

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: _____

Misc Petition No: _____

Contempt Petition No: _____

Review Application No: _____

27/03 in O.A 434/01

Applicants: - R. K. Deori

Respondants: - K. C. Mishra & ORs

Advocate for the Applicants: - Mr. R. P. Sharma, B. Chakraborty, K. Das
Mr. Utpal Das

Advocate for the Respondants: - Mr. A. K. Choudhuri
Mr. A. K. Choudhuri

Notes of the Registry	Date	Order of the Tribunal
<p>Contempt This misc petition filed by the applicant and praying for willful and deliberate violation and non-compliance of order dated 17.6.2002 passed by this Hon'ble Court in O.A 434/01.</p> <p>Laund before the Hon'ble Court for further orders.</p> <p><u>Section Officer</u> <u>mb</u></p>	<p>21.5.2003</p> <p>23.6.2003</p>	<p>Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. The Hon'ble Mr. S.K. Hajra, Member (A).</p> <p>None appears for the applicant. Put up again on 23.6.2003 for orders in presence of learned counsel for the applicant.</p> <p><u>Member</u> Vice-Chairman</p> <p>None appears for the applicant. Put up again on 23.7.2003 for orders.</p> <p><u>Vice-Chairman</u></p>

23.7.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. N.D. Dayal, Member (A).

Heard Mr. U. Das, learned counsel for the applicant.

Issue notice to show cause as to why contempt proceeding shall not be initiated.

List on 25.8.2003 for order.

Member

Vice-Chairman

mb

25.8.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. K.V. Prahaladan, Member (A).

Mr. A.K. Chaudhury, learned Addl. C.G.S.C. stated that he has been instructed to appear on behalf of Respondent No.1 and prays for time for filing reply. Prayer is allowed. List on 24.9.2003 for orders.

Member

Vice-Chairman

mb

24.9.2003

Mr. A.K. Chaudhury, learned Addl. C.G.S.C. appearing on behalf of respondent no.1 prays for more time to file reply.

Prayer allowed. List the case on 28.10.2003 for filing of reply.

Member

Vice-Chairman

bb

28.10.2003

List the case on 18.11.2003 for order. In the meantime respondents may file reply.

Member

Vice-Chairman

bb

Notice prepared & sent to
Dls for mis the
respondent No. 1 & 2
by Legal A.D.

X1 1667 & 68

Xtel 6/8/03

No. reply has been
biled.

May
22.8.03.

No. written statement
has been biled.

May
23.9.03.

No. reply has been
biled.

May
27.10.03.

17.11.03

no reply has been filed

so far
in

Office Note	Date	Tribunal's Order
	18.11.2003	<p data-bbox="810 476 1528 660">Present : The Hon'ble Mrs. Lakshmi Swaminathan, Vice-Chairman The Hon'ble Mr S.K. Naik, Administrative Member.</p> <p data-bbox="810 739 1528 1265">None for the petitioner. Shri A.K. Choudhuri, learned Addl. C.G.S.C. for the respondents. Reply affidavit not filed. However, Shri A.K. Choudhuri, learned counsel submits that Writ Petition has been filed by the respondents against the orders of the Tribunal dated 17.6.2002 in O.A. 434/2001 which is pending before the Hon'ble Gauhati High Court.</p> <p data-bbox="810 1279 1528 1516">It is further noted that none has appeared for the petitioner on several dates when the C.P. has been listed, excepting on 23.7.03 when notices were issued on the C.P.</p> <p data-bbox="810 1529 1528 2258">In the above circumstances and noting the submissions of the learned Addl. C.G.S.C, it appears that the petitioner is not interested in pursuing the C.P. We further note that the issues raised in the C.P. are sub-judice before the Hon'ble Gauhati High Court. In the facts and circumstances of the case we do not consider it appropriate to continue with the C.P. at this stage. C.P. is accordingly dismissed. Notice to the alleged contemnors are accordingly discharged.</p> <div data-bbox="842 2371 959 2463" data-label="Text"> <p><i>J. Naik</i> Member</p> </div> <div data-bbox="1273 2331 1560 2476" data-label="Text"> <p><i>Lakshmi Swaminathan</i> Vice-Chairman</p> </div>

19/11/2003

Copy of the order has been sent to the office for issuing the rule to the applicant as well as to the Addl. C.G.S.C. for the Respondent.

C.P. 27/2003 (In O.A. 434/2001)

Office Note	Date	Tribunal's Order
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18.11.2003

Present : The Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman.

The Hon'ble Sri S.K. Naik, Administrative Member.

None present for the petitioner.

Mr. A.K. Choudhury, learned Addl.

