

of 100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal :: Guwahati Bench
Guwahati

ORDER SHEET

APPLICATION NO. 16/2002

Applicant(s) Lela Kanta Parit

Respondent(s) U.O.I. 7000

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

Advocate for Respondent(s) Dr. V. Das, Addl. CASE A.K. Chandhury

Notes of the Registry	Date	Order of the Tribunal
<p>This is application in form C.F. for Rs. 50/- deposited vide IP 76.5488.15 Dated ...21.8.2001.</p> <p>Dy. Registrar <u>PR</u></p> <p>Stkhs not taken <u>Stkhs taken</u> <u>11/2/02</u></p> <p>Notice prepared and sent to DIs for giving the respondent No 1 to 3 by Regd. A.D. <u>10/8/2/02</u></p> <p>D/No <u>444 to 447</u> Dtd <u>12/2/02</u></p> <p>Notice returned in b/o of No 4 due to address is not clear or mark by Postman. <u>15/3/02</u></p> <p>No written statement has been filed. <u>24/3/02</u></p>	<p>25.1.02</p> <p>mb 25.2.02</p> <p>mb 28.3.2002</p> <p>bb</p>	<p>Order of the Tribunal</p> <p>Heard Mr. U.K. Nair, learned counsel for the applicant.</p> <p>The application is admitted. Call for the records.</p> <p>List on 25.2.2002 for order.</p> <p><u>U. K. Nair</u> Member</p> <p><u>V. Das</u> Vice-Chairman</p> <p>List on 28.3.2002 to enable the respondents to file written statement.</p> <p><u>U. K. Nair</u> Member</p> <p><u>V. Das</u> Vice-Chairman</p> <p>Put after service report. List on 2.5.2002.</p> <p><u>U. K. Nair</u> Member</p> <p><u>V. Das</u> Vice-Chairman</p>

No. written statement
has been filed.

O.A. 16 of 2002

2.5.02

Service is completed as per respondents No.1 to 3. Mr. A.K. Choudhury, learned Addl. C.G.S.C. appearing on behalf of the Respondent No.1 and Mr. Barman learned counsel appearing on behalf of the Arunachal Pradesh and he ^{prayed} for time to file written statement. Prayer is allowed. List on 31.5.02 for orders. The applicant may take steps for service of notice.

Member

Vice-Chairman

lm

31.5.02

List on 28.6.2002 to enable the Respondents to file written statement.

Vice-Chairman

mb

28.6.02

On the prayer of Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents the case is adjourned to enable the respondents to file written statement.

List again on 12.8.2002 for orders.

Member

Vice-Chairman

mb

12.8.02

Mr. A.K. Chaudhury, learned Addl. C.G.S.C. for the Respondents prays for time for filing written statement. Prayer is allowed. List again on 10.9.2002 for orders.

Member

mb

Order dtd 21/5/02 communicated
to the Parties Counsel.

6/5/02

No. written statement
has been filed.

30.5.02

5.6.2002

W/S submitted
by the Respondent No. 2.

Respondent No. 4(a) & 4(b)
included in the GA. as per
order dtd 10/6/02 in
MP. 76/02.

Notices prepared
and sent to D. Section
for issuing of the same
to the Respondent No.
4(a) & 4(b) Through Regd.
post with A/P.D. No-1778
to 1779

19.6.02

No. W/S has been
filed.

27.6.02

(3)

3

O.A. 16 of 2002

Notes of the Registry	Date	Order of the Tribunal
	10.9.01	The Union of India as well as the Respondent No.1,3 and 4 are yet to file written statement. Mr.A.K. Choudhury, Addl.C.G.S.C. has prayed for time to file written statement. List on 9.10.02 for filing of written statement and further orders. Vice-Chairman
lm	9.10.02	List again on 20.11.2002 to enable the respondents to file written statement. Member Vice-Chairman
mb	20.11.02	The respondent Nos. 1 and 2 have filed written statement. The other respondents are yet to file written statement though time granted. Since pleadings are complete, post the matter for hearing on 18.12.2002. Member Vice-Chairman
5.11.02 W/S submitted by the Respondent No.1		
mb	18/12/2002	No representation, List on 27/11/2002. A.K. Choudhury 18/12

2

(21)

Notes of the Registry

Date

Order of the Tribunal

27.1.2003

Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr. S.K. Hajra, Administrative Member.

On the prayer of Mr. S.Sarma, learned counsel for the applicant the case is adjourned. List the matter on 6.2.2003 for hearing.

Sum
Member

Vice-Chairman

mb

6.2.2003

On the prayer of both the parties the case is adjourned to 17/2/2003.

ms
A.K. Jy

17.2.03

Heard counsel for the parties.
Hearing concluded. Judgment delivered in open Court, kept in separate sheets.
The application is allowed in terms of the order. No order as to costs.

Member

Vice-Chairman

7.3.2003

Copy of the Judgment has been sent to the Office for issuing the same to the applicant as well as to the add. C.S.C.

pg

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

✓ O.A. / R.A. No. . . 16 . . . of 2002.

17-2-2003.
DATE OF DECISION

Shri Lila Kanta Pait, IFS APPLICANT(S).

Sri S.Sarma ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

Union of India & Ors. RESPONDENT(S).

Sri A.K.Choudhury, Addl. C.G.S.C. ADVOCATE FOR THE
RESPONDENT(S).

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

THE HON'BLE MR S. BISWAS, 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 ?
- } Yes

Judgment delivered by Ho'ble Vice-Chairman

✓

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 16 of 2002.

Date of Order : This the 17th Day of February, 2003.

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

The Hon'ble Mr S. Biswas, Administrative Member.

Shri Lila Kanta Pait, IFS
Conservator of Forests,
Southern Circle, Lunglei,
Dist. Lunglei, Mizoram.

. . . Applicant

By Advocate Sri S.Sarma.

- Versus -

1. Union of India,
represented by the Secretary to the
Government of India,
Ministry of Environment & Forest,
Paryabaran Bhawan,
New Delhi.
2. The State of Arunachal Pradesh,
represented by the Secretary to the
Government of Arunachal Pradesh,
Department of Environment & Forests,
Itanagar.
3. The State of Mizoram,
represented by the Secretary to the
Govt. of Mizoram,
Department of Environment & Forests.
Aizawl.
4. The Joint Cadre Authority,
Arunachal Pradesh, Goa, Mizoram and
Union Territories Joint Cadre,
5. The Chief Secretary,
Govt. of Arunachal Pradesh,
Itanagar,
6. The Chief Secretary,
Govt. of Mizoram,
Aizawl.

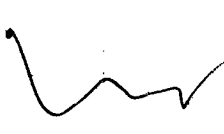
. . . Respondents.

By Sri A.K.Choudhury, Addl.C.G.S.C for
respondent No.1.

O R D E R

CHOWDHURY J.(V.C)

The only issue that requires adjudication in this
O.A. relates to payment of Pay and Allowances on the higher
post on promotion in the following circumstances.



2. The applicant is borne in the Arunachal Pradesh segment of AGMUT cadre of the Indian Forest Service and he was allowed to hold the charge of Conservator of Forests, Central Circle, Pasighat by order dated 1.8.97. By order bearing No.42011/2/97-IFS-I dated 9.3.1998 the respondents authority conveyed the approval of the President to the appointment on promotion of five IFS officers of the AGMUT cadre as Conservator of Forests. The said order also included the name of applicant at serial No.4. By another order even dated 9.3.98 the applicant alongwith five others the authority issued posting and transfer order. By the same order. the applicant was transferred from Arunachal Pradesh unit to Mizoram Unit. By order dated 26.10.99 the Government of Arunachal Pradesh issued release order relieving the applicant to join duties at Mizoram Unit. It may also be mentioned herein that the applicant also represented to the authorities for keeping him posted at Arunachal Pradesh instead of Mizoram. During the pendency of the representation the Government issued the transfer order. The applicant on his promotion represented the authority for issuing pay slip in his favour in the grade of Conservator of Forests in the pay scale of Rs.16400-20000/- with effect from 9.3.98 i.e. the date on which he was promoted to the level of Conservator of Forests. In the representation the applicant pointed out that since he was holding the post of Conservator of Forests with effect from 4.8.97 by virtue of the order of the Government he was entitled for the salary of the Conservator of Forests, the post wherein the applicant was rendering higher duties and responsibilities. Failing to get appropriate remedy from the authority the applicant moved this Tribunal praying

for a direction on the respondents to pay him salary of Conservator of Forest with effect from 4.8.97 on which date he was promoted.

3. The respondents contested the claim of the applicant and contended that applicant was entitled for higher pay and allowances only from the date of assumption of the duty of Conservator of Forests. According to respondents the very transfer and posting order itself indicated that the order of promotion shall be effective from the date of taking over charge by the officer concerned. Since according to respondents the applicant assumed the charge of Conservator of Forests at Mizoram on being released vide order dated 26.10.99 he was paid the higher pay on and from the date of assumption of the charges.

4. The core issue now is as to whether the applicant is entitled for higher pay and allowances on and from 9.3.98 i.e. the date of promotion or from assumption of the duties. Admittedly the applicant was posted to the Central Circle, Pasighat to hold the charge of Conservator of Forests vide order dated 1.8.97. The order made it clear that the applicant was transferred and posted to hold the current charge of Conservator of Forest in the own grade and pay of the applicant was in the scale of Deputy Conservator of Forests. By order dated 9.3.98 the respondents authority conveyed the approval of the President to the appointment on promotion of five officers including that of the applicant to the post of Conservator of Forests. The order no doubt mentioned that the order should take effect from the date of taking charge of the Conservator of Forests in the respective unit by the officer concerned. Mr A.K.Choudhury, learned Addl.

C.G.S.C referring to the order dated 9.3.98 submitted that applicant's entitlement of pay and allowances of the higher post has commenced only from the date of assumption of charge of the post of Conservator of Forests in the respective constituent unit. The applicant's respective constituent unit was mentioned in the order dated 9.3.98 as Mizoram unit in view of his transfer and posting out. Mr Choudhury contended that in terms of FR 17 the applicant was entitled for pay and allowances of the higher post only from the date of assumption of the post. Prior to that he was only discharging current charge of the Conservator of Forests. We find it difficult to accept the aforesaid contention of Mr Choudhury. The applicant was in fact holding the charge of Conservator of Forests and by virtue of the order dated 9.3.98 his appointment on promotion to the IFS as Conservator of Forests was atleast approved with effect from 9.3.98 and on and from 9.3.98 the applicant was holding the post in his own grade as Conservator of Forests. The very posting and transfer order dated 9.3.98 issued by the Ministry of Environment and Forests also shows the applicant as Conservator of Forests, Arunachal Pradesh and was transferred in the same capacity from Arunachal Pradesh to Mizoram unit. FR 17 which was relied upon by Mr Choudhury also supports the view. In terms of FR 17, an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post. The applicant assumed the duties of the post vide order dated 1.8.97 but then in view of the order dated 1.8.97 he was only holding the current charge. On the date when his promotion order approved i.e. 9.3.98 the applicant was already holding the current charge

of Conservator of Forests in the Central Circle, Pasighat. The transfer and posting order dated 9.3.98 as mentioned earlier also shows that the applicant as Conservator of Forest, Arunachal Pradesh shifted to Mizoram unit. The applicant was released by the Government of Arunachal Pradesh only after the order dated 26.10.98 enabling him to join his duty at Mizoram. The applicant cannot be blamed for not releasing him earlier. The release of an officer is the function and responsibility of the State Government, for that applicant cannot be blamed. In the set of circumstances we find it difficult to deny the claim of the applicant for the financial benefit attached to the post of Conservator of Forests with effect from 9.3.98.

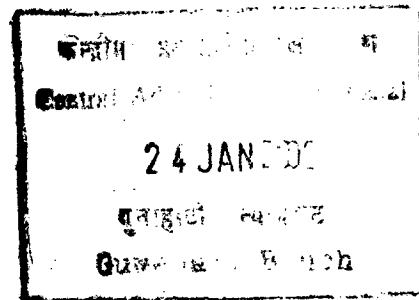
5. On consideration of all the aspects of the matter we accordingly direct the respondents to look into the matter afresh in the light of the observations made above and pass an appropriate order/direction of payment of the pay and allowances in the pay scale of Rs.16400-20000/- as Conservator of Forests with effect from 9.3.98 i.e. from the date of communication of the order of promotion of the applicant.

Subject to the observation made above, the application is allowed. There shall, however, be no order as to costs.

S. Biswas

(S.BISWAS)
ADMINISTRATIVE MEMBER

(D.N.CHOWDHURY)
VICE CHAIRMAN



THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

AT GUWAHATI

G.A. NO. 16 /2002

Shri Lila Kanta Pait

..Applicant

-Versus-

The Union of India & Ors.

.....Respondents

I N D E X

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Filed by:

Alsha Das

Advocate

THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
AT GUWAHATI

O. A. NO. 16 /2001

BETWEEN

Shri Lila Kanta Pait, IFS,
S/o Late P. N. Pait,
Presently Working as Conservator of Forests,
Southern Circle, Lunglei,
District - Lunglei, Mizoram.

APPLICANT

-VERSUS-

1. The Union of India,
represented by the Secretary to the Government of
India, Ministry of Environment & Forest,
Pariyavan Bhawan, New Delhi.
2. The State of Arunachal Pradesh,
represented by the Secretary to the Government of
Arunachal Pradesh, Ministry of Environment &
Forest, Itanagar.
3. The State of Mizoram,
represented by the Secretary to the Govt. of Mizoram,
Department of Environment & Forest, Aizwal.

Contd..P/-

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Filed by
the applicant through
Alsha Das -
Advocate
29/1/02

4. The Joint - Cadre Authority,
Arunachal Pradesh - Goa, Mizoram and
Union Territories, Joint Cadre.

4 (c) The Chief Secretary,
Govt. of Arunachal Pradesh,
Itanagar.

..RESPONDENTS

4 (b) The Chief Secretary,
Govt. of Mizoram,
Aizal.

DETAILS OF APPLICATION

X.Ps here order dtd.
10/6/02 in MP-76/02.

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

This application is not directed against any particular Order but is preferred against the action/inaction on the part of the authorities in denying to the applicant the benefits attached to the post of Conservator of Forests.

2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

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

Contd...P/-

4. FACTS OF THE CASE:

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

4.2 That the applicant who was borne in the Arunachal Segment of the AGMUT Cadre of the Indian Forest Service, was allowed to hold the charge of the post of Conservator of Forests, Central Circle, Pasighat vide issuance of order dated 1.8.97. Thereafter, the applicant was regularly promoted to the cadre of Conservator of Forests vide issuance of order dated 9.3.98. The applicant who was posted in the Arunachal Pradesh Segment of AGMUT Cadre was on his regular promotion as Conservator of Forests posted to the Mizoram Cadre of the said Joint Cadre. Pursuant to his promotion as Conservator of Forests on regular basis, the applicant continued at Arunachal Pradesh and in the month of December, 1999, he on being released the Mizoram Segment of the Cadre. In spite of the fact that the petitioner was regularly without any break to discharging the responsibilities attached to the post of Conservator of Forests in accordance with order dated 1.8.97, he was denied the financial benefits attached to the post, till his joining in the Mizoram segment of the said Joint Cadre. Due to the said deprivation meted out to the applicant he is drawing lesser emoluments in compa-

Contd..P/-

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vision to his batch mates and other juniors. Repeated representations preferred by the applicant having failed to move the authorities, the applicant left with no other alternative has come under the protective hands of your Lordships by way of this application, praying for redressal of his grievances.

4.3 That the applicant who is a promotee IFS Officer with 1983 as his year of Allotment, has throughout his service career discharged the responsibilities entrusted to him to the best of his ability and without blemish to any quarter.

4.4 That while posted as Deputy Conservator of Forests, the applicant who was the senior most DCF was transferred and posted as the Conservator of Forests vide Order dated 01.08.97. The applicant accordingly joined at his transferred post and started to discharge the higher responsibilities attached to the post of Conservator of Forests. The posting of the applicant as Conservator of Forests (i/c) was necessitated due to the sudden demise of the incumbent CF.

