

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

✓  
O.A/T.A No. 217/2006

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26/10/17

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:**

ORDERS SHEET

1. Original Application No. 217/06  
 2. Misc Petition No. \_\_\_\_\_  
 3. Contempt Petition No. \_\_\_\_\_  
 4. Review Application No. \_\_\_\_\_

Applicant(s) A.K. Sinha

Respondant(s) M. K. P. Joms

Advocate for the applicant(s) C. S. Sinha

Advocate for the Respondant(s) Case

Notes of the Registry	Date	Order of the Tribunal
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22.08.2006 Present: Hon'ble Sri K.V. Sachidanandan  
Vice-Chairman.

The Applicant was promoted to Indian Forest Service (Manipur-Tripura cadre) on 31.12.1990 with '1986' year of allotment. Vide notification dated 12.09.2005 (Annexure - 2), the Respondents corrected the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1990 for Manipur-Tripura cadre by antedating its effect from 29.03.1988 with two more promotion posts in Tripura part of the joint cadre. The Applicant wants advantage of the said notification dated 12.09.2005. Hence, the Applicant stated that his year of allotment will come 1985 and he could have been promoted from 16.12.1989 instead of 1990. The Applicant submitted many representations and finally on 20.12.2005. The Applicant has filed this Application seeking the following reliefs: -

Contd/-

Application is in form  
IS Form No. 10-1  
d. No. 54.E.704226  
Dated 18.8.06

*[Signature]*  
Dy. Registrar

Steps not taken

*[Signature]*

Defective

Rs. 15/- not submitted  
for the Respondent  
No. 6, 7, and 8.

Defect Monor  
Rs. 15/- Submitted  
Rm. 29.8.06  
*[Signatures]*

Contd/-  
22.08.2006

- i. To direct the respondent authorities to antedate the promotion of the applicant to IFS with effect from the 16<sup>th</sup> December 1989 with all consequential benefit.
- ii. Cost of the application.
- iii. Any other relief to which the applicant is entitled to under the facts and circumstances of the case and as may be deemed proper by the Honnourable Tribunal."

Heard Mr C.S. Sinha, learned Counsel for the Applicant and Mr G. Baishya, learned Sr. C.G.S.C. for the Respondents.

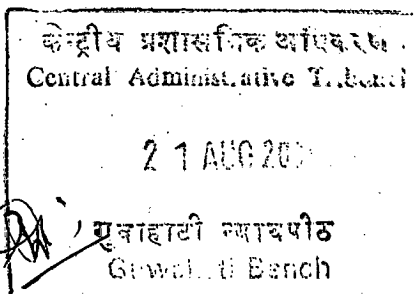
Mr C.S. Sinha, learned Counsel for the Applicant submitted that he will be satisfied if a direction is given to the Respondent No. 1 to consider and dispose of the representation dated 20.12.2005 within a time frame. Mr G. Baishya, learned Sr. C.G.S.C. for the Respondents submitted that he has no objection if such course is adopted.

Therefore, this Court directs the 1st respondent and/or any other competent authority to consider and dispose of the annexure -7 representation within a period of three months from the date of receipt of this order.

The O.A. is dispose of as above at the admission stage itself. No order as to costs.

  
Vice-Chairman

/mb/



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH**  
(An application under section 19 of the Administrative Tribunals Act, 1985)

ORIGINAL APPLICATION NO. **217** OF 2006 A. D.

Shri Achintya kumar Sinha:

Applicant

Versus

Union of India & others:

Respondents

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Submitted

*(Signature)*

(C. S. Sinha)  
Advocate

For use by Tribunal's office

Date of filing:

Registration no.:

\_\_\_\_\_  
Registrar

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH**

O.A. No. 217 of 2006 A. D.

Shri Achintya kumar Sinha

... Applicant

-Versus-

Union of India and others

... Respondents

**SYNOPSIS**

1. Applicant was promoted to Indian Forest Service (Manipur-Tripura) on 31/12/90 with '1986' year of allotment (Annexure-1).
2. Previous representation of applicant for antedating promotion from 16/12/89 was rejected vide Order dated 09/08/2000 (Annexure-4) on the two grounds that (1) judgment rendered by Honourable Tribunal in case of Shri Ibobi Singh, a member of Manipur part of Indian Forest Service (Manipur-Tripura), in OA No. 15/95 including issue of number of promotion posts, was pending for review with the Honourable Tribunal; and (2) that applicant's name could not be included in the Select List of 31/12/88 due to restriction on its size.
3. Govt. of India on final settlement of the matter relating to OA No. 15/95 in the Honourable Tribunal corrected the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1990 (Annexure-3) for Manipur-Tripura cadre vide Notification dated 12/09/2005 (Annexure-2) by antedating its effect from 29/03/1988 with two more promotion posts in Tripura part of the joint cadre.
4. Applicant is aggrieved for not antedating his promotion from 16/12/1989, when his immediate senior was promoted, despite representation dated 20/12/2005 (Annexure-7), despite relief to Shri Ibobi Singh vide Order dated 28/02/06 (Annexure-5) based on the antedated Cadre review.
5. Applicant had no option under the circumstances other than to approach this Honourable Tribunal.
6. Hence this application seeking justice.

*(Signature)*  
(C. S. Sinha)  
Advocate

X

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH**

O.A. No. 217 of 2006 A. D.

Shri Achintya kumar Sinha ... Applicant

-Versus-

Union of India and others ... Respondents

**LIST OF DATES**

- 29/03/1985** Notification for Indian Forest Service (Fixation of Cadre Strength) Third Amendment Regulations, 1985 for Indian Forest Service (Manipur-Tripura) containing 14 promotion posts.
- 31/12/1988** Select List prepared for promotion to Indian Forest Service (Manipur-Tripura) Joint Cadre with only one name, that of Shri A. K. Roy, immediate senior to applicant in State Forest Service
- 16/12/1989** Shri A. K. Roy promoted to Indian Forest Service
- 22/11/1990** Notification for Indian Forest Service (Fixation of Cadre Strength) Amendment Regulations, 1990 containing 18 promotion posts.
- 31/12/1990** Applicant promoted to Indian Forest Service (Manipur-Tripura) cadre.
- 09/08/2000** Order from the Ministry of Environment and Forests disposing of previous representation of applicant claiming promotion to Indian Forest Service with effect from 16/12/1989, when Shri A. K. Roy had been promoted.
- 30/03/2005** Order issued assigning year of allotment '1986' to applicant
- 12/09/2005** Notification of Indian Forest Service (Fixation of Cadre Strength) Amendment Regulations, 2005 antedating the cadre review vide Indian Forest Service (Fixation of Cadre Strength) Third Amendment Regulations, 1990 with effect from 29/03/1988.
- 20/12/2005** Representation submitted by applicant in reference to Notification dated 12/09/2005 for antedating promotion to Indian Forest Service with effect from 16<sup>th</sup> December 1989
- 28/02/2006** Order issued re-fixing year of allotment of Shri Ibobi Singh with year of allotment '1984' in place of the previous '1986' in terms of antedated cadre review vide Notification dated 12/09/2005

*(C. S. Sinha)*  
(C. S. Sinha)  
Advocate

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Achintya Kumar Sinha  
B  
Pradyumn Kumar  
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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH**  
(An application under section 19 of the Administrative Tribunals Act, 1985)

ORIGINAL APPLICATION NO. 217 OF 2006 A. D.

BETWEEN

Shri Achintya kumar Sinha, IFS, Director, Biotechnology,  
Department of Science, Technology & Environment, Govt.  
of Tripura, Vigyan Bhawan, Pandit Nehru Complex,  
Kunjavan, Agartala: 799 006

... Applicant

VERSUS

1. The Union of India represented by the Secretary, Ministry of Environment and Forests, Government of India, Pryavaran Bhawan, CGO Complex, Lodi Road, New Delhi: 110 003
2. The State of Tripura represented by the Chief Secretary, Govt. of Tripura, Agartala, Tripura: 799 001
3. The State of Manipur represented by the Chief Secretary, Govt. of Manipur, Imphal, Manipur
4. The Union Public Service Commission represented by the Secretary, UPSC, Dholpur House, Shahjahan Road, New Delhi: 110 001
5. Shri B.N. Mohanty, IFS care of Principal Chief Conservator of Forests, Manipur, Imphal
6. Dr. A. Rastogi, IFS, Director, Ministry of Defence, Government of India, South Block, New Delhi
7. Dr. Ajay Kumar, IFS care of Principal Chief Conservator of Forests, Manipur, Imphal
8. Shri P.K. Pant, IFS care of Principal Chief Conservator of Forests, Tripura, Aranya Bhawan, Pandit Nehru Complex, Kunjavan, Agartala: 799 006

... Respondents

DETAILS OF APPLICATION

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

The instant application is directed against the Order No. F.22012/11/2002-IFS-II dated 30<sup>th</sup> March 2005 (Annexure-1) from the Ministry of Environment and Forests, Government of India (MoEF for short, herein after) assigning the year of allotment of the applicant in the Indian Forest Service as '1986'.



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by  
Cumbrecht, Peter  
Sch

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by  
Emmett Bell  
Adm

- Jehindya Kumar Singh  
B  
Punjab  
AZR  
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- a. That the judgment rendered by the Honourable Tribunal in case of Shri Ibobi Singh, a member of the Manipur part of the IFS (Manipur-Tripura) joint cadre in OA No. 15/95 including inter alia the issue of number of promotion posts, was pending for review with the Honourable Tribunal following filing of Review petition by the Union of India; and
- b. That the applicant's name could not be included in the Select List prepared on 31<sup>st</sup> December 1988 due to restriction on size of Select List dependent up on the number of promotion vacancies.

*Copies of order dated 9<sup>th</sup> August 2000 annexed and marked as Annexure-4.*

4.4. That MoEF granted relief vide its Order No. 22012/28/04-IFS-II dated 28<sup>th</sup> February 2006 (Annexure-5) to Shri Ibobi Singh, an IFS officer of the Manipur part of the IFS (Manipur-Tripura) cadre, by re-fixing his seniority in accordance with the Cadre Strength Amendment Regulations, 2005 vide Notification dated 12<sup>th</sup> September 2005 (Annexure-2).

*Copies of Order dated 28<sup>th</sup> February 2006 and Notification dated 12<sup>th</sup> September 2005 annexed and marked as Annexures 5 and 2 respectively.*

4.5. That following the correction of wrong with retrospective effect from 29<sup>th</sup> March 1988 as per the Cadre Strength Amendment Regulations, 2005 vide Notification dated 12<sup>th</sup> September 2005 (Annexure-2), there arose two clear vacancies in the Tripura part of the Manipur-Tripura joint cadre of IFS since 29<sup>th</sup> March 1988 and the position continued to be so on the 31<sup>st</sup> December 1988, when the Select List for promotion to IFS had been prepared according to letter no. 17013-12/88-IFS-II dated 9<sup>th</sup> March 1989 of the MoEF (Annexure-6).

*Copies of Notification dated 12<sup>th</sup> September 2005 and letter dated 9<sup>th</sup> March 1989 are annexed and marked as Annexures 2 and 6 respectively.*

4.6. That the applicant submitted his representation dated 20<sup>th</sup> December 2005 (Annexure-7) to the MoEF through proper channel prayed for antedating his promotion to IFS with effect from 16<sup>th</sup> December 1989, as he had been deprived of promotion at the relevant time due to erroneous representation of number of promotion vacancies, and which wrong was subsequently corrected with retrospective effect from 29<sup>th</sup> March 1988 by the Government vide Cadre Strength Amendment Regulations, 2005 vide Notification dated 12<sup>th</sup> September 2005 (Annexure-2); and the said representation of the applicant was forwarded by the General Administration (Personnel & Training) Department, Government of Tripura vide their letter no.

Jeevanta Kumar Singh  
B  
Subodh Kumar Singh  
11  
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F.35(74)-GA (P&T) 91 dated 28<sup>th</sup> January 2006 (Annexure-8) to MoEF for antedating the applicant's promotion with effect from 16<sup>th</sup> December 1989 based on the Cadre Strength Amendment Regulations, 2005 with retrospective effect from the 29<sup>th</sup> March 1988 vide Notification dated 12<sup>th</sup> September 2005 (Annexure-2).

*Copies of representation dated 20<sup>th</sup> December 2005, Notification dated 12<sup>th</sup> September 2005; letter dated 28<sup>th</sup> January 2006 are annexed and marked as Annexures 7, 2 and 8 respectively.*

4.7. That according to para 4 of order dated 9<sup>th</sup> August 2000 (Annexure-4) of the MoEF the name of the applicant had not been included in the Select List for promotion to IFS prepared on the 31<sup>st</sup> December 1988 due to restriction on the size of the Select List dependent up on the promotion vacancies and the said list contained only one name, that of Shri A. K. Roy; and there being two clear vacancies on 31<sup>st</sup> December 1988 after correction of wrong by DoPT vide Cadre Strength Amendment Regulations, 2005 vide Notification dated 12<sup>th</sup> September 2005 (Annexure-2); the Select List of 31<sup>st</sup> December 1988 should have been corrected by MoEF by including therein the name of the applicant next to Shri A. K. Roy, being the applicant's immediate senior in State Forest Service, and by simultaneously antedating the applicant's promotion to IFS with effect from 16<sup>th</sup> December 1989, when Shri A. K. Roy had been promoted, in legitimate mitigation of denial of justice to the applicant due to error committed earlier by the respondent authority.

*Copies of order dated 9<sup>th</sup> August 2000 and notification dated 12<sup>th</sup> September 2005 are annexed and marked as Annexures 4 and 2 respectively.*

## **5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS**

5.1. For that the respondent authority failed to extend legitimate relief, arising out of the correction of wrong vide Cadre Strength Amendment Regulations, 2005 (Annexure-2) giving retrospective effect from 29<sup>th</sup> March 1988 to increased cadre strength in the Tripura part of IFS (Manipur-Tripura) joint cadre, against representation dated 20<sup>th</sup> December 2005 (Annexure-7) from the applicant.

5.2. For that there were two clear vacancies in promotion posts in Tripura part of IFS (Manipur-Tripura) Joint Cadre on 31<sup>st</sup> December 1988 as per the Cadre Strength Amendment Regulations, 2005 (Annexure-2), and, therefore, the respondent authority failed to correct the Select List prepared on 31<sup>st</sup> December 1988 by including the name of the applicant, being no. 2 in seniority next to Shri A. K. Roy in State Forest Service, and to antedate his promotion to IFS with effect from 16<sup>th</sup> December 1989, when Shri A. K. Roy had been promoted, despite the fact that the applicant's claim had been

rejected earlier by the MoEF vide order dated 9<sup>th</sup> August 2000 (Annexure-4), as indicated in para 4 of the said order, on the ground that his name could not be included in the Select List prepared on 31<sup>st</sup> December 1988 due to restriction on the size of the Select List, which depended up on the number of promotion vacancies, and as the judgment by the Honourable Tribunal in case of Shri Ibobi Singh in OA No. 15/95 was pending for review with the Honourable Tribunal following filing of Review Petition by the Union of India; and despite the fact that issue was finally settled as per Cadre Strength Amendment Regulations, 2005 (Annexure-2) followed by grant of consequent relief to Shri Ibobi Singh vide order dated 28<sup>th</sup> February 2006 (Annexure-5) of the MoEF.

#### 6. DETAILS OF REMEDIES EXHAUSTED

The applicant declares that he has no other alternative of efficacious remedy than to come under the protective hands of this Tribunal.

#### 7. MATTER NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT

The applicant further declares that he has not filed any application, writ petition or suit before any other court and/or any other Branch of this Honourable Tribunal in respect of the subject of the instant application or any such application or writ petition or suit is pending with any of them.

#### 8. RELIEFS SOUGHT FOR

Under the facts and circumstances stated above, the applicant most respectfully prays that the Honourable Tribunal may be graciously pleased to admit this application, call for the records of the case and up on hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief to the applicant.

- i. To direct the respondent authorities to antedate the promotion of the applicant to IFS with effect from the 16<sup>th</sup> December 1989 with all consequential benefit.
- ii. Cost of the application.
- iii. Any other relief to which the applicant is entitled to under the facts and circumstances of the case and as may be deemed proper by the Honourable Tribunal.

#### 9. INTERIM ORDER PRAYED FOR

The applicant does not pray for any interim order.

10. The application is filed through learned Advocate Mr. Chandrasekhar Sinha.

**11. PARTICULARS OF BANK DRAFT**

- i. IPO No. 28G 951174 for Rs.50/-
- ii. Date: 19/08/2006

**12. LIST OF ENCLOSURES**

As stated in the index.

**VERIFICATION**

I, Achintya kumar Sinha, son of Late Nil Kanta Sinha, aged about 56 years, presently holding the post of Director, Biotechnology, Department of Science, Technology and Environment, Government of Tripura, Agartala, West Tripura, do hereby solemnly affirm and verify that the statements made in the instant application in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to the legal advice received and I have not suppressed any material facts.

And, I sign this verification on the 25<sup>th</sup> August 2006 at Agartala.

*Achintya kumar Sinha*

*Achintya kumar Sinha*

*By  
Chandrasekhar Sinha*

*12*

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NO. F-22012/11/2002-IFS-II  
Government of India  
Ministry of Environment & Forests

Paryavaran Bhavan, CGO Complex,  
Lodi Road, New Delhi - 11003.

Dated the 30<sup>th</sup> March, 2005.

ORDER

The year of allotment and seniority of Shri A.K. Sinha, IFS promotee officers of Manipur - Tripura Joint Cadre was fixed by this Ministry vide order No. 17013/12/90-IFS.II dated 18<sup>th</sup> May, 1995 and Shri A.K. Sinha was given 1988 year of allotment and placed below Shri R. Das of 1988 batch. Subsequently, Shri A.K. Sinha filed an application before CAT - Guwahati in OA No.470 of 2001 challenging the date of promotion and fixation of seniority.

In pursuance of the directions of CAT - Guwahati Bench, the date of promotion of Shri A.K. Sinha was preponed to 31-12-90. The Government of Manipur have informed that Shri P.K. Pant, IFS (MT:86) is the junior - most direct recruit officer and Tripura part of Manipur - Tripura Joint Cadre who was officiating in Senior Scale post from 1-4-1990 prior to the date of appointment of Shri A.K. Sinha. Accordingly, in partial modification of order dated 18-5-95 and in compliance with order of CAT - Guwahati dated 6-9-2002, the seniority of Shri A.K. Sinha is re-fixed as under:

S.No.	Name of the officer	Year of allotment	Placement
1.	A.K. Sinha	1986	Below Shri P.K. Pant, IFS (Recruitment Rules:1986)

Sd/

( G. Devnani )

Under Secretary to the Govt. of India  
Tele: 24363965

Distribution:

1. The Chief Secretary, Government of Manipur, Imphal.
2. The Chief Secretary, Government of Tripura, Agartala.
3. The Secretary, Department of Personnel & Admin. Reforms, Govt. of Manipur, Imphal.
4. The Secretary, Appointment and Service Department, Govt. of Tripura, Agartala.
5. The Principal Chief Conservator of Forests, Manipur, Imphal.
6. The Principal Chief Conservator of Forests, Tripura, Agartala.
7. The Accountant General, Manipur, Imphal.
8. The Accountant General, Tripura, Agartala.
9. Guard File/Spare Copies.

P.T.O.

*Handwritten signature and text:*  
P.T.O.  
Advocate

## ANNEXURE-2

[TO BE PUBLISHED IN THE GAZETTE OF INDIA UNDER PART II SECTION 3 (I)]

No. 16016/6/90-AIS (II) - (A)

Government of India

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

New Delhi, 12<sup>th</sup> September, 2005

NOTIFICATION

G.S.R. No. .... In exercise of the powers conferred by sub-section (1) of Section 3 of the All India Service Act, 1951 (61 of 1951), read with rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Government, in consultation with the Governments of Manipur and Tripura, hereby makes the following regulations further to amend the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, namely: -


1. (1) These regulations may be called the Indian Forests Service (Fixation of Cadre Strength) Amendment Regulations, 2005.

(2) They shall come into force with effect from the 29<sup>th</sup> March, 1988.

2. In the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training's Notification No. 16016/06/1990-AIS-II (A) dated 22<sup>nd</sup> November, 1990 published as G.S.R. No. 730, dated 08/12/1990 in the Gazette of India, Part II, Section 3 (i), regarding the Indian Forest Service (Fixation of Cadre Strength) Fifth Amendment Regulations, 1990 relating to the Manipur-Tripura Cadre of the Indian Forest Service, the entries - "1. (2) They shall come into force on the date of their publication in the official Gazette" shall be substituted by the following, namely:

"1. (2) They shall come into force with effect from 29<sup>th</sup> March, 1988"

[Foot note: Antedating the date of notification has been made in implementation of the order of the Central Administrative Tribunal, Guwahati Bench, dated 20<sup>th</sup> January, 1999 in O.A. No. 15 of 1995 which has been upheld by the Guwahati High Court in their judgement dated 10<sup>th</sup> April, 2003 in WP(C) No. 4963 of 2001.]

  
(Sangeeta Singh)  
Director (Services)

To

The Manager  
Government of India Press  
Mayapuri  
New Delhi.

16/9  
Ankur  
Kumar

( TO BE PUBLISHED IN THE GAZETTE OF INDIA PART II SECTION 3(1)

No. 16016/6/90-AIS(II)-A

Government of India  
Ministry of Personnel, Public Grievances & Pensions Department  
of Personnel & Training.

New Delhi, the 22.11.90

NOTIFICATION

CSR No. In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), read with rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Government, in consultation with the Governments of Manipur and Tripura, hereby makes following regulations further to amend the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, namely :-

1. (1) These regulations may be called the Indian Forest Service (Fixation of Cadre Strength) Amendment Regulations, 1990.
- (2) They shall come into force on the date of their publication in the official Gazette.
2. In the Schedule to the Indian Forest Service (Fixation of Cadre Strength), Regulations, 1966, for the heading "Manipur-Tripura" and the entries occurring thereunder the following shall be substituted, namely :-

Manipur- Tripura

1. Senior Duty Posts in the State Government (Manipur)	23
Principal Chief Conservator of Forests	1
Chief Conservator of Forests (Wildlife)	1
Chief Conservator of Forests (General)	1
Conservator of Forests	3
Deputy Conservator of Forests	7
Deputy Conservator of Forests (Resources Survey Division)	1
Deputy Conservator of Forests (Wildlife)	1
Deputy Conservator of Forests (Working Plan)	2
Deputy Conservator of Forests (Soil Conservation)	2
Deputy Conservator of Forests (Social Forestry)	1
Deputy Conservator of Forests (Headquarters)	1
Deputy Conservator of Forests (Research, Silviculture & Training)	1
Deputy Conservator of Forests (Rubber)	1

*Handwritten signature and initials*



<u>Senior Duty Posts under the Government (Tripura)</u>		23
Principal Chief Conservator of Forests		1
Chief Conservator of Forests		2
Conservator of Forests		3
Deputy Conservator of Forests		9
Deputy Conservator of Forests (Wildlife)		1
Deputy Conservator of Forests (Working Plan)		2
Deputy Conservator of Forests (Headquarters)		1
Deputy Conservator of Forests (Research)		1
Deputy Conservator of Forests (Training)		1
Deputy Conservator of Forests (Planning & Development)		1
Deputy Conservator of Forests (Planning & Social Forestry)		1
Total senior duty posts of Manipur & Tripura Cadre.		43
2. Central Deputation Reserve @20% of 1 above		9
3. Posts to be filled by promotion in accordance with rule 8 of the Indian Forests Service (Recruitment) Rules, 1966		18
4. Posts to be filled by direct recruitment		37
5. Deputation Reserve @ 25% of a 1 above		11
6. Junior posts, Leave Reserve & Training Reserve		14
	Direct Recruitment	62
	Posts Promotion Posts.	18
	Total Authorised Strength	80

( CHANDER PRAKASH )  
DESK OFFICER

31-8-1998

Chander Prakash

Handwritten signature/initials

No.F.22012/10/97--IFS.II  
Government of India  
Ministry of Environment and Forests

Paryavaran Bhavan, CGO Complex,  
Lodi road, New Delhi-110003

Dated, the 9<sup>th</sup> August, 2000.

**O R D E R**

Shri A.K. Sinha, a State Forest Service (SFS) officer of Tripura was promoted to the Indian Forest Service (IFS) w.e.f. 10-3-92. Subsequently, his year of allotment was determined as '1988' vide order dated 18-5-95 and he was placed below Shri R. Das, a direct recruit officer of 1988 batch. Aggrieved by the order dated 18.5.95, Shri Sinha filed OA No.276/96 before the Hon'ble Central Administrative Tribunal - Guwahati Bench seeking a direction to assign him '1985' year of allotment with all consequential benefits including correct assignment of seniority and promotion prospects etc. with retrospective effect. The OA was decided by the Hon'ble Tribunal vide order dated 24.3.99. The operative portion of Tribunal's order is extracted below: -

"On consideration of the entire facts we find that adequate materials are not available to determine for what reasons the applicant was not appointed in the year 1989-90. The contention of Mr. Sharma is that the post was available but he was not appointed. For all these we feel the entire matter needs to be considered by the authority concerned taking into consideration all the materials in the records and dispose of the representation by a reasoned order. Mr. Sharma wants to file a fresh representation giving details of his claim. If he wants to file a fresh representation he may do so within a period of fifteen days from today. If such representation is filed within the time allowed the competent authority shall also consider the same and dispose of it as early as possible, at any rate within a period of six months from the date of receipt of the representation. The counsel for the applicant and the respondent Nos.19 and 20 submit that before taking any decision by the competent authority the persons interested may be given opportunity of personal hearing. This submission is reasonable. Therefore, we direct the respondents that before taking any decision they shall give notice by giving sufficient time to all persons interested for personal hearing."

In pursuance of the directions given by the Hon'ble Tribunal, Shri Sinha submitted a fresh representation on 18.12.99 which was received on 22.12.99. As per Tribunal's order the representation should have been submitted by 7<sup>th</sup> April, 1999. Broadly, Shri Sinha has made following submissions: -

- i) He became eligible for consideration for appointment to the IFS in 1982.

- ii) He was appointed to the IFS on 10.3.92 and was assigned '1988' year of allotment whereas his immediate senior in the Tripura SFS, Shri A.K. Roy, was appointed to the IFS on 16.12.89 and was assigned '1985' year of allotment.
  - iii) The Central Govt. while fixing the number of promotion posts, took into account only item No.1 & 2 of the Cadre Schedule, i.e. the Senior duty posts under the State Government and the Central Deputation Reserve. But in terms of the order dated 20.1.99 passed by the Central Administrative Tribunal - Guwahati Bench in OA No.15/95: Th. Ibobi Singh Vs. Union of India and Ors, the Union of India was directed to compute the promotion vacancies by taking into consideration the State Deputation Reserve also. Therefore, he is also entitled to the benefit of the judgment rendered by the Hon'ble Tribunal in Th. Ibobi Singh's case.
  - iv) In terms of the above said judgment, there were 8 promotion posts in the Tripura segment of the Joint Cadre, out of which 7 posts were filled up when Shri A.K. Roy was appointed on 16.12.89. He (Shri Sinha) is entitled for consideration for promotion to the IFS against the 8<sup>th</sup> vacancy.
  - v) The direct recruit IFS officers of 1985 and 1986 batch were appointed to the Senior time scale w.e.f. 1.4. 1989 and 1.4.1990 respectively. Therefore, he is entitled to '1985' year of allotment.
2. In his earlier representations attached to O.A. No.276/96 the main ground urged by Shri Sinha was that he had been continuously officiating on cadre post from 15.2.91 till his appointment to the IFS and, as such, he was entitled to the benefit of such officiation and pleaded to assign him '1985' year of allotment.
3. As per directions of the Hon'ble Tribunal, Shri R. Das and Shri D.K. Sharma, the direct recruit officers (Respondent No.19 & 20), were afforded an opportunity of personal hearing. Initially, the date of personal hearing was fixed on 6<sup>th</sup> March, 2000 but neither of the two officers appeared on that date. Therefore, another date was given to them on 20<sup>th</sup> March, 2000. This time, only Shri D.K. Sharma appeared. He made the following submissions:
- i) According to Shri A.K. Sinha, he was promoted to the IFS on 10.3.92 whereas he claims promotion in November, 1990. The IFS (Recruitment) Rules provides only the maximum number of posts that can be filled up.

Mere presence of vacancy does not entitle Shri Sinha to claim promotion to the IFS. Further, it is not necessary that his name would have been considered had the Select List been prepared earlier.

- ii) Officiation of Shri Sinha on cadre post from 15.2.91 to 16.5.92 cannot be considered for seniority because his name was included in the Select List only on 25.11.91 when the list was approved by the UPSC. His officiation cannot, therefore, be counted for the purpose of fixation of his seniority before 25.11.91.
- iii) As per rule-9 of the IFS (Cadre) Rules, prior approval of the Central Government is required by the State Government in case a non-cadre officer is posted on a cadre post beyond a period of three months.
- iv) He (Shri D.K. Sharma) was entitled to Senior time scale w.e.f. 4.7.91. Therefore, he was senior to Shri Sinha whose name was included in the Select List w.e.f. 25.11.91.
- v) In view of above, the year of allotment (1988) assigned to Shri Sinha is correct and does not require any change.

Shri Sharma also asked for a copy of representation dated 18.12.89 submitted by Shri Sinha which was sent to him vide letter dated 18.04.2000. Shri Sharma furnished his comments on the said representation vide his letter dated 1.5.2000.

4. The ground urged by Shri Sinha in his earlier representations as well as the latest one as also the submissions made by Shri D.K. Sharma have been examined. As the outset, it is stated that the judgment rendered by the Hon'ble Tribunal in the case of Shri Ibobi Singh in OA. No.15/95 is pending for review with the Hon'ble Tribunal following filing of Review Petition by the Union of India. As regard the contention of Shri Sinha that his immediate senior, Shri A.K. Roy was appointed to the IFS on 16.12.89 and was assigned '1985' year of allotment, it is stated that Shri Roy's name was included in the Select List prepared on 13.12.1988 whereas Shri Sinha's name could not be included in that list due to restriction on size of the Select List which depended upon the number of promotion vacancies available on the date of preparation of the list. In fact, Shri Roy was the only officer whose name was included in the Select List prepared on 31.12.1988. The name of Shri Sinha was included in the subsequent Select List prepared on 15.3.91 and he was placed at Sl.No.1 of the list in which names of 5 other SFS officers of Tripura, who were found suitable for promotion to the IFS, were included. On the basis of

that Select List, Shri Sinha was appointed to the IFS w.e.f. 10.3.92 and was subsequently assigned '1988' year of allotment.

5. The issue of extending the benefit of officiation to a promotee IFS officer on a cadre post prior to his promotion to the IFS was examined by the Hon'ble Supreme Court in the case titled: M.V. Krishna Rao and Ors. Vs. UOI and Ors. - JT 1994(1) SC 492. In that case, the Hon'ble Supreme Court held that for appointing a Select List officer on a cadre post prior to his induction into the all India Service, approval of the Central Government was not necessary. Such approval is required only in the case of non-Select List officer or one who is not next in order in the list. In the present case, Shri Sinha was at the top of list prepared on 15.3.91 and, as such, as per ruling of the Apex Court in the case cited above, no approval of the Central Government was necessary. Nevertheless, Central Government accorded approval to the State Government's proposal regarding officiation of Shri Sinha on cadre post w.e.f. 15.2.91 till his appointment to the IFS on 13.3.92. In a recent judgment dated 20.1.2000 delivered by the Hon'ble High Court at Allahabad in W.P. No.24393/97: Chandra Bhushan Vs. Central Administrative Tribunal, Allahabad Bench and Ors., it has been held that Shri Bhushan was entitled to the benefit of officiation from 13.12.1984, i.e. the date when the Select List in which his name was included was drawn. While delivering the judgment, the Hon'ble High Court also relied upon the judgment rendered by the Apex Court in the case of M.V. Krishna Rao referred to above.

6. In view of the position explained above, Shri A. K. Sinha is entitled to the benefit of officiation on cadre post w.e.f. 15.3.91, the date when his name was included in the Select List and on that date Dr. Khaizalian was the junior-most direct recruit of 1987 batch borne on the Manipur-Tripura Joint Cadre who had been officiating continuously on a senior post. Accordingly, in terms of rule 3 (2) (c) of the IFS (Regulation of Seniority) Rules, 1968, Shri Sinha is placed below Dr. Khaizalian and is hereby assigned '1987 year of allotment.

Sd/- Mira Mehrishi  
Joint Secretary to the Govt. of India

No.22012/28/04-IFS-II

ANNEXURE-5

Government of India

Ministry of Environment and Forests

Paryavaran Bhavan, CGO Complex,  
Lodi Road, New Delhi-110001Dated the 28<sup>th</sup> February, 2006ORDER

Shri Ibobi Singh, an IFS officer of Manipur State Forest Service was appointed to the IFS Cadre of Manipur Tripura Joint Cadre w.e.f. 30<sup>th</sup> August, 1990 vide order No.18014/12/92-IFS-II dated 8<sup>th</sup> September, 1992. Accordingly his seniority was fixed in the Indian Forest Service in terms of the provisions of IFS (Regulation of Seniority) Rules, 1968 and he was assigned '1986' as year of allotment.

Shri Ibobi Singh challenged his fixation of seniority in the Hon'ble CAT - Guwahati Bench as OA No.15 of 1995. The Hon'ble CAT - Guwahati vide its order dated 20.1.99 in OA No.15 of 1995 held that "the triennial cadre review ought to have been held at the interval of three years and as this was not done, the year of allotment should be computed relating to the year of allotment earlier than 1986". The Ministry of Environment and Forests challenged the order of Hon'ble CAT - Guwahati in the Hon'ble High Court of Guwahati. However, the Hon'ble High Court partly upheld the order of the Hon'ble CAT - Guwahati Bench requiring the Central Government to antedate the cadre review of Manipur Tripura Joint Cadre.

The matter was thereafter examined by the Ministry of Environment and Forests in consultation with the Department of Personnel and Training and the Ministry of Law and Justice, Department of Legal Affairs. The Department of Personnel and Training in the Central Government in pursuance of the decision of the CAT - Guwahati Bench upheld by the Hon'ble High Court of Guwahati issued Notifications No.16016/6/90-AIS(II)-(A) & (b) both dated 12<sup>th</sup> September, 2005 amending the IFS (Fixation of Cadre Strength) Regulations, 1966 and IFS (Pay) Rules, 1968 in respect of Manipur-Tripura Joint Cadre giving it effect from 29<sup>th</sup> March, 1988.

The State Govt. of Manipur have informed that Shri Ibobi Singh was recommended by the Selection Committee of UPSC in its meeting held on 22.2.1989. The Govt. of Manipur have also informed that the junior-most Direct Recruit officer who was holding senior post on 22.2.89 was Shri V. Ramakantha, IFS (MT: 1984). Accordingly, in pursuance of the orders of the Hon'ble CAT dated 20<sup>th</sup> January, 1999 in OA No.15 of 1995 upheld by the Guwahati High Court in their judgment dated 10<sup>th</sup> April, 2003 in WP(C) No.4963 of 2001 and in terms of notification dated 12.9.2005



Handwritten notes:  
A. K. S.  
Amr. 14  
2001

Contd. from prev. page

amending the IFS (Fixation of Cadre Strength) Regulations, 1966, in respect of Manipur Tripura Joint Cadre, the seniority of Shri Ibobi Singh is re0fixed as under:

Name of Officer	Year of allotment	Placement
Ibobi Singh	1984	Below Shri Ramakantha, IFS (MT-1984)

This issues with the approval of the Competent Authority.

Sd/- (G. Devnani)  
Under Secretary to the Govt. of India

Copy to:-

1. The Chief Secretary, Government of Manipur
2. The Secretary, Department of Personnel & Admn. Reforms, Government Manipur, Imphal
3. The Principal Chief Conservator of Forests, Government of Manipur, Imphal
4. The Accountant Government, Manipur, Imphal
5. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi- 110 011
6. The Department of Personnel & Training, North Block, New Delhi
7. Guard File/Spare Copies
8. Shri Anup Kumar Chaudhury, Addl. Central Government Standing Counsel, 74, K.R. Chaudhury Road, Bharalumukh, Guwahati-781 009 with reference to Contempt Petition No. 22/2004 before CAT – Guwahati Bench.
9. IFS – Civil List Section

Sd/- (G. Devnani)  
Under Secretary to the Govt. of India

*Handwritten signature/initials*

भारत सरकार  
पर्यावरण एवं वन मंत्रालय  
GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT & FORESTS

.17013-12/88-IFS-II.

.9th March, 1989.

दूरभाष : ANNEXURE-6

Telephone No. :

तार :

Telegram : PARYAVARAN,  
NEW DELHI

पर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स,  
PARYAVARAN BHAWAN, C.G.O. COMPLEX  
लोदी रोड, नई दिल्ली-110003  
-LODI ROAD, NEW DELHI-110003

26 MAR 1989

BS/AS

The Secretary,  
Appointment Department,  
Government of Tripura,  
AGARTALA.

Sub: Indian Forest Service - Tripura Cadre - promotions to.

I am directed to refer to your letter No.F.2(10)-CS/89 dated the 14th January, 1989 addressed to the Union Public Service Commission, and say that the Commission have, vide their letter No.F.10/12/88-AIS dated the 24th February, 1989 approved a Select List of officers of the State Forest Service of Tripura for promotion to the Indian Forest Service Cadre of Tripura prepared by the Selection Committee at its meeting held at Silcutta on 31st December, 1988, consisting of the following one name.

S1. No.	Name of the officer	Date of birth
1.	(2)	(3)
01.	Shri ASISH KUMAR ROY (SC)	04 05 1950

2. If and when the State Government propose to appoint one or more of the above officer to the Tripura cadre of the Service, the following information may kindly be sent alongwith the proposals of the State Government, viz.:

1. information prescribed vide Ministry of Home Affairs circular letter No.16/4/66-AIS(III) dt.19 3 1966 (Govt. of India instructions at pp 758-760 of the AIS Manual, Second Edition);
- ii. declaration of marital status in the prescribed form;
- iii. written consent to termination of lien in the State Forest Service, on confirmation in the Indian Forest Service;
- iv. a certificate that there has been no deterioration in the work and conduct of the officer since his inclusion in the Select List;

.....2/-

10/9/89 (7 25) 189

28 13 89



-: 2 :-

- ①
- v. a certificate that there is no stay order, or any other prohibition, on promotions to the Tripura cadre of the Indian Forest Service.
3. Proposals for fixation of seniority of the officers may also be sent simultaneously (in duplicate) in terms of letter No.18014-4/76-AIS(IV) dt.24th February, 1976, from the Department of Personnel & Adm. Reforms(Ministry of Home Affairs).

Yours faithfully,

*K.S. Achar*

(K.S.Achar)  
Desk Officer.

Copy for information to the Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi-110 011, w.r.t.letter No.F.10/12/88-AIS dated the 24th February,1989.

(K.S.Achar)  
Desk Officer.

*AKC*  
*Ambar*  
*22/2*

**ANNEXURE-7**

From:

*Achintya kumar Sinha*, IFS (MT-86)  
 Director, Biotechnology, Government of Tripura  
 Kunjavan, Agartala: 799 006

To  
 The Secretary  
 Ministry of Environment & Forests  
 Government of India, Paryavaran Bhavan, CGO Complex  
 Lodi Road, New Delhi: 110 003

THROUGH PROPER CHANNEL

Subject: Request for antedating my promotion to the Indian Forest Service

Ref.: Notification no. 16016/6/90-A (II) - (A) dated 12<sup>th</sup> September 2005 of the Ministry of Personnel, Public Grievances & Pensions (DoPT), Govt. of India for IFS (Fixation of Cadre Strength) Amendment Regulations, 2005

Sir,

Number of promotion posts in the Indian Forest Service (Manipur-Tripura) cadre was corrected from 14 to 16 with retrospective effect from the 29<sup>th</sup> March 1988 as per the IFS (Fixation of Cadre Strength) Amendment Regulations 2005 vide DoPT Notification dated 12<sup>th</sup> September 2005 referred above. I would, therefore, request for rightful relief arising out of the correction of wrong by the Government.

2. There was, according to the corrected position as per the amendment dated 12<sup>th</sup> September 2005, one clear vacancy (50% of '16' for Tripura part of the joint cadre) against 8 promotion posts for Tripura with effect from the 29<sup>th</sup> March 1988. Thus, the required size of the Select list for Tripura was 2 (two) as per the extant rule. The Select List prepared on the 31<sup>st</sup> December 1988, however, erroneously contained only one name, that of Shri AK Roy, my immediate senior from the same batch (1973-75) of State Forest Service. I would submit that my name had not been included due to restriction on the size of the Select List imposed by the wrong depiction of promotion vacancy. I would, therefore, pray now for inclusion of my name in the Select List of the 31<sup>st</sup> December 1988 next to that of Shri AK Roy in legitimate mitigation of the wrongful deprivation earlier.

3. Only one officer, Shri AK Roy had been promoted to IFS on the 16<sup>th</sup> December 1989 based on the erroneously held position that only one vacancy had existed against promotion posts on that date. There were actually two vacancies in Tripura part of the cadre on that date according to the cadre strength as corrected now vide notification dated 12<sup>th</sup> September 2005. I was thus deprived of my rightful opportunity for promotion due to the wrong committed (*now corrected*) by the Government. I would, therefore, pray now for mitigation of that injustice by antedating my promotion with effect from the 16<sup>th</sup> December 1989.

Yours faithfully,

*Achintya kumar Sinha*  
 (Achintya kumar Sinha)

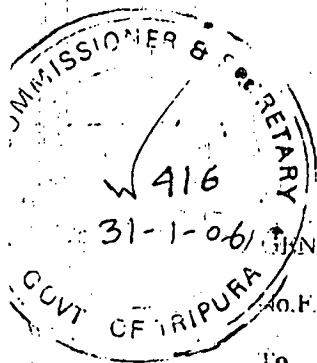
Advance copy to:

The Secretary, Ministry of Environment & Forests, Paryavaran Bhavan, CGO Complex, Lodi Road, New Delhi: 110 003

*Ak*  
*Achintya*  
*20/12/05*

REGD. POST

ANNEXURE-8



GOVERNMENT OF TRIPURA

GENERAL ADMINISTRATION (PERSONNEL &amp; TRAINING) DEPARTMENT

No.F.35(74)-GA(P&amp;T)/91

Dated, Agartala, the 28<sup>th</sup> January, 2006

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

Subject: Application from Shri A.K. Sinha, IFS for antedating his promotion to IFS

Ref: Notification No.16016/6/90-A(II)-(A) dated 12<sup>th</sup> September, 2005 of the  
Ministry of Personnel, Public Grievances & Pension (DoPT), Government  
of India, IFS (Fixation of Cadre Strength) Amendment Regulations, 2005.

Sir,

I am directed to send herewith an application (in original) of Shri A.K. Sinha, IFS (MT) for taking necessary action for antedating his promotion with effect from the 16<sup>th</sup> December, 1989 based on the amendment of IFS (MT) cadre strength with retrospective effect from the 29<sup>th</sup> March, 1988 vide Notification No.16016/6/90-A(II)-(A) dated 12<sup>th</sup> September, 2005 of the Ministry of Personnel, Public Grievances & Pension (DoPT), Government of India.

Encl: Letter of Shri A.K. Sinha, IFS  
Dated 20<sup>th</sup> December 2005.

Yours faithfully,

(Smti S. Chakraborty)  
Under Secretary to the  
Government of Tripura.

Copy to:

1. The Commissioner & Secretary, Govt. of Tripura, Deptt. of Science, Technology & Environment.
2. The Principal Chief Conservator of Forests, Tripura, Agartala.

(Smti S. Chakraborty)  
Under Secretary to the  
Government of Tripura.

*[Handwritten signature]*

23  
78

1

ANNEXURE-9

PUBLISHED IN PART II SECTION III SUBSECTION (I) OF THE  
GAZETTE OF INDIA (EXTRAORDINARY) Dated 29-3-1985

No. 16016/3/85-AIS(IV-A)  
Government of India/Bharat Sarkar  
MINISTRY OF PERSONNEL AND TRAINING, ADMINISTRATIVE  
REFORMS AND PUBLIC GRIEVANCES AND PENSION  
(KARMIK AUR PRASHIKSHAN, PRASHASNIK SUDHAR AUR LOK  
SHIKAYAT TATHA PENSION MANTRANALAYA)

-----

New Delhi, the 29<sup>th</sup> March '85

NOTIFICATION

327 (E)

GSR- In exercise of the powers conferred by sub-section (1) of the Section 3 of the All India Services Act, 1951 (61 of 1951) read with sub-rule (2) of Rule 4 of the Indian Forest Services (Cadre) Rules, 1966, the Central Government in consultation with the Government of Manipur and Tripura, hereby makes the following regulations further to amend the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966 namely:-

1. (1) These regulations may be called the Indian Forest Service (Fixation of Cadre Strength) Third Amendment Regulations, 1985.
- (2) They shall come into force on the date of their publication in the Official Gazette.

In the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966 for the heading 'Manipur-Tripura' and the entries occurring there under, the following shall be substituted:-

Manipur-Tripura:-

Senior posts under the State Governments

37  
Contd to p/2

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2

Manipur

Chief Conservator of Forests	1	
Addl. Chief Conservator of Forests	1	
Conservator of Forests	3	
Deputy Conservator of Forests	7	
Deputy Conservator of Forests		
Resource Survey Division-	1	
Deputy Conservator of Forests, Wildlife	1	
Deputy Conservator of Forests, Working Plan	1	
Deputy Conservator of Forests, Social Forestry	1	
Deputy Conservator of Forests, Soil Conservation	2	
Deputy Conservator of Forests, Headquarters	1	
	-----	
	19	- 19

Tripura

Chief Conservator of Forests	1	
Conservator of Forests	2	
Deputy Conservator of Forests	9	
Deputy Conservator of Forests, Wildlife	1	
Deputy Conservator of Forests, Working Plan	1	
Deputy Conservator of Forests, Headquarters	1	
Deputy Conservator of Forests, Forest Research	1	
Deputy Conservator of Forests, Training	1	
Deputy Conservator of Forests, Planning &		
Development	1	
	-----	
	18	- 18
		- 37

2. Central Deputation Reserve @ 20% of 1 above.	7	- 7
		- 44

Manipur - 22

Tripura - 22

contd. to p/3

3. Posts to be filled by promotion in accordance  
with the rule 8 of the IFS (Recruitment Rules), 1966

- 14

(M = 7, T = 7)

4. Posts to be filled by Direct Recruitment

- 30

5. Deputation Reserva @ 15% of 4 above

- 5

6. Leave Reserva @ 11% of 4 above

- 3

7. Junior posts @ 20% of 4 above

- 6

8. Training reserve @ 10% of 4 above

- 3

Direct Recruitment posts -

- 47

Promotion posts-

- 14

Total strength -

- 61

Sd/-  
Desk Officer

To  
The Manager,  
Government of India Press  
Ring Road, New Delhi

*Handwritten signatures and initials*