C.G.S.C. for the Respondents.

Orders passed separately.

Member

Vice-Chairman

18.11.2003

Orders passed separately.

Member

Vice-Chairman

pg

4.12.03

Copy of the order has been sent to the Dpec. for issuing the same to the applicant by post.

HS

Recd.
AKC
28/11/03

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Contempt Petition No.27 of 2003 (In O.A.434/2001)

Date of Order : This the 18th Day of November, 2003.

The Hon'ble Smt Lakshmi Swaminathan, Vice-Chairman.

The Hon'ble Shri S.K.Naik, Administrative Member.

Shri R.K.Deuri, I.F.S.,
Divisional Forest Officer, Nampoong
Forest Division, Jairampur, district-
Changland, Arunachal Pradesh

...Petitioner

None present for the petitioner.

- Versus -

1. Shri K.C.Mishra, IAS,
Secretary to the Govt. of India,
Ministry of Environment & Forests,
Pariyavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi-3.

2. Mr M.K.Sharma, IFS
Director General of Forests-
cum Special Secretary, Govt. of India,
Ministry of Forests & Environment,
Pariyavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi.

...Respondents/Contemners

By Shri A.K.Choudhuri, Addl.C.G.S.C.

O R D E R (ORAL)

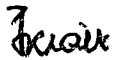
SMT.LAKSHMI SWAMINATHAN(V.C)

None for the petitioner. Shri A.K.Choudhuri, learned Addl.C.G.S.C for the respondents. Reply affidavit not filed. However, Shri A.K.Choudhuri, learned Addl.C.G.S.C submits that Writ Petition has been filed by the respondents against the orders of the Tribunal dated 17.6.2002 in O.A.434/2001 which is pending before the Hon'ble Gauhati High Court.

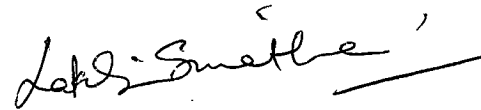
2. It is further noted that none has appeared for the petitioner on several dates when the C.P. has been listed, excepting on 23.7.2003 when notices were issued on the C.P.

3. In the above circumstances and noting the submissions of the learned Addl.C.G.S.C, it appears that the petitioner is not interested in pursuing the C.P. We further note that the

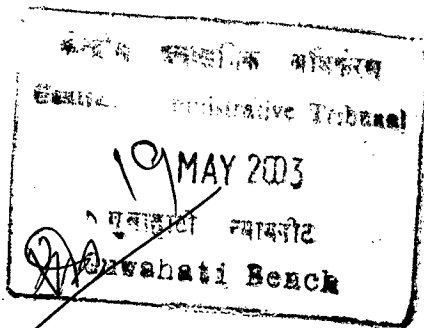
issues raised in the C.P. are sub-judice before the Hon'ble Gauhati High Court. In the facts and circumstances of the case we do not consider it appropriate to continue with the C.P. at this stage. C.P. is accordingly dismissed. Notices to the alleged contemnors are accordingly discharged.



(S.K.NAIK)
ADMINISTRATIVE MEMBER



(LAKSHMI SWAMINATHAN)
VICE CHAIRMAN



Filed by the petitioner
through:
Sri Utpal Das, Advocate.
12/05/2003. A

IN THE HON'BLE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH-GUWAHATI

CIVIL CONTEMPT PETITION NO. 27/2003

In O.A No. 434/2001

Sri R.K. Deuri, I.F.S.

Divisional Forest Officer, Nampoong
Forest Division, Jairampur, district-
Changlang, Arunachal Pradesh.

.....Applicant/Petitioner

Versus

1. Shri K. C. Mishra, IAS,
Secretary to the Govt. of India,
Ministry of Environment & Forests,
Pariyavaran Bhavan, CGO Complex,
Lodhi Road, New-Delhi-3.
2. Mr. M. K. Sharma, IFS.
The Director General of Forests-
cum-Special Secretary, Govt. of
India, Ministry of Forests &
Environment, Pariyavaran Bhavan,
CGO Complex, Lodhi Road, New-Delhi-
3.

.....Respondents

In the matter of :-

An application under Article 17 of
the Administrative Tribunal Act, 1985

.....Contd.

for Contempt of Court.

-And-

In the matter of :-

Willful and deliberate violation and non-compliance of order dated 17.6.2002 of this Hon'ble Central Administrative Tribunal, Guwahati Bench passed in O.A No. 434/2001.