A copy of the order dated 1.8.97 is annexed hereto as Annexure - 1.

4.5 That your applicant states that while holding the charge of the post of Conservator of Forests, he was on his selection, promoted as Conservator of Forests and his such promotion was approved by the Govt. of India vide order dated 9.3.98.

4
Contd..P/-

A copy of the order dated 9.3.98 is annexed hereto as Annexure - 2.

4.6 That along with the order issued granting approval to the promotion of the applicant as Conservator of Forests another order dated 9.3.98 was issued effecting transfer and posting of officials at the level of Conservator of Forests, AGMUT Cadre. The applicant was transferred as Conservator of Forests to Mizoram Unit of the said Joint Cadre. Be it stated that along with the applicant 2 other Conservator of Forests borne in the Arunachal Segment of the said Joint Cadre were transferred and posted to the Mizoram Segment.

A copy of the said order dated 9.3.98 is annexed hereto as Annexure - 3.

4.7 That on receipt of the Annexure - 3 order dated 9.3.98, the applicant raised a grievance against his posting to the Mizoram segment of the said Joint Cadre. The authorities concerned assured the applicant that his case would be considered and necessary orders would be issued towards retaining him in the Cadre. The Govt. of Arunachal Pradesh took up the prayer of the applicant for retention in the Arunachal segment of the said Cadre, with the Govt. of India. Be it stated here that along with the applicant Shri M. Namsom one of the other 2 officers transferred and posted to the

Contd..P/-

Mizoram segment of the said joint cadre also raised a grievance against his transfer and posting to the Mizoram segment of the said joint cadre.

4.8 That while the prayer of the applicant for his retention in the Arunachal Pradesh segment of the said Cadre was pending, the authorities allowed the prayer of said N. Namsom and retained him at Arunachal Pradesh. Pending disposal of his representation, the applicant continued to discharge his duties in the Arunachal Segment of the said joint cadre. In spite of the fact that the applicant was discharging higher responsibilities attached to the post of Conservator of Forests since the issuance of the Annexure - 1 order dated 1.8.97, he was denied the financial benefits attached to the said post. The applicant was denied the financial benefits attached to the higher post of Conservator of Forest in spite of fact that his such officiating arrangement was made regular on his promotion vide order dated 9.3.98 (Annexure - 2). It may be mentioned here that the applicant was regularly, without any break, discharging the responsibilities attached to the post of Conservator of Forests.

4.9 That your applicant states that instances are at galore when officials who were appointed as Conservator of Forests on an adhoc basis, prior to their regular promotion, were allowed to draw their pay and other emoluments in the scale of pay prescribed for the post

Contd..P/-

of Conservator of Forests. In this connection mention may be made of the cases of Shri J.L. Singh . IFS and Shri Avinash Kumar , IFS who were appointed as Conservator of Forests on adhoc basis and were allowed to draw their pay and allowances in the scale of pay prescribed for the post of Conservator of Forests. The said officials who were Deputy Conservator of Forests were appointed as Conservator of Forests on adhoc basis vide issuance of orders dated 24.2.93 and 21.1.94. The applicant although similarly situated with those persons were denied the same benefits.

Copies of the said orders dated 24.2.93 and 21.2.94 are annexed hereto and marked as Annexures- 4 & 5 respectively.

4.10 That the applicant being aggrieved by the inaction on the part of the authorities in denying to him the financial benefits flowing pursuant to his promotion as Conservator of Forests, raised a grievance before the Principal Secretary, Environment and Forest, Govt. of Arunachal Pradesh vide his representation dated 7.5.99. The applicant in his said representation drew the attention of the authorities to the fact that he having joined as Conservator of Forests in Arunachal Pradesh which is one of the Constituent Units of the said joint Cadre, he cannot be deprived of the financial benefits attached to the post inasmuch as he was holding the charge of the post of Conservator prior to issuance

Contd..P/-

[6]

of the Order promoting him as Conservator of Forests on regular basis. In view of the said position the applicant had prayed for issuance of pay slip at the level of Conservator of Forests in his favour.

A copy of the representation dated 7.5.99 is annexed hereto as Annexure - 6.

4.11 That immediately upon receipt of the Annexure - 6 representation dated 7.5.99 from the applicant, the P.C.C.F & Principal Secretary (Environment & Forests), Govt. of Arunachal Pradesh vide his letter dated 2.6.99 took up the matter with the Govt. of India. In the letter dated 2.6.99 explaining the circumstances requiring the issuance of the order dated 1.8.97 allowing the applicant to hold the charge of the post of Conservator of Forests, it was requested to consider the prayer of the applicant for grant of his emoluments in the scale of pay prescribed for the post of Conservator of Forests. Be it stated here that in the case of Shri J.L. Singh & Avinash Kumar they were paid their Emoluments in the scale prescribed for the post of Conservator of Forests on their promotion on officiating basis without any prior recommendation/approval from the Govt. of India, but in the case of the applicant a departure was sought to be made.

A copy of the said letter dated 2.6.99 is annexed hereto as Annexure - 7.

Contd..P/-

lp

4.12 That as his representation dated 7.5.99, which was duly forwarded to the Govt. of India vide letter dated 2.6.99 (Annexure - 7) failed to evoke any response, the applicant again vide his representation dated 3.6.99 prayed before the Principal Secretary (E & P) Govt. of Arunachal Pradesh, to grant him the financial benefits attached to the post of Conservator of Forests w.e.f. the date he had taken over charge of the post of Conservator of Forests in pursuance to the order dated 1.8.97 (Annexure - 1). The applicant further prayed that he be promoted as Conservator of Forests w.e.f. the date of taking over of charge of the post of Conservator of Forests, Central Circle, Pasighat and in this connection referred to a precedence available when one of his senior was given the benefits of promotion as Conservator of Forests w.e.f. the date of his assumption of charge of the said post. The said representation was followed by another representation dated 12.8.99. To the best of the knowledge of the applicant, the said representations have also been forwarded to the Govt. of India, by the Govt. of Arunachal Pradesh with request for favourable consideration of the prayers made by the applicant.

Copies of the said representations dated 3.6.99 & 12.8.99 are annexed herewith as Annexures- 8 and 9 respectively.

Contd..P/-

4.13 That your applicant states that, repeated appeals preferred by him praying for grant of due and admissible benefits to him failed to evoke any response from the competent authorities and he continued to suffer. His prayer for retention in the Arunachal Pradesh Segment of the said Cadre also failed to evoke any response, and he was vide order dated 26.10.99 released from Arunachal Pradesh to enable him to report to Govt. of Mizoram in pursuance to the order dated 9.3.98 (Annexure - 3). The applicant on being relieved joined the Mizoram Segment of the said Cadre after availing due joining time. Be it stated here that w.e.f. of the order dated 1.8.97, the applicant, without any break, continued to hold the post of Conservator of Forests.

A copy of the said order dated 26.10.99 is annexed hereto as Annexure - 10.

4.14 That your applicant states that even after joining the Mizoram segment of the said joint cadre, he has been pursuing his grievances with the authorities and the Principal Chief Conservator of Forests & Principal Secretary (Env & Forests), Govt. of Arunachal Pradesh again vide his letter dated 29.3.2000, requested the Govt. of India to communicate its decision as to whether the applicant is to be given the pay scale of the post of Conservator of Forests w.e.f. the date of

Contd..P/-

issuance of the order dated 9.3.98 (Annexure- 2). The Govt. of India despite repeated request is yet to take a decision in the matter and the applicant continues to suffer.

A copy of the said letter dated 29.3.2000 is annexed hereto as Annexure - 11.

4.15 That your applicant states that he has been continuously holding the charge of the post of Conservator of Forests since 4.8.97, but he has been denied the financial benefits attached to the post of Conservator of Forests. In the case of the applicant, inspite of the adhoc appointment as Conservator of Forests being follows, by regular promotion, he has been deprived of the financial benefits available to the post of Conservator of Forests, on the other hand, persons similarly situated (as will be evident from Annexure - 4 & 5) were given the financial benefits attached to the post of Conservator of Forests on their adhoc promotion as such. This action on the part of the authorities demonstrates the discriminatory attitude adopted by them towards the applicant.

4.16 That even assuming that the applicant is not entitled to the financial benefits attached to the post of Conservator of Forests prior to 9.3.98 then also he cannot be deprived of the same w.e.f. 9.3.98 on his

Contd..P/-

regular promotion as Conservator of Forests. The inaction on the part of the authorities in denying to the applicant his due financial benefits, has caused immense financial loss to the applicant. Further because of the said illegality meted out to him, the persons junior to the applicant are drawing their pay and allowances at a higher stage in the scale of pay, prescribed for the post of Conservator of Forests.

4.17 That the order dated 9.3.98 (Annexure - 2) states that the promotion order would take effect from the date of taking charge of the post of Conservator of Forests, the applicant who was already holding the charge of the post of Conservator of Forests, in Arunachal Pradesh which is a Constituent State of the said joint Cadre, is entitled to the financial benefits attached to the post of Conservator of Forests, at least with effect from 9.3.98. The authorities cannot deprive him of his benefits taking the plea of technicalities. Further more when the applicant was released from the Arunachal Pradesh segment on 29.10.99.

4.18 That the inaction on the part of the authorities especially the Govt. of India in not disposing of his representations speaks volumes about the lack of understanding as regards the genuine grievances raised by its officials and for the reason of the same the applicant continues to suffer.

Contd..P/-

4.19 That this application has been preferred bonafide for securing the ends of justice.

5. GROUND'S FOR RELIEF WITH LEGAL PROVISIONS

5.1 For that in any view of the matter the impugned action on the part of the authorities in denying to the applicant his due financial benefits attached to the post of Conservator of Forests, w.e.f. 4.8.97 is arbitrary, illegal and discriminatory.

5.2 For that the applicant having shouldered higher responsibility by discharging duties in the post of Conservator of Forests, he can not be denied the pay scale attached to the said post.

5.3 For that vacancy being available and the applicant having been allowed to take charge of the post of Conservator of Forests in view of his suitability and seniority, there exists no any reason for denying to the applicant regular promotion to the cadre of Conservator of Forests w.e.f. 4.8.97.

5.4 For that similarly situated persons having been given the financial benefit attached to the post of Conservator of Forests during the period of their officiation against the said post, there exists no any earthly reason for denying to the applicant the similar benefits.

Contd..P/-

5.5 For that the applicant is entitled to draw his emoluments in the pay scale prescribed for the post of Conservator of Forests at least from the date of his regular promotion as Conservator Of Forests i.e.w.e.f 9.3.98.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant declares that he has no other alternative and efficacious remedy except by way of filing this application.

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

The applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application; writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

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

Contd..P/-

8.1 To direct the Respondents to allow the applicant to draw his pay and allowances in the pay scale prescribed for the post of Conservator of Forests w.e.f 4.8.97 and thereafter to recalculate his pay and allowances and to pay the applicant the due arrears.

8.2 To grant retrospective effect to the promotion of the applicant as Conservator of Forest i.e to direct his such promotion to be made effective from 4.8.97.

8.3 Cost of the application.

8.4 Any other relief/ reliefs that the applicant may be entitled to.

9. INTERIM ORDER PRAYED FOR:

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

10.....

The application is filed through Advocate.

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

- i) I.P.O. No. : 76548815
- ii) Date : 21. 8.2001
- iii) Payable at : Guwahati

12. LIST OF ENCLOSURES:

As stated in the Index.

Contd..P/-

lp

VERIFICATION

I, Shri Lila Kanta Pait, aged about 48 years, Son of Late P. N. Pait, presently working as Conservator of Forests, Southern Circle, Lunglei, in the district of Lunglei, Mizoram, do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 3, 4.1, 4.2, 4.3, 4.4, 4.7, 4.8, 4.10, 4.11, 4.13, 4.15, 4.16, 4.17, 4.18, 4.19 and 5 to 12 are true to the best of my knowledge, those made in paragraphs 4.5, 4.6, and 4.9 are true to my information derived from records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 16th day of January, 2002 at Guwahati.

Lila Kanta Pait

- 17 -

Annexure-1

GOVT. OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT & FORESTS
ITANAGAR.

O R D E R

In the interest of Public service, the Governor of Arunachal Pradesh is pleased to orders transfer and posting of the following IFS Officers in the Department of Env. & Forests as indicated against each with immediate effect and until further orders.

<u>Name of officer</u>	<u>From</u>	<u>Transferred & posted as</u>
1. Shri L.K.Pait, IFS (AGNUT-83)	DCF (S&P) in PCCF's office, Itanagar:	posted to Central Circle, Pasighat to hold the current charge of CF in his <u>own</u> grade and scale of pay.
2. Dr.N.S.Bisht, IFS-	ICFRE, Dehradun-	DCF attached to PCCF's office, Itanagar.

Sd/-G.P.Shukla
Secretary (Environment & Forests)
Govt. of Arunachal Pradesh
Itanagar.

Memo NO. FOR. 308/EA-2/95/P/39965-21065

Dated Itanagar, the
12th Aug '97.

Copy to:-

- 1) The Secretary to Hon'ble Governor, A.P. Itanagar.
- 2) The P.P.S. to Hon'ble Chief Minister, A.P. Itanagar.
- 3) The P.S. to Hon'ble Minister (E&F), A.P. Itanagar.
- 4) The P.S. to Hon'ble Dy. Minister (E&F), A.P. Itanagar.
- 5) The P.S. to all Ministers/Speaker/Dy. Speaker of A.P. Itanagar/Naharlagun.
- 6) The Dy. Secretary to the Govt. of India, Ministry of Environment & Forests, Deptt. of Env. & Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi.
- 7) The Secretary, ICFRE, Dehradun, New Forests, P.O. 248006
- 8) The P.S. to Chief Secretary, A.P. Itanagar.
- 9) The Commissioner (P&AR), A.P. Itanagar.
- 10) All Dy. Commissioners/Addl. Dy. Commissioners, A.P.
- 11) The Chief Conservator of Forests, Wildlife, Itanagar.
- 12) All Conservator of Forests, A.P.
- 13) The Managing Direct, APFC Ltd, Itanagar for information.
- 14) All Divisional Forest Officers, A.P. Including Dy. Chief Wildlife Warden, Naharlagun.
- 15) The Director of Information & Public Relations, Govt. of A.P. Naharlagun with the request to publish in the official Gazette accordingly.
- 16) The Director of Accounts, Govt. of A.P. Naharlagun.

Contd. P/2.

Attested
u/s
Advocate.

- 17) The Principal, A.P. Forest School, Roing.
- 18) The Ex-officio Director, SFRI, Chimpu.
- 19) The officer, concerned for necessary action.
- 20) All branches of this office.
- 21) Personal file of officer, concerned.
- 22) Ten spare copies.

S.N. Kalita 1/8/97
S.N. Kalita) CCF (P&D)
for Secretary (Envt. & Forests) : : :
Arunachal Pradesh
Itanagar.

Attested
W.D.
Advocate.

I

- 19 -

Annexure-2

(16)

Telegram : PARYAVARAN,
NEW DELHI

दूरभाष :

Telephone :

Telex : (bi-lingual) : W-66185 DOE IN

FAX :

भारत सरकार

पर्यावरण एवं वन मंत्रालय

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT & FORESTS

पर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स

PARYAVARAN BHAVAN, C.G.O. COMPLEX

लोदी रोड, नई दिल्ली-110003

LODHI ROAD, NEW DELHI-110003

No. 42011/2/97-IFS-I
Dated the 9th March, 1998

ORDER

Sub: Appointment on promotion of Indian Forest Service
Officers borne on the AGMUT Cadre of Indian Forest,
Service to posts at the level of Conservator of Forests
(Rs.16,400-450-20,000)

The undersigned is directed to convey the approval of the President to the appointment on promotion of the following Indian Forest Service Officers of the AGMUT Cadre as Conservator of Forests. These orders will take effect from the date of taking charge of the post of Conservator of Forests in respective Constituent Units by the officers concerned.

