

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No.....1.331.02.....

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet. O.A-1.331.02..... Pg..... 1 to..... 4
2. Judgment/Order dtd. 08/05/2003..... Pg..... 1 to..... 6 Dismissed
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 1.331.02..... Pg..... 1 to..... 50
5. E.P/M.P..... NIL..... Pg..... to.....
6. R.A/C.P..... NIL..... Pg..... to.....
7. W.S.F..... filed by the Respondents. No-2..... Pg..... 1 to..... 22
8. Rejoinder..... Pg..... to.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH,
GUWAHATI.

ORDER SHEET

Orginal No. 133/2002
Misc.Petition No. /
Contempt Petition No. /
Review Application No. /Applicant(s) Jitun DasRespondent(s) U.O.T. Govt.Advocate for Applicant(s) R. P. Sharma, B. Chakraborty
U. DasAdvocate for Respondent(s) Cast

Notes of the Registry	Date	ORDER OF THE TRIBUNAL
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15.5.02 None appears for the Applicant. List on 20.5.2002 for admission.

176/574/L/02

29-4-2002

Dy. Registrar

Member

Vice-Chairman

mb

20.5.02 Heard Mr. R.P. Sharma, learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the Respondents.

Issue notice of motion.

List on 20.6.2002 for admission.

30/4/02

V. U. Sharma
Member

Vice-Chairman

mb

Notice prepared and sent to
S/8 for this the Respondent
No 1 to 5 by Regd. A.D. b
22/5D/I No 1576 W/1520Dtd 27/5/02

① Service report are
still awaited.

O.A. 133 of 2002

By
19.6.02

20.6.02

Heard Mr. B. Chakraborty learned
counsel appearing on behalf of the
applicant. List the case for Admission
on 2.7.02.

I C Usha
Member

Vice-Chairman

1m

2.7.02

Heard learned counsel for the
parties.

No written statement
has been filed.

Application is admitted. Call
for records. Mr. A. Deb Roy, Sr. C.G.S.C.
has prayed for four weeks time to file
written statement. Prayer is allowed.
List on 1.8.02 for orders.

By
31.7.02

I C Usha

Member

Vice-Chairman

1m

1.8.02

List on 29.8.02 to enable the respon-
dents to file written statement.

By
28.8.02

I C Usha
Member

Vice-Chairman

1m

29.8.02

List on 27.9.2002 to enable the
Respondents to file written statement.

I C Usha
Member

Vice-Chairman

mb

27.9.02

Heard learned counsel for the parties.
On the prayer of learned counsel for the
Respondents as well as learned counsel for the
Stat. of Assam, four weeks time is allowed
to the Respondents to file written statement.

I C Usha
Member

Vice-Chairman

mb

(3)

O.A. 133/2002

11.11.02 On the prayer of Mr. A.Deb Roy, learned Sr. C.G.S.C. for the respondents further four weeks time is allowed to the respondents to file written statement. List on 12.12.2002 for orders.

S. 12.02

W/S on behalf
of the Respondent No. 2.
has been submitted.

DR

I C Usha

Member

Vice-Chairman

mb

12.12.02 Written statement on behalf of the respondent No. 2 has been filed. The other respondents may file written statement if any, within four weeks thereafter. List on 13.1.2003 for orders.

I C Usha

Member

Vice-Chairman

mb

13.1.2003 Due to valuation, the case is adjourned to 24.1.2003
Mo

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

The Hon'ble Mr. S.K. Hajra, Administrative Member.

Written statement has been filed by the respondent No. 2. The other respondents are yet to file written statement. Mr. A.Deb Roy, learned Sr. C.G.S.C. appearing on behalf of the other respondents again prayed for time for filing written statement. Reluctantly, we are granted further four weeks time to file written statement. No further time shall be granted.

List the matter on 25.2.2003 for written statement.

S.M.

Member

Vice-Chairman

mb

4
1016 filed by the
respondent No-2.

25.2.2003 The respondents are yet to file written statement though time granted. List the matter for hearing on 21.4.2003. The respondents may place connected records.

23/4/03

Vice-Chairman

mb

21.4.2003. Court did not s.t. today. The case is adjourned to 5/5/2003.

MB
A

20.5.2003
8.5.2003 Judgment delivered in open Court, kept in separate sheets. The application is dismissed in terms of the order. No order as to costs.

Copy of the Judgment
has been sent to the
Office for signing by
me to the applicant
as well as to the
L.A. Advocates for the
Respondent.

mb

SC
Member

Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / XXXX No. 133 of 2002

8.5.2003

DATE OF DECISION

Shri Jitu Das, IFS

APPLICANT(S).

Mr R.P. Sarma, Mr B. Chakraborty and
Mr Utpal Das

ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

The Union of India and others

RESPONDENT(S).

Mr A. Deb Roy, Sr. C.G.S.C.

Mrs M. Das, Government Advocate, Assam

ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR JUSTICE D.N. CHOWDHURY, VICE-CHAIRMAN

THE HON'BLE MR K.K. SHARMA, ADMINISTRATIVE MEMBER

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

Judgment delivered by Ho'ble Vice-Chairman

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?

Triglyceride esterification by *Ho*, *Li*

Benefit 3: The judgment is so pernicious to the offer.

• (a) 單元說明

(b) Mathematics

• The budgeting system is to go into effect on January 1, 1964.

5. To be referring to the Report of the
6. which was made to the Assembly by the
7. Committee on Education (S. 2).

4. Whether the language is to be circulated to the other
Bedecks 3

Barthélémy Hocquart délivra à l'Assemblée une déclaration

• **OPTIMALITIES**

1. Merchant Redefers at 10:00 a.m. to see
2. Merchant Redefers at 10:00 a.m. to see

to be referred to the Reporter or not?

4. Whether this judgment is to be conclusive to the other
Bengal 3

Document released by the FBI

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.133 of 2002

Date of decision: This the 8 day of May 2003

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

The Hon'ble Mr S. Biswas, Administrative Member

Shri Jitu Das, IFS
Forest Utilisation Officer,
Assam, Guwahati.Applicant
By Advocates Mr R.P. Sarma, Mr B. Chakraborty
and Mr Utpal Das.

- versus -

1. The Union of India, through the Secretary, Ministry of Environment and Forests, Government of India, New Delhi.
2. The State of Assam, through the Commissioner-Secretary, Forest, Government of Assam, Dispur, Guwahati.
3. The Union of Public Service Commission, Dholpur House, New Delhi (Through the Secretary).
4. The Joint Cadre Authority, Assam, through the Chief Secretary, Assam, Dispur, Guwahati.
5. The Joint Cadre Authority, Meghalaya, Shillong Through the Chief Secretary, Meghalaya, Shillong.Respondents

By Advocates Mr A. Deb Roy, Sr. C.G.S.C.
and Mrs M. Das, Government Advocate, Assam.

.....

O R D E R

CHOWDHURY. J. (V.C.)

The applicant, in the begining was an officer in the State Forest Service, Assam. He was appointed to the Indian Forest Service (IFS for short) with effect from

12.2.1997 in terms of the Indian Forest Service (Appointment by Promotion) Regulations, 1966. By order dated 27.5.1998, the Government of India, Ministry of Environment and Forests determined 1991 as the year of allotment of the applicant alongwith nine other State Forest Service Officers borne on the Assam - Meghalaya Joint Cadre of IFS of Assam and Meghalaya in accordance with the provisions of IFS (Regulation of Seniority) Rules, 1968. The applicant made representation before the authority for antedating his year of allotment. Failing to get redressel from the authority the present O.a. is being presented assailing the action of the respondents and also for antedating the year of allotment.

2. The applicant contended that the respondents acted in a most illegal fashion in not holding the timely meeting of the Section Committee. The applicant also assailed the action of the respondents for not taking into account the State Deputation Reserve in computing the promotional vacancies. The further grievance of the applicant against the respondents was confined on the inaction on the part of the concerned authority in holding the triennial review which caused great failure of justice.

3. The respondent No.1 - Union of India as well as the respondent No.2 - State of Assam submitted their written statements opposing the claim of the applicant. The Union of India in its written statement, amongst others pleaded that the application was barred by limitation. In the written statement, the Union of India contended the the applicant could not be allowed to raise the issue of promotion from anterior date after a lapse of five years from the date of promotion. In the written

statement.....

statement the respondents also asserted that there was no illegality on the part of the respondents in determining the year of allotment. The State of Assam also submitted its written statement denying and disputing the claim of the applicant.

4. Mr B. Chakraborty, the learned counsel for the applicant, strenuously contended that the applicant since became eligible for consideration as far back as 1981 and his case was not considered at the appropriate time for appointment to the All India Service in conformity of the Recruitment Rules which caused great failure of justice. The learned counsel asserted and contended that failure to hold the Selection Committee meeting in each year as per law, had affected his career seriously, not only in breach of the rules, but the same also caused great failure of justice. The learned counsel, referring to the IFS Cadre Rules contended that a statutory duty was cast on the Central Government to review the strength of the cadre within the time enjoined in the rules and the respondent authority failed to discharge its statutory obligation without any just cause. In reply to the contention of limitation raised by Mr A. Deb Roy, learned Sr. C.G.S.C., Mr Chakraborty contended that since a great injustice was caused to the applicant, the applicant is entitled for the equitable relief which was deliberately denied by the respondents. Mr Chakraborty contended that the applicant represented his cause and the respondent authority in oblivious to the statutory duty was dragging their feet for which the applicant was not responsible.

5. Admittedly, the applicant was appointed to the IFS as far back as February 1997 in terms of the IFS (Appointment by Promotion) Regulations, 1966. The applicant, however, chose to move the Tribunal in May 2002. "Equity" can come into aid only to the vigilant - "Vigilantibus Non Dormientibus Leges Subveniunt." Equity follows the law. A Tribunal or Court cannot overlook the spirit of the law of limitation. On the expiry of the period of limitation a right is accrued to the adverse party. Such party should be allowed to rest on the oar instead of exposing him to a worn out claim as was pithily observed by Lord Brightman in Yew Bon Tew Vs. Kenderaan Bas Maria, (1982) 3 All England Report 833:

"When a period of limitation has expired, a potential defendant should be able to assume that he is no longer at risk from a stale claim. He should be able to part with his papers if they exist and discard any proofs of witnesses, which have been taken, discharge his solicitor if has been retained and order his affairs on the basis that his potential liability has gone."

No rational justification was found as to why the applicant could not raise his grievance within the period of limitation. We, however, did not consider it to be appropriate to slam the door on the point of limitation. We, therefore, thought it apposite to address into the broader issues raised by the learned counsel for the applicant and therefore, perused the materials those were made available to us.

6. The materials on record clearly pointed out that in the State of Assam, it had a cadre strength of thirtythree senior duty posts before the cadre review in 1987. The promotion quota as per the amended Regulations 1998 was more than one-third of the senior duty posts and Central deputation reserve (i.e. 20% of the senior duty posts). The respondent No.1 in its reply asserted that

till.....

till the cadre review in the year 1995, the promotion quota for Assam segment from Assam - Meghalaya Joint Cadre of IFS was 20. Needless kto state that appointments depend upon the availability of vacancies in promotion quota with due regard to seniority. From the reply submitted by the State of Assam it transpired that Selection Committee meetings were held in 1975, 1977 and 1982. In the year 1975, six officers were promoted to the IFS, seven officers in the year 1977 and eight officers were appointed to the IFS in the year 1982. The reply of the State Government did not indicate clearly as to whether any Selection Committee meeting was held in between 1983 to 1990. However, the matter was not required to be probed into in this O.A. on the basis of the pleadings. The reply, however, mentioned that no promotions were made in the year 1991 and 1993 due to interaction by the Court. The Selection Committee meeting was, however, held in 1994, wherein four officers were promoted to the IFS and seven officers were promoted to the IFS in the year 1996.

7. On consideration of all the aspects of the matter, even on merits we do not find any invalidity in the action of the respondents in preparing the Select List and flaws in cadre review on the fact situation. No injustice, as such is caused to the applicant requiring judicial review.

8. The Judgement of the Supreme Court in S. Ramanathan Vs. Union of India and others, reported in (2001) 2 SCC 118 referred to by Mr B. Chakraborty, learned counsel for the applicant, is a decision distinguishable on facts.

9. For all the reasons stated above, the application is liable to be dismissed and accordingly the same is dismissed. There shall, however, be no order as to costs.

S. Biswas
(S. BISWAS)
ADMINISTRATIVE MEMBER

D. N. Chowdhury
(D. N. CHOWDHURY)
VICE-CHAIRMAN

nkm

20/5/02
B. Chakraborty
B. Chakraborty
20/5/02

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
BENCH : GUWAHATI

O. A. No. 133/2002

Sri Jitu Das, IFSApplicant
vs
Union of India & Ors.Respondents

List of Dates/Synopsis

Date	Particulars	Annexure
February, 1973	Applicant selected to undergo 2 years SFS training	
February, 1975	SFS Course from Indian Forest College completed	
27.2.75	Applicant appointed as ACF	A
5.3.75	Applicant joined in his post	
18.3.75	Service as ACF was regularised	
16.11.89	Service confirmed	
20.1.81	Applicant promoted to the post of DCF	B
October, '91	From 1981 onwards applicant served as Dfo under various divisions	
25.11.99 onwards	Applicant serving as FUO, Assam in the rank of DCF	
16.11.89	Provisional Gradation list published, Applicant at Sl. No. 18	
12.2.97	Applicant promoted to the IFS	C
Year 1973	Total cadre strength of Assam was 24, 1/3 or 8 posts mean for promotees	
Year 1981	Total cadre strength of Assam alone was 29, 1/3 or 11 posts mean for promotees	
1981 onwards	No triennial cadre review under Rule 4(2) of IFS (Cadre) Rules, 1966 for which the cadre strength remain stagnant	
1995	Cadre review after lapse of 15 years	
27.5.98	Applicant given year of allotment as 1991	E
20.8.99	on the representation of the Applicant, Respondent No. 1 call	

for detail reports from respective Govt.

21.8.99 Govt. of Meghalaya sent its report but Govt. of Assam is yet to send the report

5.1.2001 One more representation sent by applicant

27.2.97 Govt. of India under similar circumstances extended the benefits to SFS Officers of J&K

K

R. 5.02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

Guwahati Bench.

O.A No. 123 of 2002

Between

Sri Jitu Das IFSApplicant

-And-

Union of India & Ors.Respondents.

INDEX

Sl.No.	Documents	Page
1.	Application & Verification.	1 - 22
2.	Annexure- A	23
3.	Annexure- B	24
4.	Annexure- C	25
5.	Annexure- D	26
6.	Annexure- E	27 - 28
7.	Annexure- F & F1	29 - 37
8.	Annexure- G	38 - 39
9.	Annexure- H	40 - 41
9.	Annexure- I	42
10.	Annexure- J	43
11.	Annexure- K	44 - 45
12.	Annexure- L	46 - 50

Filed By :

B. Chakravarty -

Advocate.

29/4/2002

Held by the applicant-
Jitu Das /
Through
Pradeep Chakraborty
29/9/2002

DISTRICT-KAMRUP.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

Guwahati Bench.

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

For use in Tribunal's Office

Signature
Date

O.A. No. - /2002

Between

Sri Jitu Das, I.F.S.

Forest Utilisation Officer,

Assam, Guwahati-1.

.....Applicant.

And

1. Union of India,

Through the Secretary, Ministry of Environment

& Forests, Govt. of India, Parivarjan Bhavan,

CGO Complex, Lodhi Road, New Delhi-110003.

2. State of Assam,

.....Contd.

Through the Commissioner-Secretary, Forest ,
Govt. of Assam, Dispur, Guwahati-6.

3. The Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi-110001, (through the Secretary).
4. The Joint cadre Authority, Assam ,
through the Chief Secretary, Assam,
Dispur, Guwahati.
5. The Joint Cadre Authority, Meghalaya, Shillong.
through the Chief Secretary, Meghalaya,

Respondents.

1. Particulars of order(s) against which the application is made :

- i) The applicant through this application assails the action of the Respondents in not promoting the applicant to the I.F.S. cadre in the year 1981 with the year of allotment from 1977 when the applicant was fit, eligible and was within zone of consideration and when the posts were available but instead the applicant was promoted on 12.2.97 to IFS cadre with year of allotment as 1991 / The applicant also assailed the action of the Respondents in causing delay in holding the mandatory Triennial Cadre Review and the Annual meeting of the Selection Committee for which the promotion of the applicant to the posts IFS and getting allotment of year was delayed. The applicant further assails the inaction the Respondents' continuous inaction in taking appropriate action in pursuance to the various representations so filed by the applicant.