The humble petition of the petitioner above named-

MOST RESPECTFULLY SHEWETH:

1. That the petitioner is presently posted as Divisional Forest Officer, Nampoong Forest Division, Jairampur, district-Changlang, Arunachal Pradesh.
2. That the petitioner approached this Hon'ble Tribunal by filing a petition which was registered as O.A No. 434/2001 claiming therein that he having joined the service as Assistant Conservator of Forest in the year 1981, he was entitled to be appointed on promotion to the Indian Forest Services in the year 1989. But due to various reasons such as delay in confirmation, non-holding of annual Selection Committee meeting as envisaged under Rule 5 of the IFS (Appointment by Promotion) Regulation, 1966 and non-reviewing the cadre after every three years as par IFS (Cadre) Rules, 1966, the petitioner was denied of promotion in time. The petitioner carves leave to rely on the O.A. No. 434/2001 if required so at the time of hearing of this application.

.....Contd.

- 9
3. That the Hon'ble Tribunal upon hearing the parties vide a common order dated 17.6.2002 disposed of the said application with a direction that the petitioner should not suffer for delay in confirmation and for non holding the Annual Selection Committee meeting. This Hon'ble Tribunal accordingly passed a direction for consideration of the petitioner's representation to be file within one month and thereafter deciding the case of the petitioner afresh as done in the case of J & K state SFS officers and the entire process was to be completed within two months from the date of receipt of the order.

A copy of the said order dated 17.6.2002 passed in O.A. 434/2001 is annexed herewith as **Annexure-A**.

4. That the petitioner after obtaining the certified copy of the said order dated 17.6.2002 submitted the same before the Respondents through his representation dated 12.7.2002 which was forwarded by the Govt. of Arunachal Pradesh on 2.8.2002. when no action followed, the petitioner submitted another representation on 30.10.2002 which was forwarded by the Govt. of Arunachal Pradesh on 20.12.2002, but the same too failed to evoke any response on the part of the Respondents.

The copy of the representations dated 12.7.2002 and 30.10.2002 along with the forwarding letters are annexed herewith as **ANNEXURE- B & C** respectively.

.....Contd.

5. That finally finding the Respondents to have taken a dumb attitude, the petitioner on 28.3.2003 served a legal notice through his advocate which was also not acted upon.

A copy of the said legal notice dated
28.3.2003 is annexed herewith as
Annexure D.

6. That it is stated that the respondents till date have not comply with the order dated 17.6.2002 passed in O.A No. 434/2001 and for same the Respondents are liable to be prosecuted as per provisions of law. The said order dated 17.6.2002 have not been challenged in any appeal or any other proceeding before any forum.

7. That by not taking any decision as per order dated 17.6.2002 of this Hon'ble Tribunal in O.A No. 434/2001, the action of the Respondents is a clear violation of the Hon'ble Tribunal's orders and direction. The respondents have willfully violated and flouted the order of the Hon'ble Tribunal. By willfully not complying the Respondents have shown scant regard to this Hon'ble Tribunal's order and by such willful flouting of the order, has shown disrespect to the authority of this Hon'ble Tribunal.

8. That the Respondents are guilty of offense of contempt of court under the Contempt of Court Act read with the relevant rules and procedures under the Central Administrative Tribunal Act, 1985 for willful and negligent act and for violating the Tribunal's order dated 17.6.2002

.....Contd.

and for same, the Respondents are liable to exemplary punishment and to be prosecuted for the same.

9. That this petition is made bonafide and in the interest of justice.

In the premises aforesaid it is therefore humbly prayed that your Lordships will be pleased to admit this application, call for records of the case, peruse the same and issue notice upon the Respondents asking them to appear personally before this Tribunal to show cause as to why they should not be proceeded against for offence of contempt of court under the Contempt of Court Act read with relevant provisions of the Administrative Tribunal Act, 1985 and why an exemplary punishment should not be passed on them for willful violation of the order dated 17.6.2002 passed in O.A No. 434/2001 by this Hon'ble Tribunal, and after hearing the parties, punish the Respondents accordingly and/or pass such and/or other order/orders/ directions as your Lordships deem fit and proper.

And for this act of your kindness the humble petitioner shall ever pray.

.....Contd.

DRAFT CHARGE

That the petitioner states that the Respondents named herein this petition are liable to be prosecuted under the relevant provisions of the Administrative Tribunal Act, 1985 read with the relevant provisions of the Contempt of Court Act, 1971 for willful defiance of the order dated 17/6/2002 passed in O.A. No. 434/2001 by this Hon'ble Tribunal.

.....Contd.

