

(DESTRUCTION OF RECORD RULES, 1990)

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(1) MD 134/2003 encl page 1 to 2
 dt 02.12.2003
O.A/T.A No. 136/2003
R.A/C.P No.
E.P/M.A No.

(2) MD 111/2003 ordn page 1 to 2 Allowed
 dt 10.12.2003

- SECTION OFFICER (Judl.)

16.11.17

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 136/03

Misc Petition No: _____

Contempt Petition No: _____

Review Application No: _____

Applicants:- Gopal ch. Das Chandlung

Respondants:- U. O. I. Pans

Advocate for the Applicants:- B. K. Sharma, S. Sarma, Mrs U. Das.

Advocate for the Respondants:- CASE.

Notes of the Registry	Date	Order of the Tribunal
Application is in but not in time admission. It has been admitted / not admitted or Rs. 50 deposited vide IPO No 86490826 Dated <u>28.6.03</u> Heard <u>25/6/03</u> <u>Dr. Sharma</u> <u>Pro.</u>	27.6.2003	Heard Mr. S. Sarma, learned counsel for the applicant. Issue notice to show cause as to why the application shall not be admitted. List again on 1.8.2003 for admission.
P.L. copy order dated 27.6.03 mb 27/6/03	1.8.2003	Put up again on 28.8.2003 for admission.
Notice prepared & sent to D/S for filing the respon- dent No. 1 to 3 by Regd Att. S.No. 1407 to 1409 Dtd <u>7/7/03</u> 317	28.8.03	Member Vice-Chairman
No. 1264 has been billed. <u>27.8.03</u>	28.8.03	Member Vice-Chairman

9/9/2003

Copy of the budget
has been sent to
the D/sec. for
essuring the line to
the applicant as well
as to the R. C. G. Sec.
for the Responder.

Aug 17/9

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./7.4.No. 11136 of 2003

DATE OF DECISION 28.8.2003.

G.C.Das Choudhury,

.....APPLICANT(S).

Mr.B.K.Sharma, Mr.S.Sarma, Ms.U.Das

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

-VERSUS-

Union of India & Ors.

.....RESPONDENT(S)

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

.....ADVOCATE FOR THE
RESPONDENT(S).

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

THE HON'BLE MR.K.V.PRAHALADAN, ADMINISTRATIVE MEMBER

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

Judgment delivered by Hon'ble ~~Member~~ VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original application No.136 of 2003

Date of Order: This the 28th August 2003.

HON'BLE MR.JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN
HON'BLE MR.K.V.PRAHALADAN, MEMBER, ADMINISTRATIVE.

Sri Gopal Ch.Das Choudhury,
The Managing Director,
Forest Development Corporation of Meghalaya Ltd.
Shillong.

... .. Applicant

By Advocate Mr.B.K.Sharma, Mrs.S.Sarma, Ms.U.Das.

-Vs-

1. The Union of India,
Represented by Secretary to the
Govt. of India,
Ministry of Environment and Forest
Paryabharan Bhawan, CGO Complex
Lodhi Road, New Delhi-3.
2. The Secretary,
Govt of Meghalaya,
Department of Environment and Forest
Meghalaya, Shillong.
3. The Secretary,
Govt. of Assam
Department of Environment & Forest ... Respondents.
Dispur, Guwahati-6..

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

O R D E R.

GHOWDHURY(J)(VC):

The matter pertains to antidoting the promotion of the applicant to the rank of Conservator of Forest to the Supertime scale. By Order dated 10th December, 2002 the Government of Meghalaya promoted the applicant to the Supertime scale of the IFS with effect from the date of taking over charge. Accordingly, the applicant was promoted to the Supertime scale. Accordingly, the applicant contested the

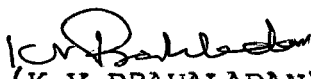
contd/-2

application that he was to be promoted in the Supertime scale when he become due as per seniority List.

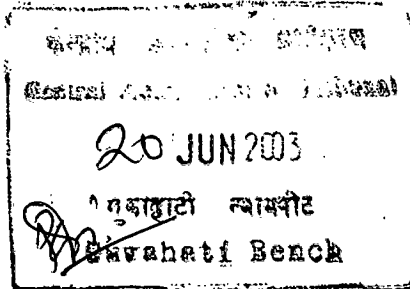
2. We have heard Ms.U.Das learned counsel for the applicant, Mr.A.Deb Roy, Sr.C.G.S.C. on behalf of the Respondents and Mrs.B.Dutta, Sr.Government Advocate, State of Meghalaya. Mrs.B.Dutta learned counsel for the Respondents, submitted that the applicant had already submitted his representation before the authority to give retrospective effect in appointment to selection grade as well as promotion to Supertime scale of IFS. The Respondents should, consider his representation at the first instance instead of ~~his~~ exercising judicial power of Section 19.

3. On hearing the learned counsel for the parties and considerable of all aspects, we are of the opinion that ~~for~~ the ends of justice will be met if a direction be issued on the respondents to dispose of the representation submitted by the applicant as per order dated 24.4.2003. The applicant may submit a fresh representation before the authority within two weeks from the date of receipt of this order. The Respondents are directed to dispose of the representation as expeditiously as possible preferably within four weeks from the date of receipt of his representation.

4. The application thus stands disposed. There shall however, no order as to costs.


(K.V.PRAHALADAN)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE-CHAIRMAN



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case : 136 O.A. No.....of 2003

BETWEEN

Shri Gopal Ch. Das Choudhury Applicant.

AND

Union of India & ors..... Respondents.

I N D E X

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Filed by : Alsha Das

Regn.No.:

File : c:\WS\GOPALCH

Date /

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

QA NO. 136 /03

G. C. Das Choudhury

..... Applicant

-VS-

Union of India & Ors.

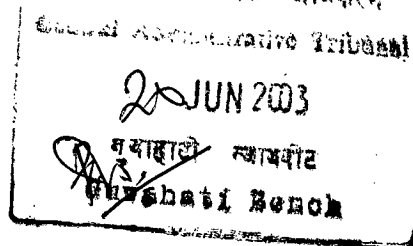
..... Respondents

LIST OF DATES

1. On 3.6.97 Notification issued by the Government of Assam, Forest Department promoting Sri D Haraprasad and other similarly situated IFS Officers to the rank of Conservator of Forests.
2. On 29.12.97 Notification issued by the Government of Assam, Forest Department, Dispur, appointing Sri D. Haraprasad to the Selection-Grade w.e.f. 1.4.97.
3. On 6.6.97 Notification issued by the respondents promoting Sri Abhijit Rabha, I.F.S., D.F.O. to the rank of Conservator of Forests.
4. Civil List is as of 1.1.98
5. On 11.6.97 The applicant preferred representation praying for promotion to Super Time Scale of I.F.S.
6. On 21.6.97 The applicant preferred representation praying for promotion to Super Time Scale of I.F.S.
7. On 2.8.97 The applicant preferred representation praying for promotion to Super Time Scale of I.F.S.
8. On 28.10.97 The applicant preferred representation praying for promotion to Super Time Scale of I.F.S.
9. On 3.12.97 The applicant preferred representation praying for Pay-protection.
10. On 27.1.98 The applicant preferred representation praying for promotion to Supertime scale of I.F.S.

Filed by
the applicant through
Asha Das
Advocate
4/6/03

11. On 4.6.98 The applicant preferred representation praying for promotion to Supertime scale of I.F.S.
12. On 6.8.2001 Judgment and order passed by the Hon'ble Tribunal in OA No. 254/99 directing the respondents to dispose of the representation of the applicant and consider his case for selection grade on completion of 13 years.
13. On 10.12.2001 The applicant preferred representation enclosing a copy of judgment.
14. The applicant preferred M.P. No.53/2002 before the Hon'ble Tribunal praying for implementation of the judgment.
15. On 10.12.2002 Order by which the applicant has been promoted to the Supertime scale of I.F.S. with effect from the date of taking over charge.
16. On 27.1.2003 Order of this Hon'ble Tribunal passed in M.P. 53/2002.
17. On 24.4.2003 Notification issued by the Government of Meghalaya modified the earlier order dated 10.12.2002 and appointed the applicant with effect from 8.4.96 to the selection Grade of the I.F.S.
18. On 29.4.2003 Representation preferred by the applicant praying for retrospective effect in appointment to selection Grade as well as promotion to Supertime Scale of I.F.S.



Filed by 10
the applicant through
Alcha Das.
Advocate
9/6/03

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Central
Administrative Tribunal Act.1985)

O.A.No. 1376 of 2003

BETWEEN

Sri Gopal Ch. Das Choudhury
The Managing Director
Forest Development Corporation of Meghalaya Ltd.
Shillong
..... Applicant.

- AND -

1. The Union of India.
Represented by Secretary to the
Govt. of India.
Ministry of Environment and Forest
Paryabharan Bhawan, C.G.O. Complex
Lodhi Road, New Delhi-3.
2. The Secretary
Govt. of Meghalaya
Department of Environment and Forest
Meghalaya, Shillong.
3. The Secretary
Govt. of Assam
Department of Environment & Forest
Dispur, Guwahati-6
..... Respondents.

DETAILS OF THE APPLICATION

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

This application is directed against the
notification issued vide memo no. FOR.25/202/48-I dated
10.12.2002 issued by the Secretary to the Govt. of
Meghalaya, Forest and Environment Department Meghalaya by
which the applicant was promoted to the Suppertime scale of
the I.F.S. w.e.f. the date of taking over charge. This
application is also directed against the action of the
respondents in not complying with the directions contained

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in the judgment and order dated 6.8.01 passed in OA No. 254/99 by this Hon'ble Tribunal.