S.No.	Name	Year of allotment
1.	Alok Saxena	1983
2.	G.N. Sinha	1983
3.	L.R. Thanga	1983
4.	L.K. Pait	1983
5.	M. Namsom	1983

(A.S.N. Murti)

Under Secretary to the Govt. of India

Distribution:

1. The Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.
2. The Chief Secretary, Govt. of National Capital Territory of Delhi.
3. The Chief Secretary, Govt. of Mizoram, Aizawl.
4. The Chief Secretary, Govt. of Goa, Panaji.
5. The Chief Secretary, Pondicherry Administration, Pondicherry

Attested
Advocate.

32

6. The Chief Secretary, Andaman & Nicobar Islands Administration, Port Blair.
7. The Administrator, Govt. of Daman Diu and Dadra and Nagar Haveli Administration, Silvassa -396230.
8. The Principal Chief Conservator of Forests and Secretary Forests, Andaman and Nicobar Islands Administration, Port Blair.
9. The Principal Chief Conservator of Forests and Secretary Forests, Govt. of Arunachal Pradesh, Itanagar.
10. The Conservator of Forests, Govt. of Goa, Panaji.
11. The Principal Chief Conservator of Forests and Secretary Forests, Govt. of Mizoram, Aizawl.
12. The Deputy Accountant General, Andaman and Nicobar Islands Port Blair.
13. The Accountant General, Arunachal Pradesh, Itanagar.
14. The Accountant General, Mizoram, Aizawl.
15. The Forest Secretary, Govt. of Goa, Panaji.
16. The Director, Forest Survey of India, Kaulagarh Road, Dehra Dun-248 195.
17. The Director, Indira Gandhi National Forest Academy, P.O. New Forest, Dehra Dun-248 006.
18. The Director, Lal Bahadur Shastri National Forest Academy of Administration, Mussorie.
19. Officers concerned through their respective Heads of Departments.
20. Personal file of the officers
21. Guard file./ Spare copies-10

S

X

[Handwritten signature]

*Amended
W. S. Son
Advocate.*

- 21 -

Telegram : PARYAVARAN,
NEW DELHI

भाषा :

Telephone :

Telex : (bi-lingual) : W-861185 DOE IN
FAX

भारत सरकार

पर्यावरण एवं वन मंत्रालय

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT & FORESTS

पर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स

PARYAVARAN BHAVAN, C.G.O. COMPLEX

लोदी रोड, नई दिल्ली-110003

LODHI ROAD, NEW DELHI-110003

2011/2/97-118-1
dated 9th March, 1998

ORDER

With the approval of the Competent Authority the following posting/transfers of Indian Forest Service Officers at the level of Conservator of Forests/ Deputy Conservator of Forests in various constituent units of the Arunachal Pradesh - Mizoram and Union Territories Cadre of Indian Forest Service, are hereby ordered with immediate effect and until further orders.

No.	Name & Designation	Constituent Unit From	To
Shri			
	Alok Saxena CF	Dehra Dun (On repatriation from Central deputation	A & N Islands Unit
	G.N. Sinha CF	A & N Islands Unit	Mizoram Unit
	L.K. Pait CF	Arunachal Pradesh	Mizoram Unit ✓
	M. Namsom CF	Arunachal Pradesh	Mizoram Unit
	G.N. Roy DCF	Arunachal Pradesh	Mizoram Unit

1816
22/3/98

(A.S.N. Murti)

Under Secretary to the Govt. of India

Distribution:

The Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.

The Chief Secretary, Govt. of National Capital Territory of Delhi.

... 2/

Accepted
W.S.
Advocate

3. The Chief Secretary, Govt. of Mizoram, Aizawl.
4. The Chief Secretary, Govt. of Goa, Panaji.
5. The Chief Secretary, Pondicherry Administration, Pondicherry
6. The Chief Secretary, Andaman & Nicobar Islands Administration, Port Blair. S
7. The Administrator, Govt. of Daman Diu and Dadra and Nagar Haveli Administration, Silvassa -396230. X
8. The Principal Chief Conservator of Forests and Secretary Forests, Andaman and Nicobar Islands Administration, Port Blair.
9. The Principal Chief Conservator of Forests and Secretary Forests, Govt. of Arunachal Pradesh, Itanagar.
10. The Conservator of Forests, Govt. of Goa, Panaji.
11. The Principal Chief Conservator of Forests and Secretary Forests, Govt. of Mizoram, Aizawl.
12. The Deputy Accountant General, Andaman and Nicobar Islands Port Blair.
13. The Accountant General, Arunachal Pradesh, Itanagar.
14. The Accountant General, Mizoram, Aizawl.
15. The Forest Secretary, Govt. of Goa, Panaji.
16. The Director, Forest Survey of India, Baulagarh Road, Dehra Dun-248 195.
17. The Director, Indira Gandhi National Forest Academy, P.O. New Forest, Dehra Dun-248 006.
18. The Director, Lal Bahadur Shastri National Forest Academy of Administration, Mussorie.
19. Officers concerned through thier respective Heads of Departments.
20. Personal file of the officers
21. Guard file./ Spare copies-10

[Handwritten signature]

[Handwritten notes: 12/11/21, 12/11/21, 12/11/21]

23 - Annexure-4

4 35

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE SECRETARY (FORESTS) ARUNACHAL PRADESH
ITANAGAR-791111

ORDER

The Governor of Arunachal Pradesh is pleased to appoint the following IFS officers to the post of Conservator of Forests in the scale of pay of Rs. 4500-150-5700/- P.M. plus allowances, with effect from 15-1-1993 (FN) in the Arunachal Pradesh Forest Department temporarily for a period of 6 (six) months on adhoc basis.

1. Shri J.L. Singh, IFS (AGMU 1979)-
against the post of Conservator of Forests,
Eastern Circle, Tezu.
2. Shri Avinash Kumar, IFS (AGMU-1979)-
against the post of Conservator of Forests,
Working Plan & Resource Survey Circle,
Itanagar.

The appointment shall be subject to termination earlier on availability of incumbents regularly promoted and posted in by Govt. of India against these vacancies.

The Governor of Arunachal Pradesh is further pleased to allow Shri Avinash Kumar, IFS (AGMU 1979) to hold charge of DCF(HQ) in the office of the undersigned with effect from 15-1-1993(FN) in addition to his duties as Conservator of Forests without any extra remuneration.

(Signature)
(G.P. Shukla) 24/2/93
Secretary(Forests)

Arunachal Pradesh, Itanagar

Memo No. FOR-367/EA/81/P-1/5010 - 5,100

Dated Itanagar
the 24 th Feb/93

Copy to:-

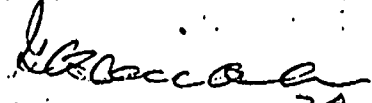
1. The Secretary to Hon'ble Governor,
Arunachal Pradesh, Itanagar.
2. The PPS to Hon'ble Chief Minister,
Arunachal Pradesh, Itanagar.
3. The PS to Hon'ble Minister(Forests)
Arunachal Pradesh, Itanagar.
4. The PS to Hon'ble Dy.Minister(Forests)
Arunachal Pradesh, Itanagar.

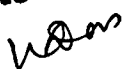
contd...2....

Attested

(Signature)
Admission

5. The Dy. Secretary to the Govt. of India, Ministry of Environment and Forests, Department of Environment & Forests and Wildlife, Paryavaran Bhavan, CGO Complex, Lodi Road, New Delhi. Considering the urgency of appointing suitable officers against the said sanctioned posts for smooth functioning of the departmental organization the above seniormost posts (IFS) officers available in the state have been considered for appointment for a period of 6 (six) months on adhoc basis as local arrangement.
6. The P.S. to Chief Secretary, Arunachal Pradesh, Itanagar.
7. All Dy. Commissioners/Addl. Dy. Commissioners, Arunachal Pradesh
8. The CCF, Wildlife, Vig. etc. Arunachal Pradesh, Itanagar
9. All Conservators of Forests, Arunachal Pradesh.
10. The Managing Director, AP Forest Corporation Ltd. for information.
11. The Director, IPR, Naharlagun.
12. All Divisional Forest Officers, AP Forest Department including Dy. Chief Wildlife Warden, Naharlagun.
13. The Principal, Arunachal Pradesh Forest School, Namsangmukh.
14. The Orchidologist, Naharlagun.
15. The Officers concerned for necessary action.
16. All branches of this office.
17. Personal file of officers concerned.
18. Ten spare copies.


(G.P. Shukla)
Secretary (Forests)
Arunachal Pradesh: Itanagar

Attested

Advocate.

- 25 -

Amurung-5

5 37

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT & FORESTS
ITANAGAR.

O R D E R

The Governor of Arunachal Pradesh is pleased to appoint the following IFS officers to the posts of Conservator of Forests in the pay scale of Rs. 4500-150-5700/- p.m plus other allowances as admissible w.e. from 16.7.93(FN) in the Department of Environment & Forests, Arunachal Pradesh for a further period of 6(six) months on adhoc basis or till regular appointments are made against these posts by the Govt. of India which ever is earlier.

1. Shri J.L. Singh, IFS (AGMU- 1979)
against the post of Conservator of Forests,
Eastern Circle, Tezu.
2. Shri Avinash Kumar, IFS (AGMU-1979)
against the post of Conservator of Forests,
Working Plan & Resources Survey Circle,
Itanagar. (A.P).

sd/-
G.P. SHUKLA
Secretary (Env. & Forests)
Govt. of Arunachal Pradesh
Itanagar.

Memo.No.For. 367/E(A)/81/P-I/1603 - 1683

Dtd. Itanagar,
the 21st Jan/98.

Copy to :-

1. The Secretary to Hon'ble Governor, A.P., Itanagar.
2. The P.P.S to Hon'ble Chief Minister, A.P, Itanagar.
3. The P.S. to Hon'ble Minister (Env. & Forests) ,A.P, Itanagar.
4. The P.S. to Hon'ble Dy. Minister (Env. & Forests) ,
A.P, Itanagar.
5. The Dy. Secretary to the Govt. of India, Ministry of
Environment & Forests, Deptt. of Environment & Forests,
and Wildlife, Paryavaran Bhawan, CGO Complex, Lodi Road,
New Delhi.
6. The P.S. to Chief Secretary, A.P. Itanagar.
7. All Deputy Commissioners/Addl. Deputy Commissioners
Arunachal Pradesh.

Contd.2/-

Attested
Wan
Advocate.

8. The Chief Conservator of Forests, W.L. Wastehands & Vigilance, Itanagar.
9. All Conservator of Forests, A.P.
10. The Managing Director, A.P.F.C. Ltd., Itanagar for information.
11. All Divisional Forest Officers, A.P. including Dy. Chief Wildlife Warden, Naharlagun.
12. The Director of Information & Public Relations Govt. of A.P. Naharlagun with the request to publish in the official Gazette accordingly.
13. The Director of Accounts, Govt. of A.P. Naharlagun.
14. The Principal, A.P.F. School, Roing.
15. The Orchidologist, Chimpu.
16. The officer concerned for necessary action.
17. All branches of this office.
18. Personal file of officers concerned.
19. Ten spare copies.

(RABINDRA KUMAR) 21/1/94 DCF
for Secretary (Environment & Forests)
Govt. of Arunachal Pradesh
Itanagar.

Amr...

Advocate

- 27 -

Annexure - 6
6 9

To
The Principal Secretary,
Environment and Forests,
Govt. of Arunachal Pradesh,
ITANAGAR.

SUB:- PAY SLIP AT THE LEVEL OF CONSERVATOR OF
FORESTS (Rs.16,400-450-20,000).

Sir,

I have the honour to invite your kind attention to the MOEF's order No. 42011/2/97-IFS-I Dated the 9th March '98 vide which I was appointed on promotion as Conservator of Forests from the date of taking charge of the post of Conservator of Forests in constituent unit of AGMUT cadre. Copy of the above order is enclosed for your ready reference.

I have been holding the charge of Conservator of Forests, Central Arunachal Circle, Pasighat with effect from 4th August '97 as per your order No. FOR.308/EA-2/95/-P/30,965-31,065 dated 1st August '97 and hence I did not notify again the assumption of charge.

I was expecting that the Pay Slip at the level of Conservator of Forests (Rs.16,400-450-20,000) will be issued in my favour in due course from your end with effect from the date of my appointment on promotion to the level of C.F. i.e. 09.03.98.

Now, I am surprised to receive your order No. FOR.3/E(A)/97/13,664-793 dtd. 9th April '99 in which you have shown that I will be joining Mizoram as Conservator of Forests on promotion.

It is needless to mention here that I am already promoted as Conservator of Forests w.e.f. 09.03.98 and subsequently I was transferred to Mizoram unit as C.F. Copy of the order is enclosed for your ready reference. Therefore, I do not agree with your order designating me as D.C.F. 1/o Central Arunachal Circle, Pasighat and directing me to join my new appointment as Conservator of Forests under Mizoram Govt. on promotion.

Contd..2.

(L.K.Pait) IFS
Conservator of Forests.

u/san
Advocate

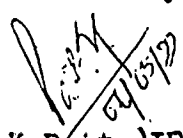
Nowhere in the said order of MOEF, it is mentioned that I am promoted to the level of Conservator of Forests from the date I joined Mizoram unit of AGMUT Cadre. It has only mentioned that the order will take effect from the date of taking charge of the post of Conservator of Forests in the constituent unit.

Arunachal Pradesh is one of the constituent unit of AGMUT cadre and I am deemed to have joined in the constituent unit of Arunachal Pradesh on 09.03.98 as Conservator of Forests as I was already holding the charge of the cadre post prior to issue of the said promotion order.

In view of the above I request your honour to kindly issue Pay Slip at the level of Conservator of Forests in my favour.

Yours faithfully,

Encl: As stated above.


(L.K.Pait) IFS
Conservator of Forests.

cc
Adm
Adm

- 29 -

RE-60

Annexure 7

u1

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT & FORESTS
ITANAGAR.

NO. FOR.102/79/E-A/ 1/195-51

Dtd. Ita. th June/99

To,

Shri R.B.S. Rawat,
Director to the Govt. of India,
Ministry of Environment & Forests,
Paryavaran Bhawan, CGO Complex,
Lodi Road, New-Delhi - 110 003.

Sub:- Appointment on promotion to the post of Conservator of Forests in the pay scale of Rs.16400-430-20000/-

Sir,

This is to inform you that the Ministry vide order No. 43011/2/97-IFS-I dated 9/3/98 has conveyed approval to the appointment of promotion of Shri L.K. Pait, IFS as Conservator of Forests along with others and posted to Mizoram vide order even no. dated 9/3/98. As per order, the effect of promotion as Conservator of Forests will take effect from the date of taking over charge of the post of Conservator of Forests in respective constituent unit by the officer concerned.

In this connection, it may be stated that Shri L.K. Pait, IFS was holding the current charge of Conservator of Forests, Central Arunachal Forest Circle, Pasighat w.e. from- 4/8/97 vide Arunachal Pradesh Govt.'s order No. For. 308/E(A)-2/95/P/39965-31065 dated- 1/8/97. Now he has requested to allow him Conservator of Forest's pay scale of w.e. from 9/3/98 i.e. from the date of issue of the Govt. of India's order dated 9/3/98. In this connection, a copy of the representation of Shri L.K. Pait, IFS forwarded vide No. CAC/39/97/E/2244-46 dated- 7/5/99 which is self explanatory is also enclosed herewith for ready reference. Shri L.K. Pait, IFS, DCF was asked by this State Govt. to hold the charge of the Cadre post of Conservator of Forests, Central Arunachal Forest Circle, Pasighat as three Conservator of Forests available in this unit were on deputation/holding Ex-Cadre post (viz. Shri K.D. Singh, IFS on deputation as Managing Director of Mineral Development and Trading Corporation Limited, Arunachal Pradesh, Itanagar, Shri Avinash Kumar, IFS on deputation as Managing Director, Arunachal Pradesh Forest Corporation Limited, Itanagar and Shri M.L. Doori, IFS holding the ex-cadre post of Director, State Forest Research Institute) by which there were no Conservator of Forests here to hold the two cadre post of Central Arunachal Forest Circle at Pasighat and Southern Arunachal Forest Circle, Deomali at that time.