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-17-

AFFIDAVIT

I, Sri R.K. Deuri , presently working as Divisional Forest Officer, Nampoong Forest Division, district-Changlang, A.P., aged about 44 years, by profession Govt. Servant do hereby solemnly and state as follows:

1. That I am the petitioner in the instant case as thus competent to swear this affidavit.
2. That the statements made in this petition from paragraphs 1 and 6 to 8 are true to my knowledge and belief and those in paragraphs 2 to 5 are being matters of information derived from records which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 11th day of May, 2003.

Identified by

B. Chakravarty -
Advocate.

R. K. Deuri
Deponent

Solemnly affirmed and declared by the above named deponent identified by B. Chakravarty, Advocate on the date as mentioned above.

Gautam Bikash Das.
12/5/03
Advocate Guwahati.

.....Contd.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.434 of 2001

And

Original Application No.478 of 2001

Date of decision : This the 17th day of June 2002

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

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

I. O.A.No.434/2001

Shri R.K. Deori, I.F.S.
Divisional Forest Officer,
Nampoong Forest Division,
Jairampur, District- Changlang,
Arunachal Pradesh.

II. O.A.No.478/2001

Shri S.J. Jongsam, I.F.S.
Deputy Conservator of Forests (IND),
O/o the Principal Chief Conservator of Forests,
Arunachal Pradesh, Itanagar.

By Advocates Mr R.P. Sarma,
Mr B. Chakraborty and Mr K. Das.

.....Applicants

- versus -

1. The Union of India, through the Secretary, Ministry of Forest & Environment, Government of India, New Delhi.
2. The State of Arunachal Pradesh, Through the Secretary, Forest & Environment, Government of India, Itanagar, Arunachal Pradesh.
3. The Union Public Service Commission, Through its Secretary, Dholpur House, Shahjahan Road, New Delhi.

By Advocates Mr A.K. Chaudhuri, Addl. C.G.S.C. and
Mr B.C. Pathak, Addl. C.G.S.C.

.....Respondents



Certified as true copy

Advocate

c 9-

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O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

The sole controversy raised in these two O.A.s are related to assignment of the year of allotment.

2. Both the applicants were officers of the State Forest Service of Arunachal Pradesh. On the basis of a selection made, the two applicants were appointed to the Indian Forest Service (IFS for short) in terms of Sub-rule (1) of Rule 8 of the IFS (Recruitment) Rules, 1966 read with Sub-regulation (1) of Regulation 9 of the IFS (Appointment by Promotion) Regulations, 1966 vide order W.No.32012/1/93-IFS-I dated 26.9.1996. The two applicants accordingly were appointed to the IFS of Arunachal Pradesh, Mizoram and Union Territories (AGMUT for short) Cadre in the Arunachal Pradesh segment. By order dated 26/29.6.2000 the two applicants alongwith others were also assigned 1992 as the year of allotment. The applicants submitted their representations before the authority indicating their grievances. The applicants contended that the last selection made was held in the year 1987 and after a lull of nine years the Select List was prepared in the year 1996 appointing four persons in the Arunachal Pradesh segment. The applicants contended that had the Select List been prepared in conformity with the IFS (Appointment by Promotion) Regulations, 1966 they would have been appointed in the IFS earlier and consequently, they would have been assigned higher year of allotment than the year 1992 and thus they would have been assigned higher position. To mitigate the hardship caused to the officers due to the delays in holding the Cadre Reviews and holding of Selection Committee meetings the applicants represented to the authority, which was not responded to. Hence these applications.

3. Mr B. Chakraborty, the learned counsel for the applicants referred to the decision of the Government of India dated 27.2.1997 pertaining to the Jammu and Kashmir Cadre Officers, where the



respondent authority considered the case of the Jammu and Kashmir Cadre officers in the light of Rule 3 of the All India Service (Conditions of Service - Residuary Matters) Rules, 1960. The applicants also referred to the decision rendered by the Tribunal in the case of Ramson Modi, IFS, an officer who was also appointed to the Indian Forest Service alongwith these two applicants, in O.A.No.266 of 2000 disposed of on 1.1.2002.

4. We have heard Mr B. Chakraborty, learned counsel for the applicants and also Mr A.K. Choudhury, learned Addl. C.G.S.C. as well as Mr B.C. Pathak, learned Addl. C.G.S.C. appearing on behalf of the respondents in both the cases, at length. Considering the facts and circumstances of the case we are of the view that the applicants had made out a case for consideration by the appropriate authority in terms of Rule 3 of the 1960 Rules in the light of the decision rendered by this Tribunal. Considering the facts and circumstances of the case we feel that ends of justice would be met if a direction is made to the applicants to submit fresh representations before the respondents ventilating their grievances within a month from today. If such representations are made the authority shall consider the case of the applicants in the light of the decision of this Tribunal in the case of Ramson Modi (Supra) as well as the decision rendered by the Government of India in the case of the officers of Jammu and Kashmir dated 27.2.1997 by taking aid of Rule 3 of the All India Services (Conditions of Service - Residuary Matters) Rules, 1960. If such representations are made by the applicants, the respondent authority shall consider the same as per law as early as possible, preferably within two months from the date of receipt of the representations.

