulation of Seniority) Rules, 1968 the seniority fixed by the answering respondent is in order.

4.4 The answering respondent has no comments on sub-para 4.8 and 4.9 as it relates to respondents No.3 & 4.

J. R. D. K.

Under Secretary
Min. of Env. & Forests
G.vt. of India

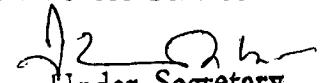
4.5 In reply to sub para 4.10 and 4.11 it is admitted that the applicant had represented to the answering respondent about the fixation of seniority of respondents No 6 & 7. The comments of the State Government of Tripura were being awaited to dispose off the representation. The averment of the applicant that the State Government of Tripura provided incorrect information is to be answered by the Respondent No.3.

4.6 In response to sub para 4.12, it is submitted that the points raised have been replied to by the answering respondent in para 3.5 & 3.6 above.

4.7 In reply to para 4.13 the answering respondent has no comments apart from what has been stated in para 4.5 above.

4.8 In reply to sub para 4.14 and 4.15 it is submitted that as per the provisions of Indian Forest Service (Regulation of Seniority) Rules, 1968 the promotee officer appointed to IFS is to be placed below the junior most Direct Recruit Officer who has been holding a senior post held in the senior scale of pay prior to the date of appointment of promotee officer to IFS. As admitted by the applicant in para 4.6 of the OA that he got promoted to Senior Scale of pay on 1.1.1998 only and as the respondents No.6 & 7 were promoted to IFS in 1997, the applicant can not claim that the respondents No.6 & 7 should be placed junior to him in the seniority of IFS officers of Manipur-Tripura cadre.

4.9 In reply to sub para 4.16 it is submitted that the seniority of State Forest Service Officers promoted to IFS under IFS (Appointment by Promotion) Regulations, 1966 is fixed in terms of the provisions of Indian Forest Service


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

(Regulation of Seniority) Rules, 1968. It is neither necessary nor desirable that all the officers who are placed below a promotee officer as a consequence of the seniority fixation in terms of these rules should be given an opportunity to be heard before such orders are issued.

4.10 The answering respondent has no comments on sub para 4.17 and 4.18 of the OA.

4.11 In reply to averments made in Para 5, it is submitted that the position as brought out in the preceding paragraphs is that the Respondents No.6 & 7 were promoted to IFS in terms of the IFS (Appointment by Promotion) Regulations, 1966 in 1997. Thereafter their seniority in the Manipur Tripura joint cadre of IFS was decided on the basis of information received from the State Government of Tripura and in terms of the provisions of the Indian Forest Service (Regulation of Seniority) Rules, 1968. As explained in para 3.5 and 3.6 above a promotee officer appointed to IFS is to be placed below the junior most Direct Recruit Officer who has been in the senior scale of pay prior to the date of appointment of promotee officer to IFS. Respondents No 6 & 7 were appointed to IFS on 8th October 1997 and 8th December 1997 respectively. As per the information provided by the Government of Tripura the junior most Direct recruit officer who was in the senior scale of pay prior to 8th October 1997 was of "1993" batch who had been officiating in a post remunerated on the senior scale of pay in Manipur part of Manipur Tripura cadre from 21.6.1997. Accordingly, in terms of rule 3(2)(c) of Indian Forest Service (Regulation of Seniority) Rules, 1968 the seniority of Respondents No.6 & 7 was fixed by assigning them "1993" as year of allotment and placing them below the 1993 Direct Recruit officer who had been officiating on the senior scale of pay since 21.6.1997. As admitted by the


Under Secretary
Min. of Env. & Forests

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applicant in para 4.6 of the OA that he got promoted to Senior Scale of pay on 1.1.1998 only and as the respondents No.6 & 7 were promoted to IFS in 1997, the contention of the applicant that the respondents No.6 & 7 should be placed junior to him in the seniority of IFS officers of Manipur-Tripura cadre is misconceived and without any merit.

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

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 1st day of July, 2002.



(Ashok Kumar)

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

" SPEED POST "

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GOVERNMENT OF MANIPUR
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(PERSONNEL DIVISION)

NO. 3/9/97-IFS/DP:

Imphal, the 29th January, 1998.

TO ✓

The Secretary,

Government of India,
Ministry of Environment & Forests,
Parvavaran Bhavan, C.G.O. Complex,
Lodhi Road, New Delhi - 110003.

Sub:- Filling up of the vacancy of I.F.S
M-T Cadre of Manipur Part by the S.O.S
Officer against the promotion quota.

Sir,

I am directed to invite a reference to your letter
NO. 17013/12/97-IFS-II dated 30-6-97 and to send herewith
the following documents in respect of Shri S. Dhananjay Singh,
I.F.S Select list Officer (Sl. No. 1) for his appointment to
India Forest Service Manipur-Tripura Cadre Manipur Part
against the promotion quota which will be a rised on 31-1-1998 (due to retirement of Shri Kh. Joychandra Singh, IFS
(SFS) as on 31-1-1998 (A.N) on attaining the age of superannuation.

2. (i) Information in respect of the officers proposed for promotion in proforma I & II of the AIS Manual Part I, fifth Edition ;

(ii) A declaration as to singular marital Status ;

(iii) Written consent for termination of lien in the State Forest Service on confirmation in the I.F.S.

(iv) A certificate that no deterioration in the work of Shri S. Dhananjay Singh has taken place since inclusion of his name in the Select List ;

(v) A certificate that there is no stay order or any Court prohibiting the appointment by promotion in the M-T Cadre, Manipur Part of the Indian Forest Service.