The Ministry is therefore, requested kindly consider whether Shri L.K. Pait, IFS can be promoted and given pay scale of the post of Conservator of Forests from 9/3/98 in Arunachal Pradesh i.e. from the date of issue of the Govt. of India's notification or from the date of his taking over the charge of the post of Conservator of Forests under Mizoram Government where posted on promotion.

Early decision is solicited.

Encls : As above.

Yours faithfully,

B.A. Mathews
(B.A. Mathews)
Principal Chief Conservator of Forests
& Principal Secy. (Env't.)
Arunachal Pradesh

Attested
uDas
Advocate.

✓ Sri L.K. Pait, IFS, Conservator of Forests,
Central Arunachal Circle, Pasighat for informa.

2. Master copy file.

Attested
W. S.
Advocate.

To

- 31 -

Annexure-8

The Principal Secretary (E&F),
Govt. of Jharkhand Pradesh,
BAGAR-791 111.

SUB:- PAY SLIP AT THE LEVEL OF CONSERVATOR OF FORESTS
(Rs.16,400-20,000/-).

Sir,

Kindly refer to my representation of 06.05.99 forwarded by Conservator of Forests, C.A.C., Pasighat vide No.CAC/39/97/E/-2,244-45 dt. 07.05.99, wherein you were requested to issue Pay Slip at the level of Conservator of Forests (Rs.16,400-20,000/-) with effect from 09.03.98 i.e. the day from which I was promoted to the level of Conservator of Forests vide MOEF's No.42011/2/97-IFS-I dtd. 9th March'98.

I have already informed you in the second para of my said representation that as I was already holding the charge of Conservator of Forests, Central Circle, Pasighat w.e.f. 04.08.97 as per your order No.FOR.308/EA-2/95/P/30,965-31,065 dt. 01.08.97, I did not renotify the assumption of charge.

Due to non-issuance of Pay Slip at the appropriate level in my favour, I am drawing monthly salary at the level of D.C.F. (Selection Grade-Rs.14,300-18,300/-) till date which causing me financial loss for last 15(fifteen) months during these days of hardships.

I should have been paid my due salary as per responsibilities of the post, I am holding from the date of my taking over the charge of Central Circle, Pasighat as per your above order as I was the senior most D.C.F. available on that date and clear vacancy had been created due to sudden demise of Sri B.S.Beniwal, IFS, who were holding the charge of C.F., Central Circle, Pasighat. There are instances in the past also to appoint senior most D.C.F. to hold the charge of the post of C.F. with financial benefit as local arrangement. For copy of such order issued vide No.FOR.367/EA/81/P-1/5010-5100 dt. 24.02.93 & No.FOR.367/E(A)/81/P-1/1603-1683 dtd. 21.01.94 enclosed for your ready reference.

In view of above facts, I have the honour to request your kind honour to take suitable action to issue pay slip at the level of Conservator of Forests from the date of my promotion to the level of C.F. in my favour and also take necessary action to promote me to the level of C.F. from the date of assuming the charge of C.F., Central Circle, Pasighat as was done in case of my seniors as I have shouldered higher responsibilities.

Encl: As above.

Yours faithfully,

Dated Pasighat,
the 3rd June'99.

(I.K.Pait) IFS
Conservator of Forests.

Amended
W.D.

Approved
Date

To

The Principal Secretary,
Deptt. of Environment & Forests,
Govt. of Arunachal Pradesh,
ITANAGAR-791 111.

Sub:- PAY SLIP AT THE LEVEL OF CONSERVATOR OF FORESTS
(RS. 16,400-20,000/- P.M.).

Ref:- 1) My representation dtd. 06.05.99 forwarded by
CF, CAC, Pasighat vide No.CAC/39/97/E/2244-45
dt. 07.06.99 &
ii) Representation dt. 03.06.99 forwarded by CF, CAC
Pasighat Vide No.CAC/39/97/E/2796-97 dt.03.06.99.

Sir,

I have the honour to draw your kind attention to my representations referred above and submit the followings :-

- 1) Ministry of Env. & Forests (MOEF), Govt. of India vide No. 42011/2/97-IFS-I dtd. 09.03.98 promoted me to the Grade of Conservator of Forests from the date of taking over charge of the post of C.F. in respective constituent unit of AGMUT. At that time I was already officiating as CF, Pasighat. Since I was already holding charge of CF of a "CONSTITUENT UNIT" of AGMUT, I stood promoted to the level of C.F. with effect from 09.03.98.
- 2) MOEF, GOI vide separate order No. 42011/2/97-IFS-I dtd. 09.03.98 transferred and posted me to Mizoram "CONSTITUENT UNIT". The order clearly showed my designation as 'CF'. Hence it is obvious that I stood promoted to the level of CF w.e.f. 09.03.98 and MOEF transferred me as CF when issuing that transfer order.
- 3) It seems you have misinterpreted the language of my PROMOTION & TRANSFER ORDER. NOWHERE IN THE SAID ORDER IT IS MENTIONED THAT MY PROMOTION WILL BE EFFECTIVE FROM THE DATE OF MY JOINING MIZORAM CONSTITUENT UNIT OF AGMUT.
- 4) Due to such "WRONG INTERPRETATION" & non-issuance of pay slip at the appropriate level in due time, I am deprived of my due salary (at Rs.16,400-20,000/- scale) though I am shouldering higher responsibility of the post of CF, CAC, Pasighat not only from 9.3.98 but from 4.8.97.

.....2.

Attested
H. S. Son

Advocate.

5.

Your kind attention is also drawn to the 4th para of my representation of 3rd June '99 wherein I requested you to take suitable action to promote me to the level of CF from the date of assumption of CF, CAC, Pasighat i.e. 04.08.97 as was done in case of my senior vide your No. FOR.367/EA/81/P-1/5010-5100 dt. 24.02.93 & No. FOR.367/E(A)/81/P-1/1603-1653 dt. 21.01.94.

May I once again request you in view of the above to kindly issue the following orders :

- 1) Pay Slip at the level of CF (Rs.16,400-20,000/-P.M.) with effect from 09.03.98 as per MOEF, GOI's order No.42011/2/97-IFS-I dt. 09.03.98.
- 2) Necessary action be taken to promote me to the level of CF w.e.f. 04.08.97 as was done vide No. FOR.367/EA/P-1/5010-5100 dt. 24.02.93.

Dated Pasighat,
the 12th Aug '99.

Yours faithfully,

(L.K. Pait) IFS
Conservator of Forests.

Attached
Vas
Advocate.

- 34 -

ANNEXURE- 10 40

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT & FORESTS
ITANAGAR.

C R E M R

The Governor of Arunachal Pradesh is pleased to relieve Shri L.K.Pait, IFS, Dy. Conservator of Forests from Govt. of Arunachal Pradesh from the date he hands over the charge of Central Circle to Shri M. Namsoom, IFS, Conservator of Forests, Western Circle. Shri Pait, is also allowed to avail earned leave for 25 days after handing over the charge of Conservator of Forests, Central Circle, Pasighat.

It is further ordered that Shri L.K.Pait, IFS should hand over the charge of Central Circle before 31/10/99 positively and that in the event of failing to hand over the charge to Shri M. Namsoom before 31/10/99, Shri L.K. Pait, IFS, D.C.F. will be deemed to have been relieved w.e.f. 1/11/99 (FN) from the charge of Central Circle, Pasighat and shall stand released from the Govt. of A.P. to enable him to report to Govt. of Mizoram on his promotion as Conservator of Forests in pursuance to the Govt. of India, Ministry of Environment & Forests, New Delhi's order NO.42011/2/97-IFS-I dt.9/3/99.

Sd/-S.R.Mehta
Principal Secretary (E&F)
Govt. of A.P. Itanagar.

NO.FOR.102/79/E-A/35,555-655 Dt.Itanagar, the 26/10/99.

Copy to:-

- 1) The Secretary to Hon'ble Governor, Itanagar, A.P.
- 2) The Secretary to Hon'ble Chief Minister, Itanagar, A.P.
- 3) The P.S. to Hon'ble Minister (E&F), Itanagar, A.P.
- 4) The P.S. to the Hon'ble Minister for State (E&F), A.P. Itanagar.
- 5) The P.S. to all Ministers/Speaker/Dy. Speaker of Itanagar/ Naharlagun, A.P.
- 6) The Director to the Govt. of India, Ministry of Environment & Forests, Deptt. of Environment & Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi.

P.T.O.

13/11/99
A.P.
4/11/99

- 7) The P.S. to Chief Secretary, Itanagar, Arunachal Pradesh.
- 8) The Chief Secretary, Govt. of Mizoram, Aizwal.
- 9) All Commissioners and Secretaries, Govt. of A.P.
- 10) All Heads of Depts, Itanagar/Naharlagun, A.P.
- 11) All Dy. Commissioners/Acol. Dy. Commissioners, A.P.
- 12) The Principal Chief Conservator of Forests, Govt. of Mizoram, Aizwal.
- 13) The Principal Chief Conservator of Forests, Andaman & Nicobar Islands, Portblair.
- 14) All Chief Conservator of Forests, Itanagar, A.P.
- 15) All Conservator of Forests, Arunachal Pradesh.
- 16) The Managing Director, APFC Ltd, Chimpur, Van-Vihar, Itanagar, A.P.
- 17) The Director, State Forest Research Institute, Chimpur, Van-Vihar, Itanagar, A.P.
- 18) All Divisional Forest Officers, A.P. including Dy. Chief Wildlife Warden, Naharlagun.
- 19) The Principal, A.P. Forest Training School, Roing, A.P.
- 20) The Director of Information and public relations, Naharlagun, A.P. with the request to publish in the official Gazette accordingly.
- 21) The officers concerned for their information & necessary action. The handing & taking over the charge report may please be sent to this office immediately for further action.
- 22) All Branch of this office for information.
- 23) The personal file of officers concerned.
- 24) Master copy file.
- 25) Ten spare copies.

26/11/93
(Rashindra Kumar) DCF (HQ)
for Principal Secretary (Envt. & Forests)
Govt. of Arunachal Pradesh
Itanagar.

....

Attested

W. B. An
Advocate.

ANNEXURE

10.

-174/204

Ref:- Ministry's order No. 43011/2/97-IFS-I dated-
9/3/98 and this office letter No.For.102/79/
EA/149-51 dated- 2/6/99.

Sir,

I am directed to refer to the above mentioned letters on the subject and to request you to communicate the decision of the Ministry whether Shri L.K. Pait, IFS (now Conservator of Forests, Mizoram) can be promoted and given Pay Scale of the post of Conservator of Forest from 2/3/98 in Arunachal Pradesh i.e. from the of Notification of Ministry's order or from the date of his taking over the charge of the post of Conservator of Forests under Mizoram Government where posted on promotion.

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11/14/14

✓ The Principal Chief Conservator of Forests & Secretary
(Environment & Forests), Govt. of Mizoram, Aizawl.

Enli

W.D. ~~Advocate~~

NAME: H. J. HIZDRA
 ID: 3801
 DATE: 12/1/2000
 TIME: 10:00

37
DISTRICT : PAPUMPARE (ARUNACHAL PRADESH)

Filed by the Respondent
Through
H. M. S. S. S. S.
Senior Govt. Advocate
Arunachal Pradesh

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

(GAUHATI BENCH)

O.A. NO. 16/2002

IN THE MATTER OF :-

O.A.No. 16/2002

Sri Lika Kanta Pait

..... APPLICANT

-Versus -

Union of India & Others

..... RESPONDENTS

WRITTEN STATEMENT ON BEHALF OF RESPONDENT NO. 2

(1) That a copy of the Original Application which has been filed before the Central Administrative Tribunal and has been registered as O.A.No. 16/2002. A copy of the same has been served upon to the State of Arunachal Pradesh being Respondent No.2.

(2) That the Respondent has perused the Application and has understood the contents thereof. The deponent has been authorised to verify the written statement and being conversant with the facts and circumstances of the case.

.....2.....

Hibu Dole
30/5/2002

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: 2 :

(3) That all the averments and submissions made in the Original Application (herein after reffered to as 'Application') are denied by the answering Respondent save and ~~except~~ except what has been specifically admitted herein and what appears from the records of the case.

(4) That as regard the statements made in paragraphs 1,2,3 and 4.1 of the application , the deponent states that same are matter of records and the deponent does not admit any thing which are contrary to and inconsistent with the same.

(5) That as regard the statement made in paragraph 4.2 of the Application , the deponent states that due to administrative reason and as a ~~general~~ general procedure, the Applicant while holding the charge of DCF (S& P) in the office of the Principal conservator of Forest and Pricipal Secretary (E & F) was posted to Central circle, Pasighat to hold the current charge of Conservator of Forest in his own grade and scale of pay vide Govt's order issued by No. For.308/EA-2/95/pt/39965-31065 dated 1.8.97. The applicant took over the current charge of the Conservator of Forest, Central Ar, Circle, Pasighat w.e.f.4.8.97(FN) vide memo No. 12-7/CAC/2594-2643 dated 4.8.97 It may be pertinent to say that the applicant on promotion to the post of Conservator of Forest in Indian Forest Service was posted to Mizoram vide Govt. of India, Ministry of Environment & Forests, New Delhi's order No. 42011/2/97-IFS-1 dated 9.3.98 and even No. dated 9.3.98.

Copies of the order dated 1.8.97, Notification dated 4.8.97, Order dated 9.3.98 and order dated 9.3.98 are annexed herewith and marked as Annexure - A, B, C and D respectively.

Hibu Dole
30/5/2002

The deponent ~~xxxxxxx~~ states that it is clearly mentioned in the order of the Govt. of India that promotion shall take effect from the date of assuming of charge of Conservator of Forests by the officer in the State/U.T where he was posted namely Mizoram. Meanwhile, the Govt. of India, Ministry of Environment & Forests was requested by this State Govt. to review the transfer order and allow the Applicant with other officers promoted and transferred to Mizoram to join as CF in Arunachal Pradesh itself on their promotion as Conservator of Forest in regular basis vide this Govt's D.O. letter No. For.308/EA/95/60 dated 11.4.98.

Hibu Dole
30/5/2002

A copy of the order dated 11.4.98 is annexed herewith and marked as Annexure -E.

However, the Govt of India, Ministry of Environment & Forests New Delhi reviewed its decision on posting and transfer of Conservator of Forests level officers and directed the State Govt. to relieve the Applicant alongwith others to report duty in Mizoram Forest Department vide Ministry's telegram No.A.42011/2/97-IFS-I of Dec./98, No.42011/2/97-IFS-I dated 8.7.99 respectively. He was released from the charge of Conservator of Forest, Central Ar.Circle, Pasighat on his posting to Mizoram w.e.f.29.10.99(AN) vide Govt's order No. For.102/79/EA/35555-655 dated 26.10.99 and Notification issued vide No. For 12-7/CAC/4782-4841 dated 29.10.99.

Copies of telegrams dated Dec.98, 16/17.3.99, 8.7.99, Order dated 26.10.99 and Notification dated 29.10.99 are annexed herewith and marked as Annexure- F,G,H,I and J respectively.

.....④.....

The deponent further state that it is not the fact that the Applicant was denied financial benefit attached to the post. In fact the matter was ~~referred~~ referred to the Govt. of India, Ministry of Environment & Forests, New Delhi enclosing the copy of the Applicant's representation to consider whether Sri L.K.Pait, I F S could be promoted and given pay scale of the post of Conservator of Forests from 9.3.98 in Arunachal Pradesh i.e. from the date of issue of Govt of India Notification or from the date of his taking over the charge of the post of Conservator of Forest under Mizoram Govt. where he was posted vide letter No. For.102/79/E-A/149-51 dated 2.6.99.