5. The applications are accordingly allowed. There shall, however, be no order as to costs.

TRUE COPY
प्रमाणित

W. Singh
27/6/02

SD/VICE CHAIRMAN
SD/MEMBER (A)

Section Officer (A)
आयुक्त अधिकारी (आयुक्त न्यायाधीश)
Jammu Administrative Tribunal
जम्मू प्रशासनिक न्यायाधीश
Jammu Bench, Guwahati-6
जम्मू बेंच, गुवाहाटी-6

ANNEXURE - B -

By speed post

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT & FORESTS
ITANAGAR

NO. FRI. 356/EA/2001/7-17-19

Utd. Ita. th Aug/02

To,

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

Sub:- OA No. 434/2001 filed by Shri RK Deori,
Vs. Union of India and others before the Hon'ble
Central Administrative Tribunal, Guwahati Bench,
Guwahati.

Sir,

With reference to above, the representation dated
12/7/2002 received from Shri RK Deori, IFS, Divisional
Forest Officer, Nampong Forest Divn., Jairampur vide his
letter No. NFD/40/90/3314 dated 12/7/2002 is enclosed here-
with together with all relevant enclosures along with a
copy of the judgement dated 17/6/2002 of the Hon'ble CAT,
Guwahati Bench, Guwahati on OA No. 434/2001 and OA No. 478/2001
for your kind necessary action in the matter.

Encls : As above.

Yours faithfully,

(SK Raha)

Special Secretary (E & F)
O/o the Principal CCF & Principal Secy. (E&F)
Arunachal Pradesh :: Itanagar.

Copy to-

- Speed post/
1. The Director, Govt. of India, Ministry of Environment & Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New - Delhi - 110 003 along with a copy of the above representation and CAT's judgement dated 17/6/2002 for needful action.
 2. Shri RK Deori, IFS, Divisional Forest Officer, Nampong Forest Divn., Jairampur with reference to above for his information.

(SK Raha)

Special Secretary (E&F)
O/o the Principal CCF & Principal Secy. (E&F)
Arunachal Pradesh :: Itanagar.

Certified of the True Copy

Advocate

To

1) The Secretary of forest,
Govt. of India,
Ministry of Environment & forest,
Parya varan Bhaban
CGO complex
Lodhi road, New Delhi.

2) The Director,
Govt. of India
Ministry of Environment & Forest,
Paryavarán Bhaban, CGO Complex
Lodhi road , New Delhi.

(The through Principal Chief Conservator of Forest)

Sub :- Prayer for re-fixation of year of allotment of Sri R.K.Deori IFS
Inducted in 1996, under AGMUT cadre.

Ref :- Judgment and order dated 17.6.02 passed by the CAT, Guwahati
Bench O.A. No 434/2001.

Sir,

In response to the direction of the Hon'ble Central
Administration Tribunal, Guwahati Bench, passed O.A. No 434/2001
dated 17.6.02, I beg to state the following few lines, for favoure of your
kind perusal and sympathetic consideration please.

1). That sir, I was appointed on 1.4.81 as Assistant Conservator
of Forest, after completion of two years Diploma course training and there
after my service was confirmed vide an order No dated 22.1.87, w.e.f.
1985.

(The copies of order of appointment and the order of
confirmation are enclosed as annexure A & B).

2) That sir, from 1985 to 1993 I was holding various divisions in
a senior state Cadre posts as Divisional Forest Officer. There after I was
appointed on officiating basis, in a cadre post of IFS as Deputy Conservator
of forest in the year 1993. In all cases the order of appointment on
officiating basis was intimated to your Ministry. I was serving on

officiating basis, as Divisional Forest Officer, Waste Land development, Itanagar, from 1993 to 1996.

(The copy of such orders of appointment on officiating basis as DCF/ DFO are annexed herewith as Annexure C)

3). That sir, as there was no cadre review from 1985 till 1995, the number of duty post remained the same and the state wise allotment of senior duty post also remained unchanged.