- ii) Order No. 17013/02/96-IFS-II dated 12.2.97 passed by the Govt. of India, Ministry of Forests & Environment by which the year of allotment of the applicant was fixed as 1991.
- iii) The applicant also assails the action of the Respondents for the disparity in induction of State Forest Service Officers of Assam by promotion to IFS thereby causing loss of his inter-se-seniority in Joint cadre though the recruitment in SFS was concurrent.

2. Jurisdiction of the Tribunal :-

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

3. Limitation :

The applicant also declares that the present application is within the limitation period as has been prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case :-

- 1. That the applicant is a citizen of India and a permanent resident of Guwahati. The applicant is entitled to the rights and privileges as guaranteed under the Constitution and the relevant rules framed thereunder.
- 2. That following due procedure, the applicant was selected to undergo S.F.S. course at the Indian Forest College, Dheradun in February, 1973 and he successfully completed the same in February, 1975. Having successfully completed the same, the applicant vide an order dated

.....Contd.

27.2.75 was appointed as Assistant Conservator of Forests (ACF in short) and he joined in the post on 5.3.75. Thereafter vide an order No 17/74/151 dated 18.3.75, the applicant's service as ACF was regularised. The service of the applicant was later on confirmed vide an order No. 59/82/160 dated 16.11.89.

The copy of the initial appointment order dated 27.2.75 is annexed herewith as ANNEXURE-A .

3. That the humble applicant as ACF, served under different Forest Divisions, namely, South Kamrup Forest Division, Guwahati; Working Plan Division, Kachugaon & Haltugaon Division under Kokrajhar district till 19.1.81 with sincerity and dedication.
4. That vide an order dated 20.1.81, the applicant was duly promoted to the rank of Deputy Conservator of Forests (DCF in short). Having promoted to a cadre post, the applicant joined in his post on 28.01.81 as Deputy Field Director, Project Tiger, Manas under Barpeta district where he continued till 12.10.81.

A copy of the promotion order dated 20.1.81 is annexed herewith as ANNEXURE-B.

5. That thereafter the applicant served as D.F.O. (Divisional Forest Officer) under different Forest Divisions, namely, DFO Assam Zoo Division, Guwahati; DFO Working Plan Division, Lower Assam Circle, Guwahati;

.....Contd.

DFO Karbi Anglong West Division, Diphu; Afforestation Division, Diphu;

DFO Darrang Division, Mangaldoi and Kamrup East Division, Guwahati.

After serving at various divisions, the applicant at present is posted as Forest Utilisation Officer, Assam, a post in the rank of DCF where he was joined on 25.11.99 and still continuing in the same post till the date of filing this application. Be it stated here that the applicant served for 26 years with nothing adverse known against him and has remain stagnant in same post which is quite humiliating for him.

6. That on 16.11.89, the Respondent No. 2 published the draft gradation list of Class-I SFS Officers where in the name of the applicant appeared at serial NO. 18. The applicant craves leave to produce and rely on the gradation list dated 16.11.89 whenever required so.
7. That the applicant was finally appointed upon promotion to Indian Forest Services vide an order dated 12.02.97 which was again reissued under memo. No. FRE. 125/91/378 dated 14.02.97 by the Govt. of Assam..
A copy of the said order of promotion dated 12.02.97 is annexed herewith ANNEXURE C.
8. That the total cadre strength in the Senior Duty Post in the year 1973 was 29 in Assam & Meghalaya cadre, and out of which the state of Assam was given 24 Senior Duty Posts of which 8 posts were meant for share in promotional quota at $33 \frac{1}{3} \%$. Similarly in the year 1981, the

.....Contd.

senior duty in the Assam & Meghalaya cadre was 44, of which the State of Assam was given 29 posts and out of which the share of promotional posts had been 11 and as such there were ready senior duty posts to appoint SFS officers in such posts by promotion in the year 1981 when the applicant was fit and eligible for the same.

A statement showing the position of Senior Duty posts as per deemed Authorised Cadre Strength is annexed here with as ANNEXURE-D.

9. That as there was no cadre review from 1981 onwards, the number of duty posts remained the same and the state wise allotment also remained unchanged. The various year wise duty posts which prevailed as per State Govt. Notified Authorised Cadre Strength and calculated as per Deemed Authorised Cadre Strength and promotion claimed therein upto 1990 are detailed below and the applicant craves leave to furnish the details of the ^{year} preceding if necessary at a later stage.

Year	As per State Govt. Notified Authorised Cadre Strength(NACS)				As per Deemed Authorised Cadre Strength (DACS)				
	NACS	Cent. Deputan.	Total	Promotional Quota at 33 1/3 %	DACS	Cent. Deptn.	State Deptn.	Total	Promotional Quota at 33 1/3 %
1981	29	6	35	11	60	12	7	79	26
1982	39	8	47	15	62	12	8	82	27
1983	39	8	47	15	64	13	8	85	28
1984	39	8	47	15	67	13	8	88	29
1985	39	8	47	15	77	15	9	101	34
1986	39	8	47	15	89	18	11	118	39
1987	50	10	60	20	95	19	11	125	42

.....Contd.

1988	50	10	60	20	97	19	24	140	47
1989	50	10	60	20	98	20	25	143	48
1990	50	10	60	20	101	20	25	146	49

Thus it can be seen that when there was actually more number of posts, the authority calculated the percentage of promotional quota on Notified Authorised cadre Strength instead of Deemed Authorised Cadre Strength for which the SFS officers suffered. Further, as there was no cadre review, deemed cadre strength was also not taken into consideration and also the meeting of the annual selection committee was not held in time. The above figure also give the details of the applicant's position as per deemed cadre strength at the relevant period of time when he was eligible for appointment to IFS on promotion. In due course the position of the applicant elevated further due to death of two cadre officers.

The above number of posts remain stagnant till 1995 when the cadre strength was reviewed for the first time after 1978 though a mathematical adjustment was done in the year 1987 which cannot be termed as cadre review.

10. That it is stated that the calculation as described above for the number of posts has been arrived as per the decision given by the Hon'ble Central Administrative Tribunal, Calcutta Bench in O.A. No.994/1990 decided on 26/7/94 where in the Hon'ble Tribunal for uniformity of allocation of posts decided that service conditions of All India Service Officers are the same irrespective of the state cadre to which they belong. Hence there should

.....Contd.

29
John D. M.

be uniformity of criterion in all the states in determining the cadre strength as per IFS (Fixation of Cadre Strength) Regulations, 1964. The Hon'ble Tribunal while delivering the judgement, relied on the judgement and order passed by the Hon'ble CAT, Jabbalpur 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, Jabbalpur Bench was assailed before the Hon'ble Supreme Court in SLP NO. 11025/1987 and vide order dated 18.4.88, the SLP was dismissed.

10.-A That earlier while calculating promotion post, on the strength of Senior Duty posts were 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 as per Recruitment Rule existed upto 21.2.89. But the Hon'ble Calcutta CAT judgement observed that while calculating posts for the promotee quota, the item No.5 also needs to be added in determining the number of posts to be allotted to the SFS officers under promotion quota.

As such when the number of posts to be filled up by promotion in Assam & Meghalaya cadre as on 1.1.81 should have been 26 but it was shown as 11, i.e. short of 15 posts. The calculation as prescribed under the Regulations of Seniority Rules 1968 is shown in the table below:

Senior posts under the Assam & Meghalaya Cadre

	As per NACS	As per DACS
1. Total Senior Duty Posts:	29	60
2. Central deputation(20% of item 1 above)	6	12

.....Contd.

Jish Das

-9-

3. Posts to be filled by promotion (33&1/2% of item No. 1,2&5 together)	11	28
4. Direct Recruit posts (item No.1 -2)	24	53
5. Deputation Reserved (state) (15% of item No. 1 above)	NIL	7
6. Leave Reserve		

11. That the year wise duty posts and the promotee posts would have been from 1981 onwards upto 1983 in the following manner:

Year	DACS Strength	Promotional Posts for		Resultant Shortfall in Promotion
		SFS Officers	on the basis of NACS	
1981	79	26	14	15
1982	82	27	15	12
1983	85	28	15	13

Describing the way as stated above, it can be seen that in 1981, there was a total 15 shortfall in promotees quota and for such the applicant who was entitled for promotion in 1981 as per the recruitment rules was illegally denied. The above discrepancies occurred due to not holding the mandatory triennial cadre review in time. Had the same been done, the applicant would have been appointed upon promotion way back in 1981. Thus from the year 1983 onwards where there should have been a notified cadre strength of 79, treated now as Deemed Authorised Cadre Strength arising out of non conducting of mandatory Trinnial cadre Review and non preparation of Statutory Annual Select List. Because of such, the promotional quota which ought to have been increased remain below depriving the eligible SFS Officers of their legitimate dues.

.....Contd.

12. That it is stated that the state of Assam is a constituent of the Joint Cadre Authority in matters of notional allocation of the promotion quota for the then U.T./State constituents units as framed by the Ministry of Environment and Forest, Govt. of India which is the controlling authority. The Govt. of India accordingly vide official letter dated 25.1.95 sought concurrence from the constituents units for approval for distribution of notional allocation for promotion to the post of IFS.

ପାଦାରୀ ପାଦାରୀ ପାଦାରୀ ପାଦାରୀ ପାଦାରୀ ପାଦାରୀ

13. That finally vide an order dated 27.5.98 issued by the Respondent No.1, the applicant's year of allotment in the IFS was fixed as 1991. The applicant having submitted a representation on 10.3.98 addressing the concerned authority of the Govt. of India which was duly forwarded by the Govt. Of Assam on 18.4.98 submitted another on 31.3.99 which was forwarded by the Govt. of Assam vide its communication dated 20.7.99.

The copies of the order of allotment dated 27.5.98, the representation dated 10.3.98 along with the forwarding letter and the subsequent representation dated 31.3.99 are annexed herewith as ANNEXURE- E, F & G respectively.

14. That be it stated here that in response to the applicant's representation, the Respondent No. 1 has sought for comments vide its letter dated 20.8.99 from the respective Govt. of Assam and Meghalaya. Though the

.....Contd.

Govt. of Meghalaya had sent their comments vide communication dated 21.8.99 under memo No. FOR. 73/99/10, the Govt. of Assam are yet to sent their comments and as such the matter till date could not be process and has been kept pending. The applicant making a last effort, on 5.1.2001 submitted another representation before the Respondent No. 1 and a copy of the same was also forwarded to the Prime Minister Office. In response to the same, very recently ^{in the 14 part of 2002} the matter was enquired by the Office of the Prime Minister who has requested for an early action in this regard. Despite all this, the Respondent No. 2 are yet to sent their comments. Since the applicant's case has not been decided, it was for this reason the year of allotment order has not been passed till date for the promotion made in the year 1998-1999.

A copy of the representation dated 6.01.2001 is annexed herewith as ANNEXURE-H.

15. That the applicant begs to state that having appointed in a substantive and sanctioned posts which is very much evident from the allotted cadre strength for promotion quota, the unnecessary and unexplained delay caused in cadre reviewing and holding meeting of the selection committee upon wrong calculation of promotion posts has deprived the petitioner to get promoted to IFS from 1981 when same became due and when posts were readily available. The applicant ought to have been promoted from 1981 with year of allotment as 1977 when he was fit and suitable for the appointment to IFS.

16. That the applicant humbly begs to state that had the applicant been promoted to the post of IFS with year of allotment as 1981 when same became due, the petitioner would have been promoted by now, to a higher scale of pay. The applicant instead of getting the higher pay scale is being given lower pay scale and as such the pay scale has remain stagnant for the last few years which occurred due to non holding of cadre review and preparing annual select list. The applicant in this way not only lost his seniority but as well was deprived from better pay and packages.

17. That it is stated that the relevant service conditions relating to promotion, appointment, selection etc. in matters of IFS cadre in the present case, are governed by the following rules, namely-
 1. **The IFS(Recruitment) Rules, 1966.** Rule 4 speaks about method of recruitment and Rule 4(b) provides for promotion from substantive members from State Forests Services. Rule 8 provides promotion from SFS cadre and also laid down that the number of person to be recruited.
 2. **The IFS (Appointment by Promotion) Rules,1966:** Rule 5 prescribes that every year list of eligible candidates who have completed 8 years of service has to be prepared which in case should include number of eligible candidates as 3 times the vacancy. The said rule also speaks about that the list has to be review every year and if there is any adverse entry same has to be communicated to the Central Govt. Rule 8 of the said Rule provides for the State Govt. to appoint person of SFS cadre to appoint in cadre posts.

.....Contd.

3. Rule 2 (g) of the IFS (Regulation of Seniority) Rules, 1968 defines a senior post as a post included and specified under item 1 of the Cadre of each state in the schedule to the IFS (Fixation of Cadre Strength) Regulations, 1966 and includes post included in the number of posts specified in item 2 and 5 of the said cadre when hold 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. The said calculation is also needs to be read along with the judgement and order so passed in O.A. No. 994/1990 as passed by the Hon'ble CAT, Calcutta Bench.

4. Rule 4(2) of the IFS (Cadre) Rules, 1966 prescribes that that there should be timely review of cadre every 3 years.

5. Rule 8 (3) of the IFS (Recruitment) Rules, 1968 emphasis that Central Govt. may make appointment of persons from the SFS and when a vacancy occurs in a joint cadre which has to be filled up according to the provisions of this rule, vacancy shall, subject to the agreement in this behalf be filled by member of SFS of any one of the constituent state of the group.

18. That the applicant humbly states that the action of the Respondents in not promoting the applicant to the IFS cadre when posts were readily available and when same became due has been done in most arbitrary and malafide manner exercising power colourably. The promotion ought to have been done by reviewing the cadre and holding meeting of the

.....Contd.

1977

filed on 29

-14-

Selection Committee in time and in the instant case there was no cadre review from time to time and for such irregularity, the applicant was subjected to loss of service benefits for no fault of his own.

19. That had the Respondents would have promoted the applicant against the vacant posts occurred under the cadre in the year 1981, the applicant could have been attending the senior cadre posts with better benefits by this time. In the instant case, the Respondents till date, has unnecessarily kept the matter hanging without taking any decision and as such the applicant was made to remain stagnant for years.

1973
1981

20. That recruitment of SFS officers to IFS was made in Assam in 1977 and then in 1983. Thereafter it was made in 1994, 1996 and in 1997 when the applicant was appointed to IFS with year of allotment as 1991.

It is very clear from the above scenario that during the last 21 years from 1977 to 1997, the meeting of the selection committee held for 5 (five) times only when it was mandatory to hold so annually. Again in between 1981 and 1997, the selection committee held 4 times only. Had there been timely selection and holding of cadre review, the applicant would have appointed much earlier. This irregularity has caused immense hardships on the applicant.

The statements showing the year wise holding of Cadre Review and meeting of Annual Selection Committee are annexed herewith as

ANNEXURE-J & J-4

.....Contd.

21. That the principle laid down in the IFS Service Rules for Triennial cadre review and preparation of annual select list for recruitment through promotion had a mythical status for Assam and later on for Assam & Meghalaya Joint cadre of IFS. The cadre management of SFS officers in Assam is so pathetic that the applicant who is of 1973-75 batch, has been promoted to IFS along with SFS officers of Meghalaya of 1978-80 and 1979-81 batch, who are 3 to 4 years junior to him in service. Persons such as Sri Andrew Lyngdoh, Sri C.P. Shullai, Sri K.S. Lyngdoh who were appointed in the year 1978-79 in the State Forest Services were also allotted the same year 1991 along with the applicant.
22. That the applicant begs to state that the Govt. of India issued a circular for holding DPC laying down the guidelines to be followed therein. The Respondents in the following case has overlooked such guidelines for which the applicant was made to suffer.
23. That the applicant further begs to state that when it being the admitted position that the applicant was eligible for promotion to IFS in the year 1981~~00~~ after completing 8 years of service. It is also the admitted position that there was no cadre review and holding of selection committee meeting in time under the rules and guidelines. As a result of such unreasonable and unjust act, no SFS officers from the state could be promoted when posts were available at 33 1/3 % which has caused hardships to the applicant. The Respondent No.1 in a 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 27.2.97. The applicant being similarly situated deserves similar treatment.

The copy of the notification dated 27.2.97 is annexed herewith as ANNEXURE K.