A copy of the letter dated
2.6.99 is annexed herewith and
marked as Annexure- K.

Hibu Sole
30/5/2002

(6) That as regard the statements made in paragraph 4.3 of the Application the deponent states that same are matter of records and the deponent does not admit anything which are contrary to and inconsistent with the same.

(7) That as regard the statements made in paragraph 4.4 of the Application, the deponent states that same are matter of records and the deponent does not admit any thing which are contrary to and inconsistent with the same and states that due to the Administrative reasons and urgencies the Applicant was transferred and posted to Central Circle, Pasighat to hold the current charge of Conservator of Forests in his own grade and pay scale of Deputy Conservator of Forest vide Govt's order dated 1.8.97 and the Applicant took over the charge of the office of the Conservator of Forests, Central Ar.Circle, Pasighat w.e.f. 4.8.97(FN) vide

Notification dated 4.8.97.

(8) That as regard the statements made in paragraph 4.5. of the Application, the deponent states that same are matter of records and the deponent does not admit any thing which ~~are~~ are contrary to and inconsistent with the same.

(9) That as regard the statement made in paragraph 4.6. of the Application, the deponent states that the Applicant on promotion to the post of Conservator of Forests was posted to Govt. of Mizoram alongwith 2(two) other officers, Sri G.N.Sinha and M. Namchoom who were also promoted as Conservator of Forests and posted to Mizoram vide Govt. of India's order dated 9.3.98.

(10) That as regard the statements made in paragraph 4.7 of the Application, the deponent states that same are matter of records and the deponent does not admit any thing which are contrary to and inconsistent with the same and states that the Govt. of India, Ministry of Environment and Forests was moved by the Govt. of Arunachal Pradesh with request to review the transfer orders and allow Sri L.K.Pait alongwith 3 (three) others who are all promoted and transferred to Mizoram to join as Conservator of Forests in Arunachal Pradesh itself on their promotion as Conservator of Forests on regular ~~xxxx~~ basis vide No. For.308/EA/95/60 dated 11.4.98.

(11) That as regard the statements made in paragraph 4.8. of the Application, the deponent states that the Govt. of India, Ministry of Environment & Forests, New Delhi has considered retention of Sri M.Namchoom, IFS as conservator

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: 6 :

of Forest in Arunachal Pradesh vide order No. 42011/2/97-IFS dated 6.5.00;. The deponent has fully stated in this regard in the paragraph 5 of this written statement.

A copy of the order dated 6.5.99
is annexed as Annexure- L

(12) That as regard the statements made in paragraph 4.9 of the Application, the deponent states that Sri J.L.Singh, IFS and Sri Avinash Kumar, IFS prior to their promotion to the post of Conservator of Forest by the Govt. of India as regular basis, were appointed to the post of Conservator of Forest on Adhoc basis for a period of 6(Six) months in spell w.e.f. 15.1.93 by the Govt. of Arunachal Pradesh vide order No. For.367/EA/81/pt-1/5010-5100 dated 24.2.93. Sri J.L.Singh, IFS and Sri Avinash Kumar, IFS were promoted to the post of Conservator of Forests on regular basis w.e.f. 5-10-93 by the Govt. of India vide order No. 42011/1/93-IFS-I dated 5/7-10/93 and Sri J.L.Singh, IFS on promotion posted to Andaman and Sri Avinash Kumar in Arunachal Pradesh vide order No. 42011/1/93-IFS-I dated 5/7-10/93. Subsequently, Sri J.L.Singh, IFS was allowed to be retained in Arunachal Pradesh by the Govt. of India.

Hibu Dole
30/5/2002

Copies of the orders dated 24.2.99
dated 5/7-10/93 and dated 5/7-10/93
are annexed hereto and marked as
Annexures M, N and O respectively.

(13) That as regard to the statements made in paragraph 4.10 of the Application, the deponent states that the same are matter of records and the deponent does not admit any thing which are contrary to and inconsistent with the same and the deponent has fully stated in this regard in the paragraph 5 of this written statement.

.....7.....

The deponent states that Applicant's representation dated 7.5.99 was forwarded to the Govt. of India, Ministry of Environment and Forests, New Delhi vide letter No. For. 102/79/EA/149-51 dated 2.6.99 for consideration.

(14) That as regard the statements made in paragraph 4.11 of the Application, the deponent states that same are matter of records and the deponent does not admit any thing which are contrary to and inconsistent with the same and in this regard the deponent has fully stated in the paragraph 12 of this written statement.

(15) That as regard the statements ~~xx~~ made in paragraph 4.12 of the Application, the deponent states that the representation dated 7.5.99 of the Applicant was forwarded to the Govt. of India, Ministry of Environment and Forests New Delhi vide letter No. For. 102/79/E-A/149-51 dated 2.6.99 followed with letter No. For. 102/79/E-A/113-14 dated 29.3.2000. The Applicant's representation dated 7.6.99 as referred herein does not appear to have been received.

A copy of the letter dated 29.3.2000
is annexed herewith and marked as
Annexure - P.

(16) That as regard the statements made in paragraphs 4.13 of the Application, the deponent states that same are matter of records and the deponent does not admit any thing which are contrary to and inconsistent with the same and states that in this regard the deponent has fully stated in the paragraph 5 of this written statement.

(17) That as regard the statements made in paragraph 4.14 of the Application, the deponent states that the same are matter of records and the deponent does not admit any thing which are contrary to and inconsistent with

Hibu Dole
30/5/2002

the same and states that the deponent has fully stated in this regard in the paragraph 15 of this written statement.

(18) That as regard the statement made in paragraphs 4.15, 4.16, 4.17, 4.18 and 4.19 of the Application the deponent states that the same are matter of records and the deponent does not admit any thing which are contrary to and inconsistent with the same and states that in this regard the deponent has fully stated in the paragraphs 5 and 12 of this written statement.

(19) That as regard the statements made in paragraphs 5.1, 5.2, 5.3, 5.4 and 5.5 of the Application, the deponent states that same are matter of records and this deponent does not admit any thing which are contrary to and inconsistent with the same and states that the deponent has fully stated in this regard in the paragraphs 5 and 12 of this written statement.

(20) That as regard the statements made in paragraph 6, 7 & 8 of the Application, the deponent states that the Applicant is not entitled to any relief what so ever. The Applicant is not entitled to have financial benefit attached to the ~~post~~ of Conservator of Forests w.e.f. 4.8.97.

(21) That as regard the statements made in paragraph 9 and 10 of the Application, the deponent states that same are matter of records and the deponent does not admit any thing which are contrary to and inconsistent with the same.

(22) That in any view of the facts and circumstances of the case and provisions of rule/ Law, the Applicant is not entitled to any relief as prayed for and the Application is liable to be dismissed.

VERIFICATION

I, Shri Hibu Dole
Son of Late Hibu Yama aged about 45 years
presently residing at Itanagar in the district of Papumpare
Arunachal Pradesh and presently serving as D.F.O. F.V. Division
in the Department of Environment & Forests, Govt. of Arunachal
Pradesh, Itanagar do hereby verify that I have been authorised
to swear this Verification.

The Statements made in paragraphs
are true to my knowledge and
belief, those made in paragraph
being matters of record are true to my information derived
therefrom and the rest are my humble submission before this
Hon'ble Tribunal. I have not suppressed any material
information in this case.

And I sign this verification on this
the 30th day of May 2002 at Guwahati.

Hibu Dole
SIGNATURE 30/5/2002

Hibu Dole
30/5/2002

- 10 - ANNEXURE A 46-B

GOVT. OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT & FORESTS
ITANAGAR.

O R D E R

In the interest of Public service, the Governor of Arunachal Pradesh is pleased to orders transfer and posting of the following IFS Officers in the Department of Env. & Forests as indicated against each with immediate effect and until further orders.

<u>Name of officer</u>	<u>From</u>	<u>Transferred & posted as</u>
1. Shri L.K.Pait, IFS (AGNUT-83)	DCF (S&P) in PCCF's Office, Itanagar.	posted to Central Circle, Pasighat, to hold the current charge of CF in his own grade and scale of pay.
2. Dr.N.S.Bisht, IFS	ICFRE, Dehradun.	DCF attached to PCCF's office, Itanagar.

Sd/-G.P.Shukla
Secretary (Environment & Forests)
Govt. of Arunachal Pradesh
Itanagar.

Memo NO. FOR. 308/EA-2/95/P/39965-21065

Dated Itanagar, the
1st Aug '97.

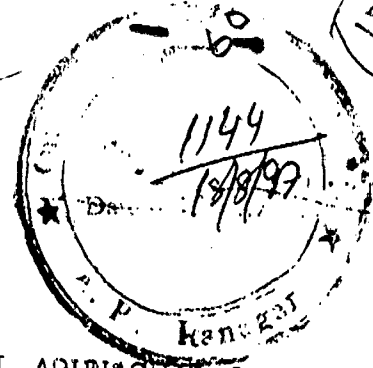
Copy to:-

- 1) The Secretary to Hon'ble Governor, A.P. Itanagar.
- 2) The P.S. to Hon'ble Chief Minister, A.P. Itanagar.
- 3) The P.S. to Hon'ble Minister (E&F), A.P. Itanagar.
- 4) The P.S. to Hon'ble Dy. Minister (E&F), A.P. Itanagar.
- 5) The P.S. to all Ministers/Speaker/Dy. Speaker of A.P. Itanagar/Naharlagun.
- 6) The Dy. Secretary to the Govt. of India, Ministry of Environment & Forests, Deptt. of Env. & Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi.
- 7) The Secretary, ICFRE, Dehradun, New Forests, P.O. 248006
- 8) The P.S. to Chief Secretary, A.P. Itanagar.
- 9) The Commissioner (P&AR), A.P. Itanagar.
- 10) All Dy. Commissioners/Addl. Dy. Commissioners, A.P.
- 11) The Chief Conservator of Forests, Wildlife, Itanagar.
- 12) All Conservator of Forests, A.P.
- 13) The Managing Direct, APFC Ltd, Itanagar for information.
- 14) All Divisional Forest Officers, A.P. Including Dy. Chief Wildlife Warden, Naharlagun.
- 15) The Director of Information & Public Relations, Govt. of A.P. Naharlagun with the request to publish in the official Gazette accordingly.
- 16) The Director of Accounts, Govt. of A.P. Naharlagun.

Contd. P/2.

- 17) The Principal, A.P. Forest School, Roing.
- 18) The Ex-officio Director, SFRI, Chimpur.
- 19) The officer, concerned for necessary action.
- 20) All branches of this office.
- 21) Personal file of officer, concerned.
- 22) Ten spare copies.

S.N. Kalita 1/8/97
(S.N. Kalita) CCF (P&D)
for Secretary (Env't. & Forests) : : :
Arunachal Pradesh
Itanagar.



GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE CONSERVATOR OF FORESTS::CENTRAL ARUNACHAL CIRCLE
PASIGHAT-791102.

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

We, the undersigned do hereby notify to the Treasury Officer, Pasighat and the Branch Manager, State Bank of India, Pasighat that we have on the Forenoon of 4th August'1997 made over and taken over the charge of the Office of the Conservator of Forests, Central Arunachal Circle, Pasighat.

The specimen signature of the Relieving Officer duly attested are enclosed herewith.

(A.K.Shukla)
Dy.Conservator of Forests
Relieved Officer.

(L.K.Pait)
Dy.Conservator of Forests
Relieving Officer.

Memo.No.12-7/CAC/1897-200, Dtd.Pasighat, the 4th August'97.
Copy alongwith signatures of the Relieving Officer duly attested forwarded to :-

- 1) The Treasury Officer, Pasighat East Siang District, A.P.
- 2) The Branch Manager, State Bank of India, Pasighat Branch, East Siang District, A.P.

Copy forwarded to:-

- 1) The Principal Chief Conservator of Forests, Deptt. of Environment & Forests, Government of Arunachal Pradesh, Itanagar alongwith two copies of certificate of transfer of charge for favour of information and necessary action. This refers to his order No.FOR.308/EA-2/95/P/30,985-31,065 dtd. 1.8.97.
- 2) The Accountant General(A/cs, Arunachal Pradesh, Meghalaya etc, Shillong alongwith the copy of certificate of transfer of charge for information and necessary action.
- 3) The Director of Accounts, Govt. of Arunachal Pradesh, Nahar.
- 4) The Chief Conservator of Forests (Wildlife), A.P., Itanagar/The Managing Director, A.P.F.C.Ltd, Itanagar.
- 5) All Conservator of Forests, A.P.
- 6) All Divisional Forest Officers, A.P./All Divisional Managers under A.P.F.C.Ltd.
- 7) The Director, S.F.R.I., P.B.No.159, Van Vihar, Itanagar.
- 8) The Principal A.P.Forest School, Roing.
- 9) Account Section of this office.

(L.K.Pait)
Conservator of Forests
Central Circle::Pasighat

तार :
Telegram : PARYAVARAN,
NEW DELHI

दूरभाष :
Telephone :
Telex : (bi-lingual) : W-66185 DOE IN
FAX :

No.42011/2/97-IFS-I
Dated the 9th March, 1998

भारत सरकार
पर्यावरण एवं वन मंत्रालय
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS
पर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स
PARYAVARAN BHAVAN, C.G.O. COMPLEX
लोदी रोड, नई दिल्ली-110003
LODHI ROAD, NEW DELHI-110003

O R D E R

Sub: Appointment on promotion of Indian Forest Service
Officers borne on the AGMUT Cadre of Indian Forest
Service to posts at the level of Conservator of Forests
(Rs.16,400-450-20,000)

.....

The undersigned is directed to convey the approval of the President to the appointment on promotion of the following Indian Forest Service Officers of the AGMUT Cadre as Conservator of Forests. These orders will take effect from the date of taking charge of the post of Conservator of Forests in respective Constituent Units by the officers concerned.

<u>S.No.</u>	<u>Name</u>	<u>Year of allotment</u>
1.	Alok Saxena	1983
2.	G.N. Sinha	1983
3.	L.R. Thanga	1983
4.	L.K. Paik	1983
5.	M. Namsom	1983

(A.S.N. Murti)

Under Secretary to the Govt. of India

Distribution:

1. The Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.
2. The Chief Secretary, Govt. of National Capital Territory of Delhi.
3. The Chief Secretary, Govt. of Mizoram, Aizawl.
4. The Chief Secretary, Govt. of Goa, Panaji.
5. The Chief Secretary, Pondicherry Administration, Pondicherry

....2/-

Chief Secretary, Andaman & Nicobar Islands
Administration, Port Blair.

7. The Administrator, Govt. of Daman Diu and Dadra and Nagar Haveli Administration, Silvassa -396230.
8. The Principal Chief Conservator of Forests and Secretary Forests, Andaman and Nicobar Islands Administration, Port Blair.
9. The Principal Chief Conservator of Forests and Secretary Forests, Govt. of Arunachal Pradesh, Itanagar.
10. The Conservator of Forests, Govt. of Goa, Panaji.
11. The Principal Chief Conservator of Forests and Secretary Forests, Govt. of Mizoram, Aizawl.
12. The Deputy Accountant General, Andaman and Nicobar Islands Port Blair.
13. The Accountant General, Arunachal Pradesh, Itanagar.
14. The Accountant General, Mizoram, Aizawl.
15. The Forest Secretary, Govt. of Goa, Panaji.
16. The Director, Forest Survey of India, Kaulagarh Road, Dehra Dun-248 195..
17. The Director, Indira Gandhi National Forest Academy, P.O. New Forest, Dehra Dun-248 006.
18. The Director, Lal Bahadur Shastri National Forest Academy of Administration, Mussorie.
19. Officers concerned through their respective Heads of Departments.
20. Personal file of the officers
21. Guard file./ Spare copies-10

[Handwritten signature]

51-15-

ANNEXURE 2

196

तार :

Telegram : PARYAVARAN,
NEW DELHI

दूरभाष :

Telephone :

Telex : (bi lingual) : W 66185 DOE IN

FAX :

भारत सरकार

पर्यावरण एवं वन मंत्रालय

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT & FORESTS

पर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स

PARYAVARAN BHAVAN, C.G.O. COMPLEX

लोदी रोड, नई दिल्ली-110003

LODHI ROAD, NEW DELHI-110003

No. 42011/2/97-IFS-I
Dated 9th March, 1998

ORDER

With the approval of the Competent Authority the following posting/transfers of Indian Forest Service Officers at the level of Conservator of Forests/ Deputy Conservator of Forests in various constituent units of the Arunachal Pradesh - Goa - Mizoram and Union Territories Cadre of Indian Forest Service, are hereby ordered with immediate effect and until further orders.