4). That sir, earlier, while calculating the promotion post, on the strength of Senior Duty posts, it was done as per the schedule as enumerated under the IFS (Fixation of Cadre Strength) Regulations, 1966, where in item no. 5, was never taken into consideration though as per Recruitment Rule existed upto 21.2.89, it should have been considered while calculating the promotion posts. The Hon'ble Calcutta CAT judgement in O.A. No 994/1990 (DYUTI KUMAR BASU AND ANOTHER case No 224), observed that while calculating the post for promote quota the item No. 5 (in the table bellow) also need to be added in determining the posts to be allotted to the SFS officer under promotion quota and accordingly an order passed by the Hon'ble CAT, Calcutta bench in O.A. No. 994/1990 decided on 26.7.94. The Hon'ble Tribunal, while delivering the judgement, relied on the judgement and order passed by the Hon'ble CAT, Jabalpur bench in TA 81/1986 (K.K. Goswami vs Union of India reported in 1987 (4) SLJ (CAT) 194 (Jab)). The said decision of the CAT, Jabalpur Bench was assailed before the Hon'ble Supreme court in SLP No. 11025 of 1987 and vide order dated 18.4.88, the SLP was dismissed. As such, when the number of the posts to be filled up by the promotion in union Territories as on 1.1.86 should have been 29, but it was shown as 24, i.e. short of 5 posts. The calculation as prescribed under the Regulations of Seniority Rules 1968 is shown in the table below :-

Senior post under the union Territories -

1. Total Senior Duty posts:-	61
2. Central deputation (20% of Item 1 above):	12
3. Posts to be filled up by promotion- (33 & ½ % of item Nos 1,2, & 5 together) :	29
4. Direct-recruit post (item No 1 minus 2) :	49
5. Deputation Reserved (state), (25 % of item No 1 above):	15
6. Leave reserve, Jr. posts, Training reserve (30 % of item 1 above) :	18
(Copy of Hon'ble Calcutta Bench O.A. No- 994/1990 decided on 26.7.94 enclosed as annexure - D)	

5). That sir, as describing the way as stated above, it can be seen that on 1.1.87, the total promottee officers were 19, whereas as per the table above, the promotional posts should have been 29, i.e. 10 number of promottee posts were lying vacant under U.T. Cadre of which the U.T. of Arunachal Pradesh is a constituent.

6). That sir, as per the calculation explained above, in the year 1988, there existed 8 vacant posts for promotees in U.T. as the number of promottee officers were 21 only, out of 29. In the said year I was within the zone of consideration being at serial No. 4 out of eligible SFS officers from the U.T. of Arunachal Pradesh and the rest 2 are from the other constituents unit of U.T. So, I could have very easily been promoted to IFS in the year 1988.

7). That sir, had the cadre review meeting been held timely, after every three year and encadred the senior post created by the state govt. accordingly then year wise senior duty posts, as well as, the promottee posts would have increased from 1987 onwards in the following manner respectively :-

Year	Total No. of Sr. duty posts	posts for promotees
1.1.87	28	14
1.1.88	30	15
1.1.89	34	17

Thus, when the number of senior Duty posts was 34 in the year 1989 with the creation of 8 senior posts by the Govt. of Arunachal Pradesh, the central Govt. took the number of senior duty posts to be 34 in the year 1995 only. If the Cadre review have been done timely after every three year i.e. in 1985, 1988, 1991, 1994 and the meeting of the selection committee were held annually as prescribed, under the Rules, there would have been enough vacancies to accommodate me in the IFS in the year 1988 itself. This would have been possible as there were 8 posts under U.T. cadre of which 7 posts gone to U.T. of Arunachal Pradesh. Be it state here that the Govt. of Arunachal Pradesh, in between 1986 to 1989 created 8 senior Duty posts and the same was intimated to the Govt. of India vide official letter dated 11.8.98 as desired.

(A copy of the said official letter dated 11.2.98 is annexed herewith as Annexure - E)

8). That sir, the senior posts of the state of Arunahal Prodesh, than U.T., which was earlier 27 in number, vide a notification issued by the state govt. of India was raised to 34 which includes 8 posts created by the Govt. of Arunachal Prodesh in senior rank of which 6 were Deputy Conservator of Forest and 2 were of conservator of Forests.

(A copy of the said notification dated 26.10. 95 is annexed herewith as ANNEXURE- F)

9). That sir, finally vide order dated 26.9.96 issued by the Govt. of India exercising power under Rule 8(1) of IFS (Recruitment) Rule, 1966 read with Rule 9(1) of the IFS was appointed in IFS upon promotion with immediate effect and my seniority was fixed at serial No. 3 in the cadre of IFS and year of allotment was shown to be from 1992.