2. LIMITATION:

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act.1985.

3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE:

4.1. That the applicant is basically aggrieved by the action of the respondents in not promoting him to the supertime scale with retrospective effect i.e. from the date when his immediate junior in Assam segment viz. Sri H. Haraprasad IFS was promoted to the Supvertime scale as directed by this Hon'ble Tribunal vide its judgment & order dated 6.10.2001 in OA No. 254/99. The applicant claiming for his retrospective promotion to the selection grade as well as to the supertime scale preferred OA No. 254/99 before the Hon'ble Tribunal and the Hon'ble Tribunal after hearing the parties to the proceeding was pleased to allow the said Original Application directing the respondents to promote him to the grade of selection grade while considering his representation. The applicant by notification dated 22.10.99 promoted the applicant to the selection grade with prospective effect. Thereafter the respondents issued another notification by which the applicant was promoted to

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the Supertime scale of IFS with prospective effect. The applicant since the judgment was not implemented by disposing of his representation preferred NP 53/2002 before the Hon'ble Tribunal invoking Rule 24 of the Central Administrative Tribunal (Procedure) Rules 1987. During the pendency of the said miscellaneous petition the respondents issued the notification dated 10.12.2002 by which he was promoted to the rank of supertime scale with prospective effect. Now the respondent No.2 has issued a notification dated 24.4.2003 by which the promotion of selection grade of the IFS which was effected prospectively vide notification dated 22.10.99 has been modified and was made effective from 8.4.96 pursuant to the judgment and order dated 6.8.2001. However inspite of repeated request the respondents have not yet modified the notification dated 10.12.2002 by which he was promoted to the supertime scale promoted to the supertime scale of IFS with prospective effect making it retrospective w.e.f. the date when Sri H. Haraprasad in Assam Wing got his such promotion applying the next below rules.

4.2. That the applicant is a citizens of India and as such they are entitled to all the rights, privileges and protection as guaranteed by the Constitution of India and laws framed thereunder.

4.3. That the applicant belongs to 1983 batch of Indian Forest Service (IFS) Officer, the same being his year of allotment. Presently he is holding the post of Managing Director, Forest Development Corporation of Meghalaya, Shillong. The applicant belongs to Assam-Meghalaya Joint Cadre.

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4.4. That the grievance of the applicant started when the officers junior to him stated getting the promotion to Selection Grade followed by post of Conservator of Forests which is a post of Suppertime Scale. It all began when one Sri D. Haraprasad regular recruit of 1994 with year of allotment being 1984 was promoted to the rank of Conservator of Forests vide notification issued by the Govt. of Assam dated 3.6.97. This was followed by another notification by Govt. of Assam dated 29.12.97 pursuant to which the Selection Grade was given to Sri D. Haraprasad w.e.f. 1.4.97. The case of Sri Haraprasad shows that in certain cases the officers were first promoted as Conservator of Forests and thereafter they were given the Selection Grade with retrospective effect. In case of said Sri Haraprasad, since he was not given the Selection Grade earlier, on his being promoted to the post of Conservator of Forests, he was given the said Selection Grade with retrospective effect.

Copies of the notification dated 3.6.97 and 29.12.97 are annexed herewith and marked as Annexure 1 & 2 respectively.

4.5. That like that of said Sri Haraprasad, one Sri Abhijit Rabha who is a regular recruit of 1984 with 1984 as year of allotment was promoted to the rank of Conservator of Forest and posted as Conservator of Forests, Southern Assam Circle, Silchar vide notification issued by Govt. of Assam dated 6.6.97. Likewise in case of one Sri Anil Kr. Singh a regular recruit of 1984 with the year of allotment being 1984 was also promoted to the post of Conservator of Forests in December 1997. In a similar manner Sri R.D.S. Tanwar a regular recruit of 1984 was also promoted to the post of

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Conservator of Forests in Dec. 1997. The applicant whose year of allotment in 1983 and who is senior to all these officers was eligible for getting the Selection Grade as early in April 1996. In a Gradation list of IFS officers of Assam- Meghalaya joint cadre as on 1.1.98, the applicant was shown at Sl.No.31 higher than that of those very juniors about whom statements have been made in this application in regard to their promotion to the post of Conservator of Forest ahead of this applicant.

A copies of the order dated and said Gradation list is annexed herewith and marked as Annexure 3 & 4 respectively.

4.6. That since number of juniors super scaled the applicant in the matter of promotion to selection grade, he raising the grievance submitted representation dated 11.6.97 followed by yet another representation dated 21.6.97.

Copies of the representation dated 11.6.97 and 21.6.97 are annexed herewith and marked as Annexure 5 (Colly).

4.7. That subsequently after submission of the Annexure 5 (colly) representations submitted another representation dated 2.8.97 highlighting the fact that there are vacancies in the post of Conservator of Forests and in view of his seniority he can be accommodated in such vacancies. In a subsequent representation dated 20.10.97 the applicant stated that usually a state Forest Service Officer of Assam- Meghalaya using takes 16-18 years to move to IFS. However in case of case of the applicant it took exceptionally long years, nearly 24 years. It has also stated by the applicant

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that though he had completed the qualifying service for appointment to Selection Grade in April 1995 and in view of his seniority he was well within the zone of consideration for such promotion but despite the officers junior to him were given the Selection Grade and were subsequently promoted to the post of Conservator of Forests thereby superseding the applicant.

Copies of representation dated 2.8.97 and 20.10.97 are annexed herewith and marked as Annexure-6 (Colly).

4.8. That when in Dec 1987, Anil Kumar Sigh, regular recruit of 1984, the year of allotment being 1984, was given the promotion to the post of Conservator of Forests, the applicant submitted their representation dated 3.12.97 followed by representation dated 27.1.98. The last time when the applicant wrote a letter to the competent authority asking for promotion to supertime scale of IFS was on 4th June 1998. In his representation dated 27.1.98, the applicant brought to the notice of the respondents that two posts out of the sanctioned cadre strength of Meghalaya using of the Joint Assam Meghalaya Indian Forest Service viz. Conservator of Forests (Research and Training) and Chief Conservator of Forests (Social Forestry and Environment) are lying vacant for some time. The applicant exercised that he can be easily accommodated in these posts.

Copies of the representations dated 3.12.97, 27.1.98 and 4.6.98 are annexed herewith and marked as Annexure-7 (Colly).

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4.9. That the applicant as stated above the series of orders denying him the benefit of promotion and non-disposal of his representation, compelled the applicant for taking legal recourse in the matter. The applicant having no other alternative preferred OA No.254/99 before the Hon'ble Tribunal praying for the following reliefs:

a) For a direction towards the respondents to give promotion to the Selection Grade w.e.f. April 1996.

b) For a direction towards the respondents to promote him to the post of conservator of Forests w.e.f. the date his immediate junior was so promoted i.e. June 1997, with a direction to promote him to supertime scale.

The applicant instead of repeating the contentions made in the said OA begs to rely on refer upon the statements made in OA 254/99 at the time of hearing of this case.

4.10. That the Hon'ble Tribunal after hearing the parties to the proceeding was pleased to allow the said Original Application directing the respondents to dispose of the representation filed by the applicant. The Hon'ble Tribunal in the said judgment and order dated 6.8.2001 made a categorical observation more particularly in para 4 & 5 of the judgment that the deprivation meted out to the present applicant in respect of his promotion Selection grade and Supertime scale when his juniors in the Assam Wing have already been promoted. It was also observed that the judgment passed by the Tribunal in OA 192/90 (H.C. Changkakati VS Union of India & Ors.) fully covers the case of the applicant.

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A copy of the aforesaid judgment and order dated 6.8.2001 is annexed herewith and marked as Annexure-8.

4.11. That after the judgment, the applicant submitted a representation dated 10.12.2001 enclosing a copy of the said judgment. However nothing was communicated to the present applicant. Situated thus the applicant preferred MP 53/2002 before the Hon'ble Tribunal praying for implementation of the judgment and order dated 6.8.2001 invoking Rule 28 of the Central Administrative Tribunal procedure Rules 1987. During the pendency of the said Misc. Application the respondents issued an order dated 10.12.2002 by which applicant was promoted to the Supertime Scale of IFS with effect from the date of taking over charge.

A copy of the order dated 10.12.2002 is annexed herewith and marked as Annexure-9.

4.12 That in view of the issuance of the order dated 10.12.2002 (Annexure-9) the Hon'ble Tribunal was placed to dispose of the Misc. Application vide judgment and order dated 27.1.2003.

A copy of the said judgment and order dated 27.1.2003 is annexed herewith and marked as Annexure-10.

4.13. That the respondents as per the assurance implemented the Annexure 8 judgment dated 6.8.2001 in respect of his promotion to Selection Grade with retrospective effect. To that effect respondents issued an order dated 24.4.2003 by which the promotion of the applicant earlier given to the applicant vide notification

dated 22.10.99 was modified giving effect of his such promotion from 8.4.96.

A copy of the notification dated 24.4.2003 is annexed herewith and marked as Annexure-11.

4.14. That the applicant states that the respondents by issuing Annexure-11 notification dated 24.4.2003 rectified the mistakes in respect of promotion of the applicant in the Selection Grade but so far as his promotion to the rank of Conservator of Forests in Suppertime Scale in IFS is yet to be made effective from the date when his immediate junior was so promoted by modifying the Annexure-9 notification dated 10.12.2002. The applicant highlighting his grievances submitted a representation dated 29.4.2003 to the Secretary, Govt. of Meghalaya but same is yet to be replied too.

A copy of said representation dated 29.4.2003 is annexed herewith and marked as Annexure-12.

4.15. That the applicant states that there are several instances when the concerned Govt. of their own rectified their mistakes in respect of giving effect to the promotion in the rank of conservator of Forests i.e. Suppertime Scale. It is pertinent to mention here that in Meghalaya an identical situation cropped up wherein one Sri B.K.Nautiyal, IFS was superseded by his immediate Junior in Assam segment viz. Sri Malakar, IFS in the year 1998 in his promotion to the rank of Chief conservator of Forests. In the following year i.e. 1999 the Govt. of Meghalaya realised their mistake and promoted Sri Nautiyal as Chief Conservator of Forests making such promotion effective from the date when Mr.

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Malakar was promoted in Assam segment, applying the next below Rule. However the respondents even noticing such situation have not yet rectified their mistake even though there is a specific order in this regard from the Hon'ble Tribunal.

4.16. That the applicant begs to state that the respondents have failed to take into consideration the principles laid down in the Annexure-8 judgment and order dated 6.8.2001 and have violated the same and as such they are liable to be punished severely for their in-action. In the Annexure-8 judgment the Hon'ble Tribunal in para 4 & 5 categorically directed the respondents to promote the applicant to the rank of Conservator of Forests but the respondents have failed to take into consideration that aspect of the matter and acted contrary to the judgment.

4.17. That the applicant begs to state that the respondents have acted contrary to the settled proposition and have failed to apply the next below Rule in case of the present applicant. Admittedly the applicant is senior to the person as indicated above who got their promotion to the rank of Conservator of Forests much earlier than the applicant and as such the respondents are duty bound to issue appropriate notification in modification of the earlier notification dated 10.12.2002 making the promotion of the applicant to the rank of Conservator of Forests with retrospective effect i.e. from the date when Sri H. Haraprasad was so promoted applying the next below Rule.

4.18. That in the present application, the Applicant is not seeking any reliefs against the Officers junior to him.

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His simple case is that he should be given selection grade and promotion to the post of Conservator of Forests when he was eligible for the said grade and post.

5. GROUND FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the respondents have acted contrary to the settled proposition of law while issuing the impugned communication dated 10.12.2002 promoting him to the rank of conservator of Forests with prospective effect and as such the action on the part of the respondents are liable to be set aside and quashed.

5.2. For that the respondents have acted contrary to the judgment passed by this Tribunal (Annexure-8) while issuing the impugned communication dated 10.12.2002 and as such the respondents are liable to be punished for committing contempt and the Hon'ble Tribunal may be pleased to pass appropriate order for their such action.

5.3. For that the respondents have violated the settled proposition of next below Rule while issuing the impugned communication dated 20.12.2002 and as such appropriate direction need be issued crossing the said order directing the respondents to promote him to the rank of conservator of Forests in Supertime scale with effect from the date when said Sri H. Haraprasad was so promoted.

5.4. For that in any view of the matter the respondents have acted illegally and as such their aforesaid action/inaction along with the impugned communication dated 20.12.2002 is liable to be set aside and quashed.

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5.6. For that in any view of the matter the impugned action of the respondents are not sustainable in the eye of law and liable to be set aside and quashed.

The applicant craves leave of the Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

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

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority 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 most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To direct the Respondents to promote the applicant to the rank of Conservator of Forest in the Suppertime Scale with retrospective effect i.e. the date when Mr. D.

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Haraprasad, IFS promoted in the same rank with all consequential service benefits.

8.2. Cost of the application.

8.3. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Under the facts and circumstances of the case the applicants prays for an interim order directing the Respondents

10.

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

1. I.P.O. No. : 86 490826
2. Date : 30/5/03
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

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VERIFICATION

I, Gopal Chandra Das Choudhury, son of Late Gopesh Das Choudhury, aged about 56 years, presently holding the post of Working Plan Officer, Department Forest and Environments, Government of Meghalaya, Shillong, do hereby solemnly affirm and verify that the statements made in paragraphs 2, 3, 4, 2, 4, 15 - 4, 18 & 5 to 12.... are true to my knowledge and those made in paragraphs 1, 4, 14, 13 - 4, 14.... are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 4th day of June of 2003.

Gopal Chandra Das Choudhury

GOVERNMENT OF ASSAM
FOREST DEPARTMENT

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

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 3rd June, 1997.

NO.FRE. 51/96/61 : In the interest of public service, Shri B. Brahma, IFS, Conservator of Forests, Research and Education Circle, Guwahati is transferred and posted as Conservator of Forests (Wildlife) attached to Chief Conservator of Forests (Wildlife), Guwahati with effect from the date of taking over charge against the existing vacancy.

This cancels the earlier Govt. Order No.FRE. 51/96/57-A, dt. 25.4.97.

NO.FRE. 51/96/61-A : In the interest of public service, Shri M.C. Malakar, IFS, Conservator of Forests, Northern Assam Circle, Tezpur is transferred and posted as Conservator of Forests, Research & Education Circle, Guwahati with effect from the date of taking over charge vice Shri B. Brahma, IFS, transferred.

NO.FRE. 51/96/61-B : In the interest of public service, Shri B.N. Pathak, IFS, Conservator of Forests, Eastern Assam Social Forestry Circle, Nagaon is transferred and posted as Conservator of Forests, Northern Assam Circle, Tezpur with effect from the date of taking over charge vice Shri M.C. Malakar, IFS, transferred.

NO.FRE. 51/96/61-C : Shri A.H. Khan, IFS, Divisional Forest Officer, Social Forestry Division, Bongaigaon is promoted to the rank of Conservator of Forests and posted as Conservator of Forests, Eastern Assam Social Forestry Circle Nagaon with effect from the date of taking over charge vice Shri B.N. Pathak, IFS, transferred.

Shri A.H. Khan, IFS, will move after handing over charge of his Division to Shri K.N. Barua, Divisional Forest Officer, Aio-Valley Division, Bongaigaon.

✓ NO.FRE. 51/96/61-D : Shri D. Haraprasad, IFS, Divisional Forest Officer, Jorhat Division is promoted to the rank of Conservator of Forests and posted as Conservator of Forests, Eastern Assam Circle, Jorhat with effect from the date of taking over charge vice Shri S. Doley, IFS, promoted to the rank of Chief Conservator of Forests.

20/6/97

Attested
W.D.
Advocate

Con. ... 2..

(G.Das Chowdhury, IFS)
Working Plan Officer,
Meghalaya, Shillong.

16

-: 2 :-

25

Shri D. Haraprasad, IFS will continue to be in the charge of his Division until further orders.

Sd/- H. Sonuwal,
Commissioner & Secy. to the Govt. of Assam,
Forest Department, Dispur.

Dated Dispur, the 3rd June, 1997.

Memo No. SRE/5/96/61-E,
Copy to :-

The Accountant General (A&E), Assam, Bultola, Guwahati-28/
Shillong.

The Principal Chief Conservator of Forests, Assam,
Rohatagi, Guwahati-8.

The Chief Conservator of Forests (Territorial), Assam,
Rajpara Road, Guwahati-3.

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

The Chief Conservator of Forests (Social Forestry),
Assam, Zoo Narengi Road, Guwahati-24.

The Chief Conservator of Forests, Research, Education
and Working Plan, Assam, Guwahati-24.

Shri R. N. Pathak, IFS, Conservator of Forests, Research &
Education Circle, Guwahati.

Shri C. C. Malaker, IFS, Conservator of Forests,
Northern Assam Circle, Tezpur.

Shri D. N. Pathak, IFS, Conservator of Forests, Eastern
Assam Social Forestry Circle, Nagaon.

All Conservator of Forests,

Shri A. H. Khan, IFS, Divisional Forest Officer,
Social Forestry Division, Bongaigaon.

Shri D. Haraprasad, IFS, Divisional Forest Officer,
Jorhat Division, Jorhat.

Shri M. N. Barman, Divisional Forest Officer,
Riv Valley Division, Bongaigaon.

All Divisional Forest Officers concerned

The P.S. to the Minister, Forest, Assam, Dispur, Guwahati-6
for information of the Minister.

The P.S. to the Chief Secretary, Assam, Dispur, Guwahati-6
for information of the Chief Secretary.

The Treasury Officer,

The Deputy Director, Assam Govt. Press, Bamunimaidan,
Guwahati-21 for publication of the above Notification
in the next issue of the Assam Gazette.
Personal File of the officers.

By order etc.,

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

Attest

Advocate

GOVERNMENT OF ASSAM
FOREST DEPARTMENT ::::: DISPUR

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 29th December/97.

NO.FRE. 42/94/40 : Shri D. Haraprasad, IFS (RR-1984), now Conservator of Forests, Eastern Assam Circle, Jorhat is hereby appointed to the Selection Grade of pay under Rule 3 of the I.F.S.(Pay) Rules, 1960 and in pursuance of Govt. of India's Ministry of Environment & Forests letter No. 20014-22/87-IFS-II, dated 27-4-87 with effect from 1-4-97.

Sd/- H. Sonowal,
Commissioner & Secy. to the Govt. of Assam,
Forest Department, Dispur.

Memo No. FRE. 42/94/40-A,
Copy to :-

Dated Dispur, the 29th December/97.

1. The Accountant General(A&E), Assam, Beltola, Guwahati-28.
2. The Under Secretary to the Govt. of India, Ministry of Environment & Forests, Parvathan Bhawan, C.G.O. Complex, Lodhi Road, New Delhi - 110003.
3. The Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8.
4. The Chief Conservator of Forests (Territorial), Assam, Panbazar, Guwahati-1.
5. The Chief Conservator of Forests (Wild Life), Assam, Rehabari, Guwahati-8.
6. The Chief Conservator of Forests (Social Forestry), Assam, Zoo Narengi Road, Guwahati- 24.
7. The Chief Conservator of Forests, Research, Education and Working Plan, Assam, Guwahati- 24.
8. The P.S. to the Minister, Forest, Assam, Dispur, Guwahati-6 for information of the Minister.
9. The P.S. to the Chief Secretary, Assam, Dispur, Guwahati-6 for information of the Chief Secretary.
10. Shri D. Haraprasad, IFS, Conservator of Forests, Eastern Assam Circle, Jorhat.
11. The Deputy Director, Assam Govt. Press, Bamunimaidan, Guwahati-21 for publication of the above Notification in the next issue of the Assam Gazette.

or etc.,

Sd/-
to the Govt. of Assam,
Dispur.

Attested
W. Son
Advocate.

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ANNEXURE A/3

FOR SRI G.C. Das Choudhury
Working Plan Officer
Shillong-1 MeghalayaGOVERNMENT OF ASSAM
FOREST DEPARTMENT : : : : : DISPUR.ORDERS BY THE GOVERNMENT
NOTIFICATION

Dated Dispur, the 6th June/97.

NO.FRE. 51/96/62 : Shri Abhijit Rabha, I.F.S., D.F.O., Karimganj Division, Karimganj is promoted to the rank of Conservator of Forests and posted as Conservator of Forests, Southern Assam Circle, Silchar with effect from the date of taking over charge vice Shri V.K. Vishnoi, I.F.S. transferred.

NO.FRE. 51/96/62-A : In the interest of public service, Shri V.K. Vishnoi, I.F.S., Conservator of Forests, Southern Assam Circle, Silchar is transferred and posted as Conservator of Forests, Western Assam Circle, Kokrajhar with Head Quarter at Dhubri for the time being with effect from the date of taking over charge vice Shri M.M. Sarma, I.F.S., Conservator of Forests, Bongaigaon Social Forestry Circle is relieved of the charge of Western Assam Circle.

Sd/- H. Sonowal,
Commissioner & Secy. to the Govt. of Assam,
Forest Department, Dispur.

Dated Dispur, the 6th June/97.

Memo No. FRE. 51/96/62-8,
Copy to :-

1. The Accountant General (A&E), Assam, Shillong/Dolbala, Guwahati-28.
2. The Principal Chief Conservator of Forests, Assam, Rohabari, Guwahati-8.
3. The Chief Conservator of Forests (Territorial), Assam, Rajgarh Road, Guwahati-3.
4. The Chief Conservator of Forests (Wildlife), Assam, R. G. Baruah Road, Guwahati-24.
5. The Chief Conservator of Forests (Social Forestry), Assam, Zoo Narengi Road, Guwahati-24.
6. The Chief Conservator of Forests, Research, Education and Working Plan, Assam, Guwahati-24.
7. The Conservator of Forests,
8. Shri V.K. Vishnoi, IFS, Conservator of Forests, Southern Assam Circle, Silchar.
9. Shri M.M. Sarma, IFS, Conservator of Forests, Bongaigaon Social Forestry Circle, Bongaigaon.
10. Shri Abhijit Rabha, IFS, Divisional Forest Officer, Karimganj Division, Karimganj.
11. The Divisional Forest Officers concerned
12. The P.S. to the Minister, Forest, Assam, Dispur, Guwahati-6 for information of the Minister.
13. The P.S. to the Chief Secretary, Assam, Dispur, Guwahati-6 for information of the Chief Secretary.
14. The Deputy Director, Assam Govt. Press, Bamonimaidan, Guwahati-21 for publication of the above Notification in the next issue of the Assam Gazette.
14. Personal File of the officers.

By Order etc.,

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

PD

Attested
Advocate.

असम-मेघालय(ASSAM & MEGHALAYA)

राज्य क्र. सं.	अधिकारी कोड सं.	अधिकारी का नाम जन्म तिथि भर्ती स्रोत	आवंटन वर्ष भा.व.से.मे नि. की तारीख	शैक्षिक अर्हता YEAR OF EDUCAT- ALLOTMENT IONAL DT.OF APP QUALIFI- TO IFS CATION	वर्तमान वेतनमान में नियुक्ति की तारीख PRES.SCALE OF PAY DATE OF APPTT. TO SCALE	वर्तमान पद वर्तमान पद में नियुक्ति की तारीख PRESENT POST DT.OF.APPT TO PRES	टिप्पणी
STATE S.NO	OFFICER CODE NO.	OFFICER'S NAME DATE OF BIRTH RECTT. SOURCE					REMARKS
0028	असम-मे. A1/044	संतोष पाल सिंह SANTOSH PAL SINGH 02/01/56 RR	1983 09/05/83		3700-5000 01/04/92	उ.निदे., पीपी, एमओईपी DD, PP, MOEP,	AGAINST CDR
0029	असम-मे. A1/045	अख्तर हुसैन खान AKHTAR HUSSAIN KHAN 02/08/54 RR	1983 09/05/83		4500-5700 01/07/97	व.सं., ई.ए.एस.एफ. सर्किल CF, E.A.S.F. CIRCLE	
0030	असम-मे. A1/046	सी.पी. मारक C.P. MARAK 09/12/59 RR	1983 18/05/83	B.SC.	3700-5000 01/04/92	प्रव., रा.व.से. कालिज, बर्निहट LECTURER, SFS COLLEGE, BURNIHAT	AGAINST CDR
0031	असम-मे. A1/079	जी.सी. दास चौधरी G.C. DAS CHAUDHURY 01/01/46 SFS	1983 08/04/91	B.SC.	3700-5000 01/05/92	आ.व.अधि., व.जी. प्र., शिल्लोंग DFO, WL DN., SHILLONG	
0032	असम-मे. A1/048	रिपु दामन सिंह तामर RIPU DAMAN SINGH TAMAR 09/09/55 RR	1984 21/05/84		4500-5700 15/12/97	व.सं., व.जी. CF, WILDLIFE	
0033	असम-मे. A1/049	देवार हरा प्रसाद DEVAR HARA PRASAD 04/04/58 RR	1984 01/04/84		4500-5700 18/06/97	व.सं., ई.ए.सी. CF, E.A.C.	
0034	असम-मे. A1/047	चंद्र मोहन CHANDRA MOHAN 15/07/56 RR	1984 01/04/93		3700-5000 01/04/93	उ.व.सं. DCF	
0035	असम-मे. A1/051	अभिजीत राभा ABHIJIT RABHA 28/06/61 RR	1984 01/04/84		4500-5700 16/06/97	व.सं., डब्ल्यू.ए.सी. CF, W.A.C.	
0036	असम-मे. A1/050	अनिल कुमार सिंह ANIL KUMAR SINGH 15/01/57 RR	1984 21/05/84		4500-5700 29/12/97	व.सं., आर एण्ड ई. CF, R & E.	

Attested
Advocate.

20
GOVERNMENT OF MEGHALAYA

OFFICE OF THE WORKING PLAN OFFICER, MEGHALAYA, SHILLONG.

NO. MWP/8/PF/ODC/PT.IV/182 Dated Shillong, the 11 th June/97.

To,

The Principal Secretary to the
Govt. of Meghalaya, Forest & En-
vironment Department, Shillong.

Through,

The Principal Chief Conservator of
Forests, Meghalaya, Shillong.

Subject :-

Prayer for promotion to Supertime scale
of IFS.

Reference :-

This Office Letter No. MWP/8/PF/ODC/PT.
IV/80, dt. 10.6.97.

Sir,

In continuation to this office letter
cited above, I have the honour to bring to your kind no-
tice that one more officer of Assam - Chapter of the Assam
Meghalaya Jt. Indian Forest Service, vice Shri Abhijit Rabha,
IFS(RR84) had been promoted to the rank of Conservator of
Forests. (A copy of the Notification to this effect is en-
closed herewith for your ready reference).

This is for favour of your kind informa-
tion and necessary action.

Enclosure :-

A copy of
Notification

Yours faithfully,

(G. Das Chowdhuri, IFS)
Working Plan Officer,
Meghalaya, Shillong.

Memo. NO. MWP/8/PF/ODC/PT.IV/183 Dt. Shillong, the 11 th June/97.

Copy in advance is forwarded to the :-

Principal Secretary to the Govt. of
Meghalaya, Forest & Environment Department, Meghalaya,
Shillong for favour of his kind information.

Attested
[Signature]
Advocate

(G. Das Chowdhuri, IFS)
Working Plan Officer,
Meghalaya, Shillong.

- 18 - 21 -

ANNEXURE - 6 (copy)

30

GOVERNMENT OF MEGHALAYA
OFFICE OF THE WORKING PLAN OFFICER, MEGHALAYA, SHILLONG.

NO. MWP/B/PF/GDC/Pt. IV/142-15 Dated Shillong, the 21st June/97.

From,

Shri G. Das Chowdhuri, IFS,
Working Plan Officer,
Meghalaya, Shillong.

To,

The Principal Secretary to the Govt.
of Meghalaya, Forests & Environment
Department, Shillong.

Through,

The Principal Chief Conservator of
Forests, Meghalaya, Shillong.

Subject :-

Prayer for promotion to Super-time
scale of IFS

Reference :-

This Office letter No. MWP/B/PF/GDC/
Pt. IV/182-83, dt. 11.6.97.

Sir,

In continuation to the office letter cited above, I have the honour to bring to your kind notice that the position of Shri D.G. Baruah and Shri S. Roy Chowdhuri, both Officers of A.F.S. (Class-I), shown in the appointment letter nominating them along with their 6 (six) other colleagues into the I.F.S. was subsequently reversed by Govt. of India while issuing the order fixing their year of allotment resulting into pulling them down in the seniority. The fixation of year of allotment of all the 8 (eight) officers was challenged in the Hon'ble Court of Central Administrative Tribunal (C.A.T.), Guwahati by Shri V.K. Vishnoi, IFS and reversing of the position of the officers in order of seniority at the time of fixing their year of allotment was one of the reasons for such challenge. Ultimately, the judgement of C.A.T., Guwahati in this case went in favour of Shri Vishnoi, IFS and the Tribunal passed the judgement that the position of the 8 (eight) A.F.S. Officers in order of their seniority shown at the time of their appointment to IFS should be maintained for all time to come and for all practical purposes. Consequently upon the judgement of C.A.T. the officers who ultimately became junior to Shri Baruah & Shri Roy Chowdhuri was already promoted to super-time scale. Therefore the seniority of Shri Baruah and Shri Roy Chowdhuri had to be restored by the Govt. of Assam as a fall out of the judgement of C.A.T., Guwahati. In order to do so,

Attested

[Signature]
Secretary.

the Govt. of Assam in the department of Forests and Environment created 2(two) posts of Conservator of Forests in the office of the Divisions the above 2(two) officers were holding charge at that time and they were promoted as C.F. against those posts created (copies of the Notifications of their promotion as well as creation of 6(six) posts of C.F. is enclosed herewith for your ready reference). However, the creation of those 2(two) posts of C.F. was on the condition that these would be abolished once regular vacancies of C.F. arises from them.

In view of the above, I would humbly pray to your honour for considering promoting me to super-time scale in the similar manner as was done by the Govt. of Assam in the above mentioned case in order to protect my seniority and save me from the humiliation I have been undergoing since the time I have been superseded by my juniors in Assam.

And for this act of your kindness, I shall remain ever grateful to your honour.

It would not be out of place to mention here that Shri S.B. Singh, IFS was the Conservator of Forests in charge of Working Plan Division, Meghalaya, Shillong during the period from Nov/84 to Feb/85.

Enclosures :- As above,

Yours faithfully,

(G. Das Chowdhuri, IFS)
Working Plan Officer,
Meghalaya, Shillong.

Memo. NO. MWP/3/PF/GDC/Pt. IV/50 dated Shillong, the 21st June/97.

Copy in advance forwarded to :-

The Principal Secretary to the Govt. of Meghalaya, Forests & Environment Department, Shillong for favour of his kind information.

(G. Das Chowdhuri, IFS)
Working Plan Officer,
Meghalaya, Shillong.

-10000001-

K.R.W.

Attest
Advocate.

GOVERNMENT OF MEGHALAYA
OFFICE OF THE WORKING PLAN OFFICER, MEGHALAYA, SHILLONG.

NO. MWP/3/PF/GDC/Pt.IV/285-87-Dated Shillong, the 2nd Aug/97.

From,
Shri G.Das Chowdhuri, IFS,
Working Plan Officer,
Meghalaya, Shillong.

To,
The Principal Secretary to the
Govt. of Meghalaya, Forest & Environ-
ment Department, Shillong.

Through,
Proper Channel.

Subject :-
Prayer for promotion to Supertime
Scale of Indian Forest Service.

Reference :-
My representation No. MWP/3/PF/GDC/
Pt.IV/80, Dt. 10th June, 1997.

Sir,
In inviting reference to my representa-
tion quoted above, I have the honour to lay before you the
following facts for favour of your consideration and taking
necessary action.

1. That Sir, 1(one) post of Conservator
of Forests was already available for filling up by promo-
tion at the time of my submitting the representation.

2. That Sir, with attaining the superan-
uation by Shri S.B.Singh, IFS on 31-7-97, the available va-
cancies of Conservator of Forests had gone upto 2(two) on
that date and with my seniority, I fell within the vacancies
available for promotion to Conservator of Forests(CF) *see from*
Deputy Conservator of Forests(DCF) which I had been deprived
off on that date. This ^{is} denial of justice, natural scope of
promotion and equity.

3. That Sir, your humble petitioner has
been put to the embarrassing and humiliating situation of
being superceded by direct recruiting ^{recruits} in Assam due to lap-
ses on the part of the authorities in observing the manda-
tory provision of Rules in matter of seniority.

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Attested
W.D.
Advocate.

4. That Sir, while the interest of the direct recruits have been meticulously guarded and their promotion in the due dates/officiation were guarded strictly following the text of the rules, even in certain cases by creating some ex-cadre posts also the promotional avenues were kept open, your humble petitioner would beg to submit that he did not receive such benevolent treatment from the authorities who were apathetic to the legitimate claims and aspirations. The treatment of the authorities in dealing with the interest of your humble petitioner was expressed more in violation of the mandatory provisions of rule rather than adherence to them. The net results has been inflicting undue hardship to your humble petitioner.

In this context, it would not be out of place to mention here that while Shri N. Goswami, IFS (Retired) and Shri R.O.L. Monghri, IFS (Retired) was superseded by officers of Assam, the Govt. of Meghalaya in no time accommodated them in Meghalaya in dealing with their interests in adherence to Rules.

In view of the above, I would most fervently pray that the authorities would be kind enough to take corrective measures to redress the grievance of your humble petitioner.

Should your humble petitioner be granted his due claim, he, as duty bound, will remain grateful to the authorities.

Yours Faithfully,

(G. Das Choudhuri, IES)
Working Plan Officer,
Meghalaya, Shillong.

Copy in advance forwarded for information to :-

The Principal Secretary to the Govt.
of Meghalaya, Forest & Environment Department, Shillong.

(O. Das Chowdhuri, IAS)
Working Plan Officer,
Meghalaya, Shillong

-10000000:-

K.R.W.

Attested
W. S. S.
Advocate.

NO. MWP/8/PF/GDC/97/545, Dated Shillong, the 20th Oct/97.

From,

Shri G. Das Chowdhuri, IFS,
Working Plan Officer,
Meghalaya, Shillong.

To,

The Principal Secretary to
the Government of Meghalaya,
Forests & Environment Department,
Shillong.

Through :- (Proper Channel).

Subject :- Prayer for promotion to Supertime
Scale of I.F.S..

Reference :- My earlier representation No. MWP/
8/PF/GDC/Pt. IV/285-87, dt. 2.8.97.

Sir,

In inviting a reference to my earlier representation quoted above, I beg to state further the following facts for favour of your kind sympathetic consideration.

That Sir, although it usually took nearly 16 to 18 years for members of State Forest Service (SFS) of both Assam & Meghalaya wings to move from SFS to IFS but in my case it took exceptionally long nearly 24 years. It was primarily due to non-availability of promotion posts as a result of non-adherence of mandatory provisions of the service Rules by the State Govt. as well as the Govt. of India viz. holding of triennial review of cadre and drawal of annual select list of SFS Officers eligible for promotion to IFS. This had jeopardised my hopes and aspirations to rise beyond the rank of Conservator of Forests.

2. That Sir, although I completed the qualifying period of service for appointment to Selection Grade of the service in April/95 and with my seniority I was well within the quota available for the purpose at that time as per the provision of the IFS Rules in operative then but even till date I have been denied to such appointment due to reason best known to the authorities. In this regard my representation No. MWP/8/PF/GDC/97/213, dt. 14.7.97 may kindly be referred.

In this context, it may be mentioned here that my juniors in Assam-wing of the service had since been

1 Attested
Advocate.

appointed to the Grade in supercession of mine.

3. That Sir, although I could foresee the bleak future ahead of mine due to total apathy shown to me and for that matter, the members of the SFS by the authorities in dealing with their legitimate claims and aspirations, even then I worked very hard and with utmost sincerity to the satisfaction of my higher authorities with a great hope that when my turn for promotion will come, I will not be denied of it in time.

4. That Sir, while the interest of the members of Meghalaya wing of the Joint Assam-Meghalaya IFS have been meticulously guarded in the past and not only their promotion in due dates were guarded strictly following the text of the Rules, even in many cases they were given out of turn promotion in supercession to as many as 3 to 6 Officers of Assam-wing of the joint service. However, in case of your humble petitioner, complete apathy and discriminative treatment had been shown by the authorities. The treatment of the authorities in dealing with the interest of your humble petitioner was expressed more in violation of mandatory provisions of Rules rather than adherence to them. The net results had been inflicting undue hardship to your humble petitioner.

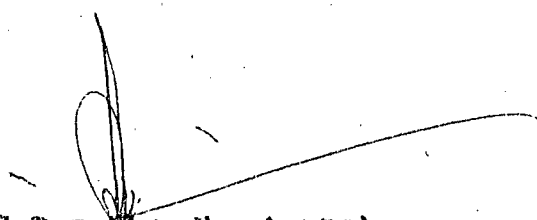
It may be reiterated that your humble petitioner had since been superceded by the members of the joint IFS of Assam-Chapter and in similar cases in past affecting the interest of the Officers of Meghalaya Chapter, the Govt. of Meghalaya in no time promoted them in Meghalaya in dealing with their interest in adherence to Rules even by creating ex-cadre post.

In view of the above, I would once again most fervently pray that the benign Govt. would be kind enough to take similar corrective measures as in the past to safeguard the interest of your humble petitioner who had all along his service carrier been denied of justice, natural scope of promotion and equity. And more so, when the vacancies in Conservator of Forests level posts are now available for it.

Should your humble petitioner be granted

his due claim, he, as duty bound, shall remain grateful to the authorities.

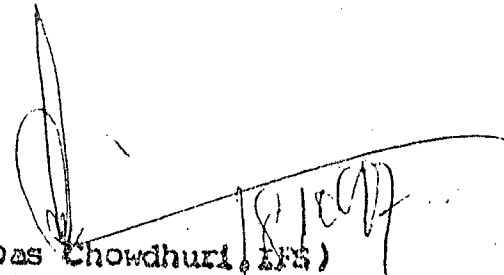
Yours faithfully,


(G. Das Chowdhuri, IFS)
Working Plan Officer,
Meghalaya, Shillong.

Memo. NO. MW/3/PE/GDC/97/550 Dt. Shillong, the 20th Oct/97.

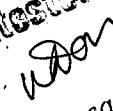
Copy in advance forwarded for information to :-

The Principal Secretary to the Government of Meghalaya, Forests & Environment Department, Shillong.


(G. Das Chowdhuri, IFS)
Working Plan Officer,
Meghalaya, Shillong.

-:00000:-

K.R.W.

Attested

Advocate.

- 29 -

ANNEXURE- 7 Celly

GOVERNMENT OF MEGHALAYA
OFFICE OF THE WORKING PLAN OFFICER, MEGHALAYA, SHILLONG.

34

NO.MWP/B/PF/GDC/Pt.IV/684

Dated Shillong the 31 Dec/97.

From:- Shri. G.Das Chowdhuri, IFS.
Working Plan Officer,
Meghalaya, Shillong.

To,
The Principal Secretary to the Govt.
of Meghalaya, Forests & Environment
Department, Shillong.

Through,
The Principal Chief Conservator of
Forests, Meghalaya, Shillong.

Subject:- Prayer for Pay-protection.

Reference:- This Office letter No.MWP/B/PF/GDC/
97/549. Dt. 20.10.1997.

Sir,

In inviting a reference to my last representation submitted vide this Office Letter stated above, I have the honour to say with deep regret that till date my prayer for promotion to the rank of Conservator of Forests has not been considered by the Government. I am not only feeling extremely humiliated on account of my juniors in Assam wing superceding me but I have become apprehensive of drawing less salary than them consequent upon sanction of revised pay by Central Govt. on the recommendation of the Fifth Pay Commission w.e.f. 1.1.96. This would be a gross injustice to me and would add further to my humiliation.

In view of the above and as a measure of relief to me, I beg to request you kindly to protect my pay in the Revised Scale at an earliest possible and w.e.f. the date my Junior in Assam wing vice Shri. D.Haraprasad, IFS had been promoted i.e. 3.6.97, if the regular promotion is delayed.

I would like to mention here that it may not require the pay-protection to me in the existing scale as my basic on 3.6.97 was Rs. 4350/- whereas the bare minimum in Conservator of Forest's Scale is Rs. 4500/- p.m. However, there is hefty like in pay of almost all level officers in the revised scale with bringing of Indian Forest Service at par with the Indian Police Service which is the cause of my apprehension for drawing less than what my juniors in Assam wing would be entitled to draw now

Accepted
Advocate.

which in all probability would be the bare minimum of basic Pay of Conservator of Forest i.e. Rs. 16,400.00 whereas my basic in revised scale is likely to be fixed at Rs. 13,120.00 on 3.6.97 at Junior Administrative Grade Scale as I am yet to be appointed into Selection Grade. It may not be out of place to mention that many of my Juniors in Assam wing of IFS had long been appointed into the Selection Grade.

Yours faithfully,

(G. Das Chowdhuri, IFS)
Working Plan Officer,
Meghalaya, Shillong.

Memo No. MWP/3/PF/GDC/Pt. IV/6857 Dated Shillong the 3rd Dec/97.

Copy in advance forwarded for information to;

The Principal Secretary to the Govt. of
Meghalaya, Forests & Environment Department, Shillong.

(G. Das Chowdhuri, IFS)
Working Plan Officer,
Meghalaya, Shillong.

00000000

B.K.

Attested
W.D.
Advocate.

- 31 - ANNEXURE - 7 (copy)

GOVERNMENT OF MEGHALAYA
OFFICE OF THE WORKING PLAN OFFICER, MEGHALAYA, SHILLONG.

NO.MWP/8/PF/GDC/29

Dated Shillong, the 27th Jan/98.

From,

Shri G.Das Chowdhuri, IFS,
Working Plan Officer,
Meghalaya, Shillong.

To,

The Principal Secretary to the Govt.
of Meghalaya, Forests & Environment
Department, Shillong.

Through,

The Principal Chief Conservator of
Forests, Meghalaya, Shillong.

Subject :- Prayer for promotion to Supertime Scale.

Reference :- This Office letter No.MWP/8/PF/GDC/549,
dt. 20.10.97.

Sir,

In continuation to the Office letter quoted above, I have the honour to bring to your kind notice that 2(two) more Officers of Assam-wing of the Assam-Meghalaya joint Indian Forest Service junior to me viz. Shri R.D.S.Tanwar, IFS & Shri A.K.Singh, IFS both being R.R. '84, had been promoted to the rank of Conservator of Forests in the month of Dec/97 and Jan/98 respectively whereas I am to express with deep anguish that the Govt. has not protected my interest so far as I have been superseded in the month of June, 1997. It may be mentioned here that 2(two) posts out of the sanctioned cadre strength of Meghalaya wing of the joint Assam-Meghalaya, Indian Forests Service viz. Conservator of Forests(Research and Training) and Chief Conservator of Forests(Social Forestry & Environment) is lying vacant for quite sometime. Presuming that in all probabilities those vacancies could not be perhaps filled up by the Officers in order of seniority due to their unsatisfactory service records which had blocked the prospects of eligible aspirants down the line, I would like to bring it to your kind notice that in similar situations in Assam

Attested
W.D.S.
Advocate.

- 32 -

wing of the service in very recent past, the Govt. of Assam in all fairness of thing promoted the eligible Officers down the line setting aside the cases of the Officers senior to them to be reconsidered in due course in order to keep the morale of the eligible officers high and respecting their service records.

In view of the above, I am to once again request you to promote me at an earliest with retrospective effect in order to protect my seniority.

Yours faithfully,

(G. Das Chowdhuri, IFS)
Working Plan Officer,
Meghalaya, Shillong.

Memo. NO. MW/P/PP/GDC/100, Dated Shillong, the 27th Jan/98.

Copy in advance forwarded to :-

The Principal Secretary to the Govt.
of Meghalaya, Forests & Environment Department, Shillong.

(G. Das Chowdhuri, IFS)
Working Plan Officer,
Meghalaya, Shillong.

-:00000:-

K.R.W.

Attor
Advocate

33 - ANNEXURE - 7 (copy)

GOVERNMENT OF MEGHALAYA
OFFICE OF THE WORKING PLAN OFFICER, MEGHALAYA, SHILLONG.

No. MWP/8/PF/GDC/Pt. IV/616, Dated Shillong, the 4th June/98.

From : G. Das Choudhuri, IFS.,
Working Plan Officer,
Meghalaya, Shillong.

To, The Principal Secretary to Govt. of Meghalaya,
Forests and Environment Department,
Shillong.

Through : The Principal Chief Conservator of
Forests, Meghalaya, Shillong.

Sub : Prayer for Promotion to Superintending Scale of IFS.

Ref : This office Letter No. MWP/8/PF/GDC/Pt. IV/199,
Dt. - 27.1.98.

Sir,

In inviting reference to my last representation submitted vide this office letter quoted above (copy enclosed for ready reference), I have the honour to further request you to promote me without any further delay and with retrospective effect to help enabling restoring my seniority.

Enclosed : As stated.

Yours faithfully,

(G. Das Choudhuri, IFS)
Working Plan Officer,
Meghalaya, Shillong.

Memo No. MWP/8/PF/GDC/Pt. IV/617, Dt. Shillong, the 4th June/98.

Copy in advance forwarded for information to :-

The Principal Secretary to the Govt. of Meghalaya,
Forests and Environment Department, Shillong.

(G. Das Choudhuri, IFS)
Working Plan Officer,
Meghalaya, Shillong.

-:000:-

F.I.

Attested
W.D.
Advocate.

- 34 -

ANNEXURE - 8

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 254 of 1999.

Date of Order : This the 6th Day of August, 2001.

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

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

Shri Gopal Chandra Das Choudhury, IFS
presently holding the post of Working
Plan Officer, Department of Environment
and Forests, Government of Meghalaya,
Shillong.

. . . Applicant.

By Advocate Shri S.Sarma.

- Versus -

1. Union of India,
through the Secretary to the Govt. of India,
Ministry of Environment and Forests,
Paryabaran Bhawan, CGO Complex,
Lodhi Road, New Delhi-110003.

2. The Secretary,
Environment and Forests,
Government of Meghalaya,
Shillong.

3. The Secretary,
Environment and Forests,
Government of Assam,
Guwahati.

. . . Respondents

None present for the respondents.

ORDER

K.K.SHARMA, ADMN.MEMBER,

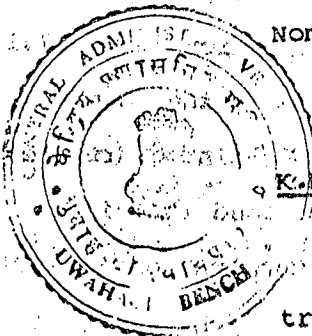
By this application under Section 19 of the Administrative Tribunals Act 1985 the applicant has claimed the benefit of promotion to Selection Grade with effect from April 1996 and seeks promotion to the post of Conservator of Forests with effect from June 1997.

2. The applicant belongs to the 1983 batch of Indian Forest Service (IFS) and belonging to the Assam Meghalaya Joint Cadre. The juniors to the applicant were promoted to the Selection Grade followed by promotion to the post

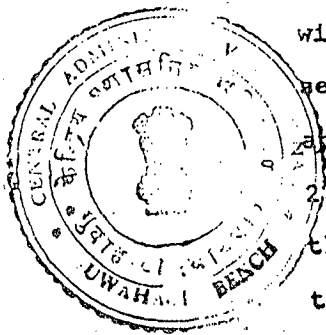
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Attested
W.Dar
Advocate.

Attested
W.Dar
Advocate.



of Conservator of Forests. It is stated that Sri D.H. Prasad, who was at serial No.33 of the Assam Meghalaya Cadre seniority list was promoted by the Government of to the post of Conservator of Forests on 3.6.97 and was given selection grade with effect from 1.4.97. That shows that in some cases selection grade was given before the promotion to the post of Conservator of Forests. Similarly, Sri Abhijit Rava, who was at serial No.35 in the seniority list of Assam Meghalaya Cadre of IFS was promoted to the post of Conservator of Forests, Southern Assam Circle, Silchar with effect from 6.6.97. Similarly, Sri Anil Kumar Singh, Serial No.36 and Sri R.D.S.Tanwar, Serial No.32 in the seniority list both belonging to the 1984 year of allotment were also promoted as Conservator of Forests in December 1997. The applicant claims that since he belongs to the 1983 batch he is entitled for the selection grade with effect from April 1996 as the applicant holds position senior to the officers of 1984 batch mentioned above. The applicant made representations dated 11.6.97, 21.6.97, 2.8.97, 3.12.97 and 27.1.98. By representation dated 27.1.98 the applicant also brought to the notice of the respondents that two posts in the Meghalaya, being of Joint cadre, namely, post of Conservator of Forests, (Research and Training) and Managing Director, Forest Development Corporation, Shillong are lying vacant. The applicant has also referred to the order of this Tribunal in the case of Sri V.K.Vishnoi wherein it had been held that seniority shown at the time of appointment to IFS should be maintained for all time to come. It is stated that there is nothing adverse against the applicant. The officers junior to him were given selection grade before him and had been promoted to the post of Conservator of



Attested
W.D. on
Advocate.

10/11/98 contd.. 3

Attested
W.D. on
Advocate.

Forests. The applicant can easily be accommodated in one of those two posts lying vacant. The action of the respondents in denying the applicant's promotion opportunity is violative of principles of natural justice and principles of equality under Article 14 of the Constitution. The junior officers have been allowed to supersede the applicant which is against the settled principle of service jurisprudence.

3. No written statement has been filed by the respondents No.1 and 2, namely, Union of India and Secretary, Environment and Forests, Government of Meghalaya. In the written statement filed by respondent No.3, namely, Government of Assam it is stated that members of IFS become eligible for appointment to selection grade at any time after first April of the year in which they complete 13 years of service with reference to the year of allotment and subject to the availability of vacancies. Sri D.Hara Prasad was given selection grade and promoted to the post of Conservator of Forests as per the rules. Similarly other officers were also given selection grade on completion of 13 years of service.

Nobody appeared on behalf of the respondents. In the additional statement filed by the applicant it has been stated that the applicant has been given selection grade with effect from 22.10.99. It is stated that when Sri C. Bodnah, an IFS officer of the Assam Meghalaya Joint Cadre was promoted as Conservator of Forests in the State of Meghalaya with effect from 15.12.94 his seniors were given benefit with retrospective effect by creating supernumerary post. It is stated that there are vacancies in Meghalaya wing of the Assam Meghalaya Joint Cadre. Thus there is no impediment for giving promotion to the applicant from the due date. He cannot be deprived of selection grade and Super Time Scale when his juniors in the Assam wing have already

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Attested
W.D.M.
Advocate

Attested
W.D.M.
Advocate

Contd...2/-

- 37 -

been promoted. The applicant has also referred to the judgment of this Tribunal in O.A.192/90 whereby an IFS officer Shri H.C.Changkakati was allowed the benefit of the grade scale of Principal Chief Conservator of Forests with effect from the date when his junior was promoted.

5. We have considered the written statement filed by respondent No.3 and the documents filed alongwith the application. The applicant has made out a case that his juniors have been given selection grade as well as promoted to the post of Conservator of Forests before him. The IFS Rules provide for placement to the selection grade on completion of 13 years of service. Officers junior to the applicant who were ^{of} 1984 batch have been given selection grade on completion of 13 years of service. There is no reason as to why the applicant should also not be considered for the selection grade on completion of 13 years. The applicant's claim for selection grade on completion of 13 years of service is justified and is based on the service rules. The respondents are accordingly directed to dispose of the representation of the applicant and consider his case for selection grade on completion of 13 years.

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



Sd/VICE CHAIRMAN
Sd/MEMBER (Adm)

TRUE COPY

[Signature]
08/02/2002

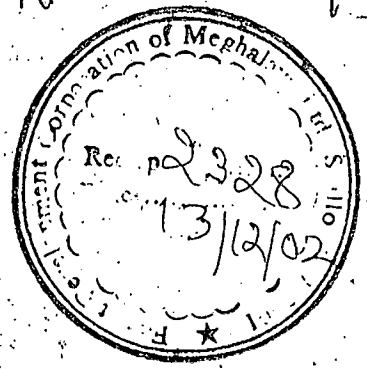
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[Signature]
Advocate.

By the Registrar
Sd/REGISTRAR
Sd/CLERK
Sd/CLERK
Sd/CLERK

Attested
[Signature]
Advocate.

10/12/02

GOVERNMENT OF MEGHALAYA
FORESTS & ENVIRONMENT DEPARTMENT



ORDER BY THE GOVERNOR
NOTIFICATION.

Dated Shillong, the 10th December, 2002.

NO.FOR.25/2002/48 - Shri. T.T.C. Marak, IFS (RR-1979), Chief Conservator of Forests, Social Forestry & Environment, Meghalaya, Shillong is relieved of his additional charge of Conservator of Forests (Research & Training) and Conservator i/c Wildlife Division Khasi & Jaintia Hills Meghalaya, Shillong with effect from the date of handing over charge.

NO.FOR.25/2002/48-A - Shri. S. Kumar, IFS (RR-1979), Chief Conservator of Forests, Research, Training & Wildlife, Meghalaya, Shillong is relieved of his additional charge of Conservator of Forests (Headquarter) Meghalaya, Shillong with effect from the date of handing over charge.

NO.FOR.25/2002/48-B - Shri. C. Budnah, IFS (RR-1981) Conservator of Forests (Social Forestry & Environment) and Conservator i/c Territorial Divisions, Khasi & Jaintia Hills Meghalaya, Shillong is transferred and posted as Conservator of Forests (Research & Training) Meghalaya, Shillong with effect from the date of taking over charge and until further orders.

NO.FOR.25/2002/48-C - Shri. C.P. Marak, IFS (RR-1983) Divisional Forest Officer, (Territorial) West Garo Hills Division, Tura is promoted to the Super Time Scale of the IFS in the scale of pay of Rs.16,400-450-20,000/- and posted as Conservator of Forests, (Social Forestry & Environment) Meghalaya, Shillong i/c Social Forestry Division Khasi & Jaintia Hills with effect from the date of taking over charge and until further orders vice Shri. C. Budnah, IFS, transferred.

NO.FOR.25/2002/48-D - Shri. G.C. Das Choudhury, IFS (SFS-1983) Managing Director, Forest Development Corporation of Meghalaya, Shillong is promoted to the Super Time Scale of the IFS, in the scale of pay of Rs.16,400-450-20,000/- and posted as Managing Director, Forest Development Corporation of Meghalaya, Shillong (C.F.level) with effect from the date of taking over charge and until further orders.

NO.FOR.25/2002/48-E - Shri. N.S. Burfal, IFS (RR-1984) Divisional Forest Officer, (Training) Meghalaya, Shillong is promoted to the Super Time Scale of the IFS in the scale of pay of Rs. 16,400-450-20,000/- and posted

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Attested
[Signature]
Advocate.

as Officer on-Special Duty, Social Forestry (C.F. Level) i/c Social Forestry Division Garo Hills with Headquarter at Tura with effect from the date of taking over charge and until further orders.

Shri. Robin Shullai, IFS, Conservator of Forest, Wildlife Tura is relieved of his functions as i/c of Social Forestry Divisions Garo Hills.

NO.FOR.25/2002/48-F - Shri. Y.S. Shullai, IFS (RR-1985) Divisional Forest Officer, Forest Utilisation Division, Meghalaya, Shillong is promoted to the Super Time Scale of the IFS in the scale of pay of Rs.16,400-450-20,000/- and posted as Officer on-Special Duty in the Office of the Principal Chief Conservator of Forests, Meghalaya, Shillong (C.F. Level)-as Nodal Officer Forest Conservation Act; Monitoring/Evaluation Officer; and i/c of Legal/Computer Cell and Statistical with effect from the date of taking over charge and until further orders.

NO.FOR.25/2002/48-G - Shri. B.K. Lyngwa, IFS (RR-1985) Divisional Forest Officer, Khasi Hills Wildlife Division, Meghalaya, Shillong is promoted to the Super Time Scale of the IFS in the scale of pay of Rs.16,400-450-20,000/- and posted as Officer on-Special Duty Wildlife, Meghalaya, Shillong (C.F. Level)-as i/c Wildlife and Territorial Division Khasi & Jaintia Hills with effect from the date of taking over charge and until further orders.

NO.FOR.25/2002/48-H - Shri. P.S. Rynjah, IFS (SFS-1985) Planning Officer, (Forests) is promoted to the Super Time Scale of the IFS in the scale of Pay of Rs. 16,400-450-20,000/- and posted as Conservator of Forests (Headquarter) Meghalaya, Shillong with effect from the date of taking over charge and until further Orders.

SD/- B. Purkayastha,
Secretary to the Govt. of Meghalaya,
Forests & Environment Department.

Memo.NO.FOR.25/2002/48-I,
Copy forwarded to :-

Dated Shillong, the 10th December, 2002.

1. The Private Secretary to Chief Minister for favour of information of the Chief Minister.
2. The Private Secretary to Minister, incharge Forest & Environment for favour of information of the Minister.
3. The Accountant General (A&E), Meghalaya, Shillong for favour of information and necessary action. This has the approval of the Joint Cadre Authority (JCA).

Contd...3/-

Attested

for
etc.

4. The Principal Chief Conservator of Forests, Meghalaya, Shillong for information and necessary action.
5. The Under Secretary to the Govt. of India, Ministry of Environment & Forests, Paryavaran Bhavan, CGO Complex, Lodi Road, New Delhi-110003.
6. The Secretary, Joint Cadre Authority of Assam- Meghalaya and Principal Secretary to the Govt. of Meghalaya, Personnel & A.R. (A) Department.
7. The Commissioner & Secretary to the Govt. of Assam, Department of Personnel (Personnel A, Assam Secretariat, Civil, Dispur.
8. Personnel & A.R. (A) Department for information with reference to their I/D No. 315/02 dt. 6.11.2002.
9. All Chief Conservator of Forests/Conservators of Forests / Divisional Forest Officers.
10. Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8.
11. Shri C.P. Marak, IFS, Divisional Forest Officer (Territorial) West Garo Hills Division, Tura.
12. Shri G.C. Das Choudhury, IFS, Managing Director, Forest Development Corporation of Meghalaya Ltd., Shillong.
13. Shri N.S. Burfal, IFS, Divisional Forest Officer (Training) Meghalaya, Shillong.
14. Shri Y.S. Shullai, IFS, Divisional Forest Officer, Forest Utilisation Division, Meghalaya, Shillong.
15. Shri B.K. Lyngwa, IFS, Divisional Forest Officer, Khasi Hills Wildlife Division, Meghalaya, Shillong.
16. Shri P.S. Rynjah, IFS, Planning Officer (Forests) Meghalaya, Shillong.
17. Shri T.T.C. Marak, IFS, Chief Conservator of Forests, (Social Forestry & Environment) Meghalaya, Shillong.
18. Shri S. Kumar, IFS, Chief Conservator of Forests (Research, Training & Wildlife) Meghalaya, Shillong.
19. Shri C. Budnah, IFS, Conservator of Forests. (Social Forestry & Environment) Meghalaya, Shillong.
20. The Director, Printing & Stationery, Meghalaya, Shillong for publication in the Meghalaya Gazette.
21. Personal File of the officers.
22. Guard file. (23) Office copy.

By orders etc.,

M. A. Shaplin

Deputy Secretary to the Govt. of Meghalaya,
Forests & Environment Department.

Attested
W. A.
Advocate.

- 41 -

ORDER SHEET

Original No. _____
Misc. Petition No. 53 / 2002 in O.A. 254/99
Contempt Petition No. _____
Review Application No. _____

Applicant(s) Gopal Chandra Das Chandhury

Respondent(s) Hon'ble of India Post

Advocate for Applicant(s) Mr. S. Sarma, Min. U. Day

Advocate for Respondent(s) Mr. B. C. Pathak
Addl. Secy. Govt. Adv. Secy. Ministry



27.1.03

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

Heard Mr. S. Sarma, learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl. C.G.S.C. for the U.O.I. and Mrs. B. Dutta, learned counsel representing the State of Meghalaya.

Mrs. B. Dutta, learned counsel representing the State of Meghalaya submitted that in terms of the judgment and order dated 6.8.2001 in O.A. No. 254/99, the respondents acted upon and by order dated 10.12.2002 the applicant was considered for promotion to super-time scale of IFS in the scale of Rs. 16,400-450-20,000/-. It seems that the judgment and order of the Tribunal has already given effect. Therefore, question of passing further orders does not arise. Accordingly, the application stands dismissed as infructuous.

A copy of the order dated 10.12.2002 is placed on record.

Per Order of the Bench

Section Officer (J)

Section Officer (J)

C.A.T. GUWAHATI

Guwahati

SO/VICE CHAIRMAN

SO/ MEMBER (ADMIN)

Attested

Advocate

- 42 - ANNEXURE - 11

GOVERNMENT OF MEGHALAYA
FOREST & ENVIRONMENT DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Shillong, the 24th April, 2003.

NO.FOR. 25/2002/58- Shri G.C.Das Choudhury, IFS (SFS 1983) Managing Director, Forest Development Corporation of Meghalaya, Shillong is appointed with retrospective effect from 8.4.96 to the Selection Grade of the IFS in the scale of pay of Rs. 14300-400- 16300/- plus other allowances as admissible under the Rules.

This supercedes this Deptt.'s Notification NO.FOR.30/91/Pt/25 dt. 22.10.1999.

Sd/- B.Purkayastha,
Secretary to the Govt. of Meghalaya,
Forests & Environment Department.

Memo NO.FOR. 25/2002/58-A

Dt. Shillong, the 24th April, 2003.

Copy forwarded to :-

1. The Accountant General (Accounts/Audit) Meghalaya, Shillong for information and necessary action. This order has been issued in compliance to the orders of the Central Administrative Tribunal Guwahati Bench No.OM 254 of 1999 dt. 6.8.2001.
2. The Principal Chief Conservator of Forests, Meghalaya, Shillong for information.
3. The Under Secretary to the Govt. of India, Ministry of Environment & Forests, Paryawaran Bhawan, CGO Complex, Lodhi Road, New Delhi - 110003.
4. The Secretary, Joint Cadre Authority of Assam- Meghalaya and Principal Secretary to the Govt. of Meghalaya, Personnel & A.R. (A) Department.
5. The Commissioner & Secretary to the Govt. of Assam, Department of Personnel (Personnel A) Assam Secretariat (Civil) Dispur.
6. Personnel & A.R. (A) Department for information with reference to their I/D No. 93/2003 dt. 7.4.2003.
7. Asst. Chief Conservator of Forests/Conservator of Forests/ Regional
8. Principal Chief Conservator of Forests, Assam, Rehobari, Guwahati-8.

....2/8

Attested
u/s
Advocate.

9. Shri G.C. Das Choudhury, IFS Managing Director, Forest Development Corporation of Meghalaya Ltd, Lower Lachumiere, Shillong.

10. The Director, Printing & Stationery, Meghalaya, Shillong for publication in the Meghalaya Gazette.

11. Personal File of the officer.

Shri G.C. Das Choudhury IFS

12. Guard file.

13. Office copy.

By order etc.,

M. A. Shengupta

Deputy Secretary to the Govt. of Meghalaya,
Forests & Environment Department.

...

Amended
W.D.M.
Advocate.

The Forest Development Corporation of Meghalaya Ltd.

(A GOVT. OF MEGHALAYA UNDERTAKING)

Regd. Office :
LOWER LACHUMIERE
SHILLONG - 793001

Ref. No. FDC : 38/1

Dated, Shillong the 29th April 2003

To,

The Secretary to Govt. of Meghalaya,
Forest & Environment Department,
Shillong.Sub : PRAYER FOR RETROSPECTIVE EFFECT IN APPOINTMENT TO SELECTION
GRADE AS WELL AS PROMOTION TO SUPERTIME SCALE OF IFS.

Ref : My representation vide No.FDC.38/1 dt. 16th Dec.2002.

Sir,

In inviting reference to my representation as referred to above and in expressing my deep gratitude to the benign Govt. for appointing me in the Selection Grade of the I.F.S. with retrospective effect from 08.04.1996 vide Notification No.FOR.25/2002/58 dt. 24th April, 2003 I now beg to once again request the authority to give effect to my promotion into the supertime scale of I.F.S. in the rank of Conservator of Forests from retrospective date i.e. from the date my immediate junior in Assam viz., Shri H.Haraprasad, IFS was promoted to the Scale consequent to the benefit granted in the appointment to the Selection Grade in compliance to the orders of the C.A.T., Guwahati Bench in O.A. No. 254 of 1999 dt. 6.8.2001. As thoroughly discussed in the said judgement, my interpretation of the order is that the rest of the things are supposed to fall in place in time as and when it comes due i.e granting of supertime scale and promotion to the scale in the instant case under the "Next Below Rule" when it became due to me as per my joint seniority in the Civil list of Assam-Meghalaya Joint Cadre of the Service.

Thanking you,

Yours faithfully,

(G.DAS CHOUDHURI, IFS)
MANAGING DIRECTOR.

mbm.

Attested
Vas
Advocate.