S.No.	Name & Dessignation	Constituent Unit From	To
S/Shri.			
1.	Alok Saxena CF	Dehra Dun (On repatriation A & N Islands from Central deputation	Unit
2.	G.N. Sinha CF	A & N Islands Unit	Mizoram Unit
3.	L.K. Pait CF	Arunachal Pradesh	Mizoram Unit
4.	M. Namsom CF	Arunachal Pradesh	Mizoram Unit
5.	G.N. Roy DCF	Arunachal Pradesh	Mizoram Unit

(Signature)

(A.S.N. Murti)

Under Secretary to the Govt. of India

Distribution:

1. The Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.
2. The Chief Secretary, Govt. of National Capital Territory of Delhi.

... 2/

3. The Chief Secretary, Govt. of Mizoram, Aizawl.
 4. The Chief Secretary, Govt. of Goa, Panaji.
 5. The Chief Secretary, Pondicherry Administration, Pondicherry
 6. The Chief Secretary, Andaman & Nicobar Islands Administration, Port Blair. S X
 7. The Administrator, Govt. of Daman Diu and Dadra and Nagar Haveli Administration, Silvassa -396230.
 8. The Principal Chief Conservator of Forests and Secretary Forests, Andaman and Nicobar Islands Administration, Port Blair.
 9. The Principal Chief Conservator of Forests and Secretary Forests, Govt. of Arunachal Pradesh, Itanagar.
 10. The Conservator of Forests, Govt. of Goa, Panaji.
 11. The Principal Chief Conservator of Forests and Secretary Forests, Govt. of Mizoram, Aizawl.
 12. The Deputy Accountant General, Andaman and Nicobar Islands Port Blair.
 13. The Accountant General, Arunachal Pradesh, Itanagar.
 14. The Accountant General, Mizoram, Aizawl.
 15. The Forest Secretary, Govt. of Goa, Panaji.
 16. The Director, Forest Survey of India, Kaulagarh Road, Dehra Dun-248 195.
 17. The Director, Indira Gandhi National Forest Academy, P.O. New Forest, Dehra Dun-248 006.
 18. The Director, Lal Bahadur Shastri National Forest Academy of Administration, Mussorrie.
 19. Officers concerned through thier respective Heads of Departments.
 20. Personal file of the officers
 21. Guard file./ Spare copies-10
- [Signature]*

- 17 - 53- 65

ANNEXURE- E

FOR/300/E(A)/95/60

Dated 11.04.98.

Dear Shri Prabhuji,

It is indeed gratifying to note that the country has entrusted the important and sensitive subject of Environment and Forests to a young and dynamic leader in you. I am confident that under your able leadership, the environmental and forestry related issues will receive due priority at the national as well as state levels to ensure sustainable development of the country. I on behalf of the people of Arunachal Pradesh and my own behalf once again convey our best wishes and hope that you will achieve the desired levels of success in all your endeavours.

As you are aware Arunachal Pradesh is a major state in terms of forests. In fact it has the largest forest area in the country after Madhya Pradesh and is endowed with the richest bio-diversity and genetic resources. However, due to lack of financial resources and infrastructural handicaps the state has not been able to bring the entire forest areas under scientific management and protection. This state, therefore, needs your special attention and preferential treatment to enable it to address the forestry related issues. I will look forward to your personal visit to this area for a first hand knowledge of the development potential and about the problems of the state in this respect.

However, I would like to apprise you of an immediate problem that has cropped up due to orders of transfer issued by the Ministry posting some IFS officers of this state to Mizoram. As per those orders

Contd...

- 18 -
54-
66

I am to release as many as 6 (Six) middle level IFS officers all at a time without any substitutes being posted to this State. Of these, one officer namely Shri D.M.Shukla, DCF has been posted in the Ministry another DCF namely Sri G.N.Roy has been posted to Mizoram and 4 (four) officers namely S/Shri T.Millang G.N.Sinha, L.K.Pait, M.Namchoom have been promoted and ~~posted~~ transferred to Mizoram as Conservator of Forests.

In this context I would like to draw your kind attention to the fact that the Arunachal Pradesh unit of AGMUT cadre has 34 senior duty posts. Its central deputation reserve quota is 7 against which we have already deputed 9 (Nine) officers and against the provision of 8 (Eight) posts for state deputation we have deputed 5 (Five) officers. Against the 34 (thirty four) senior duty posts the State has only 26 (twenty six) IFS officers in position including the 6 (Six) officers under orders of transfer. Thus if these six officers are released as per orders issued by Govt. of India, there will be a acute shortage of officers at the level of Conservator of Forests and Dy. Conservator of Forests in the department with only 20 (twenty) officers being left against the cadre strength of 34 (thirty four). S/Shri T.Millang (IFS 82) and L.K.Pait (IFS 83) is promoted as CF are holding current charges of two territorial circles against regular vacancies in the State and Sri G.N.Sinha (IFS 83) and Sri M.Namchoom (IFS 83) who have also been recently promoted as CF are on deputation with APFC Ltd, a State Govt. undertaking as General Managers of the said corporation and these posts are equivalent to CFs and so far manned by IFS officers.

Contd....

- 19 -
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I am also to invite your kind attention to the transfer order of Sri G.N.~~Sinha~~ Roy , IFS who is now holding the post of DCF (Industry in the office of the PCCF and is dealing with the matters related to implementation of Hon'ble Supreme Court of India's orders imposing restrictions on operation and management of Forest resources. Sri Roy is also appointed as Member Secy , State level committee for inventorisation of timber , relocation of industrial estates, fixing of floor- price for the seized timber etc. His release at this ~~time~~ stage will create dislocation in implementation of the Apex Court's order.

I may further point out that Shri G.N.Sinha,GM(T) is appointed as Member Secy. of the core team for implementation with World Bank's assistance to the state and his transfer to Mizoram will be set-back for the proposed project at this stage.

Therefore, in the interest of public service and greater interest of my State , I am to request you to kindly review the above transfer orders and allow sri T. Millang, Sri G.N.Sinha, Sri L.K.Pait and Sri M.Namcoom who are all promoted and transferred to Mizoram to join as Conservator of Forests in Arunachal Pradesh itself on their promotion as Conservator of Forests on regular basis. Sri G.N.Roy, IFS,DCF may also be allowed to continue in Arunachal Pradesh for some more time.

An early action will be highly appreciated.

With best regards and best wishes.,

Yours

To,
Shri Suresh Prabhu,
Hon'ble Union Minister for
Env. & Forests,
Govt. of India,
New Delhi.

(LIJUM RONYA)

DOF (H)

ANNEXURE - F
28
(237)

TELEGRAM

STATE

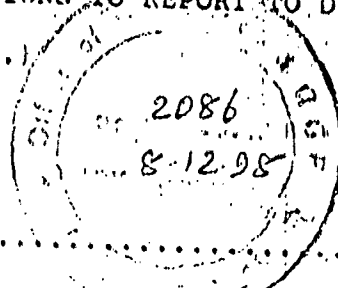
EXPRESS

CHIEF SECRETARY
ARUNACHAL PRADESH
ITANAGAR

5356

No. A.42011/2/97 - IFS I(.) FROM SARVESHWAR JHA JOINT SECRETARY (.) KINDLY REFER MINISTRIES TRANSFER ORDERS NUMBER A - 42011 / 2 / 95 - IFS-I OF SECOND FEBRUARY 1996 AND NUMBER A - 42011 / 2 / 97 - IFS-I OF NINTH MARCH 1998 (.) IT WAS NOTICED THAT IN THE MINISTRIES ORDER NUMBER 42011/2/97 IFS-I OF NINTH MARCH 1998 ORDERING TRANSFER OF SHRI G.N.SINHA IFS TO MIZORAM UNIT AN INADVERTENT ERROR OCCURRED (.) WHILE SHRI G.N. SINHA WAS WORKING IN ARUNACHAL PRADESH HIS POSITION WAS SHOWN AGAINST A&N ISLANDS UNIT (.) COLUMN THREE OF THE SAID ORDER BE CORRECTED TO READ AS ARUNACHAL PRADESH INSTEAD OF A&N ISLANDS UNIT (.)

MINISTRY REVIEWED ITS DECISIONS ON POSTINGS AND TRANSFERS OF CONSERVATOR LEVEL IFS OFFICERS REFERRED TO ABOVE AND DECIDED THAT THE ARUNACHAL PRADESH GOVERNMENT SHOULD IMMEDIATELY RELIEVE SARVASHRI T. MILANG - G.N.SINHA - L.K.PAIT AND M. NAMSOOM ALL CONSERVATOR OF FORESTS FROM THEIR PRESENT DUTIES IN ARUNACHAL PRADESH WITH DIRECTIONS TO REPORT TO DUTY IN MIZORAM FOREST DEPARTMENT FORTHWITH (.)



Sey (E&F)

1/12

(Text of the Telegram continues)

STATE

EXPRESS

TELEGRAM

CHIEF SECRETARY

GOVERNMENT OF ARUNACHAL PRADESH
ITANAGAR

NO.42011/2/97-IFS-1 (.) FROM MIRA MEHRISHI JOINT SECRETARY (.)
KINDLY REFER THIS MINISTRY DECISION ORDERING TRANSFER OF
SARVASHRI GN SINHA LK PAIT AND M NAMSOOM ALL IFS OFFICERS FROM
ARUNACHAL PRADESH TO MIZORAM UNIT VIDE MOEF ORDERS OF EVEN
NUMBER DATED NINTH MARCH 1998 (.) CHARGE RELINQUISHMENT REPORTS
IN RESPECT OF THE ABOVE OFFICERS HAVE YET NOT BEEN RECEIVED IN
THIS MINISTRY (.) KINDLY INDICATE DATES OF RELIEF OF ABOVE
OFFICERS (.) IN THE EVENT ANY OF THESE OFFICERS ARE CONTINUING
IN ARUNACHAL PRADESH DESPITE MINISTIRYS DECISION THEY MAY
IMMEDIATELY BE RELIEVED DIRECTIONS TO REPORT TO DUTY AS
CONSERVATOR OF FORESTS IN FOREST DEPARTMENT OF MIZORAM (.)
COMPETENT AUTHORITY HAS FURTHER DECIDED THAT SERVICES OF ABOVE
OFFICERS SHALL NOT BE AVAILABLE TO THE FOREST DEPARATMENT OF
ARUNACHAL PRADESH BEYOND THIRTYFIRST MARCH 1999 (.) ACCORDINGLY
ACCOUNTANT GENERAL ARUNACHAL PRADESH IS BEING SEPARATELY ADVISED
WITH INSTRUCTIONS TO STOP DISBURSEMENT OF PAY AND ALLOWANCES OF
SARVASHRI GN SINHA LK PAIT AND M NAMSOOM IFS BEYOND THIRTYFIRST
MARCH 1999 (.) KINDLY CONFIRM TELEGRAPHICALLY IMPLEMENTATION OF
CENTRAL GOVERNMENTS DIRECTIONS BY ORDERING RELIEF OF THESE
OFFICERS FROM ARUNACHAL PRADESH UNIT FORTHWITH (.) MATTER MOST
URGENT (.) REGARDS

PARYAVARAN

Not to be telegraphed:
No. 42011/2/97-IFS-1

(A.S.N. Murti)

Under Secretary to the Govt. of India
Ministry of Environment and Forests
CGO Complex, B-Block, Lodi Road,
New Delhi - 110 003

Dated the 16th March, 1999

Copy of the Telegram sent by post in confirmation.

1. The Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.
2. The PCCF & Forest Secretary, Govt., of Arunachal Pradesh, Itanagar.

PCCF & Forest Secretary

22/3/99

24/3

25/3

26/3

27/3

28/3

29/3

30/3

31/3

1/4

2/4

3/4

4/4

5/4

6/4

7/4

8/4

1508

25/3/99

Put up urgently 22/3/99

add.O.

Personal file of L. K. Paul, IFS

- 22 -

ANNEXURE - H

58

70

STATE

EXPRESS

TELEGRAM

CHIEF SECRETARY

GOVERNMENT OF ARUNACHAL PRADESH
ITANAGAR

REPEAT

FOREST SECRETARY AND
PRINCIPAL CHIEF CONSERVATOR OF FORESTS
GOVERNMENT OF ARUNACHAL PRADESH
ITANAGAR.

NO.42011/2/97-IFS-I (.) FROM RBS RAWAT DIRECTOR (.) REFOTEL OF
EVEN NUMBER DATED 17TH MARCH 1999 AND 6TH MAY 1999 REGARDING
TRANSFER OF IFS OFFICERS FROM ARUNACHAL PRADESH TO MIZORAM(.)
RELIEVING ORDER OF SARVASHRI T. MILLANG IFS (AGMUT; 1982) AND
L.K.PAIT IFS (AGMUT :1982) HAVE NOT YET BEEN RECEIVED AT THIS
END(.) KINDLY RELIEVE OFFICERS URGENTLY TO ENABLE THEM TO JOIN
MIZORAM UNIT AS PER ORDER OF EVEN NUMBER DATEL 9TH MARCH 1998
AND NUMBER 22011/1/95-IFS-I DATED 22ND MARCH 1995 IF NOT ALREADY
RELIVED(.) ACCOUNTANT GENERAL ARUNACHAL PRADESH IS BEING
SEPARATELY ADVISED TO STOP DISBURSEMENT OF PAY AND ALLOWANCES OF
SARVASHRI T MILLANG AND L K PAIT FROM ARUNACHAL PRADESH UNIT
FORTHWITH (.) MATTER MOST URGENT (.) REGARDS

PARYAVARAN

Not to be telegraphed:

No. 42011/2/97-IFS-I

Sd /-G.P.Haldar

Under Secretary to the Govt. of India
Ministry of Environment and Forests
CGO Complex, B-Block, Lodi Road,
New Delhi - 110003

Dated the 7th July 1999

8

Copy of the Telegram sent by post in confirmation.

-25- ANNEXURE-I
X1 (9) 16

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT & FORESTS
ITANAGAR.

O R D E R

The Governor of Arunachal Pradesh is pleased to relieve Shri L.K.Pait, IFS, Dy. Conservator of Forests from Govt. of Arunachal Pradesh from the date he hands over the charge of Central Circle to Shri M.Namsom, IFS, Conservator of Forests, Western Circle. Shri Pait, is also allowed to avail earned leave for 25 days after handing over the charge of Conservator of Forests, Central Circle, Pasighat.

It is further ordered that Shri L.K.Pait, should hand over the charge of Central Circle before 31/10/99 positively and that in the event of failing to hand over the charge to Shri M.Namsom before 31/10/99, Shri L.K. Pait, IFS, D.C.F. will be deemed to have been relieved w.e.f. 1/11/99 (FN) from the charge of Central Circle, Pasighat and shall stand released from the Govt. of A.P. to enable him to report to Govt. of Mizoram on his promotion as Conservator of Forests in pursuance to the Govt. of India, Ministry of Environment & Forests, New Delhi's order NO.42011/2/97-IFS-I dt.2/3/99.

Sd/-S.R.Mehta
Principal Secretary (E&F)
Govt. of A.P. Itanagar.