(vi) A Certificate that there is no Vigilance case pending/ contemplated against Shri S. Dhananjay Singh recommended for promotion ;

ATTESTEDD. R. D.

Under Secretary
Min. of Env. & Forests
G. v. t. of India

Contd/- P/2.

(vii) Detailed information in respect of promotion of all the eligible direct recruit IFS Officers to the Senior Scale as envisaged in the Ministry's Circular NO. 17013/22/94-IFS.II dated 7.3.1994 :

(viii) Date of appointment to the State Forest Service and the total number of year of service rendered by Shri S. Dhananjay Singh in the S.F.S. proposed to be promoted to the I.F.S.

2. I am, therefore, to request that the necessary order appointing Shri S. Dhananjay Singh, SFS to I.F.S M-T Cadre Manipur Part may kindly be issued under IFS (Appointment by Promotion) Regulations, 1966 in due course.

Encld: As Stated.

Yours faithfully,

(N. Ibebi Singh)

Under Secretary (DP) Govt. of Manipur.

Copy to :

1. The Chief Secretary, Govt. of Tripura, Agartala,
2. The Principal Chief Conservator of forests, Manipur.

(N. Ibebi Singh)

Under Secretary (DP) Govt. of Manipur.

ATTESTED

A. D. Singh

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

PRO-FORMA -I

" INFORMATION IN RESPECT OF PROMOTED OFFICERS " : 1921

1. Shri S.Dhananjay 01-03-1959. 28-2-97.

Singh.

Approved by UPSC
Vide No. 10/12/97-AIS

dated 28-2-1997.
Communicated by the G.O.I.
Ministry of Env & forests
No. 12013/12/97 I-2 11-11

No. 17013/12/97-IFS. II dt. 30.6.97.

Divisional forest
Officer/Thoubal
forest Division
(Posting only)

~~Cherrywood~~ 29-1-98
(N. Ibobi Singh)

Under Secretary (DP) Govt. of Manipur

X

11

PROFORMA TO BE FILLED IN WHILE RECOMMENDATION FOR
APPOINTMENT AGAINST THE PROMOTION QUOTA :

1. Name of the Officer : Shri S. Dhananjay Singh.
2. Date of birth : 1-3-1959.
3. Sanction Strength of Promotion Quota. : 21 (10 -posts for Manipur Part & 11- Posts for Tripura Part)
4. Number & details of cadre posts held in abevance for over 6 months. : Nil
5. Working strength of promotion quota (item 1 & 2 of cadre Scheduled(minus) posts held in abevance vide item 4, fraction to be ignored). : 10(ten) posts worked out according to item 1 & 2 of the cadre strength
 - (a) Sr. Scale posts as per item 1 of the cadre strength -27;
 - (b) Central deputation reserve as per item 2 of the cadre strength - 5 :
 Total : $27 + 5 = 32$.
 (331/3 % 32 comes to 10 1/2).
6. Number of officer in position against promotion : 9(nine) as on 1-2-1998.
7. Details of vacanc, against which the officer is recommended for appointment. : $10-9 = 1$ (one).
8. What is the position of the officer in the current Select List : Sl.NO. 1.
9. Have all the officers above him in the current Select List been appointed : The question doest not arise as the proposed officer occupies Sl.NO.1 of the Select List Vide letter NO.17013/12/97-IFS.II dated 30-6-1997.
10. Does the officer have Under Secretary more than one wife living. Min. of Env. & Forests : No. Declaration of the Officer is enclosed.
- Govt. of India : Has the Officer given consent for termination of his lien in the State Service : Yes, Declaration enclosed.

PRO FORMA - II

INFORMATION IN RESPECT OF COMPETITIVE EXAMINATION RECRUITS
BORNE ON THE I.F.S. MANIPUR - TRIPURA CADRE, MANIPUR PART :

SL.NO.	NAME OF OFFICER:	YEAR OF ALLOTMENT.	DATE OF COMMENCEMENT OFFICIATING IN A POST REMUNERATED ON THE SENIOR TIME SCALE OF THE I.F.S.
1.	2.	3.	4

SABHRI :

1.	Bala Prasad	-RR	1983	31-10-1986.
2.	V. Ramakantha	-RR	1984	1-4- 1988.
3.	P.N. Prasad	-RR	1985	20-6-1989.
4.	R.K. Srivastava	-RR	1985	20-6-1989.
5.	Jagabandhu Mishra	-RR	1985	20-6-1989.
6.	Karelhouvi Angami	-RR	1985	20-6-1989.
7.	Ajai Kumar	- RR	1986	23-8-1990.
8.	B.N. Mohenty	-RR	1986	23-8-1990.
9.	D.J.N. Anand	-RR	1986	23-8-1990.
10.	S.K. Srivastava	-RR	1987	27-2-1991.
11.	Dr. Khaizalian	-RR	1987	27-2-1991.
12.	Ngulkhehao Kipgen	-RR	1987	8-8-1991.
13.	L. Baite	-RR	1988	4-5-1992.
14.	A.K. Joshi	-RR	1989	17-6-1993.
15.	Dr. Lokho Puni	-RR	1989	17-6-1993.
16.	Dr. D.D. Haokip	-RR	1990	5-5-1995.
17.	A.K. Mohenty	-RR	1992	18-3-1996.
18.	S.S. Chhabra	-RR	1993	21-6-1997.

22-1-98
(N. Ibobi Singh)

Arrested

Under Secretary (DP) Government of Manipur.