(A copy of said order dated 26.9.96 is annexed herewith as Annexure-G)

10). That sir, I beg to state that having appointed in a substantive and sanctioned posts which is very much evident from the allotted cadre strength for promotion quota, unnecessary and unexplained delay caused in cadre reviewing and holding meeting of the selection committee upon wrong calculation of promotion posts has deprived me to get promoted to IFS from 1988, when same became due and when the post readily available. I ought to have been promoted from 1988 with year of allotment as 1984, when I was fit and suitable for the appointment to IFS.

11). That sir, the promotion ought to have been done by reviewing the cadre and holding meeting of the Selection Committee in time. But in this case there was no cadre reviewing since 1986, no meeting of selection committee was held since 1987. The Govt. of India ought to have encadred the senior Duty posts so created in the year 1987, 1987, 1988 and 1989, but the same was done only in the year 1995, causing immense hardships and loss in service benefits to me. The Hon'ble Supreme Court vide its Judgement and order dated 2000.12.07 in Citation 2000 SOL case No. 743 (S. Ramnathan case) has held that it is obligatory on the part of the Authority to held cadre review and for such short coming the SFS officers should not suffer and ought to be given the benefit. A copy of the said judgement order in Citation 2000 SOL case No 743 is encolsed in annexure - H).

12). That sir, I officiated in IFS cadre posts on w.e.f. 1993 to 1996 in senior time scale which was within the knowledge of the Govt. of India. It shows that there was clear vacancy in the year 1993, and I could have got regular appointment in IFS, had the cadre review and selection committee meeting been held in time.

13). That sir, I further beg to state that when it being the admitted position that I was eligible for promotion to IFS on 1st January, in the year 1988, after completing 8 years of service. It is also the admitted position that there was no cadre review since 1985 and the selection committee did not held its meeting since December 1986, as enshrined under the Rules and guidelines. As a result of such unreasonable and unjust act, no SFS officers from the state of Arunachal Pradesh, could be promoted when posts were available at 33 1/3 % which has also left the quota under utilized, caused hardship to me. The Govt. of India in similar circumstances admitting the hardships caused to the SFS cadre from the state of J & K and has allotted year retrospectively when same was due, by issuing a notification dated 28.2.97. Since my case is being similar nature with similar situation, so I deserve similar treatment.

(A copy of Govt. of India annexed as Annexure - I)

I, therefore, earnestly request you kindly to re-fix my year of allotment as 1984 by quashing and setting aside or modifying the order of appointment to IFS dated 26.9.96 along with the year of allotment order dated 29.6.2000 to the extent fixing my year of allotment as 1984 and restoring my pay and seniority retrospectively as done in case of SFS officers of the state of Jammu & Kashmir, as being similar situation deserve similar treatment, for which act of your kindness I shall remain ever grateful to you.

Encl :-

As stated above

Yours faithfully

(R.K. Deori) IFS

C/O DIVISIONAL FOREST OFFICER
NAMPONG FOREST DIVISION
JAIRAMPUR, ARUNACHAL PRADESH

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT & FORESTS
ITANAGAR.

NO. FOR. 356/EA/2001/992-94
To,

Dtd. Ita. 13/02/02
201-

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

Subj:- Fixation year of allotment of Shri RK Deori, IFS

Ref:- This office No. For. 356/EA/2001/717-19 dtd. 2/8/02
and No. For. 356/EA/2001/27,876-78 dtd. 9/10/2002.

Sir,

With reference to above, the representation dtd.
30/10/2002 received from Shri RK Deori, IFS, Divisional
Forest officer, Nampong Forest Divn., Jairampur is enclosed
herewith for your kind necessary action in the matter.

Encs:- As stated

Yours faithfully,

(S.J. Jongbam) 16.12.02
Joint Secretary (E&F)
Arunachal Pradesh :: Itanagar.

Copy to:-

1. The Director, Govt. of India, Ministry of Environment & Forests, Paryavaran Bhawan, Lodi Road, New Delhi with reference to above for needful action.
- ✓ 2. Shri RK Deori, IFS, DFO, Nampong Forest Divn., Jairampur with reference to above for information.

Certified of the True Copy

Advocate

To,

The Secretary,
Ministry of Environment & Forests,
Govt. of India,
Paryavaran Bhawan,
OGO Complex
Lodhi Road, New Delhi.
Pin:- 110003

Sub:-

FIXATION YEAR OF ALLOTMENT OF SHRI R.K. DEORI, I.F.S.
(JEMUT, CADRE INDUCTED IN 1996).

Ref:-

PCCF, ITANAGAR'S NO. FOR. 356/EA/2001/717-19 DTD.
02/08/2002.