NO. FOR.102/79/E-A/ 35,555-655 Dt. Itanagar, the 26/10/99.

Copy to:-

- 1) The Secretary to Hon'ble Governor, Itanagar, A.P.
- 2) The Secretary to Hon'ble Chief Minister, Itanagar, A.P.
- 3) The P.S. to Hon'ble Minister (E&F), Itanagar, A.P.
- 4) The P.S. to the Hon'ble Minister for State (E&F), A.P. Itanagar.
- 5) The P.S. to all Ministers/Speaker/Dy. Speaker of Itanagar/ Naharlagun, A.P.
- 6) The Director to the Govt. of India, Ministry of Environment & Forests, Deptt. of Environment & Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi.

P.T.O.

-24-60-

72

- 7) The ... to Chief ... Itanagar, Arunachal Pradesh.
- 8) The Chief Secretary, Govt. of Mizoram, Aizwal.
- 9) All Commissioners and Secretaries, Govt. of A.P.
- 10) All Heads of Deptts, Itanagar/Naharlagun, A.P.
- 11) All Dy. Commissioners/Addl. Dy. Commissioners, A.P.
- 12) The Principal Chief Conservator of Forest, Govt. of Mizoram, Aizwal.
- 13) The Principal Chief Conservator of Forests, Andaman & Nicobar Islands, Port Blair.
- 14) All Chief Conservator of Forests, Itanagar, A.P.
- 15) All Conservator of Forests, Arunachal Pradesh.
- 16) The Managing Director, APFC Ltd, Chimpur, Van-Vihar, Itanagar, A.P.
- 17) The Director, State Forest Research Institute, Chimpur, Van-Vihar, Itanagar, A.P.
- 18) All Divisional Forest Officers, A.P. including Dy. Chief Wildlife Warden, Naharlagun.
- 19) The Principal, A.P. Forest Training School, Roing, A.P.
- 20) The Director of Information and Public Relations, Naharlagun, A.P. with the request to publish in the official Gazette accordingly.
- 21) The officers concerned for their information & necessary action. The handing & taking over the charge report may please be sent to this office immediately for further action.
- 22) All Branch of this office for information.
- 23) The personal file of officers concerned.
- 24) Master copy file.
- 25) Ten spare copies.

(Rasindra Kumar) DCF(HQ)
for Principal Secretary (Envt. & Forests)
Govt. of Arunachal Pradesh
Itanagar.

GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE CONSERVATOR OF FORESTS::CENTRAL CIRCLE:::
PASIGHAT- 791 102

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

We, the undersigned do hereby notify to the Treasury Officer, Pasighat and the Branch Manager, State Bank of India, Pasighat that we have on the afternoon of 29th Oct /1999 made over and taken over the charge of the office of the Conservator of Forests, Central Arunachal Circle, Pasighat.

The specimen signature of the Relieving Officer duly attested are enclosed herewith.

(L. Paith)
Conservator of Forests
Relieved Officer

(M. Namsbom)
Conservator of Forests
Relieving Officer

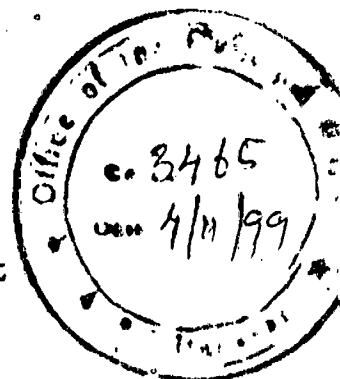
Memo. No. 12-7/CAC/778, 9841 Dtd. Pasighat, the 29th Oct '99.
Copy along with signature of the Relieving Officer duly attested forwarded to :-

- 1) The Treasury Officer, Pasighat, East Siang Distt., A.P.
- 2) The Branch Manager, State Bank of India, Pasighat Branch, East Siang District, A.P.

Copy forwarded to:-

- 1) The Principal Chief Conservator of Forests, Deptt. of Environment & Forests, Arunachal Pradesh, Itanagar along with two copies of Certificate of Transfer of charge for favour of information and necessary action. This refers to his order No. FOR. 102/79/E-A/35,555-655 dtd. 26.10.99.
- The Accountant General(A/Cs) Arunachal Pradesh, Maghalaya etc. Shilling alongwith the copy of certificate of Transfer of charge for information and necessary action.
- 3) The Director of Accounts, Govt. of Arunachal Pradesh, Naharlagun.
- The Chief Conservator of Forests (Wildlife/REV), A.P., Itanagar/The Managing Director, A.P.F.C.Ltd., Itanagar.
- 5) All Conservator of Forests, A.P.
- 6) All Divisional Forest Officers A.P./All Divisional Managers under A.P.F.C.Ltd.
- 7) The Director, B.F.R.I., P.B.No. 159, Van Vihar, Itanagar.
- 8) The Principal, A.P. Forest School, Roing.
- 9) Account Section of this office.

(M. Namsbom)
Conservator of Forests
Central Circle::Pasighat



COVERED BY THE FOLLOWING:

To:

Shri R.B.S. Rawat,
Director to the Govt. of India,
Ministry of Environment & Forests,
Paryavaran Bhawan, CGO Complex,
Lodi Road, New-Delhi - 110 003.

Sub:- Appointment on promotion to the post of Conservator of Forests in the pay scale of Rs.16400-430-20000/-

Sir,

Sir, This is to inform you that the Ministry vide order No. 43011/2/97-IFS-I dated 9/3/98 has conveyed approval to the appointment or promotion of Shri L.R. Pait, IFS as Conservator of Forests along with others and posted to Mizoram vide order even no. dated 9/3/98. As per order, the effect of promotion as Conservator of Forests will take effect from the date of taking over charge of the post of Conservator of Forests in respective constituent unit by the officer concerned.

In this connection, it may be stated that Shri L.K. Pait, IFS was holding the current charge of Conservator of Forests, Central Arunachal Forest Circle, Pasighat w.e. from- 4/8/97 vide Arunachal Pradesh Govt.'s order No. Fer. 308/E(A)-2/95/P/39965-31065 dated- 1/8/97. Now, he has requested to allow him Conservator of Forest's pay scale of w.e. from 9/3/98 i.e. from the date of issue of the Govt. of India's order dated 9/3/98. In this connection, a copy of the representation of Shri L.K. Pait, IFS forwarded vide No. CAC/39/97/E/2244-46 dated- 7/5/99 which is self explanatory is also enclosed herewith for ready reference. Shri L.K. Pait, IFS, ICF was to asked by this State Govt. to hold the charge of the Cadre post of Conservator of Forests, Central Arunachal Forest Circle, Pasighat as three Conservator of Forests available in this unit were on deputation/holding Ex-Cadre post (Viz. Shri K.D. Singh, IFS on deputation as Managing Director of Mineral Development and Trading Corporation Limited, Arunachal Pradesh, Itanagar, Shri Avinash Kumar, IFS on deputation as Managing Director, Arunachal Pradesh Forest Corporation Limited, Itanagar and Shri M.L. Deori, IFS holding the ex-cadre post of Director, State Forest Research Institute) by which there were no Conservator of Forests here to hold the two cadre post of Central Arunachal Forest Circle at Pasighat and Southern Arunachal Forest Circle, Deomali at that time.

The Ministry is therefore, requested kindly consider whether Shri L.K. Pait, IFS can be promoted and given pay scale of the post of Conservator of Forests from 9/3/98 in Arunachal Pradesh i.e. from the date of issue of the Govt. of India's notification or from the date of his taking over the charge of the post of Conservator of Forests under Mizoram Government where posted on promotion.

Early decision is solicited.

Enclo : As above.

Yours faithfully,

(B.A. Mathews)
Principal Chief Conservator
& Principal Secy. (Env
Arundachal Pradesh

- 27 - 63 - 75
(2/11)
L.K. Pait, ICS, Conservator of Forests,
Central Arunachal Circle, Pasighat for information.

2. Shater copy file.

11/15

FAX

Alt

No. 42011/2/97-IFS-I
Government of India
Ministry of Environment and Forests

Paryavaran Bhawan CGO Complex,
Lodi Road New Delhi-110 003

Dated the 6th May, 1999

ORDER

In partial modification of this Ministry's Order of even number dated 04.05.1999, it has been decided to retain S/Shri M. Namsom (IFS 1983) and G.N. Sinha (IFS 1983) Conservator of Forests in Arunachal Pradesh constituent unit of the Arunachal Pradesh - Goa - Mizoram and Union Territories (AGMUT) Joint Cadre.

2. The other contents of the said Order shall remain unchanged.

(R.B.S. KAWATI)
Director

Distribution:

1. The Chief Secretary, Andaman and Nicobar Islands Administration Port Blair.
2. The Chief Secretary, Govt. of Mizoram, Aizawl.
3. The Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.
4. The Chief Secretary, Govt. of Goa, Panaji.
5. The Chief Secretary, Pondicherry Administration, Pondicherry.
6. The Chief Secretary, NCT of Delhi, Delhi.
7. The Administrator, Govt. of Jammu & Kashmir, Srinagar and Ladakh, Leh.
8. The Principal Chief Conservator of Forests and Secretary Forests, Andaman and Nicobar Islands Administration, Port Blair.
9. The Principal Chief Conservator of Forests and Secretary Forests, Govt. of Arunachal Pradesh, Itanagar.
10. The Principal Chief Conservator of Forests and Secretary Forests, Govt. of Mizoram, Aizawl.

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ANNEXURE - M

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GOVERNMENT OF ARUNACHAL PRADESH
OFFICE OF THE SECRETARY (FORESTS) ARUNACHAL PRADESH
ITANAGAR-791111

O R D E R

The Governor of Arunachal Pradesh is pleased to appoint the following IFS officers to the post of Conservator of Forests in the scale of pay of Rs. 4500-150-5700/- P.M. plus allowances with effect from 15-1-1993 (FN) in the Arunachal Pradesh Forest Department temporarily for a period of 6 (six) months on adhoc basis.

1. Shri J.L. Singh, IFS (AGMU 1979)-
against the post of Conservator of Forests,
Eastern Circle, Tezu.
2. Shri Avinash Kumar, IFS (AGMU-1979)-
against the post of Conservator of Forests,
Working Plan & Resources Survey Circle,
Itanagar.

The appointments shall be subject to termination earlier on availability of incumbents regularly promoted and posted in by Govt. of India against these vacancies.

The Governor of Arunachal Pradesh is further pleased to allow Shri Avinash Kumar, IFS (AGMU 1979) to hold charge of DCF(HQ) in the office of the undersigned with effect from 15-1-1993(FN) in addition to his duties as Conservator of Forests without any extra remuneration.

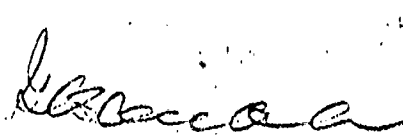
G.P. Shukla
(G.P. Shukla) 24/2/93
Secretary (Forests)
Arunachal Pradesh: Itanagar
Memo No. FOR-367/EA/81/P-1/5010-5100
Dated Itanagar
the 24 th Feb/93

Copy to:-

1. The Secretary to Hon'ble Governor,
Arunachal Pradesh, Itanagar.
2. The PPS to Hon'ble Chief Minister,
Arunachal Pradesh, Itanagar.
3. The PS to Hon'ble Minister (Forests)
Arunachal Pradesh, Itanagar.
4. The PS to Hon'ble Dy. Minister (Forests)
Arunachal Pradesh, Itanagar.

contd...2....

5. The Dy. Secretary to the Govt. of India, Ministry of Environment and Forests, Department of Environment & Forests and Wildlife, Paryavaran Bhavan, CGO Complex, Lodi Road, New Delhi. Considering the urgency of appointing suitable officers against the said sanctioned posts for smooth functioning of the departmental organization the above seniormost DCFs (IFS) ~~officers~~ available in the state have been considered for appointment for a period of 6 (six) months on adhoc basis as local arrangement.
6. The P.S. to Chief Secretary, Arunachal Pradesh, Itanagar.
7. All Dy. Commissioners/Addl. Dy. Commissioners, Arunachal Pradesh
8. The CCF, Wildlife, Vig. etc. Arunachal Pradesh, Itanagar
9. All Conservators of Forests, Arunachal Pradesh.
10. The Managing Director, AP Forest Corporation Ltd. for information.
11. The Director, IPR, Naharlagun.
12. All Divisional Forest Officers, AP Forest Department including Dy. Chief Wildlife Warden, Naharlagun.
13. The Principal, Arunachal Pradesh Forest School, Namsangmukh.
14. The Orchidologist, Naharlagun.
15. The Officers concerned for necessary action.
16. All branches of this office.
17. - Personal file of officers concerned.
18. Ten spare copies.


(G.P. Shukla)
Secretary (Forests)
Arunachal Pradesh: Itanagar

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS

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K

Barayawan Bhawan,
CGO Complex, Lodhi Road,
New Delhi- 110003.

Dt. 5/7th Oct/93.

ORDER

The approval of the president is hereby conveyed to the promotion of the following Indian Forest Service officers borne on the AGMU cadre of the IFS as Conservator of Forests :-

S/Shri

1. H.C. Dhawan	AGMU	1977
2. Chander Nath	AGMU	1978
3. J.E. Singh	AGMU	1979
4. Avinash Kumar	AGMU	1979
5. M.D. Deori	AGMU	1979
6. B.S. Baniwal	AGMU	1979
7. P.K. Sen	AGMU	1979.

The appointment of the above mentioned officers will be effective from the dates on which they assume charge of the posts of Conservators of Forests in Arunachal Pradesh and Andaman & Nicobar Islands Administration, Port Blair.

Sd/- A.K. Goyal,
Dy. Secretary to the Govt. of India.

DISTRIBUTION

1. Chief Secretary, Govt. of A.P. Itanagar.
2. Chief Secretary, Andaman & Nicobar Islands, Administration, Port Blair.
3. The Forest Secretary, Govt. of A.P. Itanagar (5 copies).
4. The Forest Secretary, A & N Islands, Administration, Port Blair (2 copies).
5. The Principal C.C.F. A.P. Itanagar.
6. The Principal C.C.F. Andaman & Nicobar Islands Administration, Port Blair.
7. The Accountant General, Assam-Meghalaya and A.P. etc. Shillong.
8. Dy. Accountant General, Andaman and Nicobar Islands, Port Blair.
9. Officer concerned through P.C.C.F. A.P. & A&N Islands
10. Personal file of the officers.
11. guard file.
12. spare copies.

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GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT & FORESTS
ITANAGAR.

NO. FOR. 72/E(A)/92/33, 89-33, 100

Dtd. Itanagar,
the 7/11 Dec/93.

1. S/Shri J.L. Singh, IFS
2. " Avinash Kumar, IFS
3. " M.L. Deori, IFS
4. " B.S. Baniwal, IFS
5. " P.K. Sen, IFS

Sub:- Promotion / posting orders.

Enclosed please find herewith the copies of the following orders received from the Govt. of India, Ministry of Environment & Forests, New Delhi regarding your promotion to the post of Conservator of Forests & subsequent posting orders for your information & necessary action.

1) Order No. 42011/1/93-IFS-I dt. 5/7-10-93
regarding promotion to the post of
Conservator of Forests.

2) Order No. 42011/1/93-IFS-I dt. 5/7-10-93
Transfer & Posting order

Enclo:- As above.

(R. MODI) DCF(HQ)
for Principal Chief Conservator of Forests
Arunachal Pradesh ::: Itanagar.

Copy to :-

1. The Managing Director, A.P.F.C. Ltd.
Itanagar.
2. The Conservator of Forests, Eastern
Arunachal Circle, Tezu.
3. The Conservator of Forests,
WP & RS Circle, A.F. Itanagar.

along with
the copies of
above orders for
their information.

4. Personal file of officers concerned.

(R. MODI) DCF(HQ)
for Principal Chief Conservator of Forests
Arunachal Pradesh Itanagar.