24. That it is stated that the selection committee which ought to have met every year for preparing a list panel as per rules framed under IFS (Appointment by Promotion) Rules, 1966, but the meeting of the selection committee has held 5 times in 20 years clubbing all the unfilled vacancies which is illegal. Had the meeting been held regularly, the applicant would have been promoted to IFS in the year 1981 when posts were readily available and when the same became due to the applicant.
25. That it is humbly stated here that the applicant is entitled to be promoted earlier to IFS as per explanation to the IFS (regulation of Seniority) Rules, 1968 and is also entitled to the benefit of officiating period also as he discharged duty of DFO in many cadre divisions with intimation to the appropriate authority with satisfaction before his induction to the IFS. The applicant also underwent various courses within India successfully during his service career.

26. That this Hon'ble Tribunal under similarly situated cases has issued direction directing the Respondents to review the entire matter in the light of the benefit given to other SFS officers for not holding the cadre review and selection committee meeting in time. The applicant being similarly situated also deserve similar order.

A copy of one of such order passed in O.A. 266/2000 is annexed herewith as ANNEXURE-L.

27. That being highly aggrieved by the arbitrary and malafide act on the part of the Respondents in not promoting the applicant to the IFS cadre in the year 1981 with year of allotment as 1977, the applicant has approached this Hon'ble tribunal with a prayer to refix his year of allotment as 1977 by quashing/ setting aside and/or modifying the order of appointment to IFS dated 12.2.97 along with the year of allotment order dated 27.5.98 to the extent refixing his year of allotment as 1977 and restoring his pay and seniority retrospectively as done in the case of SFS of the state of Jammu & Kashmir. The applicant being similarly situated deserve same treatment.

Grounds for present application.

a. For that the Respondents never took steps in holding meeting for cadre review as well as for preparation of lists for promoting SFS officer as prescribed under the Rules and clubbed the vacancies which is contrary to the rules and did not appoint IFS officer from the promotee quota in the

.....Contd.

subsequent years for which the applicant was denied for promotion to IFS cadre in 1981 when he was fit and eligible.

b. For that from the entire sequence of events as stated above it is apparent that the Respondents have caused unreasonably delay in holding the meeting of the Selection Committee since 1977 and in reviewing the cadre. The entire action was exercised malafidely and arbitrarily for which the case of promotion of the applicant to the IFS was further delayed and the year was reckoned as 1991 instead of 1977. As by getting promotion to IFS cadre, one is entitled to have better service benefits.

c. For as per Explanation 1 of the IFS (Regulation of Seniority) Rules, 1968 ever since the first select list prepared by the Selection Committee constituted under Regulation 3 of the IFS (Appointment by Promotion) Rules, 1966, the period of continuous officiation in senior post declared has to be counted. Since the applicant was officiating in a senior posts from 1981 to 1997, hence his due date of promotion to IFS would be in the year 1981.

d. For that it being apparent that the Respondents committed error and were biased in calculating the posts for SFS officers when the posts were readily available and the applicant ought to have been promoted to IFS in the year 1981 with year of allotment as 1977 and for such irregularity, the

applicant was deprived of service benefit and seniority and his service remain stagnant for years.

- e. For that the Respondents have directly recruited regular IFS officer during this period, whereas as per IFS (Appointment by Promotion) Regulation, 1966, few seats at 33 1/3% and following the Hon'ble Calcutta CAT's judgement, ought to have gone in favour of SFS officers.
- f. For that the action of the Respondents in the instant case besides being arbitrary, illegal, malafide and biased is also violative of Article 16, 19 and 21 of the Constitution of India as because of violating of statutory provisions, the applicant was deprived of better service benefits to which he is legally entitled.
- g. For that the action of the Respondents in the instant case is patently malafide and punitive based on irrelevant and extraneous consideration. The order dated 27.5.98 thus needs to be modified in respect of the applicant by asking the Respondents to allot year of allotment as 1977 when it fell due to the applicant and when posts were readily available and he was within zone of consideration.
- h. For that the impugned action besides being arbitrary , illegal and malafide is also liable to be condemned and set aside as same has been done whimsically, capriciously and under colorable exercise of power.

John Doe (35)

- i. For that the order so assailed and the entire exercise of power has been performed in violation of the principle of natural justice and administrative fair play. The orders as such is liable to be quashed and set aside.
- j. For that in any view of the matter the impugned action is bad in law as well as in fact and as such the same is liable to be quashed and set aside.

5.-A Details of Remedies exhausted :-

The applicant declares that he has no other alternative remedy other than to approach this Hon'ble Tribunal for getting redressal.

6. Whether Any Appeal or Suit Is Pending In any Court With Regard To The Subject Matter In Agitation:

That the applicant further declares that there is no suits, application or writ petition pending before any court or tribunal with regards to the matter as agitated in this petition.

7. Details of Relief Sought for:-

Under the facts and circumstances stated above, the applicant humbly prays that this Hon'ble Tribunal may be pleased to admit this application , call for the records and after hearing the parties may be pleased to pass an order directing the Respondents to promote the applicant to IFS with retrospective benefit from the year 1981 with year of allotment as 1977 restoring his seniority with all retrospective service benefits by setting

.....Contd.

-21-

aside and/or modifying the order/communication dated 12.2.97 (Annexure-D) to the extent of delayed promotion and wrong fixation of year of allotment of the applicant and 27.5.98 (Annexure-G) and/or pass such order/orders to which the applicant is entitled as per law and equity including the cost of the proceedings.

8. Interim reliefs if any :-

Under the present facts and circumstances, the applicant reserves his right to press for interim order when situation arise and if there is necessity for the same.

10. Particulars of I.P.O.:

I.P.O. No. dated for Rs. 50.00 (Rupees Fifty
only) is enclosed.

Contd.

-22-

VERIFICATION

I, Sri Jitu Das s/o late Upendra Nath Das of Dr. B. Baruah Road, Guwahati-7 and presently working as Forest Utilisation Officer, Assam and as applicant in the instant application do hereby verify that the statements made in this instant application 4(1, 3, 5, 6, 8, 9, 10, 11, 14 to 22, 24, 25, 27), 5 & 6 — paragraphs are true to my knowledge and belief and those in paragraphs 4(2, 4, 7, 12, 23) are being matters of information derived from records which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

I sign this verification on this 29th day of April, 2002 at Guwahati.



Signature.



NOTIFICATION

-23-

Dated Dispur, the 27th Feb, '75.

38

No.FRE.17/74/123 - Subject to their successful completion of training and obtaining the Diploma in Forestry, from the Indian Forest College, Deraha Dun, the Governor of Assam is pleased to appoint the following 3 (three) stipendiary students of 1973-75 Diploma Course in Forestry, as temporary Assistant Conservators of Forest in the scale of Pay of Rs.350-30-500-EB-30-680-EB-35-925/- p.m. plus other allowances admissible under rules with effect from the date following the date of holding the convocation and they are temporarily posted to the office of the Chief Conservator of Forests, Assam, Gauhati.

- 1). Shri D.K. Basumatari
- 2). " B.B. Nobis
- 3). " Jitu Das.

Sd/- J. Changkakati,
Joint Secretary to the Govt. of Assam,
Forest Department.

Memo. No. FRE.17/74/123-A, Dated Dispur, the 27th February/75.

Copy forwarded for information and necessary action to :-

- 1). The Chief Conservator of Forests, Assam, Panbazar, Gauhati-1, Post Box No. 79 with reference to his letter No. FE. 22/11 dated 5-2-75. All the three newly appointed A.C.F. are initially posted to his office to get themselves familiarised with the works of the different branches of the Forest Deptt. After two weeks, they will be transferred and posted to terminal division for in-service training as follows. Shri D.K. Basumatari to Cachar Division, Shri B.B. Nobis to Sibsagar Division and Shri Jitu Das to South Kamrup Division. Formal notification will be issued in due course. As regards his proposal for transfer of Shri J.N. Talukdar and Shri S.C. Phatowari, a notification is being issued separately. His other proposals for retransfer of Sharvashri U.C. Sarma, N.Z. Hussain and P.K. Deb Medhi have been rejected by Govt. Shri U.C. Sarma, A.C.F. should be asked to join at the Assam Forest School immediately.
- 2). The Superintendent, Assam Govt. Press, Banunimaidhan, Gauhati-21, for publishing the notification in the next issue of the Assam Gazette.
- 3). Shri D.K. Basumatari
- 4). " B.B. Nobis
- 5). " Jitu Das

) C/o. Chief Conservator of Forests, Assam,
Panbazar, Gauhati-1, Post Box No. 79.

- 6). The Accountant General, Assam, Meghalaya, etc., Shillong.
- 7). Shri U.C. Sarma, A.C.F. (on leave) C/o. Divisional Forest Officer, Goalpara Division. He is hereby directed to join at the Assam Forest School, Jhalukbari immediately.

By order etc.,

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

Basis
Certified to be true (L.D.P.)
Atul X.
Advocate
Advocate

NOTIFICATION.

NO. FRE.50/77/Pt.IIIA/28 : Sri Jitu Das, A. C. F.,
attached to Divisional Forest Officer, Haltugason Division,
Kokrajhar, is promoted temporarily and until further orders
to the rank of Deputy Conservator of Forest, and is posted
as Deputy Field Director, Tiger Project with Headquarter at
Barpeta Road vice Shri T. K. Das transferred.

Sd/- K. S. Rao,
Secretary to the Govt. of Assam,
Forest Deptt.

Memo No. FRE 53/77/Pt.IIIA/28-A Dt. Dispur, the 20th Jan'81.

Copy to :-

Copy to :-

- 1) The Chief Conservator of Forests, Assam, Rehbari, Gauhati-8
- 2) The Accountant General, Assam, Meghalaya etc. Shillong.
- 3) The Field Director Tiger Project, Barpeta Road for information.
- 4) All Conservator of Forests, Assam.
- 5) All Divisional Forest Officers.
- 6) Sri Jitu Das, A. C. F. attached to Divisional Forest Officer, Heltugson Divn. Kokrajhar for information and necessary action.
- 7) The Survt. Assam Govt. Press, Bamunimaidan, Gauhati-21 for publishing the above notification in the next issue of the Assam Gazette.
- 8) Personal File.

By order etc.,

Deputy Secy. to the Govt. of Assam,
Forest Deptt.

(TO BE PUBLISHED IN PART-I SECTION II OF THE GAZETTE OF INDIA)

F. No. 17013/02/96-IFS-II

Government of India
Ministry of Environment and ForestsParivaran Bhavan,
CGO Complex, Lodhi Road,
New Delhi - 11003

dated the 12th February, 1997.

NOTIFICATION

In exercise of the powers conferred by sub-rule(1) of rule 8 of the Indian Forest Service (Recruitment) Rules, 1966 read with sub-regulation (1) of regulation 9 of the Indian Forest Service (Appointment by Promotion) Regulations, 1966, the President is pleased to appoint with immediate effect the undermentioned five officers of the State Forest Service of Assam segment to the Indian Forest Service against existing vacancies and to allocate them to the Assam-Meghalaya Joint Cadre of the India Forest Service under sub-rule (1) of rule 5 of the Indian Forest Service (Cadre) Rules, 1966.

S.No.	Name of the officer	Date of Birth
S/Shri		
1.	K.C. Dutta ✓	01.02.1940
2.	S. Dutta ✓	16.03.1952
3.	S. Islam ✓	13.09.1941
4.	D.K. Basumatary	09.04.1953
5.	Jitu Das ✓	01.03.1953

To (A.S.N. Murti)
Under Secretary to the Govt. of India

The Manager,
Govt. of India Press,
FARIDABAD (HARYANA) - with a copy of Hindi Version.

Copy to:

1. The Chief Secretary, Govt. of Assam, Dispur.
2. The Secretary, Forests Department, Govt. of Assam, Dispur.
3. The Principal Chief Conservator of Forests, Govt. of Assam, Dispur.
4. The Accountant General, Assam, Dispur.
5. The Chief Secretary, Govt. of Meghalaya, Shillong.
6. The Secretary, Forests Department, Govt. of Meghalaya, Shillong.
7. The Principal Chief Conservator of Forests, Govt. of Meghalaya, Shillong.
8. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi - 110011.
9. Guard File.

(A.S.N. Murti)
Under Secretary to the Govt. of India

Certified to be true copy

Attestd by

S. 10000

STATEMENT SHOWING THE POSITION OF SENIOR DUTY POSTS AVAILABLE FOR SFS OFFICERS OF ASSAM CADRE AS PER DEEMED AUTHORISED CADRE STRENGTH DURING THE YEAR 1980-1981.

certified to be true John
Barocas

ANNEXURE - F

27-

42

Regd POST

No. 17013/02/96-IFS-II
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS
(I.F.S. II SECTION)

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

MAY, 27, 1998

ORDER

The year of allotment and seniority of the following nine State Forest Service Officers borne on the Assam-Meghalaya Joint Cadre of the Indian Forest Services of Assam and Meghalaya who were promoted from State Forest Service to Indian Forest Service with effect from dates mentioned against each is required to be determined in terms of the provisions of Rule 3(2)(a), 3(2)(c) and 4(4) of the Indian Forest Service (Regulation of Seniority) Rules, 1968 :—

Sl. Name of Officer Date of Appointment

1.	Shri K.C. Dutta	12.02.1997
2.	Shri S. Dutta	12.02.1997
3.	Shri S. Islam	12.02.1997
4.	Shri H.P. Bhukan	26.05.1997
5.	Shri D.K. Basumatary	12.02.1997
6.	Shri Jitu Das	12.02.1997
7.	Shri C.P. Shullai	26.05.1997
8.	Shri K.S. Lyngdoh	26.05.1997
9.	Shri P.H.S. Bonney	

2. None of these 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 promotions to Indian Forest Service in accordance with the provisions of the I.F.S. (Cadre) Rules, 1966.

certified to be true copy
Ustad Ali -
1950

- : 2 :-

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

31. Name Year of Placement
No. Allotment

S/3hri

1. Shri K.C. Dutta	1991	Below Sh. A.K. Srivastava (RR:91)
2. Shri S. Dutta	1991	Below Sh. K.C. Dutta
3. Shri S. Islam	1991	Below Sh. S. Dutta
4. Shri H.P. Phukan	1991	Below Sh. S. Islam
5. Shri D.K. Basumatary	1991	Below Sh. H.P. Phukan
6. Shri Jitu Das	1991	Below Sh. D.K. Basumatary
7. Shri C.P. Shullai	1991	Below Sh. Jitu Das
8. Shri K.S. Lyngdoh	1991	Below Sh. C.P. Shullai
9. Shri P.H.S. Bonney	1991	Below Sh. K.S. Lyngdoh

Note The inter-se 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.

CS Annex

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

Copy for Distribution to:

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

11-29-41
ANNEXURE-~~29~~

GOVERNMENT OF ASSAM
FOREST DEPARTMENT ::::::: DISPUR.
FFFFE

MO.FRE. 37/75/98,

Dated Dispur, the 26th March, 1998.

From : Shri A.B. Md. Eunus, ACS,
Joint Secy. to the Govt. of Assam.

17/108
1/4/98
M.T.E.

To : The Principal Chief Conservator of Forests,
Assam, Rabbari, Guwahati-8.

Sub : Awarding year of allotment to Shri Jitu Das, IFS,
D.F.O. - representation thereof!

Sir,

I am directed to refer to the representation submitted by Shri Jitu Das, IFS, Divisional Forest Officer, Kamrup East Division, Guwahati submitted under Memo No. B/Eatt/1602-05, dt. 10.3.98 and to request you kindly send his representation alongwith your comments thereon to this Department urgently for onward submission.

Yours faithfully,

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

Memo No. FRE. 37/75/98-A, Dated Dispur, the 26th March, 1998.

Copy to :-

✓ Shri Jitu Das, IFS, Divisional Forest Officer,
Kamrup East Division, Guwahati-1 for information.

By order etc.,

11-29-41
line

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

FFFFE

Printed to be true COPY
Wtpd by:
LAWSON

GOVERNMENT OF ASSAM
OFFICE OF THE DIVISIONAL FOREST OFFICER: K.E.I.IVN.GUWAHATI ::

Memo No.B/ESSH/1602-05

Dt. 10/3/98

To,

The Secretary to the Govt. of India
Ministry of Environment and Forests
Dept. of Environment, Forests and Wildlife
Parva Varan Bhavan
C.G.O. Complex, Lodhi Road
NEW DELHI - 110003.

(Through Proper Channel)

Sub:- AWARDING YEAR OF ALLOTMENT CONSEQUENT UPON
APPOINTMENT IN THE INDIAN FOREST SERVICE .

Sir,

With great reverence and humility, I beg to submit
the following by way of representation and request you to crave
your kind indulgence to consider the same sympathetically .

1. That Sir, after successful completion of the
training and obtaining the Diploma in Forestry from the Indian
Forest College, Dehradun during 1973-75, I joined as an Asstt.
Conservator of Forests in the year 1975 .

2. That Sir, after discharging my most sincere service
over a period of 5(five) years, I was promoted to the rank of
Deputy Conservator of Forests in 1981 and since then I have been
serving in various capacities to best of my abilities .

3. That Sir, though I became eligible for Selection
and promotion to Indian Forest Service in 1981 as per sub-rule
(2) of Rule -5 of I.F.S. (Appointment by Promotion) Regulation,
1966, but I was selected for promotion to I.F.S. by the
Selection Committee only on 07-08-96 i.e. after a long tenure
of 23 years of service and notified vide Govt. of India's
notification No.17043/02/96-IFS-II dt. 12-02-97 .

4. That Sir, due to repeated violations of the Rules
by the Authorities in matters of timely revisions of Cadre
Schedule and preparation of Annual Select list, I was deprived
from getting the legitimate claim in due time . Many direct
recruits I.F.S Officers were given promotion to senior time
scale of pay violating the statutory rules.

5. That Sir, in this connection, I would like to
draw your kind attention to sub-rule (3)(a)(ii) of Rule 6A of
the I.F.S (Recruitment) Rules, 1966 wherein the state Govt. may
withhold the appointment of an Officer to the Senior time scale
pay till he/she passes the prescribed departmental examination.
The Hon'ble Supreme Court in the Judgement dt. 15-3-97 on

Contd. P/2..

- 2 -

S.L.P. No. 16873 with 18567 and 19103 of 1995 has rules that no employee can enjoy promotion contrary to the statutory service Rule. But, with deep aggrieved and sorrow, I would like to mention here that due to repeated violation of the said statutory service rule, a good nos. of direct recruits who has not cleared the prescribed departmental examination, were promoted to senior scale violating the statute order.

6. That Sir, as per sub-rule (1) of Rule 5 of I.F.S (Appointment by Promotion) Regulation, 1966, it is mandatory to prepare select list every year. But in case of Assam State, Select list were not prepared for the following years -

From 1969 to 1975 & 1977

From 1979 to 1981

From 1983 to 1985

From 1987 to 1990

From the above, it would clear be seen that due to non-preparation of select list timely, the S.F.S. Officers serving in Assam-Meghalaya joint cadre suffered badly.

7. That Sir, as per I.F.S (Cadre) Rules, 1966, it is also mandatory that the Govt. of India, at a interval of every three years, revises the cadre strength. But in case of the Assam-Meghalaya joint cadre, cadre revision has not been done during 1969, 1972, 1975, 1981, 1984, 1990 and 1993. Due to non-revision of the cadre by the Authorities an unparalleled stagnation in promotional prospects compared to other states has developed. This has adversely effect the joint cadre of Assam-Meghalaya and was denied from the claim of legitimate cadre strength. This has also caused a big set-back in the carrier of the humble petitioner.

8. That Sir, Rule 9(1) of I.F.S (Recruitment) Rules, 1966 stipulates that recruitment under Rules 8 in any state shall not exceed 33½% of the number of Senior Duty Posts borne to the cadre of that state. Be it stated that Senior Duty Post has been defined under Rule 2(g) of I.F.S. (Regulation of seniority) Rules, 1963 which included the number of Posts Specified in item 1, 2 & 5 of the cadre Schedule of each State in the Schedule to the I.F.S (Fixation of cadre Strength) Regulation, 1966.

Contd.. p/3 .

9. That Sir, though the Senior Duty Posts were defined, as stated above the Selection Committee while preparing the Select list always keep considering the item No. 1 & 2 of the cadre schedule ignoring item No.5 and thus an anomalous situation was created. The anomalous question was challenged before the Hon'ble CAT, Jabalpur Bench. The Hon'ble Tribunal in their judgement hold the 33½% of item No.5 of the Cadre Schedule should always be taken into account while computing the size of the promotional quota, which was later on supported by the Hon'ble Supreme Court in their order dt. 18-4-88.

10. That Sir, in view of the above, the promotional quota for the Assam-Meghalaya joint cadre during, 1991 should have been atleast 30 and in the event of vacancies in the Assam unit would have been 9 and not 4. Accordingly, the select list prepared in 1991 would have contained names of 18 Officers instead of 8 and - My position being 12th in number as per the State Seniority list, would have surely appeared in the 1991 select list and I strongly believe and claim that not only my name would have appeared in the Select list but also I should have been appointed in the I.F.S.in the year 1991 itself .

11. That Sir, the fixation of seniority and year of allotment is guided by Rule 3(2)(c) read with explanation 1,2 & 4. The following statement will establish that I had been continuously posted against cadre posts or through proxy by my juniors Since 1981 till the date of my promotion to I.F.S.

1981 - 90 - J.Das (Self).

1990 - 91 - P.P.Changkakoti

1991 - 93 - P.Kakoty / A.S.Laskar

1993 - 95 - P.Kakoty / S.Nayan

1995 - 97 - J.Das (Self)

12. That Sir, having being promoted to the I.F.S, I am feeling very much apprehensive of my year of allotment. I, therefore pray that while awarding the year of allotment, your benign self would kindly give due weightage to all the point raised in the representation and my position should be equated with any of the Officers upto 1988 batch of direct recruits, who though got promotion in gross violation of the statutory Rules as quoted in para 4 & 5, yet not passed the Departmental examination.

- 4 -

In the light of the above submissions it is fervently prayed that while awarding year of allotment your benign self would kindly examine all the points raised in the petition and consider my humble submissions with justice and fair-play and for this act of kindness I shall ever remain grateful to you .

Yours faithfully ,

10/3/98

(JITU DAS)

D.C.F.

DIVISIONAL FOREST OFFICER:
KAMRUP EAST DIVN.GUWAHATI :

(1) Copy (in advance) to the Secretary to the Govt. of India, Ministry of Environment and Forests, Deptt. of Environment, Forests and Wildlife, C.G.O Complex, Parivarayan Bhavan, New Delhi for his kind personal attention and for expediting a decision .

(2) Copy (in advance) to the Secretary to the Govt. of India, Forest Deptt. of Home Affairs and personnel Grievances, South Block, New Delhi for his kind attention and for expediting a decision .

(3) Copy (in advance) to the Commissioner and Secretary to the Govt. of Assam, Forest Deptt. Dispur for information and with a request for kind immediate actions .

O/C

10/3/98

(JITU DAS)

D.C.F.

DIVISIONAL FOREST OFFICER:
KAMRUP EAST DIVN.GUWAHATI :

From : Jitú Das, I.F.S.,
Divisional Forest Officer,
Kamrup East Division,
Guwahati - 781 001.

- 34 -

31.1.29.

To

The Secretary to the Govt. of India,
Ministry of Environment and Forests,
Parivartan Bhavan, C.G.O. Complex,
Lodhi Road,
New Delhi - 110 003.

(Through Proper Channel).

Sub : Application requesting for change of Year of Allotment and deemed date of appointment on the basis of decision taken by the Government of India, in the interpretation of Indian Forest Service Cadre Rule (4) as applied in the State of Jammu & Kashmir vide Government of India in the Ministry of Environment and Forest's notification No. 18014/07/95-WS-II, Dt. 27.02.1997 and the principle of compilation of promotion quota in K.K. Goswami - Vs - Union of India decided in the Central Administrative Tribunal, Jabalpur Bench in T.A. No. 01 of 1986 dated 9.6.87 and upheld by the Hon'ble Supreme Court of India in No. 3464/95, Dt. 24.8.95 and further explained by the Central Administrative Tribunal, Calcutta Bench in D.K. Basu - Vs - Union of India in O.A. No. 994/90, Dt. 26.7.1994 duly accepted by the Government of India & further upheld by the Central Administrative Tribunal, Guwahati Bench in Shri Ibobi Singh - Vs - Union of India & Ors. In O.A. 15/95 dated 20.01.1999.

Ref: (I) G.O.I's notification No. 17013/02/95-I/FS-II, Dt. 27.5.98 and (ii) Indian Forest Service Civil List of 1998.

Sir,

1. Most respectfully, I would like to submit the following facts for your kind perusal and active consideration for redressal of my grievances.

2. That Sir, after a long tenure of 24 years in the State Forest Service, I was inducted in the Indian Forest Service vide Government of India's Notification F.No. 17013/02/96-IFS-II, Dated 12.2.97, though I was eligible for recruitment in the Indian Forest Service way back in 1981.

3. That Sir, the principles laid down in the Indian Forest Service rules for Triennial Cadre Review and preparation of annual Select List for recruitment through promotion had a mythical status for Assam and latter on for Assam - Meghalaya Joint Cadre of I.F.S. If the Triennial Cadre Review would have been there in time and Select List would had been prepared, I would have got promotion to the I.F.S. long back with much earlier year of allotment. But because of the denial of this legitimate aspiration, I have suffered immense hardships.

4. That Sir, now it has been brought to my notice that the Government of India vide their notification No. 18014/07/95-IFS-II, Dated 27.02.1997 had interpreted the Rule 4 of the Indian Forest Service Cadre Rules to the effect that the post created by the State Government would be deemed encadred just after one year and every year, the promotion quota would be computed on this principle.

5. That Sir, the Government of India had complied with the direction given by the Central Administrative Tribunal, Calcutta Bench in O.A. No. 994/20 in the matter of

How to Use the Metric System

internal stress.

D.K. Basu - Vs - Union of India (UOI) in which the Tribunal has specifically ordered for computation of promotion quota in the I.P.S., strictly in accordance with the judgement passed by the Central Administrative Tribunal, Jalballpur Bench in the case of K.K. Goswami - Vs - Union of India from 1980 onwards and to give seniority and the consequential benefits on the basis of proforma fixation due to enhancement in promotion quota from the retrospective date.

6.1. That Sir, in view of para 4 and 5 above, I have collected the data right from 1966 regarding the number of senior duty posts created under the Government of Assam and subsequently under both the Governments of Assam and Meghalaya on annual basis, which are appended as Annexure - IA & IB.

6.2. That Sir, on the basis of the principle of deemed encadrement of the senior duty posts created by the State Governments after one year and in view of the judgements passed by the Central Administrative Tribunals, Jalballpur Bench and Calcutta Bench about inclusion of the post under item no. 5 of the cadre schedule for computation of the promotional quota, a detailed calculation has been shown in a statement appended herewith as Annexure - II.

6.3. That on the basis of Annexure - II above, I have prepared two statements, viz. Statement - 'A' and Statement 'B'. The Statement 'A' gives details of authorised senior duty posts as per notification valid on the date of eligibility of the undersigned. The Statement 'B' shows the strength of senior duty posts and the number of posts under item no. 5 on the basis of deemed encadrement of the senior duty posts created by the State Government for computation of promotion quota on the date of eligibility of the undersigned.

STATEMENT - 'A'

NOTIFIED AUTHORISED CADRE STRENGTH OF SENIOR DUTY POSTS UNDER ASSAM WING ON THE DATE OF ELIGIBILITY OF THE APPLICANT

(i)	Item No. 1 of Notified Authorised Cadre Strength (N.A.C.S.) as on 01.01.1981.	-	29
(ii)	Item No. 2 of N.A.C.S. 20% of (i)	-	6
(iii)	Item No. 5 of N.A.C.S.	-	4
(iv)	Promotion quota as per N.A.C.S. [33 1/3% of (i) + (ii) + (iii)]	-	11
(v)	No. of persons working against promotion quota on that date	-	12
(vi)	Vacancies in promotion quota as per N.A.C.S.(iv-v)	-	0

STATEMENT - 'B'

AS ON 01.01.1981

AUTHORISED CADRE STRENGTH OF SENIOR DUTY POSTS UNDER
ASSAM WING AS COMPUTED ON THE PRINCIPLE OF DEEMED
ENCADREMENT ON THE DATE OF ELIGIBILITY OF THE
APPLICANT

(i)	Item No. 1 of deemed authorised cadre strength (D.A.C.S.) as on date of eligibility (as per interpretation of Rule 4 of the Cadre Rules given in Jammu & Kashmir Notification; details given in Annexure - I).	60
(ii)	Item No. 2 of D.A.C.S. 20% of (i)	12
(iii)	Item No. 5 of D.A.C.S. 15% direct recruit, i.e. 31	7
(iv)	Promotion quota as per D.A.C.S. [33 1/3% of (i) + (ii) + (iii)]	26
(v)	Number of persons working against promotion quota	13
(vi)	Vacancies in promotion quota as per D.A.C.S (iv-v)	13

7. That from the above analysis, it is apparent that my chance of getting inducted in the Indian Forest Service in the year 1981 was not there, however, the fact remains that in successive years with very rapid extension of the department, large number of posts were created.

8. That during 1978, the first review of the cadre took place for the Assam - Meghalaya Joint Cadre, i.e. after 12 years from the date of creation of Indian Forest Service but this review of the cadre was not done subjectively since as many as 23 senior duty posts created by the Government of Assam were not included in the Indian Forest Service Cadre. All these 23 posts were one year and more old. Hence, the scenario of the Statement - 'B' above in 1983 would have been as below :

STATEMENT - 'B'

AS ON 01.01.1983

(i)	Item No. 1 of D.A.C.S.	64
(ii)	Item No. 2 of D.A.C.S., i.e. 20% of (i)	13
(iii)	Item No. 5 of D.A.C.S. i.e. 15% of the direct recruits	8
(iv)	Promotion quota as per D.A.C.S., i.e. [33 1/3% of (i) + (ii) + (iii)]	28
(v)	Retirement vacancy due to retirement of SI No 1 & 6 and vacancy due to death of SI No 12	3
(vi)	Total promotional quota	31
(vii)	No. of officers working against promotion quota	19
(viii)	Vacancy under promotion quota as per D.A.C.S. [(vi)-(vii)]	12

9. That sir, on the basis of the deemed date of encadrement of the senior duty posts created by the State Government as per interpretation of Rule 4 of the Cadre Rule, I have worked out the deemed date of promotion of all the promoted Indian Forest Service Officers of the State. I am enclosing herewith a statement as Annexure - III for favour of your kind perusal, wherein my name and position is clearly shown against serial no. 33. However, due to retirement vacancy of SI. No. 1 & 6 of Annexure-III and due to the death of SI. No. 12, my position gets elevated to 30 and hence my eligibility is confirmed as in (vi) of the above statement 'B'.

In view of the aforesaid submission, it is humbly prayed that based on the D.A.C.S. given in the Statement - 'B' as on 01.01.1983, the date of promotion and consequent year of allotment may kindly be re-fixed and notified accordingly.

Encl: A stated above.

Yours faithfully,

(Jitu Das).

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

No. FE.24/36/99,

Dt. Guwahati, the 31st Mar., '99.

From : P. Lahari J.F.S.,
Principal Chief Conservator of Forests,
Assam.

To

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

Sub :

Representation of State Forest Service Officers of Assam for change in
Year of allotment in the I.F.S.

Sir,

I am forwarding herewith the representations submitted individually by
the following officers selected in the Indian Forest Service from the State Forest Service
Cadre with their particulars as shown below :

Sl.No. (as per seniority)	Name of the officer	Year of recruitment to S.F.S.	Year of selection to I.F.S.	Year of cadre allotment
1	2	3	4	5
1.	Shri Sarat Ch. Phatowali	1967	1995	1990
2.	Shri Tapash Kr. Das	1971	1995	1990
3.	Shri Surendra Nath Buragohain	1972	1995	1990
4.	Shri Binod Biharee Nobis	1973	1995	Not yet allotted
5.	Shri Kanak Ch. Dutta	1971	1997	1991
6.	Shri Surajit Dutta	1972	1997	1991
7.	Md. Shaherul Islam	1972	1997	1991
8.	Shri Hara Prasad Phukan	1972	1997	1991
9.	Shri Durga Kanta Basumatary	1973	1997	1991
10.	Shri Jitu Das	1973	1997	1991

The representations are based on the notification of the Government of India, Ministry of Environment and Forests vide No. 18014/07/95-IFS-II, Dated 27.02.1997, which pertain to review of the year of allotment of the State Forest Service Officers of Jammu & Kashmir State and resixing the deemed year of allotment on the basis of deemed cadre posts arising out of non-conversion of posts created to the cadre for a considerable length of time (copy enclosed for ready reference). Thus, a post was

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considered as a deemed cadre post one year after its creation and accordingly the whole cadre strength at the point of time on which an officer should have got his due year of allotment was considered and revised.

I am also enclosing herewith a copy of the order dated 20.01.99 of the Central Administrative Tribunal, Guwahati Bench in Shri Ibohi Singh Vs. Union of India and Others in O.A. No. 15 of 1995, which upheld the principle as pointed out in the representations for favour of your ready reference.

I have carefully gone through each of the representations submitted by the officers as listed above and to state that the scenario that has emerged in the State of Assam is no different than what was in Jammu & Kashmir. The relevant annexures submitted alongwith the representations are based on facts and figures only and the computation and inference made thereof have the strong ground to warrant favourable consideration. The cases as represented merit the similar consideration as have been meted out to the State Forest Service Officers of Jammu & Kashmir State.

I would request you to kindly send the representations to the Government of India in the Ministry of Environment and Forests with strong recommendations for favourable review as has already been done by the Government of India in the case of the State Forest Service Officer of Jammu & Kashmir vide notification No 18014/07/95-IFS-II, Dt. 27.02.97.

An early action is requested.

Encl : As stated above.

Yours faithfully,

(P. Lahan).

Principal Chief Conservator of Forests,
Assam :: Guwahati.

Memo No.FE.24/36/99-A,
Copy in advance to :

Dt.Guwahati, the 31st Mar.,'99.

The Secretary to the Government of India, Ministry of Environment and Forests, Paryavaran Bhavan, C.G.O. Complex, Lodhi Road, New Delhi - 110 003 for favour of his kind information and needful action.

The Inspector General of Forests & Special Secretary, Ministry of Environment and Forests, Government of India, Paryavaran Bhavan, C.G.O. Complex, Lodhi Road, New Delhi - 110 003 for favour of his kind information and needful action.

(P. Lahan).

Principal Chief Conservator of Forests,
Assam :: Guwahati.

From
Jitu Das, I.F.S.
Divisional Forest Officer,
Kamrup East Division,
Guwahati.

Dated, Guwahati
The 5th January 2001.

To,
The Secretary to the Govt. of India,
Ministry of Environment and Forests,
Parivar Bhawan; C. G. O. Complex,
Lodhi Road,
New Delhi - 110 003.

Sub :- Application requesting re-fixation of year or allotment and the date of appointment in the Indian Forest Service.

Ref. :- Letter Nos FE. 24/36/99-A dated 31.03.1999 from the P. C. C. F. Assam to the Secretary to the G. O. I., Ministry of the Environment & Forests; FRE. 36/99/72 dated 20.07.1999 from the Jt. Secretary to the Govt. of Assam, Forest Department and No 16011/ 02/99 - IFS II dated 20.08.1999 from the Under Secretary to the Govt. of India, Ministry of Environment and Forests, New Delhi.

Sir,

In inviting your kind attention to the letter cited under reference, I would most respectfully submit the following facts for favour of your perusal and expeditious redressal of my grievances.

1. That sir, how apathetic the office of the Principal Secretary to the Govt. of Assam, Forest Department towards the promotee Forest officers is amply manifest in their responses to such an important issue. While the P.C.C.F. Assam, on receipt of my representation forwarded it on 31.03.1999, the office of the Principal Secretary to the Govt. of Assam, Forest Department took almost four months to forward it to the Govt. of India on 20.07.1999. But it was heartening to find the quick response from the Govt. of India in their letter dated 20.08.1999 before expiry of even one month from the date of receipt of the letter from the Jt. Secy. to the Govt. of Assam, Forest Department.

2. That sir, while the issue related to the promotee forest officers, with longer part of their service life spent, had been languishing in some unattended file of the office of the Principal Secretary to the Govt. of Assam, Forest Department for more than 16 months (!), it was heartening to note the promptness of the same office in obtaining the approval of the Joint Cadre Authority, meeting them at the G.N.B air port, Guwahati, for the promotion of the direct recruit I.F.S officers as soon as it became due to them.

3. That sir, the Principal Secretary to the Govt. of Assam was reminded on several occasions for taking immediate actions in the matter but his studious indifference in the matter can only be construed as a

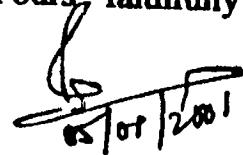
utpal das

premeditated design to debar the indigenous people from getting their due aspiration fulfilled, I am enclosing here with copies of some of the reminders given to the Commissioner and Secretary to the Govt. of Assam Forest Department for your kind perusal.

4. That sir, The latest judgement given by the Hon'ble Supreme Court of India in Civil Appeal no. 2560 of 1999 on 07.12.2000. (S. Ramanathan - appellant Vs Union of India - respondent) has set the matter related to my prayer of antedated promotion with consequent fixation of correct year of allotment at an irrevocable status. This land mark judgement of the Hon'ble Supreme court has set at rest all doubts and misconceptions regarding the responsibilities and obligations of the authorities vis - a - vis the legitimate aspirations of the employees.

In view of the foregoing paras and particularly para 1 to 3, I would most fervently request your kind intervention in this matter and to take expeditious actions for redressal of my grievances.

Yours, faithfully,



15/12/2001

Copy in advance forwarded for favour of kind perusal and taking necessary action to :

The Secretary to the Govt. of India, Ministry of Environment & Forests, New Delhi.

Copy Forwarded for favour of information and taking necessary action to :

1. The Secretary to the Govt. of India, Ministry of Personnel, New - Delhi.
2. The Chief Secretary to the Govt. of Assam, Dispur, Guwahati.
3. The Joint Secretary to the Govt. of India, Prime Minister's office, New Delhi.

STATEMENT-ACADRE REVIEW

When due	When actually done
1969	Not done
1970	-
1972	Not Done
1975	Not done
1978	-
1981	Not done
1984	Not done
1987	Not done
1990	Not done
1993	Not done
1995	-
1996	Not done

Certified to be true COPY
 Atal S.
 Advocate

STATEMENT - B(a)SELECTION COMMITTEE MEETING

When due	When actually done
1967	Not done
1968	Not done
1969	Not done
1970	Not done
1971	Not done
1972	Not done
1973	Not done
1974	Not done
1975	Done as a special case for one person selected Against 7 (seven) vacancies
1976	Not done
1977	Done
1978	Not done
1979	Not done
1980	Not done
1981	Not done
1982	Not done
1983	Done
1984	Not done
1985	Not done
1986	Not done
1987	Not done
1988	Not done
1989	Not done
1990	Not done
1991	Not done
1992	Not done
1993	Not done
1994	Done
1995	Not done
1996	Done
1997	Not done
1998	Not done

Verified to be true copy
N. T. Palgatas
Advocate

No. 18014/07/95 - IFS-II
Government of India
Ministry of Environment and Forests

Paryavaran Bhavan, C.G.O. Complex,
Lodhi Road, New Delhi - 110003.
Dated the 27th February, 1997.

To

The Chief Secretary,
Govt. of Jammu & Kashmir,
Srinagar.

Sub : Indian Forest Service - J & K Cadre - Revision of seniority of officers appointed on the basis of 1995 Select List.

Sir,

I am directed to say that S/Shri V.P. Modi and 27 other State Forest Service Officers of your State were appointed to the Indian Forest Service (IFS) of J & K Cadre by promotion vide this Ministry's Notification No. 17013/07/95-IFS-II dated 12.9.95. all the 28 officers were assigned 1991 as their Year of Allotment in terms of the provisions of rule 3 (2) (a) and 3 (2) (c) of the IFS (Regulation of Seniority) Rules, 1968 vide this Ministry's Order No. 18014/7/95-IFS-II, Dt. 30.10.95.

2. Representations have been received from the officers concerned that if the Select List had been prepared annually, as envisaged in the IFS (Appointment by Promotion) Regulations, 1966, they would have been appointed to IFS earlier and consequently they would have got higher Year of Allotment than 1991 and higher seniority position than assigned now.

3. The Government of Jammu & Kashmir also recommended the relaxation of Rules/Regulations in order to assign higher Year of Allotment and seniority to the officers concerned, because the Select List of 1995 from which the above said 28 officers were appointed was prepared after a gap of about 20 years.

4. The matter has been considered carefully. It is felt that undue hardship has been caused to these officers due to delays in the Conduct of Cadre Reviews and holding of Selection Committee meetings. If the Selection Committee meetings were held annually, these officers would have been appointed to IFS much earlier and would have got higher Years of Allotment and seniority.

5. In view of the undue hardship caused to the officers concerned, the Central Government, in exercise of the powers conferred by rule 3 of the All India Services (Conditions of Service - Residuary Matters) Rules, 1960, as a ONE TIME measure is pleased to assign deemed dates of appointment to the service as shown in Column "3" and determination of Year of Allotment as shown in Column "4" of the table below. Accordingly, the deemed date of appointment of these officers have been worked out on the basis of deemed, cadre review, inclusion of their names from the year 1980 onwards which is calculated on the basis of vacancies in promotion quota at the appropriate periods and then applying the provisions of rule 3 of the IFS (Regulation of Seniority) Rules, 1968, on the basis of their deemed dates of appointment to the IFS for assigning Year of Allotment and inter-se seniority. (Statements A and B indicating as to how the vacancies were arrived at and the names of officers, who would be accommodated against each vacancy are enclosed for information.

verified to be true LDD

wtphd

21.2.97

- 15 -
NO

Sl.No.	Name	Deemed date of Appointment (31 st Dec. of the year)	Revised Year of Allotment based on Col. (3)
1	2	3	4
	S/Sir		
1.	V.P. Modi	31.12.80	1976.
2.	H.A. Kwoosa	31.12.83	1978
3.	B.K. Sharma	-do-	1978
4.	Shahniaz Naqashbandi	-do-	1978
5.	Y.S. Narsinghia	-do-	1978
6.	S.S. Bali	-do-	1978
7.	A.R. Wadoo	-do-	1978
8.	V.K. Zadoo	-do-	1978
9.	Chander Mohan Seth	-do-	1978
10.	Shafat Ahmed	-do-	1978
11.	S.K. Kajuria	-do-	1978
12.	Shamim Mohd. Khan	31.12.86	1982
13.	Peer Bashir Ahmed Quadri	31.12.88	1984
14.	Subhash Chander Sharma	31.12.89	1985
15.	Suraj Prakash Sharma	-do-	1985
16.	Narinder Singh	31.12.90	1986
17.	Upinder Pachnanda	-do-	1986
18.	Abdul Qayoom Khan	-do-	1986
19.	Mohd. Shafiq Khan	-do-	1986
20.	Manu Raj Singh	-do-	1986
21.	Lalit Kumar Sharma	-do-	1986
22.	Manzoor Ahmed	-do-	1986
23.	Mukerjeet Sharma	-do-	1986
24.	Arun Kumar	-do-	1986
25.	Asgar Inayatullah	-do-	1986
26.	A.R. Latoo	-do-	1986
27.	M.A. Hakak	-do-	1986
28.	Nissar Ahmed Hakeem	31.12.92	1988
		31.12.92	1988

NOTE : The revision presently covers only those officers who have been actually appointed to IFS of J & K Cadre on the basis of 1995 Select List.

6. For purposes of inter-se-seniority, they shall be placed below the direct recruits of the corresponding Year of Allotment in the same order.

Yours faithfully,

Sd/-A.S.N.Murti,
Under Secretary to the Govt. of India.

Copy to :

Department of Personnel & Train, North Block, New Delhi (AIS-I Section).
Their case No. F. No. 14014/32/96 – AIS-I refers.

Copy also :

Guard File.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BRANCH

Original Application No. 266 of 2000.

Date of decision: This the 10th day of January, 2002.

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

Hon'ble Mr. K.K. Sharma, Member (A).

Sri Ramson Modi, IFS,
Deputy Conservator of Forests,
Government of Arunachal Pradesh,
Itanagar.

...Applicant

By Advocate Mr. B. Chakraborty.

versus-

1. Union of India,
Secretary to the Government of India,
Ministry of Environment and Forests,
Parivartan Bhawan,
C.G.O. Complex, Lodhi Road,
New Delhi-110003.2. The State of Arunachal Pradesh,
represented by the Secretary,
Environment and Forests
Government of Arunachal Pradesh,
Itanagar.3. The Union Public Service Commission,
Dhalpur House, Shahjahan Road,
New Delhi-1 (Through its Secretary).

...Respondents

By Advocate Mr. A. Deb Roy, Sr.C.G.S.C.

O R D E R

H.CROWDHURY J. (V.C.).

The applicant originally entered into the State Forests Service in Arunachal Pradesh. He came to this Tribunal earlier for not considering his case for appointment in the Indian Forest Cadre in the year 1986 in terms of Indian Forest Service (Appointment by Promotion) Regulations, 1966 read with Indian Forest Service (Recruitment) Rules 1966. The Tribunal by its judgment and order dated 15.12.1995 in O.A. No. 140/91 directed the Government of India to consider the proposal of

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the State Government in respect of the applicant forwarded on 5.11.1993 taking note of the fact that vigilance case and the adverse remarks were also expunged during the pendency of the matter. The applicant was thereafter appointed in the Indian Forests Service vide Notification dated 26.2.1996 in the A.P. segment. The applicant did not receive his year of allotment. He again moved this Bench by way of an Original application which was numbered and registered as O.A. No. 238 of 1998. By order dated 10.11.1999 the application was disposed of directing the respondents to consider the representation filed by the applicant and dispose of the matter by a reasoned order. Pursuant to the said order the respondents passed the order dated 3.5.2000 which is assailed in this proceeding. The Government of India indicated that in the year 1986 the applicant was considered by the Selection Committee and the Selection Committee found him unfit for appointment to the Indian Forest Service. He was again considered in the subsequent selection. The name of the applicant was at the bottom of the list at serial No. 6. Since there were only three promotion vacancies at that time the applicant could not be appointed to IFS on the basis of the Select List. On granting of Statehood to Arunachal Pradesh, Mizoram and Goa in 1987, the Union Territories cadre of the IFS had to be reconstituted. The newly formed cadre was named as the AGMUT cadre. In the process, the Selection Committee could not meet at regular interval after 1987 and the Selection Committee met only in 1996 and on the basis of the Selection Committee Meeting held on 1996 the applicant alongwith others were appointed on 26.9.1996. The legitimacy of the action of the respondents including the aforesaid order is under challenge as arbitrary and discriminatory.

2. Mr. B. Chakrabarty, learned counsel appearing on behalf of the applicant, drew our attention to the fact that in its delay in holding the Selection Committee Meeting,

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learned counsel for the applicant submitted that the respondent authority failed to discharge its statutory obligation in holding the Selection Committee Meeting each and every year and thereby failed to comply with the mandatory requirement enjoined in the regulation 5 of the IFS (Appointment by Promotion) Regulation. The learned counsel also submitted that the respondent authority failed to consider the case of the applicant in proper perspective and thereby caused grave failure of justice. Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents contesting the claim of the applicant submitted that the case of the applicant was considered by the respondents and when found fit he was promoted. Mr. A. Deb Roy, learned Sr. C.G.S.C. submitted that due to reconstitution of the cadre authority the Selection Committee meeting could not be held in accordance with Regulation 5. The learned Sr. C.G.S.C. placed before us the Minutes of the Meeting of the Selection Committee held on 31.12.1987 along with the minutes of the Selection Committee Meeting dated 26.3.1996. Admittedly the Selection Committee Meeting was held in the year 1987. Thereafter no Meeting of the Selection committee was held till 26.3.1996 that too at the intervention and direction of the Principal sit of the Tribunal. A perusal of the Regulation 5 it appears that Selection Committee Meeting shall ordinarily meet at intervals not exceeding one year and prepare a list of such members of the State Civil Service as are held by them to be suitable for promotion to the service. The said clause also required that the number of members of the State Civil Service included in the list shall not be more than twice the number of substantive vacancies anticipated in the course of the period of twelve months commencing from the date of preparation list. Under clause (2) the Selection Committee was required to consider the cases of members of State Civil Service in the order of a seniority in that service, of a number which was

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equal to five times (subsequently reduced to three times) the number referred to in clause (1). If clause (1) is read with the provisions of the Regulation 5 it is mandatory in holding Selection Committee Meeting at intervals not exceeding one year and for preparation of a list of members of the State Civil Service those are suitable for promotion in the service. The rules clearly point out that eligibility of the persons to be considered both in the matter of length of service and age under clause (2) and (3) of Regulation 5 is with reference to the first date of January of the year in which the Selection Committee meets and the number of members of the State Civil Service to be considered for selection is also linked with the number of substantive vacancies anticipated in the course of the period of twelve months commencing from the date of preparation of list. The decision no longer res integra in view of the consistent decision of the Supreme Court rendered in Syed Khalid Rizvi v. Union of India, 1993 Supp. (3) SCC 575 and Union of India vs. Vipinchandra Hiralal Shah, 1996 (6) SCC 721.

Admittedly the respondents in the instant case failed to hold the Selection Committee meeting after 1987 till 1996. Reasons assigned by the respondents in its delay in holding the Selection committee meeting cannot be said to be a good reason.

3. By not holding the Selection Committee Meeting for a long period unfairly affected the career progress of the applicant and persons like situated. Delay in holding the Selection Committee Meeting undoubtedly caused undue hardship on the applicant, if the selection committee meeting would have held timely the applicant would have earned appointment much earlier in the Indian Forest Service and thereby would have got higher year of allotment and seniority. The respondents in the instant case while disposing of the case of the case of the applicant over looked those aspect of the matter which caused graver failure of justice. Needless to state that powers are entrusted on the authority for relaxation of rules and regulations in cases mentioned in Rule 3 of the All India Services (Conditions of Services Residuary matters) Rules

1960. We had to refer to the said Rules in view of the fact that in similar cases the Government of India took such decision to render justice and to avoid injustice. Attention was brought by Mr. B.Chakraborty, learned counsel for the applicant to the decision rendered by the Government of India, Ministry of Environment and Forests vide Memo No.18014/07/95-IFS-II dated 28.2.1997 pertaining to IFS -J & K Cadre. In those cases also the Government of India took a decision in terms of the All India Services (Conditions of Services Residuary matters) Rules 1960 to mitigate the hardship that arose due to the delay in holding the meeting of the Selection Committee. This case is also not different. The principles of equality requires to be consistently applied and prohibits measures which make unjustifiable and unfair within classes and individuals. We do not see any reason why the respondents shall not consider the case of the applicant and also similarly situated persons if any for determining the date of appointment on the basis of vacancies and by allotting year of allotment as per the rules.

In view of the conclusion reached above, we direct the respondents to take up the matter afresh in accordance with law and pass a reasoned order. The respondents are directed to complete the above exercise as expeditiously as possible, preferably within three months from the date of receipt of the order.

5. Subject to the observations made above, the application stands disposed of. No costs.

Sd/VICE CHAIRMAN

Sd/MEMBER (Adm)

Verified to be true copy

SECRETARIAL OFFICE

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RECORDED ON 10/1/2002
RECORDED ON 10/1/2002

15/1/2002

SL. NO. 1432

DIST: Kamrup



VAKALATNAMA
Before the Central Administrative Tribunal, Guwahati Bench
IN THE GAUHATI HIGH COURT

[THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR,
TRIPURA, MIZORAM AND ARUNACHAL PRADESH]

O. A. NO. OF 2002

Sri Jitu Das, I.F.S.

Appellant
Petitioner

Versus
Union of India & Ors.

Respondent
Opposite-party

Know all men by these presents that the above named..... *Applicant*
do hereby nominate, constitute and appoint Sri/Smti. *R. P. Barman, B. Chatterjee & M. Das*..... Advocate and such of the undermentioned Advocates as shall accept this Vakalatnama to be my/our true and lawful Advocates to appear and act for me/us in the matter noted above and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc. for me/us and on my/our behalf and I/We agree to ratify and confirm all acts to be done by the said Advocates as mine/ours for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf.

In Witness Whereof I/We hereunto set my/our hand on this 29th day of April, 2002

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MS. D. DAS ROY	KULENDRA BHATTA	MRS. N. DEVI SARMA	MS. REKHA BHARATI
ANUPAL DUTTA	MS. A. DEKA LAHKAR	C.R DAS	B.N. HAZARIKA
SALIGRAM CHETRI	P.K. BARUAH	MS. ANJU TALUKDAR	R.R. KALITA
R.K. ROYCHOUDHURY	CHITTARANJAN GOSWAMI	K.N. DAS	M.K. SHARMAH
K.C. MAHANTA	N.K. BARUA	S.P. DEY	B.C. KALITA
B.C. TALUKDAR	B.K. BAISHYA	MS. INDRANI SARMA (I)	DR. B.U. AHMED
R.K. DAS	IFTE KHAR AHMED	MS. BHANU SENAPATI	M.U. MAHMUD
B.C. BAROOAH	D.C. NATH	NANI TAGIA	B.N. SARMA BORDOLOI
P. CHOUDHURY	MS. NILUFAR RAFIQUE	DEBASIS SUR	SALAHUDDIN AHMED
KHAGEN GOGOI	ZAFAR IQBAL	MS. ANURUPA DEY	MRS. J. SAIKIA BHUYAN
RAJESWAR SARMA	K.R. DEB	RANADIP DUTTA	NARAYAN CHAKRABORTY
T.G. BARUAH	MS. MEGHAMALA SHARMA	D.C. BORAH	SASHANKA DASGUPTA
D.G. BARUAH	AJANTA SARMA	R.K. PRADHAN	RIPUN BORA
MD. ABDUL HAKIM (II)	S.K. AGARWAL	SANTANU BHATTACHARYYA	JAYNAL ABDIN (I)
MS. S. D. PURKAYASTHA	ADIL AHMED	SATYAJEET SHARMA	G.N. KAKATI
A.C. KALITA	MS. NANDITA MORAL	DEBA KR. DAS	T.P. MAZUMDAR
B.C. SAIKIA	MS. DEEPANJALEE DAS	PRIYATOSH BHATTACHARJEE	ANUPAM SARMA
TAFAZZUL HUSSAIN	O.P. BHATI	PARITOSH PURKAYASTHA	KAMESWAR LASKAR
TAUHIDUL ISLAM	DR (MRS.) P. CHAKRABORTY	MS. RINA BHATTACHARYYA	U.K. THAKURIA
R.D. LAL	JAINUDDIN AHMED	DEBAJIT BHATTACHARJEE	J.M. DAS
B.C. CHAKRABORTY	B. KARPUKAYASTHA	PRADIP DUTTA ROY	MS. G. DAS LAHKAR
MS. SUNITA KEJRIWAL	SIDHARTH SARMA	M.K. MAJUMDAR	CHANDRA BORUAH
SUKUMAR CHOUDHURY	A.K. DEY	B.M. CHOUDHURY	S.P. SHARMA
G.C. PHUKAN	D.J. BHUYAN	SOUMITRA SAIKIA	BHUBANESWAR KALITA (II)
N.H. MAZARBHUYAN	S.K. MEDHI (I)	SYED MD. T. CHISTIE	MS. K.M. BEZBARUAH
BIMAN BARUAH	MD. SHAMSUL ISLAM	R.K. VERMA	NELSON SAILO
TONNING PERTIN	RATUL GOSWAMI	DR (MRS.) M. PATHAK	N.K. GOLDSMITH
BASARUDDIN AHMED	JOYRAM SAIKIA	MS. KALPANA BARUAH	SURAJIT DUTTA
MS. NILADRI LASKAR	C.B. GOGOI	B.W. PHIRA	A.K. MEHTA
MS. DEEPA BORAH	BHUMIDHAR BARUAH	S.R. RAVA	ANJAN J. SAIKIA
MD. ABDUL MALEQUE	AJOY KR. BARUAH	MS. P.B. BHATTACHARJEE	A.K. BARUAH (II)
RAMEN DAS (II)	DEVA KR. SAIKIA	S.C. BHARALI	BALDEV SINGH
J.C. GAUR	PRAN BORA	H.C. CHETIA	Y.S. MANNAN
H.K. CHOUDHURY	DEBAJYOTI TALUKDAR	MANOJ AGARWAL	RAJ SEKHAR

PULIN BISWAS	MANISH GOSWAMI	NAJROL HAQUE	RAM NAKSHTRA
MONOJ BHAGABATI	MRINMOY KHATANIAR	MITHUN TALUKDAR	S.N. RAY
MADHURJYA NARAYAN	DIPANKAR BORA	KAÑHAIYALAL GUPTA	D.K. SARMAH
SONESWAR DAS	SUMAN SHYAM	MRS. M. GOHAIN	MS. ANUPAMA DASS
P. LEONARD AIER	BEDADYUTI CHOWDHURY	MRS. GITA MEDHI	MISS. R DEKA
MRINAL SARMA	MS. BORNALI BHUYAN	B.S. BASUMATARY	L.K. BORAH
MD. A. ALAM KHAN	MS. BANTI DUTTA	N.P. DAS	R.K. ADHIKARY
MD: INAMUL HUSSAIN	MS. MOUSHUMI DEKA	DHRUBA KR. SAIKIA	S.K. SHARMA
MRS. J. CHAKRABORTY	MS. CHANDANA NANDI	INDRANEEL CHOWDHURY	MISS. ANITA DAS
MS. S.B. CHOUDHURY	SUNIL AGARWAL	MRS. R. S. CHOWDHURY	J.K. SARMA
MRS. APARAJITA BARUAH	HARI KANTA DEKA	SUBRAT BHUYAN	MRS. M. CHOWDHURY
U.S. AGARWALLA	MS. REHANA BEGUM	MRS. JYASNA SIKDAR	ZIAUL ALAM
P.K. SENSOWA	O.P. SAHARIA	MRS. M. SARMA BARUAH	MS. N. HOMCHAUDHURY
O.K. MAHESREE	S.C. ACHARYA	J. P. DAS	S.K. SINHA
N.N. BHUYAN CHOUDHURY	S.S. DUTTA	HIRALAL MAURYA	ROMEN BARUAH
MUDANG BAT	AKHTAR PARVEZ	KAMALAKSHYA DAS	ARUPANANDA CHOWDHURY
SARBESWAR DAS	MS. N.S. THAKURIA	MS. IPSITA GOHAIN	NILADRI BHATTACHARYYA
MRS. AMI B. SARMA	S.S. MOZINDER BAROOAH	MS. DIPASHREE SINHA	MS. I. KRISHNATRAIYA
AFTAB ALAM	DIPU MANI THAKURIA	MS. NIRUPAMA BARUAH	MS. PAHARI SAIKIA
J.K. ADHYAPOK	JAINUL ABEDIN (II)	MS. PAPIA CHAKRABORTY	N.K. BARKAKATI
COL (RTD.) M. GOSWAMI	JAWRA MAIO	HAREKRISHNA DEKA	ASHIM KR. CHOUDHURY
B.K. SINGH	JOGEN HANDIQUE	SAJID RAHMAN	MS. S. HAZARIKA
MD. AYUB ALI	I.A. TALUKDAR	MS. APARNA AJITSARIA	RUPJIT DE
ADHIR S. CHOUDHURY	BIKRAM CHOUDHURY	G.B. DAS	R.K. NATH
S.R. SAIKIA	NABAJIT BHARATI	DEBAJEET THAOSEN	D. J. DUTTA
BAHADUR RAMCHIARY	MRS. H.M. PHUKAN	S.K. MEDHI (II)	R. K. SARMA
TAPAN DAS (II)	A.R. MEDHI	BEGUM R.A SULTANA	DINAMANI SARMAH
MRS. PUSPA GOGOI	MD. BABULUR RAHMAN	ALOK DEB	PARTHA CHOUDHURY
MS. APARAJITA SHARMA	P.K. PODDAR	MS. B. CHAKRABARTTY	B.P. SINHA
AJOY KR. DAS	MD. ILIASH ALI	MS. INDRANI CHETIA	ROFIQUDDIN AHMED
NAIMUDDIN AHMED	RAMKRISHNA BHATTACHARJEE	MS. ANUPAMA DEVI	AISWARYYA SARMA
ANJAN KALITA	D.N. BARMAN	SIDDHARTHA BARUAH	MS. A. BARUA
BIMAL KR. JAIN	M.K. MISRA	S.R. RAJBONGSHI	MD. NIZAMUDDIN SEIKH
AMINUR RAHMAN	R.J. BARUA	K.K. BHATTACHARYYA	DIGANTA GOGOI
RÉKIBUDDIN AHMED	B.K. DUTTA	MS. MANJULIKA BAROOAH	SANJIB ROY
MRINAL KÁLITA	MR.S.S. DAS BHUYAN	MS. MANJUSHA JHA	MS. KALPANA GOGOI (SARMAH)
MRS. M.C. CHÓUDHURY	DHARMA BHUYAN	MD. KHORSHED ALI	ANIRBAN DAS
MS. CHANDRAMA SARMA	MRS. M. RAJKUMARI	ZAHANGIR HUSSAIN	MRS. INDRANI CHOWDHURY
K.D. CHETRI	ACHYUT OZAH	S.N. DEV PUZARI	ANAN KR. BHUYAN
S.J. BARTHAKUR	BIKAS HAZARIKA	DIGANTA KR. MISRA	PALASH DAS
MS. ANJANA DAS	MS. MONI NATH	MD. AFTAB HUSSAIN	MS. BIPAAKKHI BORTHAKUR
K. KATH HAZARIKA	S.K. DAS	MRS. N.S. AHMED ISLAM	DIPAK KR. DEY
PARITOSH BANIK	RAHMAT ALI	MS. G.R. MAHILARY	PARTHA P. BARUAH
ARUNABH CHOUDHURY	DEVAJIT SAIKIA	M.K. MODI	AJIT KR. DUTTA
MS. MINATI BHUYAN	MATIN B.U. AHMED	I.A. HAZARIKA	MD. BAHARUL ISLAM
S.R. HALOI	B.K. HAZARIKA	SHAJAHAN ALI	MD. TARIQUL ISLAM
BHASKAR DUTTA	SONJOY SARMA	DHIMAN TALUKDAR	ABU SAYED
TAYAM SIRAM	ASHIT BISWAS	U.P. BARUAH	BHASKAR BARMAN
DULAL TALUKDAR	MD. A.J. ATIA	MS. ARUNIMA SENAPATI	MS. BIJOYA BAIRAGI
C.R. BISWAS	ASHIF AHMED	MS. SUJATA CHANGKAKOTI	PABITRA S. BHATTACHARYYA
BHASKAR KR. SHARMAH	MATIUR RAHMAN	A.L. MANDAL	SURAJIT BHARALI
A.K. SAIKIA	A.K. BASFOR	UTPAL DAS (III)	MS. BABINA BEGUM
DINESH AGARWAL	SHOUMEN SENGUPTA	S.K. KHAITAN	MS. NANDITA BHARALI
MS. P. BHATTACHARYYA	D.K. JAIN	MRS. V.L. SINGH	SUJIT KR. GHOSH
MS. MAMONI CHOUDHURY	MS. MALLIKA DUTTA	A.J. DEKA	MISS. RUPALIM DAS
MS. TRIPTIDHARA DAS	AJUNGLA AIER	S.K. SINGH	MISS. CHAMPA BHATTACHARJEE
SURAJIT CHAKRABARTY	H.B. SARMA	NIRAN BARAH	PRANAB SHARMA
MS. U. BHATTACHARYYA	PRAJNAN C. DEKA	MRS. A.A. BEGUM	MISS. M.M. BORAH
MS. MOMIKSHYA ARUNA	ARINDAM BARTHAKUR	SONESWAR SAIKIA	MS. BANTI BAISHYA
RAJESH AGARWALL	M.J. DAS	J.P. CHAUHAN	RADHA M. DAS.
ABDUL MALIK	P.K. TALUKDAR	DEBAJIT GOGOI	PADMESWAR DEKA
MS. D.S. NEOG	MS. MOHSYNA SYREEN	GAUTAM SOREN	ANUPAM CHAKRABORTY
MS N.N. AHMED	MS. K.M. PHUKAN	AFSARUDDIN CHOUDHURY	ANGSHUMAN BORA
MS. S.T. SARMA	MS. J. RANI BORA	JOGEN BORDOLOI	RAJEEV DAS
MS. H.B. GOSWAMI	MANASH BARUAH	SUNIL KR. SINGHA	BISWAMBHAR SHARMA
KHIZIRUL MONIR	K.K. BHATTA	MRS. B. BHUYAN	HARAGOBINDA BORUAH
MRS. K.K. CHOUDHURY	MRS. RANI DUTTA	ARUN NATH	MS. JITUMONI SHARMA
MS. MAMON DEKA	ASLAM KHAN	MS. M. BORDOLOI	PUTUL CH. GOSWAMI
MS. DEBJANI SEAL	PRANAB CHAKRABORTY	SADHAN KALITA	RANJAN GOGOI
A.H. KHAN	MS. PURABI KALITA	CHINMOY BHATTACHARYYA	MISS. LOLITA RENGMA
MS. TAFIKA A. RAHMAN	JAYANTA DEKA	ANUPAM CHAUDHURY	MISS. BASABI DAS
MS. PRIYANKA BARUA	NAVAROON NATH	PRABAL KATAKI	MS. RUPANJALI DAS
ABHIJIT BHATTACHARYYA	MS. NIRMALI TALUKDAR	SANJU GANGULY	MANISH CHOWDHURY
MS. ECHO SHARMA	MRS. SONGHITA DAS	R.K. BOTHRA	MISS. MARAMEE GOGOI
KALYAN PATHAK	N.A. LASKAR	MS. NAVANITA MITRA	NABIN DEBNATH

MRS. CHAYA DEVI
 MS. BASHARI SEAL
 MISS. DEBALINA CHOWDHURY
 SMRITISHREE CHAKRAVARTY
 MISS. MAMANI BASAR
 MISS. SANCHITA ROY
 MISS. ANJALI DAS
 DIPAK KR. KALITA
 NURUL I. CHOWDHURY
 MD. A.K. HOSSAIN
 MS. KAVERI MEDHI
 KAUSHIK GOSWAMI
 ABDUR R. SHEIKH
 MS. TAPASI DAS
 HEMANTA KR. SARMA (II)
 MISS. DIPSHIKHA DAS
 RAJESH KR. BHATRA
 SAGAR RAVI G.
 PADMADHAR UPADHYAY
 MISS PEACE LAHKAR
 IKBAL H. SAIKIA
 DIBYAJYOTI BORAH

MISS. HASINA YESMIN
 MRS. JURI D. BARMAN
 MISS. ASMINA BEGUM
 MRS. RAKHEE B DEB
 MRINMOY DUTTA
 MISS. SANTANA SARMA
 BIMAL SARMAH
 AMBAR BARKATAKI
 MISS NIZIFA KHANAM
 MS. BARNALI MAHANTA
 MIZAZUR R. BARBHUIYA
 SANJAY ROY
 IMTI LONGJEM
 MISS. BIPASHA SARKAR
 MISS. RINI SHARMA
 SHAMIMA JAHAN
 NILOUTPAL RAJKHOWA
 SONIT KR. SAIKIA
 MISS SEWALI KEOT
 MS. MITALI MAHANTA
 GAUTAM KR. SARMA

(3) SHAHAB UD. MAZUMDAR
 ABDUL MANNAF
 RAGHUNATH PD. ROY
 NURMOHAMMAD SARKAR
 SANTOSH JAIN
 SUNIL KR. JAIN
 DIPENJYOTI DUTTA
 MRS. BANANI DAS
 RAJESH KR. CHAYENGIA
 MS. ASHA TEWARI
 MRS. R. BORO BORAH
 MISS. REKHA DEKA
 MS. N. MEDHI KALITA
 MANASH GARODIA
 JAKIRUL I. BORBHUIYA
 SUBIR BHATTACHARJEE
 MS. DIPAKA BORGOHAIN
 MRINALENDU CHOWDHURY
 DHRUVAJYOTI PATHAK
 KAUSHIK HAZARIKA
 DILIP BARUAH (II)
 MD. ABDUL MATLIB

RAJIB HAZARIKA
 NABASHISH GOSWAMI
 DEBASHISH BHATTACHARYA
 KUMUD CH. BORO
 NARENDRA NATH JHA
 RANDEEP SHARMA
 MS. TAMANNA BORA
 MRS. FARIDA BEGUM
 NEELANJAN DEKA
 DEVASHIS BARUAH
 MS. MEETA DEY
 TUSHAR KT. RAJKUMAR
 MISS. S. MADHURI NEOG
 MRS. RUNUMI DAS
 MISS. B. MAYA CHHETRI
 MD. MASUD-UR-RAHMAN HAZARIKA
 TAPAN CH. DAS (III)
 SANJAY KR. CHAKRABORTY
 MRS. D. BAISHYA (GOGOI)
 MS. ANJU AHMED
 ROBIN KR. DUTTA.

Received from the executant
satisfied and accepted.

Mr/Ms..... will lead
me/us in the case.

And Accepted

Advocate

Advocate

Advocate

And Accepted

Advocate

And Accepted

Advocate

And accepted
at al 2as.

Advocate.

51

Central Administrative Tribunal
4 CEC 2002

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. NO. 133/02

IN THE MATTER OF :

O.A. NO. 133/2002

Sri Jitu Das-

- VERSUS -

Union of India and others

- AND -

IN THE MATTER OF :

Written statement on behalf of
the State of Assam, Respondent
No. 2 (Represented by the
Commissioner and Secretary to
the Govt. of Assam, Forest
Department) in the above O.A.
No. 133/2002.

(Written Statement on behalf of the State of
Assam, Respondent No.2).

I, Shri S.K. Chouhan, ACS, at present
Deputy Secretary to the Govt. of Assam, Forest
Department, do hereby solemnly affirm and say as
follows :-

1. That I am the Deputy Secretary to the
Govt. of Assam, Forest Department. A copy of the

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Filed by:-
The State of Assam
Respondent No. 2

Mr. N. G. Deka
Mr. N. G. Deka
Advocate
S. C. (Assam) CAT 4/1982

application of the above case have been served upon the respondent No.2 and I have been authorised to file this written statement on behalf of the respondent No.2. I perused the application and understood the contents thereof. I am acquainted with the facts and circumstances of the case. I do not admit any of the allegations/ averments made in the application which are not supported by records. The Statement which are not specifically admitted hereinafter are to be deemed as denied.

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

3. That the statements made in paragraph 4.2 of the application are admitted by the answering respondent.

4. That the statements made in paragraph 4.3 of the application are being matter of records and as such the answering respondent has nothing to make comment on it.

5. That the statements made in paragraph 4.4 of the application are admitted by the answering respondent.

6. That in regard to the statements made in paragraph 4.5 of the application, the answering respondent has nothing to make comment on it as they are being matters of records.

7. That the statements made in paragraph 4.6 and 4.7 of the application are admitted by the answering respondent.

8. That the statements made in paragraph 4.8 of the application are being matters of records and as such the answering respondent has no comment on it.

9. That in regard to the statements made in paragraph 4.9 of the application, the answering respondent begs to state that it is fact that the triennial cadre review was not done at regular intervals. Further, it is stated that there is no cadre strength as Deemed Authorised Cadre strength (DACS). As per provision of Rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Strength and composition of the Cadre shall be determined by the Central Government in consultation with the State Government. Accordingly, the Central Govt. notified the cadre strength from time to time. Promotion of State Forest Service officers to Indian Forest Service is made only on the basis of the Cadre strength notified by the Central Government.

- (4) -

10. That in regard to the statements made in paragraph 10 of the application the answering respondent has nothing to make comment on it.

11. That with regard to the statements made in paragraphs 4.10 A and 4.11 of the application, it is stated that as per provision of Rule 9 of the Indian Forest Service (Recruitment) Rules, 1966, the number of promotion posts shall not exceed 33 1/3 percent of the number of posts as shown under item (Senior duty posts) and item (Central deputation reserve posts) of the cadre. The calculation shown by the applicant under Column DACs does appear to be done as per rules. The Indian Forest Service (Recruitment) Rules, 1966, amended by the Government of India in the year 1997 vide Govt. of India's Notification No. 14015/51/96-AIS(I)-C, dated 31-12-97. As per the said amendment Rules, 1997 the number of promotion posts shall not exceed 33 1/3 percent of the Senior Duty posts, central deputation reserve posts, State deputation reserve posts and the training reserve posts of the cadre with effect from 1st day of January, 1998. But, the applicant in his ~~extant~~ calculation computed the promotion

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posts including the State deputation reserve posts with effect from 1981. Therefore, the computation of promotion quota under DACs by the applicant from 1981 are not according to rule.

A copy of the Govt. of India's Notification dated 31.12.97 is annexed herewith and marked as Annexure-I.

12. That in regard to the statements made in paragraph 4.12 of the application the answering respondent has nothing to make comment on it as they are being matters of records.

13. That with regard to the statements made in paragraphs 4.13 and 4.14 of the application, it is stated that the year of allotment of the applicant was fixed as 1991. Further the representation made by the applicant is under examination.

14. That with regard to the statement made in paragraphs 4.15 and 4.16 of the application, it is stated that as per rules of Indian Forest Service (Appointment by promotion) Regulation, 1966, the applicant became eligible for consideration to I.F.S. in the year 1981, but the appointment depend upon the availability of vacancies in promotion posts with due regard to Seniority. In 1981 there were 11 promotion posts and against these notified

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76

cadre strength, there were 12 officers in position. Hence there was no scope of applicant's promotion to I.F.S. in 1981.

A copy of Govt. of India's Notification No.16016/29/75-AIS (IV-A), dated 6.1.78 and a list of promotion officers are annexed hereto and marked as Annexure II and III respectively.

15. That in regard to the statements made in paragraph 4.17 of the application, it is stated * that these are the provisions of Rules.

16. That in regard to the statements made in paragraphs 4.18 and 4.19 of the application, it is stated that the calculation of promotion posts under DACs by the applicant from 1981 is not according to rule. The amendment rules i.e. the Indian Forest Service (Recruitment) Amendment Rules, 1997 came into force only from 1-1-98. Hence he had no scope for promotion to Indian Forest Service in 1981.

17. That in regard to the statements made in paragraph 4.20 of the application, it is stated that the position of holding the meeting given by the applicant is not correct. Selection Committee Meeting was held as follows :-

1975 - 6 officers were promoted to I.F.S.
- Annexure-IV.

1977 - 7 officers were promoted to I.F.S.
- Annexure-V.

1982 - 8 officers were appointed to I.F.S.
- Annexure-VI.

1991 - No promotion was made due to Court Case.

1993 - No promotion was made due to Court Case.

1994 - 4 officers were promoted to I.F.S.
- Annexure- VII.

1996 - 7 officers were promoted to I.F.S.
- Annexure-VIII.
(including the applicant)

18. That with regard to the statements made in paragraph 4.21 of the application, it is stated that there are definite number of promotion posts for Assam and Meghalaya Segment of the Joint Cadre, State Forest Service Officers of the respective segment are promoted to Indian Forest Service against the vacancies occurred in respective Segment. There is no relation of State Forest Service officers in between two segments in the matter of promotion to Indian Forest Service.

19. That in regard to the statement made in paragraph 4.22 of the application, the answering respondent has nothing to make comment on it.

20. That in regard to the statements made in paragraph 4.23 of the application, the humble deponent/answering respondent reiterate and reaffirmed the statements made in paragraph 14 of this written statement. Further it is stated that the calculation of promotion quota under

DACS by the applicant from 1981 are not according to rule. In 1981 there were 11 promotion posts and against these notified cadre strength, there were 12 officers in position. Hence there is no scope of applicant's promotion to Indian Forest Service in 1981.

21. That in regard to the statements made in paragraph 4.24 of the application, the humble answering respondent begs to State that the holding of Selection Committee Meeting depends upon the availability of vacancy or vacancies. In the year 1981 there was 11 promotion posts as per Govt. of India's Notification No. 16016/29/75-AIS dated 6.1.78. There were 12 men in position in 1981 for being promoted to I.F.S. against the 11 promotion posts, which is shown in Annexure-D to the application.

22. That in regard to the statements made in paragraph 4.25 of the application, the humble answering respondent, begs to state that the applicant's promotion to I.F.S. could not be done due to non-availability of vacancy as stated earlier in paragraph 14 and 20 of this written statement.

23. That with regard to the statements made in paragraphs 4.26 and 4.27 of the application the answering respondent has nothing to make comment on it. He, however does not admit anything which is contrary to records.

24. That the answering respondent respectfully submits that none of the grounds mentioned in the application is valid ground of law.

VERIFICATION

I, Sri S. K. Chouhan, ACS, Deputy Secretary to the Government of Assam, Forest Department, do hereby state that the statements made in paragraphs 1, 2, 3, 5, 7, 9, 10, 13, 14, 15, 16, 18 to 23 are true to my knowledge; those made in paragraphs 4, 6, 8, 11, 12 and 17 are being matters of records of the case are true to my information derived therefrom which I believe to be true and those made in the rests are humble submission before this Tribunal.

I have not suppressed any material fact and I have signed this verification on this the 4th ^{December} November, 2002.

Sushil Kumar Chouhan

Signature

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F.No. 14015/51/96-AIS(I)-C

Government of India

Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi, the 31st December, 1997.

Notification

G.S.R. 731 (E) - In exercise of the powers conferred by section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government after consultation with the State Governments concerned and the Union Public Service Commission hereby makes the following rules further to amend the Indian Forest Service (Recruitment) Rules, 1966, namely:-

1. (1) These rules may be called the Indian Forest Service (Recruitment) Amendment Rules, 1997.
(2) They shall come into force from the date of their publication in the Official Gazette except rule 7, which shall be deemed to have come into force from the 1st day of January, 1994, and rule 9 which shall come into force from the 1st day of January, 1998.
2. In the Indian Forest Service (Recruitment) Rules, 1966, (hereinafter referred to as the principal rules),
 - (i) After sub-rule (a) of rule 2, the following sub-rule shall be inserted.
"(aa) "direct recruit" means a person appointed to the service after recruitment under clause (a) of sub-rule (2) of rule 4."
 - (ii) Clause (ii) of sub-rule (9) of rule 2 shall be omitted.
3. For rule 3 of the Principal rules, the following shall be substituted, namely:-
"3. Constitution of the service.-(1) The Service shall consist of the persons recruited to the Service in accordance with the provisions of these rules."
4. In rule 4 of the principal rules,-
 - (i) Sub-rule (1) shall be omitted.
 - (ii) in sub-rule (2), the words "after the recruitment under sub-rule (1), subsequent" shall be omitted.
 - (iii) sub-clause (aa) of sub-rule(2) shall be omitted.
 - (iv) for sub-rule (3), the following shall be substituted, namely:-
"(3) Subject to the provisions of these rules,
(a) the method or methods of recruitment to be adopted for the purpose of filling up any particular vacancy or vacancies as may be required to be filled during any particular period of

19.2. -

7.12.97
27/12/97

recruitment, shall be determined by the Central Government in consultation with the Commission and the State Government concerned;

61

(b) the number of persons to be recruited by each method shall be determined on each occasion by the Central Government in consultation with the State Government concerned.";

(v) sub-rules (3A) and (5) shall be omitted.

5. In rule 6 of the principal rules,-

(i) in sub-rule(2) the words "and (aa)" shall be omitted.

(ii) for sub-rule (3), the following sub-rule shall be substituted, namely:-

"The initial appointment of persons recruited to the Service under clause (b) of sub-rule (2) of rule 4 shall be in the senior scale of pay.".

6. In sub-rule (1) of rule 6A, the words "or clause (aa)" shall be omitted.

7. In rule 7 of the principal rules,

(i) in sub-rule (3), for the words "Scheduled Castes and Scheduled Tribes", the words "the Scheduled Castes, the Scheduled Tribes and Other Backward Classes" shall be substituted;

(ii) After sub-rule (3) following proviso shall be inserted, namely:-

"Provided that candidates belonging to the Scheduled Castes or the Scheduled Tribes or Other Backward Classes and declared by the Commission to be suitable for appointment to the Service shall be appointed against unreserved vacancies, in case they qualify for appointment to the Service based on their merit without recourse to the benefit of reservation.".

8. Rule 7A of the principal rules shall be deleted.

9. In rule 9 of the principal rules,-

for sub-rules (1) and (3), the following sub-rules shall be substituted, namely:-

"(1) The number of persons recruited under rule 8 in any state or group of states shall not, at any time, exceed 33 1/3 per cent of the number of senior posts under the State Government, central deputation reserve, State deputation reserve and the training reserve in relation to that State or to the group of States, in the Schedule to the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955:

Explanation: For the purpose of calculation of the posts under this sub-rule, fractions, if any, are to be ignored.

(3) Notwithstanding anything contained in this rule, in relation to the State of Jammu and Kashmir, the number of persons recruited under sub-rule (1) shall not upto the 30th April, 2002 exceed at any time, fifty per cent, of the number of senior posts under the State Government, central deputation reserve, State deputation reserve and the training reserve in relation to that State in the Schedule to the Indian Administrative Service (Fixation of CadreStrength) Regulations, 1956."

Explanatory note. - The provisions for reservations, in respect of the Other Backward Classes for recruitment to the service was commenced by the Central Government from the year 1994 onwards and hence it is proposed to give retrospective effect to the provisions of sub-rule (3) of rule 7 from the 1st day of January, 1994. It is certified that by giving retrospective effect to the provisions of sub-rules (3) of rule 7, nobody is being adversely affected.

Sd/-

(ARVIND VARMA)
Secretary to the Government of India
[File No. 14015/51/96-AIS(I)-C]

Foot Note:- The Principal Rules were notified vide Notification No. 02/06/64-AIS(IV) dated 01.09.1966 and amended vide Notification Nos:-

1. 03/02/67-AIS(IV)	dated 15.03.1967
2. 03/08/86-AIS(IV)	dated 08.06.1967
3. 03/08/67-(i)-AIS(IV)	dated 14.06.1968
4. 03/08/67-(i)-AIS(IV)	dated 14.09.1968
5. 03/06/69-AIS(IV)	dated 31.08.1970
6. 03/03/70-(i)-AIS(IV)	dated 01.03.1971
7. 03/15/70-(i)-AIS(IV)	dated 26.04.1971
8. 03/06/71-(i)-AIS(IV)	dated 07.10.1971
9. 03/06/71-(i)-AIS(IV)	dated 19.07.1971
10. 13/04/71-AIS(IV)	dated 11.01.1972
11. 03/04/72-AIS(IV)	Dated 22.09.1973
12. 11027/01/75-AIS(I)-C	Dated 29.03.1976
13. 10012/07/74-AIS(IV)	Dated 13.07.1978
14. 14015/08/89-AIS(I)	Dated 22.02.1989
15. 14015/14/90-AIS(I)	Dated 05.10.1990
16. 14015/01/92-AIS(I)-C	Dated 11.12.1992
17. 14015/20/92-AIS(I)-C	Dated 06.07.1994
18. 14015/02/97-AIS(I)-C	Dated 14.08.1997

R. V. Varma
(R. VARMA)

Deputy Officer

To

The Secretary,
Govt. of India Press,
Mayapuri, Ring Road,
New Delhi.

9.2
1/2/2000

-13-

Appendix - II

63

89

(PUBLISHED IN THE GAZETTE OF INDIA DATED 11th JAN, 1978)

No. 16016/29/75-AIS(IV-A)
Government of India/Gharat Sarkar
Ministry of Home Affairs/Grah Mantrolaya
Department of Personnel & Administrative Reforms
(Karmik aur Prashasnik Sarkar Vibhag)

New Delhi, at the 6th Jan, 1978

NOTIFICATION

G.S.R. 13(E). In exercise of the powers conferred by sub-section (1) of Section 3 of the Indian Services Act, 1951, (61 of 1951) read with rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Government, in consultation with the State Governments concerned, hereby makes the following regulations further to amend the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, namely:-

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

ASSAM AND MEGHALAYA

1. Senior posts under the State Governments.

ASSAM:

Chief Conservator of Forests	1/-
Additional Chief Conservator of Forests	1/-
Conservator of Forests	3. (2+1)
Conservator of Forests, Development	1/-
Conservator of Forests, Economic Circle	1/-
Deputy Conservator of Forests	14 ✓
Deputy Conservator of Forests	14 ✓
Eastern Assam Wild Life Division	1/-
Deputy Conservator of Forests, Assam State Zoo	1/-
Working Plan Officer	2/-
Forests Utilisation Officer	1/-
Planning Officer	2 +
Silviculturist	1/-
	29 ✓

37

Chief Conservator of Forests	1
Director of Soil Conservation	1
Deputy Conservator of Forests	3
Deputy Conservator of Forests, Training	1
Working Plan Officer	1
Planning Officer	1
	8
	37
2. Senior posts under the Central Government @ 20% of 1 above.	7 6 + 1
	41 35 9
3. Posts to be filled by promotion in accordance with rule 8 of the Indian Forest Service (Recruitment) Rules, 1966	14
	11 + 3
4. Posts to be filled by direct recruitment	30
5. Deputation Reserve @ 15% of 4 above	5
6. Leave Reserve @ 11% of 4 above	3
7. Junior Posts @ 20% of 4 above	6
8. Training Reserve @ 10% of 4 above	3
DIRECT RECRUITMENT POSTS	47
PROMOTION POSTS	14
TOTAL AUTHORIZED STRENGTH	61
	37 + 10
	11 + 3
	48 + 13

P.W. K. Chali
(P.W. K. Chali)
DESK OFFICER

LIST OF PROMOTEE OFFICERS IN 1981

<u>Name of officers</u>	<u>Years of allotment</u>
1. Shri R.O.L. Nongbri, IFS	(1969)
2. " S.K. Chetia, IFS	(1969)
3. " K. C. Das, IFS	(1969)
4. " B.N. Kalita, IFS	(1969)
5. " S. Ali, IFS	(1969)
6. " P. N. Lahan, IFS	(1969)
7. " K.K. Gohain, IFS	(1969)
8. " S.I.A. Kazi, IFS	(1969)
9. " K.N. Dev Goswami, IFS	(1969)
10. " C. Thangliana, IFS	(1969)
11. " K.C. Pator, IFS	(1969)
12. " R. C. Goswami, IFS	(1969)

.....

A/S

86

Copy of letter No. 170107/76-AIS(IV) dt. 26-3-76 from
Secretary to the Govt. of India, Department of Personnel, New Delhi
addressed to the Secy. to the Government of Assam, Forest
Department, Gauhati-781006.

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

Sir,

I am directed to refer to your letter No. FRE/2/75/197
dated 2 February, 1976 addressed to the Union Public Service
Commission and copy endorsed to this Department and to say that
the Commission have approved on 4-3-1976 a Select List of the
State Forest Service officers of Assam-Meghalaya Joint cadre
which consists of the following names prepared by the Selection
Committee at its meeting held at Gauhati on 23-12-76 for appoint-
ment to the Indian Forest Service by promotion.

S/Str:

1. R.O.L. Nongbri (ST)
2. S.K. Chetia
3. K.C. Das
4. B.N. Kalita
5. S. Ali
6. P.H. Lohon.

If and when, the State Govt. propose to appoint one or
more of the above officers to the State Cadre of the Indian
Forest Service, the full particulars of the officer(s) in the
proforma prescribed vide Ministry of Home Affairs' letter No. 16/
4/66-AIS(III) dated 19th March, 1966 (coproduced as Government of
India's instructions on para 780-80 of All India Service Manual
Second Edition) together with declaration of intent in the State Forest
Service alongwith recommendation of the State Government may kindly
be sent to this Department.

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

(Copy)

A/7

87

NO. 17013/34/77-AM (IV)
 DEPARTMENT OF FORESTRY
 AND ADMINISTRATION REFORMS
 MINISTRY OF HOME AFFAIRS

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

Dated 22.3.78

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

Sir,

I am directed to refer to State Government's letter No. F.R.E. 15/77/81, dated the 27th Dec., 1977 addressed to the U.P.S.C. and to say that the Commission have approved vide their letter No. F. 10/2/77-AM dated the 4th March, 1978, a Select List of the State Forest Service Officers for promotion to the Joint Indian Forest Service Cadre of Assam-Meghalaya prepared by the Selection Committee at its meeting held at Dispur (Guwahati) on the 25th November, 1977 consisting of the following names:-

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

2. If and when the State Govt. propose to appoint one or more of the above officers to the Assam Meghalaya Joint Cadre of the Indian Forest Service, full particulars of the same in the format prepared by the Ministry of Home Affairs Letter No. 10/2/77-AM (IV) dated the 10th Mar. 1978 (Reproduced as Govt. of India's Instruction on pages 250-60 of All India Services Manual, Second Edition) together with declaration of marital status and written consent for continuation of service in the State Forest Service alongwith the recommendation of the State Govt. may kindly be sent to this Department. A certificate that no deterioration in the work of the officer(s) has taken place since the issue of his/her name(s) in the Select List may also be forwarded.

3. Proposals for creation of separate cadres may also be sent simultaneously to this Department's letter No. 13024/1/76-AM (IV) dated the 24th Feb., 1976.

Yours faithfully,

Sdy. R.L. Narwani
Under Secy. to the Govt. of India.

-1000-

CONFIDENTIAL/IMPERIAL

No. 17013/26/82-AIS(IV)

Government of India

Ministry of Home Affairs

Dept. of Personnel and P.R.

Now Delhi, the 31st Jan '83

The Chief Secretary to the Govt. of Assam,
Dispur, Gauhati.

Sub:- IFS (Appointment) by promotion Regulations 1966 - Assam
Meghalaya Cadre preparation of select list of State Forest
Service Officers for promotion to the Indian Forest Service.

Sir,

I am directed to refer to your letter No. FRE. 98/80/141
dt. 22.12.82 on the above subject, addressed to the Union Public
Service Commission and to say that the Commission have approved vide
their letter No. P. 3/2/82-AIS, dt. 18.1.82 a select list of the State
Forest Service Officers of Assam and Meghalaya for promotion to the
Indian Forest Service Cadre of Assam and Meghalaya prepared by the
Selection Committee at its meeting held at Dispur on 20.12.82 consisting
of the following fourteen names.

1. Sri N.N. Hazarika	8. Sri P. Roy.
2. Sri L.D. Adhikari	9. Sri B. H. Pathak.
3. Sri D.G. Barua	10. Sri C. K. Das.
4. Sri S. Roy Choudhury	11. Sri G. C. Das Choudhury. (M)
5. Sri M. K. Sinha	12. Sri N. Das.
Sri M. C. Dhalbarua	13. Sri S.C. Pathowali.
Sri S. K. Sen.	14. Sri H.N. Bardole 1. x (Retd)

The name of Sri No. 6 (Sri M. C. Dhalbarua) has been included
in the list subject to clearance of enquiries pending or decided to
be instituted against him by the State Government.

If and when the State Govt. propose to appoint one or more
of the above officers to the Assam and Meghalaya Cadre of the Indian
Forest Service, full particulars of the officer(s) in proforma pres-
cribed vide Ministry of Home Affairs Letter No. 16/4/66-AIS(III)
dt. 10.3.66 (reproduced as Govt. of India's second edition) together
with declaration of marital status and written consent for termination
of 110p in the State Forest Service along with the recommendations of the
State Govt. may kindly be sent to this Deptt. A certificate that no
deterioration in the work of the officer has taken place since inclusion
of his name in the Select List may also be forwarded.

Before handing the proposal for promotion the State Govt.
is requested to ensure that there is no stay order of any court, prohib-
iting making of appointment to the Cadre of Indian Forest Service.

Proposals for fixation of seniority of the officers may also
be sent simultaneously (in duplicate) in terms of this Deptt.'s
Letter No. 18014/9/76-AIS(IV) dt. the 31st Feb '76.

Yours faithfully,

Sd/- P. N. Kohli
Under Secy. to the Govt. of India.

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

NOTIFICATION

Dated Dispur, the 29th March/95.

NO. F.R.E. 125/91/239-5 The following notification issued by the Govt. of India, Ministry of Environment & Forests, New-Delhi is re-published for general information.

F.H.O. 17013/02/94-IFS-II dtd. 24.3.95

Govt. of India, Ministry of Environment & Forests; Paryavaran Bhawan, C.G.O. Complex, Lodi Road, New-Delhi -110003.

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 8 of the Indian Forest Service (Appointment by promotion) Regulations, 1966, the President is pleased to appoint with immediate effect the under mentioned FOUR officers of the State Forest Service of Assam to the Indian Forest Service against existing vacancies, and allocate them, to the Joint Cadre of Assam - Meghalaya of the Indian Forest Service under sub-rule (1) of rule 5 of the Indian Forest Service (Cadre) Rules, 1966 :-

<u>S.No.</u>	<u>Name of officer</u>	<u>Date of birth</u>
01.	Shri S.C. Phatowali	01.07.1941.
02.	Shri Tapas Kr. Das	09.04.1950.
03.	Shri S.N. Buragohain	01.05.1950.
04.	Shri J.C. Dey	01.09.1939.

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

Jhingheria
Commissioner & Secretary to the
Govt. of Assam, Forest Department,
Dispur.

Memo No. F.R.E. 125/91/239-5, Dated Dispur, the 29th March/95.

Copy forwarded to :-

- 1) The Accountant General (A&E), Assam, Shillong/Bhangaghat, Guwahati-5.
- 2) The Under Secretary to the Govt. of India, Ministry of Environment & Forests, Paryavaran Bhawan, C.G.O. Complex, Lodi Road, New-Delhi - 110003.

Contd... 2/-

3) The Chief Secretary to the Govt. of Meghalaya, Environment & Forests, Shillong.

4) The Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-8.

5) The Principal Chief Conservator of Forests, Meghalaya, Shillong.

6) The Principal Chief Conservator of Forests, Wildlife, Assam, R.G. Baruah Road, Guwahati-24.

7) The Principal Chief Conservator of Forests, Social Zoology, Dibrugarh, Dibrugarh-24.

8) The Principal Chief Conservator of Forests, Social Zoology, Dibrugarh-248006.

9) The Director, Lai Bahadur Shastri National Academy of Administration, Mussorie.

10) The Conservator of Forests.

11) The Field Director, Project Tiger, Barpeta Road.

12) The Director, Kaziranga National Park, Bokakhat.

13) The Principal, North East Forest Rangers' College, Jalukbari, Guwahati-14.

14) Shri.

15) The Deputy Director, Assam Govt. Press, Bamunimaidan, Guwahati-21 for publication of this Notification.

16) The Officer-On-Special-Duty to the Chief Minister, Assam, Dispur for Favour of information of Chief Minister.

17) The P.S. to the Minister of State for Wildlife and Social Forestry, Assam, Dispur for Favour of information of Minister.

18) Personal File of Officers.

By order etc.,

Subhas Chandra Mitra
Dputy Secy. to the Govt. of Assam, 195
Forest Deptt., Dispur.

Ch

23/3/95

GOVERNMENT OF ASSAM
FOREST DEPARTMENT ::::::: DISPUR.

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 14th February/97.

NU.FRE. 125/91/378 :-- The following Notification issued by the Govt. of India, Ministry of Environment & Forests, New Delhi is re-published for general information.

F.I.D. 17013/02/96-IFS-II, Dt. 12.2.97

Govt. of India, Ministry of Environment & Forests, Paryavaran Bhawan, C.C.B. Complex, Lodhi Road, New Delhi - 110003.

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 8 of Indian Forest Service (Recruitment) Rules, 1966, read with sub-regulation (1) of regulation 9 of the Indian Forest Service (Appointment by promotion) Regulations, 1966, the President is pleased to appoint with immediate effect the undermentioned five officers of the State Forest Service of Assam segment to the Indian Forest Service against existing vacancies and to allocate them to the Assam & Meghalaya Joint Cadre of the Indian Forest Service under sub-rule (1) of rule 5 of the Indian Forest Service (Cadre) Rules, 1966.

<u>Sl.No.</u>	<u>Name of the officer</u>	<u>Date of Birth</u>
	S/Shri	
1.	K. C. Dutta	01-02-1948
2.	S. Dutta	16-03-1952
3.	S. Islam	13-09-1949
4.	D.K. Basumatary	09-04-1953
5.	Jitu Das	01-03-1953

Sd/- A.S.N. Murti
Under Secretary to the Govt. of India

Commissioner & Secy. to the Govt. of Assam,
Forest Department, Dispur.

File No. F.R.E. 125/31/378-A, Dated Dispur, the 14th February/97.
Copy forwarded to :-

1. The Accountant General (A&E), Assam, Shillong/Deltola
Guwahati-28.
2. The Under Secretary to the Govt. of India, Ministry of
Environment & Forests, Parivaran Bhawan, C.G.B. Complex,
Lodhi Road, New Delhi - 110003.
3. The Chief Secretary to the Govt. of Meghalaya, Shillong.
4. The Principal Chief Conservator of Forests, Assam,
Rehabari, Guwahati-8.
5. The Principal Chief Conservator of Forests, Meghalaya,
Shillong.
6. The Chief Conservator of Forests (Territorial), Assam,
Rajgarh Road, Guwahati-3.
7. The Chief Conservator of Forests (Wildlife), Assam,
R.G. Baruah Road, Guwahati-24.
8. The Chief Conservator of Forests, Research, Education
and Working Plan, Assam, Guwahati-24.
9. The Chief Conservator of Forests (Social Forestry), Assam,
Zoo Narengi Road, Guwahati-24.
10. The Director, Indira Gandhi National Forest Academy,
P.O. New Forest, Dehradun - 248006.
11. The Director, Lal Bahadur Shastri National Academy of
Administration, Mussoorie.
12. All Conservator of Forests,
13. The P.S. to the Chief Minister, Assam, Dispur, Guwahati-6
for information of the Hon'ble Chief Minister.
14. The P.S. to the Minister, Govt. of Assam, Dispur, Guwahati-6
for information of the Minister.
15. The P.S. to the Chief Secretary, Assam, Dispur, Guwahati-5
for information of the Chief Secretary.
16. The Deputy Director, Assam Govt. Press, Jamunimaidan,
Guwahati-21 for publication of this Notification in the
next issue of the Assam Gazette.
17. Persons concerned
18. Personal File of the officers.
19. The Joint Secretary to the Govt. of Assam,
Personnel (A) Department, Dispur, Guwahati-6.

By order etc

Joint Secy. to the Govt. of Assam,
Forest Deptt., Dispur