Sir,

Reference to my representation no.ail dtd., 12/7/02 submitted as per advice of the Hon'ble CAT, Gauhati vide judgment no.434/2001, Dtd., 17/06/2002, through the Principal Chief Conservator of Forests, Itanagar which was forwarded vide his letter No. cited above. I would like to state that no any information has so far been received from your side till date. Whereas as per directive of Hon'ble court necessary favourable action has to be taken from your end within two months from the date of receipt of the representation.

I, therefore, earnestly request your honour kindly to communicate your favourable decision within one month from the date of receipt of the letter. Otherwise I shall have to approach the Hon'ble court again, for contempt of court, for which I may kindly be excused.

Yours faithfully,

(R.K. DEORI)
DIVISIONAL FOREST OFFICER
NAMPONG FOREST DIVISION
JAIRAMPUR

dt 30.10.02

Reminder — I

9/5
RIPAV CHAKRAVARTY

Advocate

Guwahati High Court

25, G.K. Das Lane,

Krishna Nagar, Near Rajmahal Hotel,

Guwahati-1 Ph : 2548037, 2 630823.

Dated 28th March, 2003

To,

The Secretary,

Govt. of India, Ministry of Environment & Forests,

Pariyabharo Bhavan, CGO Complex,

Lodhi Road, New Delhi-110003.

SUB- Notice.

Ref: Hon'ble CAT, Guwahati Bench's judgement and order
dated 17.6.2002 passed in O.A. No. 434/2001.

Sir,

Under the instructions and authority from my client, Mr. R.K. Deori, Divisional Forest Officer, Nampang Forest Division, Govt. of A.P., Jamarpur, Arunachal Pradesh, and on his behalf I have to state here under as follows :

1. That being aggrieved with the year of allotment to the IFS, my client approached the Hon'ble Central Administrative Tribunal (hereinafter the Tribunal in short), Guwahati Bench vide O.A. NO. 434/2001 and the Hon'ble Tribunal vide judgement and order dated 17.6.2002 directed my client to submit representation before the authority (the Secretary, Ministry of Environment & Forests, Govt. of India) and from the date of submission of the representation, same has to be considered within two months in terms of Rule 3 of the All India Services (Conditions of Service & Residency Matters) Rules, 1960 and the judgement and order passed in R. Modi's case and measuring my client's case with same yard stick for the relaxation/benefit so given to the IFS Officers of J&K vide dated 27.2.97.
2. That the copy of the said order dated 17.6.2002 was duly furnished to you by my client by filing a fresh representation dated 12.7.2002 which was forwarded by the Special Secretary, Govt. of A.P., Department of Forest & Environment through his letter dated 2.8.2002 issued under memo NO. FOR.356/EA/2001/717-19.

Controlled by the Court

20/3
Advocate

3. That thereafter, my client having not receive any communication from your end on the fate of any action taken in pursuant to the Hon'ble Tribunal's order dated 17.6.2002, submitted a reminder on 30.10.2002 which was also duly forwarded by the Govt. of A.P. through their letter dated 20.12.2002 issued under memo NO. FOR356/EA/2001/992-94 Despite the same, till date no communication has been made to my client intimating him the action/outcome of his representation dated 16.7.2002 submitted as per the judgement and order so passed by the Hon'ble Tribunal.

4. That by not taking any decision/action as per the direction dated 17.6.2002 as stated above, the action, amounts to clear defiance and violation of Hon'ble Tribunal's order dated 17.6.02 passed in O.A. No. 434/2001

Under such circumstances, I hereby through this notice request you to comply as per the direction so passed in O.A. No. 434/2001 by passing appropriate order on the representation dated 16.7.2002 submitted by my client within four weeks from the date of issue of this letter failing which may constrain my client to file contempt petition before the Hon'ble Tribunal and the same shall be done without making any further reference.

PLEASE NOTE

Yours truly,

Advocate

Copy for necessary information to:

1. The Secretary, Govt. of A.P., Department of Environment and Forests, Itanagar.

COMMUNIST GPO (781001)
PL 1680
PA : 588
TO: SECY GOVT OF AP, ITANAGAR.
FROM: BUREAU OF POSTS



With reference to:
PS: O. No. 434/2001, dated 17.6.2002, in O.A. No. 434/2001
Dated: 16.7.2002

COMMUNIST GPO (781001)
PL 1680
PA : 588
TO: SECY DEPTT. FOREST,
ITANAGAR, PIR:



With reference to:
PS: O. No. 434/2001, dated 17.6.2002, in O.A. No. 434/2001
Dated: 16.7.2002