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Paryavaran Bhawan,
CGO Complex, Lodi Road,
Dtd. the 5/7th Oct/93.

O R D E R

Consequent upon their promotion from Dy. Conservator of Forests to the posts of Conservator of Forests, the transfer/postings of the following Indian Forest Service officers of AGMU cadre are hereby ordered with immediate effect :-

Sl. No.	Name	From	To
1.	" H.C. Dhawan	Andaman & Nicobar	Andaman and Nicobar Islands, Port Blair vice Shri A.K. Wahal who has been selected for Central deputation.
2.	" J.L. Singh	Arunachal Pradesh	Andaman & Nicobar Islands Port Blair.
3.	" Avinash Kumar	Arunachal Pradesh	Arunachal Pradesh.
4.	" M.L. Deori	- do -	- do -
5.	" F.K. Sen	- do -	- do -
6.	" B.S. Beniwal	- do -	- do -

Sd/. A.K. Goyal,
Dy. Secretary to the Govt. of India.

Distribution :-

1. The Chief Secretary, A.P, Itanagar.
2. The Chief Secretary, A & N Islands, Port Blair.
3. The Forest Secretary, Govt. of A.P, Itanagar.
4. The Forest Secretary, A & N Islands, Port Blair.
5. The Principal C.C.F, Govt. of A.P, Itanagar.
6. The Principal C.C.F, A & N Island, Port Blair.
7. The Accountant General, Assam-Meghalaya, A.P, Itanagar.
8. The Dy. Accountant General, A & N Islands, Port Blair.
9. The Officers concerned through Principal C.C.F, A.P & A & N Islands, Port Blair.
10. Personal file of the officers.
11. Guard file.
12. Spare copies- 10.

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- 34 - ANNEXURE D
GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT & FORESTS
ITANAGAR.

NO.FOR.102/79/LA/113/14 Ltd.Ita. 29/3 March/2000

To,

The Director
to the Government of India,
Ministry of Environment & Forests,
Paryavaran Bhawan, CGO Complex,
Lodi Road, New- Delhi - 110 003.

Sub:- Appointment on promotion to the post of CF's
Pay Scale of Rs. 16400-450-20000/- in respect of
Shri L.K. Pait, IFS (now CF, Mizoram).

Ref:- Ministry's order No. 43011/2/97-IFS-I dated-
9/3/98 and this office letter No.FOR.102/79/
LA/149-51 dated- 2/6/99.

Sir,

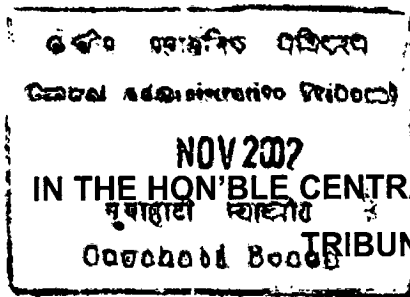
I am directed to refer to the above mentioned letters on the subject and to request you to communicate the decision of the Ministry whether Shri L.K. Pait, IFS (now Conservator of Forests, Mizoram) can be promoted and given Pay Scale of the post of Conservator of Forest from 9/3/98 in Arunachal Pradesh i.e. from the of Notification of Ministry's order or from the date of his taking over the charge of the post of Conservator of Forests under Mizoram Government where posted on promotion.

Yours faithfully,

(K. Napchoom) CCF (A&D)
for Principal Chief Conservator of Forests
& Principal Secretary (Env't. & Forests)
Arunachal Pradesh :: Itanagar.

Copy to :-

1. The Principal Chief Conservator of Forests & Secretary (Environment & Forests), Govt. of Mizoram, Aizwal.
2. Master copy file.



GUWAHATI BENCH

ORIGINAL APPLICATION NO. 16/2002

Shri Lila Kanta Pait

- -

Applicant

Vs.

Union of India & Others

- -

Respondents

S. No.	Description	Page No.
01	Reply to the Original Application	01 to 08

THROUGH

A K Chaudhary
5/11/02

(Anup Kumar Chaudhari)

Addl. Central Government Standing Counsel

Central Administrative Tribunal Guwahati

Filed by:-
A. K. Chaudhary
Addl. Central Govt.
Standing Counsel
5/11/02

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ORIGINAL APPLICATION NO. 16/2002
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Shri Lila Kanta Pait - - Applicant


Vs.

Union of India & Others - - Respondents

Reply on behalf of the Respondent No. 1

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

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


(अशोक कुमार/Ashok Kumar)
अ.उ.स.प.वि. Under Secretary
पर्यावरण एवं वन मंत्रालय
Ministry of Environment & Forests
पर्यावरण भवन, नई दिल्ली
Govt. of India, New Delhi

3. Indian Forest Service (I.F.S.) is one of the three All India Services constituted under the All India Services Act, 1951. The service is organised into cadres, one each for a State or a group of States. With the conferment of statehood on a number of Union Territories in the late eighties, the erstwhile Union Territories Cadre of IFS was reconstituted as the Arunachal Pradesh-Goa-Mizoram-Union Territories (AGMUT) joint Cadre of IFS and notified vide Department of Personnel and Training Notification No. 11031/35/88-AIS(II) B dated the 28th December 1988. With this notification, the UT Cadre of IFS ceased to exist and the last time promotion of State Forest Service (SFS) officers to the UT cadre of IFS was made in 1987. The State of Arunachal Pradesh is a participating unit of the Joint Arunachal Pradesh -Goa-Mizoram-Union Territories (AGMUT) Cadre of IFS. The applicant herein is a promotee IFS officer of Arunachal segment of AGMUT cadre and was appointed to IFS with effect from 12.6.87 and was posted as Deputy Conservator of Forests (DCF) in Arunachal Pradesh.

4.1 The applicant was promoted to the post of Conservator of Forests in the AGMUT cadre vide order No. 42011/2/97-IFS I dated 9.3.98 (Annexure 2 of the O.A.). This order clearly stated that "these orders will take effect from the date of taking charge of the post of Conservator of Forests in respective constituent Units by the officers concerned". It is submitted that by this order it was made clear to the applicant that the promotion to the post of Conservator of Forests will be effective from the date the applicant takes charge of the post of Conservator of Forests in a constituent unit of AGMUT cadre. It is further submitted that on the same date vide order No. 42011/2/97-IFS I, the applicant was posted as Conservator of Forests in Mizoram segment of AGMUT with immediate effect.

(अशोक कुमार/Ashok Kumar)

अवर सचिव, पर्यावरण व वन विभाग

पर्यावरण व वन विभाग

Ministry of Environment & Forests

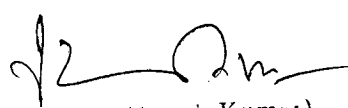
भारत सरकार, नई दिल्ली

Govt. of India, New Delhi

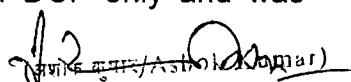
4.2 The applicant instead of joining Mizoram segment of AGMUT cadre remained in Arunachal Pradesh and on account of reasons known to him did not get himself relieved from the Government of Arunachal Pradesh to join his post as Conservator of Forests in Mizoram as per the order of Government of India referred above. Ultimately he was relieved from his posting in Government of Arunachal Pradesh vide Order dated 26th October 1999(Annexure 10 of OA) and he joined Government of Mizoram as Conservator of Forests.

4.3 As the applicant joined as Conservator of Forests in Government of Mizoram on 21st January 2000 his promotion to the post of Conservator of Forests is effective from that date only and he is entitled to the salary of the post of Conservator of Forests with effect from 21st January 2000 when he joined the Govt of Mizoram. As per F.R. 17(1) an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties. It has also been provided under this rule that an officer who is absent from duty without any authority shall not be entitled to any pay and allowances during the period of such absence. In view of this the applicant is entitled to draw the pay and allowances attached to the post of Conservator of Forests with effect from the date he assumed the duties of that post in Government of Mizoram. Having thus submitted the brief background of the case, the answering respondent submits para wise reply to the averments made in the Original Application in the succeeding paragraphs.

4.4 In reply to para 4.1 the answering respondent has no comments.


(अशोक कुमार/Ashok Kumar)
अवर सचिव Under Secretary
पर्यावरण एवं वन मंत्रालय
Ministry of Environment & Forests
नया दिल्ली, नई दिल्ली
Govt. of India, New Delhi

4.5 In reply to para 4.2 it is submitted that the applicant was promoted to the post of Conservator of Forests vide Order No. 42011/2/97-IFS I dated 9.3.98(Annexure 2 of the O.A.). It is further submitted that this order clearly stated that "these orders will take effect from the date of taking charge of the post of Conservator of Forests in respective constituent Units by the officers concerned". It was therefore made clear to the applicant that his promotion to the post of Conservator of Forests will be effective from the date the applicant takes charge of the post of Conservator of Forests in a constituent unit of AGMUT cadre. It is further submitted that on the same date vide order No.42011/2/97-IFS I, the applicant was posted as Conservator of Forests in Mizoram segment of AGMUT with immediate effect. The applicant joined as Conservator of Forests in Mizoram segment on 21st January, 2000 only. In terms of Fundamental Rule 17(1) an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties. In terms of this rule the applicant was entitled to have the pay and allowances attached to the post of Conservator of Forests with effect from 21st January, 2000 when he assumed the duties of that post and not from any earlier date as is being claimed by him. In regard to the averment that he was allowed to hold the charge of the post of Conservator of Forests, Central Circle, Pasighat in Arunachal Pradesh and therefore he should be allowed the financial benefits of that post, it is submitted that the applicant was posted against the post of Conservator of Forests, Central Circle, Pasighat in Arunachal Pradesh by the Government of Arunachal Pradesh vide their Order dated 1st August 1997 (Annexure 1 of the OA) in which it was clearly stated that the applicant is posted to hold the current charge of Conservator of Forests in his own grade and scale of pay. The applicant was at that time in the grade and scale of pay of DCF only and was


 अधीन सचिव (Under Secretary)
 पर्यावरण एवं वन विभाग
 Ministry of Environment & Forests
 Government of India
 Govt. of India, New Delhi

entitled to the pay and allowances attached to the post of DCF only. The reply statement of Government of Arunachal Pradesh (Respondent No. 2) may also be referred to in this regard. The promotion of the applicant to the post of Conservator of Forests was to be effective from the date he assumed charge of the post of Conservator of Forests in Mizoram segment of AGMUT cadre. His contention therefore that he is entitled to financial benefits of the post of Conservator of Forests from a date earlier than that is misconceived and without any basis.

- 4.6 In reply to para 4.3 the answering respondent has no comments as the averments made therein are matter of record.
- 4.7 In reply to para 4.4, it is submitted that the averments made therein relate to Respondent No. 2 and the reply statement of Respondent No. 2 may kindly be referred to in this regard.
- 4.8 In reply to para 4.5 and para 4.6 the answering respondent has no comments as the averments made therein are matter of record.
- 4.9 In reply to para 4.7 and 4.8 it is submitted that the applicant did not join Government of Mizoram as per the order issued by the Government of India and on his own volition decided to remain in Arunachal Pradesh. It is further submitted that this is a case where the applicant remained away from his promotion post for his own reasons, although the post of Conservator of Forests was offered to him. It is for this reason that F.R. 17(1) will be applicable in this case. The assumption of the charge of the post of Conservator of Forests in Mizoram segment by the applicant was delayed at the instance of the applicant himself, and in such circumstances, the applicant cannot lay any claim to pay and allowances of promotion post, which he chose not to join for his own reasons. As regard the contention of the applicant that he was discharging higher responsibilities of the post of

(अशोक कुमार/Asitok Kumar)
 अवर सचिव Under Secretary
 पर्वतारोहण एवं वन विभाग
 Ministry of Land, Mines & Forests
 भारत सरकार, नई दिल्ली
 Govt. of India, New Delhi

Conservator of Forests in Arunachal Pradesh it is submitted that it was a purely local arrangement and the order of the Government of Arunachal Pradesh had clearly mentioned that the applicant has been posted against the post of Conservator of Forests in his own grade and scale of pay which was that of Deputy Conservator of Forests. The averment by the applicant that his officiating appointment to the post of Conservator of Forests was made regular on his promotion to the post of Conservator of Forests by the Government of India is incorrect and is denied. The post of Conservator of Forests in IFS is a Selection Post and the applicant was promoted to this post after his selection by the competent authority vide Notification dated 9.3.1998 and it was to take effect from the date when he joined Mizoram segment of AGMUT cadre.

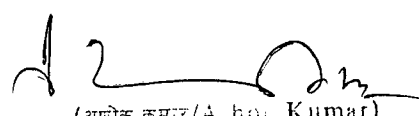
4.10 In reply to para 4.9 it is submitted that the applicant was never appointed to the post of Conservator of Forests on ad-hoc basis and therefore the averments made in this para are not relevant to his case.

4.11 In reply to para 4.10 to 4.19, it is submitted that the applicant is under the wrong impression that since he was posted against the post of Conservator of Forests in Arunachal Pradesh he is entitled to the pay and allowances of the post of Conservator of Forests. As submitted in preceding paragraphs the applicant was posted against the post of Conservator of Forests, Central Circle, Pasighat in Arunachal Pradesh by the Government of Arunachal Pradesh vide their Order dated 1st August 1997 (Annexure 1 of the OA) in which it was clearly stated that the applicant is posted to hold the current charge of Conservator of Forests in his own grade and scale of pay which was that of DCF. Promotion to the post of Conservator of Forests is by way of selection and when the applicant was selected for appointment to the post of Conservator of Forests by the competent authority he was specifically advised to join Mizoram segment of AGMUT Cadre. He chose to remain in

(अशोक कुमार/Ashok Kumar)
अवर सचिव Under Secretary
पर्यावरण एवं वन मंत्रालय
Ministry of Environment & Forests
असत बस्ती, नई दिल्ली
Govt. of India, New Delhi

Arunachal Pradesh for his own reasons and without any authority of Government order in this regard. Since he assumed the charge of the promoted post on 21st January, 2000 only, he is entitled to pay and allowances of the promoted post from that date only. It is submitted that this is a case where the officer remained away from work for his own reasons, although the work was offered to him. It is also submitted that if officers disregard Government orders for personal reasons, and join duties in higher post at a later date they are not to be entitled to pay and allowances of higher post for the intervening period as this will undermine discipline in the administration and jeopardise public interests.

5. In reply to averments made in Para 5, it is denied that any action on the part of the answering respondent in this case is arbitrary, illegal or discriminatory. It is submitted that the position as brought out in the preceding paragraphs is that the Applicant was appointed on promotion to the post of Conservator of Forests in the AGMUT cadre of Indian Forest Service and was advised to assume charge of the post of Conservator of Forests in Mizoram segment of AGMUT. In the order of his promotion to the post of Conservator of Forests it was explicitly stated that the orders of promotion will take effect from the date of taking charge of the post of Conservator of Forests in respective Constituent Units by the officers concerned. The applicant chose to join the promoted post of Conservator of Forests in Mizoram segment on 21st January 2000 only. Since the delay in joining the post of Conservator of Forests in Mizoram by the applicant was on his own reasons, he can not claim financial benefits of the post which he did not join during the intervening period. He is not entitled to pay and allowances of promoted post from a date earlier than the date when he assumed the charge of the promotion post. His claim is therefore misconceived and without any merit.


 (अशोक कुमार/Ashok Kumar)
 अवर सचिव Under Secretary
 पर्यावरण एवं वन मंत्रालय
 Ministry of Environment & Forests
 भारत सरकार, नई दिल्ली
 Govt. of India, New Delhi

PRAYER

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



(अशोक कुमार/Ashok Kumar)
अवर सचिव/Under Secretary
पर्यावरण एवं वन मंत्रालय

Ministry of Environment & Forests
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

VERIFICATION

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

Verified at New Delhi on this 30th day of Sept 2002.



(अशोक कुमार/Ashok Kumar)
अवर सचिव/Under Secretary
पर्यावरण एवं वन मंत्रालय
Ministry of Environment & Forests
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi