

50/100

12

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 258/2006

R.A/C.P No.

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SECTION OFFICER (Judl.)

[Signature]
27/10/17

1. Original Application No. 258 / 86
2. Mice Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Respondent(s) W.O.I Jones

Advocate for the Applicant(S) M. D. K. Nair ... Mrs. Neeli Boudala

Advocate for the Respondent (S) Adv. Case: M. L. Ahmed.

Contd/-

30.10.2006

Heard Mr U. Bhuyan, learned Counsel for the Applicant, Mr M.U. Ahmed, learned Addl. C.G.S.C. for the Respondent No. 1 and Mrs. M. Das, learned Government Advocate for the State of Assam for Respondent Nos. and 3 and 4.

Considering the issue involved in this case I am of the view that O.A. to be admitted. Admit. Issue notice to the Respondents. The Applicant will take process for Respondents No. 5 to 12.

Post on 15.12.2006. Learned Government Advocate for the State of Assam is directed to keep in readiness the records in the next date of hearing.

Vice-Chairman

/mb/

14-11-06

The learned advocate for the applicant has deposited the postal cost for issuing the notices for resp. no-5 to 11 as per order dt. 30/10/06.

Cas
14/11/06.

Notice and order sent to D/section for issuing to resp. nos. 1, 2 and 5 to 11 by regd. A/D post and other resp. nos. 3, 4 received by Mrs. M. Das, Advocate, Court. of Assam.

Cas
14/11/06. D/Nb - 1114 to 1122
Dt = 15/11/06.

Notice duly served on resp. nos. 3, 4, 6, 7, 10, 11, 9.

Cas
14/11/06.

14.12.06

D/S to C.W.

Received by

1.06

Notes of the Registry

Date

Order of the Tribunal

22.12.06

W/S filed by the Respondent No. 8.

[Signature]

W/S has been filed by R. No - 8.

21.1.07

12.1.07.

Counsel for the Respondents wanted to file written statement. Let it be done. Post the matter on 2.2.07.

Vice-Chairman

lm

07.03.07. Written statement has already been filed. Counsel for the applicant prays for time to file rejoinder. Let it be done. Post the matter on 30.3.07.

Vice-Chairman

20.2.07

W/S filed by the Respondent No. 2 page contains 1 to 11.

[Signature]

Counsel for the applicant for time to file rejoinder. done. post the matter on 30.3.07. Liberty is given to the file written statement.

lm

Vic

1.3.07

W/S filed by the Respondent Nos. 3 & 4, page contains 1 to 16 and 1 to 15 respectively.

[Signature]

Mr. M. U. Ahmed. learned C.G.S.C. wanted time to go the rejoinder filed by the Applicant a instruction on that. Let it be done Post on 17.5.2007.

6.3.07

① W/S filed by R. no. 2, 3, 4 & 8
② No W/S from R. no. 1, 5, 6, 7, 9, 10 & 11

post the matt

lm

12.3.07

W/S filed by Respondent No. 1.

29.3.07

W/S filed by R. 1, 2, 3, 4 & 8. no rejoinder filed.

[Signature]

CA 258106

Notes of the Registry

Date

Order of the Tribunal

25.5.2007

Post the matter on 8.6.2007 along with the M.P.

27-4-07

Wb filed by R.No-1, 2, 3, 4 & 8.

[Signature]

Vice-Chairman

/bb/

8.6.07.

post the matter on 14.6.07 along with M.P.

[Signature]

1.5.07

Rejoinder filed by 1, 2, & 3.

[Signature]
Vice-Chairman

lm

14.6.2007

Post the case on 5.7.2007

[Signature]

Vice-Chairman

/bb/

5.7.2007

Let the case be posted after two weeks since learned Govt. Advocate for the State of Assam is out of station.

Post on 23.7.2007.

[Signature]
Vice-Chairman

/bb/

7.8.07.

Wb and rejoinders filed.

23.7.07.

Post the matter on 26.7.07.

[Signature]

Vice-Chairman

13.6.07.

20.7-07.
Wb submitted on behalf of R.No-1, 2, 3, 4 & 8 along with full copies of records containing to 19.

[Signature]

26.7.07 Respondents counsel is directed to produce the ACR as directed. Photo copies of the same should be produced before this Tribunal. Original will be produced at the time of hearing for verification.

Post on 14.8.07 for order.

Copy of this order may be furnished to the counsel for the respondents.

IN
27/7/07

L
Vice-Chairman

The case is ready
for hearing. 12.9.07 pg

M
11.9.07.

Pleadings are completed. Let the case be listed before Division Bench. The ACRs has been produced by the learned counsel for the Respondents. Let it be kept on record in capacity of the Registry. In the meantime the counsel for the applicant wanted to go through the ACRs in the ^{let it be done} ~~process~~ ^{present} process of the Registry.

10.3.08
In addition an
affidavit submitted
by the Applicant.
Copy served.

As

lm

V
Vice-Chairman

The case is ready
for hearing.

M
13.5.08.

901852 KO

7/8

process of the registry
be through the office in the
country for the applicant aimed to
identify in the manner the
on record in regard of the
to the knowledge in the right
produced by the former counsel
Barrister. The fact has been
the case be based before division
pleadings are completed. In

1900

1900

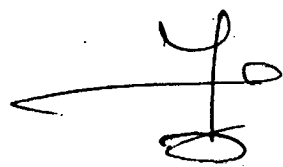
in

7

6
OA/CP/RA/MP No. 258 /2006

Order dated 25.3.2008

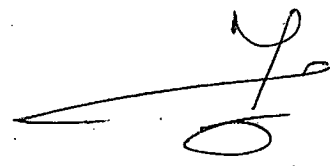
Call the matter for hearing
on 14.5-08.


(M.R. MOHANTY)
Vice-Chairman

14.05.2008


On the prayer of Mrs.K.M.Talukdar,
learned counsel representing the Applicant this
case stands adjourned to be taken up on
05.06.2008.


(Khushiram)
Member (A)


(M.R.Mohanty)
Vice-Chairman

/bb/

*The case is ready
for hearing*



24.6.08

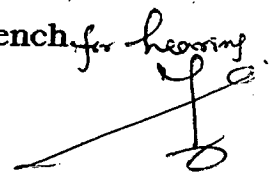
25.06.08

None appears for the Applicant nor
the Applicant is present. However, Mr
M.U.Ahmed, learned Addl. Standing
counsel is present for the Respondents.
None appears for the State of Assam
and private Respondents.

Call this matter on 03.07.2008
before Division Bench *for hearing*

*The case is ready
for hearing.*

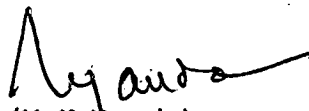

02.07.08

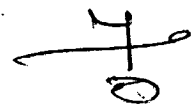

(M.R.Mohanty)
Vice-Chairman

03.07.2008 None appears for the Applicant nor the Applicant is present. However, a letter seeking accommodation for 15 days has been received from the learned counsel appearing for the Applicant. Mr. M. U. Ahmed, learned Addl. Standing Counsel appearing for the Respondents is present. Ms. Usha Das, learned counsel appearing for the U.P.S.C. (Respondent No.2) is also present.

Call this matter on 05.08.2008.

The case is ready
for hearing

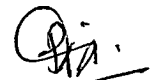

(R.C. Handa)
Member(A)


(M.R. Mohanty)
Vice-Chairman

Lin


4.8.08

Regarding change of
Advocate, for U. Bhuyan
advocate, no objection
certificate submitted.


11/8/08

3

27.02.2009

Mr B. Sarma, learned Counsel appearing for the Applicant, is present. On behalf of Mr M.U. Ahmed, learned Addl. Standing Counsel for the Union of India, Ms Usha Das is present. Mrs M. Das, learned Government Advocate for Assam is present.

Order dt. 27.2.09
is prepared & sent
to S/Section for
issuance to Respondent
by Regd. Post

am

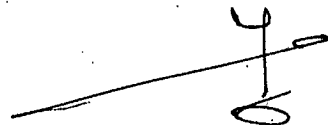
The case is ready
for hearing.

23.3.09

Call this matter on 25.03.2009 for hearing before the Division Bench.

The Departmental Records, if any, should be kept ready to be produced on the date of hearing.

Send copies of this order to the Respondents in the addresses given in the O.A.



(M.R. Mohanty)
Vice-Chairman

nkm

The case is ready
for hearing.

8.5.09

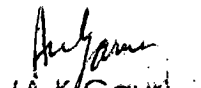
25.03.2009

List the matter on 11.05.2009.



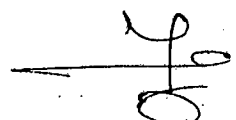
(Khushiram)
Member (A)

/bb/


(A.K. Gaur)
Member (J)

11.05.2009

Call this matter on 25.06.2009.



(M.R. Mohanty)
Vice-Chairman

/bb/

20.5.09
This OA is prepared
on receipt.
by

21.05.2009

Mr U.K. Nair, learned Counsel appearing for the Applicant, is present, Mr M.U. Ahmed, learned Addl. Standing Counsel for the Union of India, is present, Mrs M. Das, learned Government Advocate for the State of Assam, is present and Ms U. Das, representing the UPSC, is present.

No time today. On consent of the learned Counsel for the parties, call this matter on 22.05.2009.

(N.D. Dayal)
Member(A)

(M.R. Mohanty)
Vice-Chairman

nk

22.05.2009

Heard learned counsel appearing for both the parties.

For the reasons recorded separately, this O.A. stands disposed of.

(N.D. Dayal)
Member(A)

(M.R. Mohanty)
Vice-Chairman

Lm

Order dt. 22.2.09
is prepared & sent to
B/Sectn for issuing to
the Respondent by post
200

The case is ready
for hearing.

23
23.3.09

The case is ready
for hearing.

3
8.5.09

27.02.2009

Mr B. Sarma, learned Counsel
appearing for the Applicant, is present. On
behalf of Mr M.U. Ahmed, learned Addl.
Standing Counsel for the Union of India, Ms
Usha Das is present. Mrs M. Das, learned
Government Advocate for Assam is present.

Call this matter on 25.03.2009 for
hearing before the Division Bench.

The Departmental Records, if any,
should be kept ready to be produced on the
date of hearing.

Send copies of this order to the
Respondents in the addresses given in the
O.A.

(M.R. Mohanty)
Vice-Chairman

nkm

25.03.2009

List the matter on 11.05.2009.

(Khushiram)
Member (A)

(A.K. Gaur)
Member (J)

/bb/

11.05.2009

Call this matter on 25.06.2009.

(M.R. Mohanty)
Vice-Chairman

/bb/

20.5.09
This OA is prepared
on request.

b.

21.05.2009

Mr U.K. Nair, learned Counsel appearing for the Applicant, is present, Mr M.U. Ahmed, learned Addl. Standing Counsel for the Union of India, is present, Mrs M. Das, learned Government Advocate for the State of Assam, is present and Ms U. Das, representing the UPSC, is present.

No time today. On consent of the learned Counsel for the parties, call this matter on 22.05.2009.

(N.D. Dayal)
Member(A)

(M.R. Mohanty)
Vice-Chairman

nkmm

-10- O.A. No. 258/2008

10

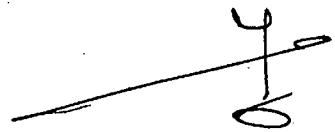
27.02.2009

Mr B. Sarma, learned Counsel appearing for the Applicant, is present. On behalf of Mr M.U. Ahmed, learned Addl. Standing Counsel for the Union of India, Ms Usha Das is present. Mrs M. Das, learned Government Advocate for Assam is present.

Call this matter on 25.03.2009 for hearing before the Division Bench.

The Departmental Records, if any, should be kept ready to be produced on the date of hearing.

Send copies of this order to the Respondents in the addresses given in the O.A.



(M.R. Mohanty)
Vice-Chairman

nkm

25.03.2009

List the matter on 11.05.2009.



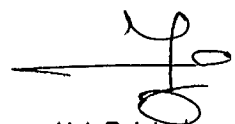
(Khushiram)
Member (A)

/bb/


(A.K. Gaur)
Member (J)

11.05.2009

Call this matter on 25.06.2009.




(M.R. Mohanty)
Vice-Chairman

/bb/


Order dt. 27.2.09
is prepared & sent
to S/Section &
issued to Respondent
by Regd. Post

amr

The case is ready
for hearing.


23.3.09

The case is ready
for hearing.


8.5.09

20.5.09
This OA is prepared
on receipt.

am

21.05.2009

Mr U.K. Nair, learned Counsel appearing for the Applicant, is present, Mr M.U. Ahmed, learned Addl. Standing Counsel for the Union of India, is present, Mrs M. Das, learned Government Advocate for the State of Assam, is present and Ms U. Das, representing the UPSC, is present.

No time today. On consent of the learned Counsel for the parties, call this matter on 22.05.2009.

(N.D. Dayal)
Member(A)

(M.R. Mohanty)
Vice-Chairman

nkml

22.05.2009

Heard learned counsel appearing for both the parties.

For the reasons recorded separately, this O.A. stands disposed of.

(N.D. Dayal)
Member(A)

(M.R. Mohanty)
Vice-Chairman

Lm

Received
Alsha Das
Advocate for
UPSC
02/6/09

D. 6. 09

order dated 22.5.09
send to D/S. for issue the
same to the Applicant and
to all respondents.

D/No 3501 & 3512

dtd 24/6/09

7/7/09

13

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 258 of 2006

Date of Decision : 22.05.2009

Sri Mamat Kalita

..... Applicant/s

Mr.U.K.Nair

..... Advocate for the
Applicant/s

- Versus -

U.O.I & Ors.

..... Respondents

Mr. M. U. Ahmed, Addl. C.G.S.C.

**Mrs.M.Das, G.A.Assam,Ms.U.Das,
for UPSC**

..... Advocate for the
Respondents

CORAM

THE HON'BLE MR. MANORANJAN MOHANTY, VICE-CHAIRMAN

THE HON'BLE MR. N.D. DAYAL, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers may be allowed to see the Judgment ? yes/No
2. Whether to be referred to the Reporter or not ? Yes/No
3. Whether their Lordships wish to see the fair copy Of the Judgment ? Yes/No


Member


Vice-Chairman

19

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.258 of 2006

Date of Order: This the 22nd Day of May 2009.

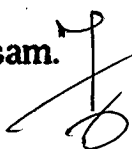
**HON'BLE MR.MANORNJAN MOHANTY, VICE-CHAIRMAN
HON'BLE MR.N.D.DAYAL, ADMINISTRATIVE MEMBER**

1. **Shri Mamat Kalita,
Son of late Gopal Chandra Kalita,
Resident of Lakhiminagar,
Guwahati-781006**

**By Advocate Mr.U.K.Nair, Mr.B.Sarma,
Ms.Neeli Bordoloi, Applicant Applicant**

-Versus-

1. **Union of India,
Through the Secretary to the Government of India,
Ministry of Environment and Forests,
Paryavaran Bhawan, CGO Complex,
Lodhi Road,
New Delhi-110003.**
2. **Union Public Service Commission,
Dholpur House,
Shahjahan Road,
New Delhi-110011,
Through its Secretary.**
3. **State of Assam,
Through the Commissioner and Secretary to the
Government of Assam
Department of Environment and Forests,
Assam Secretariat,
Dispur, Guwahati-781006**
4. **Principal Chief Conservator of Forests
Assam, Rehabari
Guwahati-781008**
5. **Shri Ritesh Bhattacharjee, IFS
Deputy Director, Tiger Project,
O/O the Field Director
Tiger Project,
P.O.-Barpeta Road,
District-Barpeta Assam.**



6. Md.Safiquddin Ahmed, IFS,
Working Plan Officer,
Working Plan Division, Lower Assam Circle,
Assam Forest School Campus,
P.O._jalukbari,
Guwahati-7881014.
7. Shri Sanjib Kumar Bora, IFS,
(Presently under training at Dehradun),
C/O Principal Chief Conservator of Forests, Assam,
Rehabari, Guwahati-781008.
8. Shri Kailash Khargharia
Divisional Forest Officer,
Kamrup East Division, Indira Ngar,
Basistha Forest Complex,
Guwahati-781029
9. Md.AbdulmKuddus, IFS,
Divisional Forest Officer,
Dhubri Social Forestry Division,
P.O.-Gouripur
Dist-Dhubri, Assam (783331)
10. Shri Rup Nath Brahma, IFS,
Presently under training at Dehradun),
C/O Principal Chief Conservator of Forests, Assam,
Rehabari
- 11.Md. Debiruz Zaman, IFS,
Divisional Forest Officer,
Noprth Cachar Hills(Territorial) Division,
Post Office-Haflongm,
District-North Cachar Hills, Assam (788819)

By Advocate Mr. M.U.Ahmed, Addl.C.G.S.C., Mrs. M.Das, G.A.
Assam, Ms.U.Das, for UPSC

O.A.258 of 2006
ORDER(ORAL)
22.05.2009

MANORANJAN MOHANTY.(V.C):

The Applicant, while continuing to be a Member of Assam
State Forest Service, came to be appointed as a Member of Indian Forest
Service and, upon such appointment, he has been allotted to 1997 batch.

He filed this case, under section 19 of the Administrative Tribunals Act, 1985, with the following prayers.

" (i) For a declaration that the entry to and continuance of the Respondents Nos.5 and 6 in the IFS is illegal, being void ab initio.";

(ii) to set aside the appointment of the Respondent Nos.5 and 6 to the IFS vide the notifications dated 8-2-2001 and 13-02-2001 (Annexures E and E-1) respectively;

(iii) to direct the Respondents to consider the case of the applicant for selection and appointment to the IFS for the year 2000, by treating his continuous service with effect from 1.11.1978 ;

Alternatively:-

(iv) to direct the respondents to place the Applicant in the select list of 2002 for appointment to the IFS ahead of the Respondent No.7, by treating his continuous service with effect from 1-11.1978.

(v) To direct the Respondents to allot the proper and correct year of allotment of the Applicant in the IFS treating his continuous service with effect from 1-11.1978.

(vi) any other relief/ reliefs to which the Applicant is entitled to under the facts and circumstances of the case and as may be deemed fit and proper. "

(2) At the hearing, to-day, the Applicant's side confined his case to the claim to antedate the year of his allotment to 1995. He has claimed to antedate his year of allotment to 1995; because, an un-communicated adverse remark (in his CCR/ACR in state Forest Service) was alleged to have been taken into consideration (by the Selection Committee) while considering his case (for promotion to IFS) on previous occasion/as against the years 1995 & 1996.

(3) Although the entire matter has been contested by way of filing written statement, in course of hearing to-day, it has been reported from the Bar that the State Government of Assam has taken a pragmatic view

during the pendency of this case, in favour of the Applicant to give him 1996 as the year of allotment in IFS. It is also seen from ~~at~~ Annexure-7 dated 01.02.2007 attached to the written statement of the Respondents that the PCCF/Assam proposed to the State Govt. to antedate 'the year of allotment', in favour of the Applicant, "to 1996". The text of the letter dated 01.02.2007 (Annexure-VII) reads as under:-

"No.FE.24/36/2k Dated Guwahati, the 1st Februry, 2007

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

Sub: Determination of Seniority of promotee officers of IFS
cadre of Assam

Ref: This Office letter No.FE.24/36/2k, dated 11.10.2006

Sir,

In continuation of this office letter dated cited above, I am to request you kindly to treat the year of allotment to be fixed against Sri M.Kalita (Sl.No.7) as 1996 instead of 1995 as proposed vide this office letter No.FE.24/36/2k, dated 11.10.2006 under the column of "year of allotment to be refixed" in the last para."

(4) At the hearing, to a specific question, Mrs. Manjula Das, learned Counsel representing the State Govt. of Assam, stated that the final view, on the proposal, could not have been taken (to antedate the year of allotment); because of the pendency of the present Original Application No.258 of 2006 ; which was admitted on 30.10.2006 for the reason of the provisions under Section 19 (4.) of the Administrative Tribunals Act, 1985.

(5) On the face of the above, Mr. U. K. Nair, learned counsel appearing for the Applicant, states that the Applicant, who is going to retire from service by end of March 2010, would be satisfied if a direction is given to

the State Government, Government of India and U.P.S.C to expedite the matter for antedating the year of allotment in favour of the Applicant by assigning him the year 1996. Mr. U. K. Nair, learned counsel appearing for the Applicant, proceeded to state that once the year of allotment is antedated to 1996, the Applicant would complete more than 14 years of service before his superannuation retirement and, as a result of the same, the Applicant would be able to get promotion to the rank of Conservator of Forests well before his date of retirement/31.03.2010. With the said sole objective, it is submitted by Mr.Nair ; the Applicant who was treated un-justily (by way of taking into consideration some of the un-communicated adverse remarks against him, while considering his case for IFS) has agreed to accept 1996 as his year of allotment.

(6) Having heard Mr.U.K.Nair, the learned counsel appearing for the Applicant; Mr.M.U.Ahmed, learned Addl.Standing Counsel representing the Union of India ; Ms.Usha Das, learned counsel representing the UPSC and Mrs. M. Das, learned counsel representing the State of Assam , this case is hereby disposed of with direction to the State Government of Assam to expedite the matter of antedating the year of allotment (to 1996) in favour of the Applicant and to put up the matter before the Government of India (in order to antedate the year of allotment in favour of the Applicant) by end of June 2009 and, on receipt of the said proposal, the Government of India (and, if necessary, the UPSC) should do well in issuing consequential orders by end of August 2009.

While parting with this case, we hope and trust that the authorities is control of the matter should also do well, after examining the case of the Applicant, to take steps expeditiously to grant promotion (to the Applicant) to the rank of Conservator of Forests.



7. Subject to the above observations and directions, this case stands disposed of. Send copies of this order (by Regd. Post) to the Applicant and to all the Respondents in the address given in the O.A and free copies of this order be also supplied to all the learned counsel appearing for the parties.



(N.D. DAYAL)
ADMINISTRATIVE MEMBER



(MANORANJAN MOHANTY)
VICE-CHAIRMAN

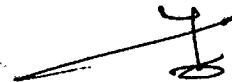
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2/

05.08.2008

None appears for the Applicant nor the Applicant is present. However, Mr M.U. Ahmed, learned Addl. Standing Counsel for the Union of India, and Mrs M. Das, learned Advocate for the State of Assam, are present.

Call this matter before the Division Bench on 03.09.2008 for hearing.



(M.R. Mohanty)
Vice-Chairman

nkm

03.09.2008

Mr. U. K. Nair, Advocate, enters appearance on behalf of the Applicant by way of filing fresh 'Vakalatnama'. He has served a copy of an additional affidavit and served the copy of the same on the counsel appearing for the Respondents, only yesterday.

While, granting liberty to the Respondents to obtain instructions on the additional affidavit filed by the Applicant, this case stands adjourned to be taken up on 7th October 2008 for hearing.


The Respondents need file additional reply to the additional statement, now made by the Applicant, by the date fixed.

Call this matter on 07.10.2008.

The Case is ready
for hearing.

6.10.08.

lm


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

OA-258/2006 -9-

07.10.2008

Mr.U.K.Nair, learned counsel appearing for the Applicant, is in accommodation. However, Mr.M.U.Ahmed, learned Addl. Standing counsel for the Government of India is present.

The case is ready for hearing.

26.11.08.

/bb/

Call this matter on 27.11.2008 for hearing.

(S.N.Shukla)
Member (A)

(M.R.Mohanty)
Vice-Chairman

27.11.2008

Mr.B.Sarma, learned counsel appearing for the Applicant is present. Mr.M. U. Ahmed, learned Addl. Standing Counsel appearing for the Union of India and Mrs.M.Das, learned counsel representing the State of Assam are also present.

The case is ready for hearing.

9.1.09.

lm

Call this matter on 12th January 2009, for hearing.

(M.R.Mohanty)
Vice-Chairman

12.01.2009

Mr B. Sarma, learned Counsel appearing for the Applicant, is present.

Call this matter on 19.02.2009 for hearing.

(M.R. Mohanty)
Vice-Chairman

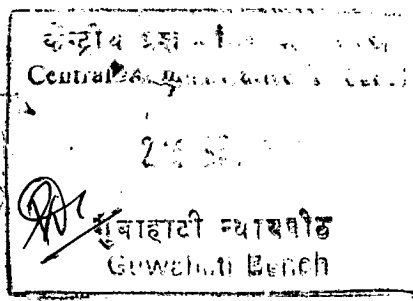
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19.02.2009

Call this matter on 08.04.2009.

(M.R. Mohanty)
Vice-Chairman

/bb/



Mamat Kalita

DISTRICT : KAMRUP

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH ::: GUWAHATI

[An application under Section 19 of the Administrative Tribunals Act, 1985]

O.A. No. 258 of 2006

Shri Mamat Kalita - Applicant,

-Versus-

Union of India and others - Respondents,

I N D E X

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②

<u>Sl.No.</u>	<u>Annexures</u>	<u>Particulars</u>	<u>Page No.</u>
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<u>Sl.No.</u>	<u>Annexures</u>	<u>Particulars</u>	<u>Page No.</u>
15	L	Notification dated 25-8-2005 along with the draft gradation list of the DCFs as on 1-8-2005.	80-84
16.	M	Notification dated 14-11-2005 appointing seven officers to the IFS for the years 2002, 2003 and 2004 (applicant appointed in the year 2004)	85-86
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18.	O	Order dated 28-3-2006 indicating year of allocation of the appointees vide the notification dated 14-11-2005.	88-89
19.	P	Applicant's representation dated 28-04-2006.	90-91

Filed by :-

Aditya Hazare
Advocate.

72
Mamot Kalita

28
Mamot Kalita

IV

SYNOPSIS

The applicant belongs to the 1978-80 batch of officers of the Assam Forest Service (Class - I). Presently, he is serving as Divisional Forest Officer, Nagaon Social Forestry Division. He was selected and appointed to the Indian Forest Service for the year 2004 with 1997 as the year of allotment. The applicant's grievance is that he ought to have been placed in the select list of 2002 and appointed to the Indian Forest Service and allotted the correct year of allotment in the IFS. It may be mentioned that selection for three years, that is, 2002, 2003 and 2004 were held together in a single meeting of the Selection Committee held on 13-06-2005. The further grievance of applicant is the entry and continuance of the Respondent Nos. 5 and 6 in Indian Forest Service.

Filed by :-

Aditya Hazarika

Advocate

2862
1-11-98

29
V

List of Dates

Mamot Kalita

1. 1-11-1978 - Applicant joined the State Forest Service College at Burnihat as a trainee for two years' diploma course and successfully completed the same.
2. 11-2-1981 - Applicant joined the Assam Forest Service (Class-I) in the post of Assistant Conservator of Forest.
3. 29-3-1985 - On promotion, applicant joined the post of Deputy Conservator of Forest, holding the same rank for more than 21 years now.
4. 18-4-2000 - Draft graduation list of the officers of Assam Forest Service (Class-I) circulated. Applicant placed at Serial No.3 whereas the private Respondents were placed at serial Nos.6 to 12. Service of the applicant shown as confirmed whereas those of the private Respondents as not confirmed.
5. 08-12-2000 - Selection Committee meeting for promotion to the IFS for the year 2000 was held. Three candidates including Respondent Nos.5 and 6 were selected.
6. 08-02-2001 - The selected candidates were appointed to the IFS.

7. 29-5-2001 - Applicants' representation against his non-selection was rejected.
8. 13-06-2005 - Selection committee meeting held for three year i.e. 2002, 2003 and 2004
9. 14-11-2005 - Respondent Nos.7, 8, 9 and 10 were selected for and appointed to the IFS for the years 2002. Respondent No.11 for the year 2003 and the applicant and another for the year 2004.
10. 28-03-2006 - Seniority and year of allotment in the IFS of the applicant and the Respondent No.7 to 11 were determined. Respondent No.7 to 11 have been placed above the applicant from serial Nos.1 to 5. Respondents 7 to 10 have been allotted the year 1996 whereas the Respondent No.11 and the applicant have been allotted the year 1997.
11. 28-04-2006 Representation submitted by the applicant.

Filed by :-

Aditya Hazarika
Advocate

Filed by the
Applicant -
Trough Itagorika
Aditya
Advocate
26/10/06
Mamat Kalita

DISTRICT : KAMRUP

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH ::: GUWAHATI

[An application under Section 19 of the Administrative Tribunals Act, 1985]

O.A. No. 258 of 2006

I. Particulars of the applicants :-

1. Shri Mamat Kalita,
Son of Late Gopal Chandra Kalita,
Resident of Lakhiminagar,
Guwahati - 781 006.

II. Particulars of the Respondents :-

1. Union of India,
Through the Secretary to the Government of India,
Ministry of Environment and Forests,
Paryavaran Bhawan, C G O Complex,
Lodhi Road,
New Delhi - 110 003.
2. Union Public Service Commission,
Dholpur House,

Shahjahan Road,
New Delhi - 110 011,
Through its Secretary.

3. State of Assam,

Through the Commissioner and Secretary to the
Government of Assam,
Department of Environment and Forests,
Assam Secretariat,

Dispur, Guwahati - 781 006.

4. Principal Chief Conservator of Forests,
Assam, Rehabari,

Guwahati - 781 008.

5. Shri Ritesh Bhattacharjee, IFS,
Deputy Director, Tiger Project,
O/o the Field Director,
Tiger Project,
P.O. - Barpeta Road,
District - Barpeta (Assam).

6. Md. Safiuddin Ahmed, IFS,
Working Plan Officer,
Working Plan Division, Lower Assam Circle,
Assam Forest School Campus,
P.O. - Jalukbari,
Guwahati - 781 014.

7. Shri Sanjib Kumar Bora, IFS,

③

[Presently under training at Dehradun],

C/o Principal Chief Conservator of Forests, Assam,

Rehabari, Guwahati - 781 008.

8. Shri Kailash Khargharia, IFS,

Divisional Forest Officer,

Kamrup East Division,

Indira Nagar,

Basistha Forest Complex,

Guwahati - 781 029.

9. Md. Abdul Kuddus, IFS,

Divisional Forest Officer,

Dhubri Social Forestry Division,

P.O. - Gouripur,

District - Dhubri, Assam [783 331].

10. Shri Rup Nath Brahma, IFS,

[Presently under training at Dehradun],

C/o Principal Chief Conservator of Forests, Assam,

Rehabari,

Guwahati - 781 008.

11. Md. Debiruz Zaman, IFS,

Divisional Forest Officer,

North Cachar Hills (Territorial) Division,

Post Office - Haflong,

District - North Cachar Hills, Assam [788 819].

III. Particulars of the order against which the application is made :-

The application is presented against the Government of India notification dated 7-11-2005 as republished vide the Government of Assam notification dated 14-11-2005 whereby the applicant was placed in the select list of 2004 instead of the select list of 2002 and appointed to the Indian Forest Service [IFS] on the said basis. The applicant also challenges the order dated 28-03-2006 of the Government of India whereby the year 1997 was allotted to him as the year of allotment to the IFS. The further grievance of the applicant is the selection and appointment of the Respondent Nos. 5 and 6 to the IFS vide the Government of India notification dated 8-2-2001 and his non-selection and consequential non-appointment to the IFS in the selection for the year 2000 [as declared vide the notification dated 8-2-2001]. The applicant contends that since the entry of the Respondent Nos. 5 and 6 into the IFS was void ab initio, their continuance in the IFS as on date is untenable.

IV. Jurisdiction of the Tribunal :-

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

V. Limitation :-

The applicant further declares that the present application is within

the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

VI. **Facts of the Case :-**

1. The applicant is a citizen of India and is as such entitled to all the rights and privileges guaranteed to the citizens of India and the laws framed thereunder.
2. Following a selection process, the applicant was selected and he belongs to the 1978-80 State Forest Service (Assam) batch of officers. It may be mentioned that the applicant got selected through a competitive examination conducted by the Assam Public Service Commission (APSC) in February-March, 1978. 3 (three) candidates were selected in order of merit viz., Shri P. Koloky, the applicant and Shri P.P. Changkai. Pursuant thereto, they had to undergo training in the 2 (two) years Diploma Course training in Forestry in the State Forest Service College, Burnihat as a trainee during the period from 1-11-1978 to 30-10-1980. On successful completion of the said course, the applicant was awarded the certificate of Diploma dated 24-10-1980.

A copy of the diploma certificate dated 24-10-1980 is enclosed herewith and marked as **Annexure - A**.

3. Pursuant thereto, the applicant was appointed to the post of As-

sistant Conservator of Forest (ACF) vide the notification dated 10-02-1981 following which he joined the said post in the Assam Forest Service (Class - I) on 11-02-1981. He was confirmed in the said post with effect from 02-12-1983 vide the Government notification dated 13-02-1986.

A copy of the said notification dated 10-02-1981 is enclosed herewith and marked as **Annexure - B**.

4. After serving as ACF for about 4 years, the applicant was promoted to the rank of Deputy Conservator of Forest (DCF) under the Assam State Forest Service on 22-3-1985 and he joined the said post on 29-03-1985.
5. The applicant on such promotion continued in the said rank. Presently, he is holding the post of Divisional Forest Officer (DFO), Nagaon Social Forestry Division. It may be mentioned that the post of DCF is equivalent to the post of DFO. The applicant is stagnating now in the same rank for more than 21 years.
6. The Government of Assam in the Forest Department vide notification dated 20-01-1994 was pleased to fix finally and publish the gradation list of the State Forest Service Officers (Class -I). In the said gradation list, the applicant's name was shown at serial No.30 and his service was shown as confirmed. In the said gradation list, Shri Ritesh Bhattacharjee was placed at Serial No.36 and his service was shown

as not confirmed. Md. Safiquddin Ahmed was placed at serial No.37 and his service was also shown as not confirmed. Shri Sanjib Kumar Bora, Shri Kailash Khargharia, Md. Abdul Kuddus, Shri Rup Nath Brahma and Md. Debiruz Zaman were placed at serial Nos.38, 39, 41, 42 and 43 respectively and their services were shown as not confirmed

A copy of the said notification dated 20-01-1994 along with the gradation list published therewith are enclosed herewith and collectively marked as **Annexure - C**.

7. The Principal Chief Conservator of Forest, Assam vide his communication dated 18-4-2000 circulated a draft gradation list of the Assam Forest Service (Class - I). In the said gradation list, the applicant was placed at serial No.3 and his service was shown as confirmed. Shri Ritesh Bhattacharjee, Md. Safiquddin Ahmed, Shri Sanjib Kumar Bora, Shri Kailash Khargharia, Md. Abdul Kuddus, Shri Rup Nath Brahma and Md. Debiruz Zaman were placed at serial Nos.6, 7, 8, 9, 10, 11 and 12 respectively and the services of all of them were shown as not confirmed.

A copy of the said communication dated 18-04 2000 along with the draft gradation list are enclosed herewith and collectively marked as **Annexure - D**.

8. It may be mentioned that in exercise of the powers conferred by

sub section (1) of section 3 of the All India Services Act, 1951, the Central Government in consultation with the concerned State Governments framed a set of Rules called the Indian Forest Service (Recruitment) Rules, 1966, briefly "the Recruitment Rules" hereafter. Rule 4 of the Recruitment Rules provides for the method of recruitment to the IFS. As per the said Rule, recruitment to the IFS shall be by a competitive examination and by promotion of substantive members of the State Forest Service. Recruitment by promotion is specifically dealt with in Rule 8 of the Recruitment Rules. Such recruitment by promotion shall be made from amongst the substantive members of the State Forest Service. The number of persons to be recruited under Rule 8 is dealt with in Rule 9 of the Recruitment Rules. In pursuance of sub-rule (1) of Rule 8 of the Recruitment Rules, the Central Government in consultation with the State Governments and the Union Public Service Commission has framed the Indian Forest Service (Appointment by Promotion) Regulations, 1966, briefly "the 1966 Regulations". Regulation 3 deals with constitution of the Committee to make selection to the IFS. As per Regulation 5, such committee shall ordinarily meet every year and prepare a list of such members of the State Forest Service as are held by them to be suitable for promotion to the IFS. As per Regulation 5(2), the said committee shall consider for inclusion in the said list the cases of members of the State Forest Service in order of seniority three times the number of substantive vacancies. As per the third proviso to Regulation 5 (2), the Selection Committee shall not consider the case of a member of the

State Forest Service unless on the 1st January of the year in which it meets, he is substantive in the State Forest Service and has completed not less than 8 years of continuous service in the State Forest Service. As per explanation II, in computing the period of continuous service, there shall be included any period during which an officer has undergone training in a diploma course in the Forest Research Institute and College, Dehradun or such other training as may be approved by the Central Government in consultation with the Union Public Service Commission in any other Institution. In exercise of the powers conferred by section 3 of the All India Services Act, 1951 and in pursuance of sub rule (1) of Rule 8 of the Recruitment Rules, the Central Government in consultation with the State Governments and the Union Public Service Commission framed a set of Rules called the Indian Forest Service (Regulation of Seniority) Rules, 1997, briefly "the 1997 Rules". Rule 3 of the 1997 Rules provides for assignment of year of allotment of an officer appointed to the IFS. Rule 3 (3)(ii) provides that the year of allotment of a promotee officer shall be determined with reference to the year in which the meeting of the selection committee was held and with regard to the continuous service rendered by him in the State Forest Service upto the 31st day of December of the year immediately before the year in which the meeting of the Selection Committee was held in the manner indicated therein. For the service rendered upto 21 years, the promotee officer shall be given a weightage of one year for every completed three years of service; he shall also be given a weightage of one year for every completed two years of service

beyond the period of 21 years. However, he shall not be assigned a year of allotment earlier than the year of allotment assigned to an officer senior to him.

9. The applicant became eligible for promotion to the Indian Forest Service (IFS) long back.
10. The State of Assam has a joint cadre with Meghalaya under the IFS called the Assam-Meghalaya joint cadre having a total cadre strength of 81. The Government of India has fixed 27 numbers of posts against the promotion quota of Assam cadre out of the aforesaid total cadre strength.
11. A meeting of the selection committee for promotion to IFS for the year 2000 was held on 8-12-2000. In the said meeting, the cases of nine eligible officers were considered for promotion to the IFS. In the said list of nine officers, the applicant's name was placed at serial No.2. The nine officers whose cases were considered by the selection committee in the year 2000 were as follows :-

1. P. Katoky
2. M. Kalita
3. P.P. Changkakoti
4. R. Bhattacharjee
5. S. Ahmed

Sh

6. S.K. Bora
7. K. Khargharia
8. Abdul Kuddus
9. R.N. Brahma.

It is learnt that serial numbers 1, 4, 5, 6 and 7 were given "very good" assessment whereas the others including the applicant were granted "good" assessment. The selection committee selected Shri P. Katoky, Shri R. Bhattacharjee and Md. S. Ahmed for promotion to the IFS.

12. The applicant who at that time was serving as DFO, Social Forestry Division, Bongaigaon submitted a representation dated 05-01-2001 to the Secretary to the Government of India, Ministry of Environment and Forest through proper channel with the prayer for consideration of his case for promotion to the IFS (Assam-Meghalaya cadre) by reviewing the select list prepared pursuant to the meeting held on 8-12-2000.

13. The Government of India in the Ministry of Environment and Forest vide the notification dated 8-2-2001 appointed Shri P. Kotoky, Shri R. Bhattacharjee and Shri S. Ahmed to the IFS against existing vacancies and allotted them to the Assam-Meghalaya joint cadre of the IFS. This was followed by the notification dated 13-02-2001 issued by the Government of Assam. Subsequently, they were allotted

1994 as the year of allotment to the IFS.

Copies of the aforesaid notification dated 8-2-2001 and 13-2-2001 are enclosed herewith and marked as **Annexures - E and E-1** respectively.

14. The Joint Secretary to the Government of Assam, Forest Department informed the applicant vide the letter dated 29-05-2001 that there was no merit in the applicant's representation to be taken up with the Government of India and accordingly, his representation was disposed of.

A copy of the said letter dated 29-05-2001 is enclosed herewith and marked as **Annexure - F**.

15. After the selection committee meeting was held on 08-12-2000, for the year 2000, the selection committee had ~~not~~ in the year 2001 and selected Shri P.P. Changkakoti, below the applicant in seniority. But because of disciplinary proceedings, he has not been promoted to the IFS.

16. The applicant submitted representation dated 01-07-2002 to the Principal Secretary to the Government of Assam, Forest Department praying before the said authority to do the needful for holding the selection committee meeting for recruitment to the IFS by promotion

and for consideration of his case for such promotion.

17. The Government of Assam in the Forest Department vide the notification dated 6-8-2002 confirmed the applicant, Shri Sanjib Kumar Bora, Shri Kailash Khargharia, Shri Abdul Kuddus, Shri Rup Nath Brahma, Shri Debiruz Zaman and 3 (three) others in the post of DCF in the Assam Forest Service (Class - I) with effect from 1-1-2001.

A copy of the said notification dated 6-8-2002 is enclosed herewith and marked as **Annexure - G.**

18. The Government of Assam in the Department of Environment and Forest vide the notification dated 01-09-2003 published the draft gradation list of the Assam Forest Service (Class - I) Officers as on 01-06-2003. In the said list, the applicant's name appears at serial No.1 whereas the names of Shri Sanjib Kumar Bora, Shri Kailash Khargharia, Md. Abdul Kuddus, Shri Rup Nath Brahma and Md. Debiruz Zaman were placed at serial Nos.3, 4, 5, 6 and 7 respectively.

A copy of the said notification dated 1-9-2003 along with the draft gradation list are enclosed herewith and collectively marked as **Annexure - H.**

19. The applicant and 3 others filed an original application before this Hon'ble Tribunal with their grievances relating to non-filling up of the

vacancies in the IFS. The said application was registered as O.A. No.337/2002. It was contended therein that there were five vacancies in the year 2002 but the Respondents did not take any meaningful step for convening the selection committee meeting for selection for promotion to the IFS which was required to be held in the year 2002 thereby causing prejudice to them. This Hon'ble Tribunal vide the final order dated 28-10-2003 disposed of the said O.A. by observing that as per the written statement of the Union of India steps for holding the selection committee meeting had been taken and it was expected that the Respondents will take all necessary steps in this regard as required by the law with utmost expedition.

A copy of the said order dated 28-10-2003 is enclosed herewith and marked as **Annexure - I.**

20. Even after the aforesaid order of this Hon'ble Tribunal, there was considerable and inordinate delay in holding the selection committee meeting. Aggrieved, the applicant submitted representation dated 24-03-2004 to the Union Public Service Commission with copies to other concerned authorities to convene the selection committee meeting for promotion to the IFS immediately
21. The applicant was compelled to file a contempt petition before this Hon'ble Tribunal against the inaction of the Respondents in spite of of the order of this Hon'ble Tribunal dated 28-10-2003. The said

contempt petition was registered as Contempt Petition No.14 of 2004.

By the order dated 26-08-2004, this Hon'ble Tribunal was pleased to dispose of the said contempt petition in view of the submissions made on behalf of the Respondents with the observation that the case of the applicant be considered by the selection committee in the light of this Hon'ble Tribunal's order in O.A. NO.337/2002 which may be held during that year.

A copy of the said order dated 26-8-2004 is enclosed herewith and marked as **Annexure - J**.

22. Thereafter, the applicant submitted a representation dated 15-09-2004 to the Union Public Service Commission with copies to the other concerned authorities stating therein that the selection committee meeting for the year 2002 had not been held though long overdue. The applicant, therefore, requested for convening the selection committee meeting for promotion to the IFS (Assam-Meghalaya joint cadre—Assam segment) immediately in compliance to the orders of this Hon'ble Tribunal.

23. The applicant, thereafter, preferred a writ petition before the Hon'ble Gauhati High Court raising a grievance on the count that this Hon'ble Tribunal in O.A. No.337 of 2002 failed to give any direction calling upon the Respondent authority to hold the selection committee meeting within a specified time. The said writ petition was

registered as W.P.(C) No.353 of 2005. Similar writ petition was filed by Shri Kailash Khargharia and Shri Debiruz Zaman, which was registered as W.P.(C) No.32 of 2005.

24. W.P.(C) No.353 of 2005 was disposed of by the Hon'ble Gauhati High Court with a direction to the Respondent authority to hold the meeting of the Selection Committee within a period of three months and to make recommendation for encadrement to the IFS with due consideration of the applicant's case.

A copy of the said order dated 12-01-2005 is enclosed herewith and marked as **Annexure - K**.

25. The Government of Assam in the Department of Environment and Forest issued notification dated 25-08-2005 publishing the draft gradation list of DCFs as on 1-8-2005. The applicant's name appears at serial No.1 in the said gradation list whereas the names of Shri Sanjib Kumar Bora, Shri Kailash Khargharia, Md. Abdul Kuddus, Shri Rup Nath Brahma and Md. Debiruz Zaman appear at serial Nos.3 to 7 respectively.

A copy of the said notification dated 25-08-2005 along with the draft gradation list are enclosed herewith and collectively marked as **Annexure - L**.

26. Ultimately, the Selection Committee for selection for promotion to

the IFS in respect of the Assam-Meghalaya cadre — Assam segment was held on 13-06-2005. In the said meeting, selection for three years, namely, 2002, 2003 and 2004 were clubbed together. Pursuant thereto, three select lists for the years 2002, 2003 and 2004 were prepared.

27. The Government of India issued notification dated 7-11-2005 appointing 7 officers of the State Forest Service of Assam to the IFS on the basis of the select lists for the years 2002, 2003 and 2004 and allocated them to the Assam-Meghalaya joint cadre. Shri Sanjib Kumar Bora, Shri Kailash Khargharia, Md. Abdul Kuddus and Shri Rup Nath Brahma were selected for the year 2002; Md. Debiruz Zaman was selected for the year 2003 whereas the applicant and one Shr Khanindra Nath Barman were selected for the year 2004. The said Government of India notification was republished by the Government of Assam in the Environment and Forest Department vide the notification dated 14-11-2005.

A copy of the said notification dated 14-11-2005 is enclosed herewith and marked as **Annexure - M.**

28. Pursuant thereto, the applicant joined the IFS in the Assam-Meghalaya joint cadre on 16-11-2005 holding the charge of the same post of DFO, Nagaon Social Forestry Division and submitted joining report to the Commissioner and Secretary to the Government of Assam, Environment and Forest Department on 16-11-2005.

A copy of the said joining report dated 16-11-2005 is enclosed herewith and marked as **Annexure - N.**

29. The Government of India in the Ministry of Environment and Forest issued order dated 28-3-2006 determining the seniority and year of allotment in IFS of the seven appointees vide notification dated 7-11-2005. Shri Sanjib Bora, Shri Kailash Khargharia, Md. Abdul Kuddus, Shri Rup Nath Brahma and Md. Debiruz Zaman have all been placed above the applicant from serial numbers 1 to 5. The year of allotment in respect of Shri Sanjib Kumar Bora, Shri Kailash Khargharia, Md. Abdul Kuddus and Shri Rup Nath Brahma is 1996 whereas it is 1997 in the case of Debiruz Zaman and the applicant.

A copy of the said order dated 28-03-2006 is enclosed herewith and marked as **Annexure - O.**

30. The applicant submitted a representation dated 28-4-2006 to the Under Secretary to the Government of India, Ministry of Environment and Forest through proper channel for refixation of the year of allotment of the applicant.

A copy of the said representation dated 28-4-2006 is enclosed herewith and marked as **Annexure - P.**

VII. **GROUND S** :-

- 1] For that in the selection committee meeting held on 8-12-2000, the

cases of nine eligible officers of the Assam Forest Service [Class - I] were considered for promotion to the I.F.S.. At that time, the services of only Shri Probin Kumar Katakya and the applicant were confirmed. The services of the Respondent Nos.5 and 6 who were selected and appointed to the IFS along with Shri Probin Kumar Katakya vide the notification dated 08-02-2001 were never confirmed. Therefore, their selection and appointment to the I.F.S. was absolutely illegal, being void ab initio.

2. For that since the entry of the Respondent Nos.5 and 6 into the IFS was void ab initio since they did not fulfil the basic condition for entry into the IFS, their continuance in the IFS even as on date has become totally untenable in the eye of law.
3. For that at the time of the said selection proceeding, the services of the Respondent Nos.7 to 11 were not confirmed. They were confirmed vide the notification dated 6-8-2002 with effect from 1-1-2001. At that stage, other than Shri Probin Kumar Katakya, only the service of the applicant was confirmed. That being the position, on the disqualification of the Respondent Nos.5 and 6 the applicant stood a reasonable chance for selection and appointment to the IFS in the batch of 2000. In that view of the matter, the applicant is entitled to a direction upon the Respondents for selection and appointment to the IFS along with Shri Probin Kumar Katakya vide the notification dated 8-2-2001 with appropriate year of allocation.

4. For that though the aforesaid grievance of the applicant relates to the year 2000 and the consequential notifications dated 8-2-2001 and 13-2-2001, since the very entry into the IFS by the Respondent Nos.5 and 6 and continuance thereof is void ab initio due to non fulfilment of one of the basic conditions for entry into the IFS, it is respectfully submitted that the cause of action survives till date. The continuance of the Respondent Nos.5 and 6 in the IFS is wholly untenable and the same calls for appropriate intervention of this Hon'ble Tribunal. The illegality vitiating the entry and continuance of the Respondent Nos.5 and 6 in the IFS is such that the same cannot be said to have become obliterated due to lapse of time. It is respectfully submitted that the illegality being a continuing one and which strikes at the very root of the continuance of Respondent Nos.5 and 6 in the IFS, the same cannot be said to have become barred by limitation. Even if it is held otherwise, considering the peculiar facts and circumstances of the case, this Hon'ble Tribunal may be pleased to entertain the instant application, condoning the delay in instituting the present proceeding in this respect.

5. For that the Respondents erred in overlooking and not selecting the applicant in the year 2002 and instead selecting him in the year 2004. The applicant's seniority and overall merit justified his selection in the year 2002. The Respondents committed a manifest error in placing officers junior to the applicant (Respondent No.7 to 11) in the select list of 2002 and 2003. It is respectfully submitted that the

applicant is entitled to be placed in the select list of 2002 above the Respondent No.7.

6. For that Md. Abdul Kuddus and Shri Rup Nath Brahma were assessed at par with the applicant by the selection committee in the selection proceeding on 8-12-2000 for the year 2000. They were ^{all} graded "good". But Md. Abdul Kuddus and Shri Rup Nath Brahma were selected for the year 2002 superseding the applicant. It may be mentioned that for selection for the year 2002, the service records of the candidates were assessed upto December, 2001. In other words, the assessments in respect of Md. Abdul Kuddus and Shri Rup Nath Brahma for the period 8-12-2000 to 31-12-2001 were so extra-ordinary that they could supersede the applicant, who were all otherwise at par. It is respectfully submitted that there is every possibility of erroneous assessment since three meetings for three years i.e. 2002, 2003 and 2004 were clubbed together in a single sitting of the selection committee on the same day i.e. on 13-06-2005.

7. For that the procedure adopted by the official Respondents in finalising the select lists of 2002, 2003 and 2004 is not contemplated by the Rules and Regulations governing the field. Selection for three years was conducted in a single meeting of the selection committee held on 13-06-2005. The procedure adopted is in contravention of the provisions of Regulation 5 of the 1966 Regulations. The same has vitiated the selection and appointment of the Respondent Nos.7 to 11 to the IFS.

8. For that the official Respondents committed a manifest error in allotting the year of allotment in the IFS to the Respondent Nos.7 to 11 as well as the applicant. Rule 3 (3) (ii) of the 1997 Rules clearly provides that the year of allotment of a promotee officer shall be determined with reference to the year in which the meeting of the selection committee was held. The official Respondents erred in taking the year 2002 as the reference year for the Respondent Nos.7 to 10 and 2003 for the Respondent No.11 whereas the reference year in respect of the Respondent Nos.7 to 11 and the applicant ought to have been 2005. Consequently, the same has vitiated the year of allotment of the applicant as well as the Respondent Nos.7 to 11.
9. For that the official Respondents erred in not including the applicant's two years tenure in the State Forest Service College, Burnihat while computing the period of continuous service under explanation-II to Regulation 5 (2) of the 1966 Regulation. The official Respondents consequently calculated the period of completed service as on 31-12-2003 as 21 years whereas it should have been 25 years. Same has adversely affected the year of allotment of the applicant.
10. For that the action of the official Respondents in assigning the year of allotment in the IFS to the Respondent Nos.7 to 11 earlier than the year of allotment assigned to the applicant is wholly illegal and untenable.

11. For that in any view of the matter, the impugned action of the Respondents is wholly unsustainable and the same is as such liable to be appropriately interfered with by this Hon'ble Tribunal.

VIII. Details of the remedies exhausted :-

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

IX. Matter not previously filed or pending with any other Court :-

The applicant has not filed any other case/application before any other Court/Tribunal regarding the present subject matter.

X. Relief sought :-

Under the facts and circumstances, the applicant prays for the following reliefs :-

- (i) For a declaration that the entry to and continuance of the Respondent Nos. 5 and 6 ^{in the IFS} is illegal, being void ab initio;
- (ii) to set aside the appointment of the Respondent Nos. 5 and 6 to the IFS vide the notifications dated 8-2-2001 and 13-02-2001 (**Annexures E and E-1**) respectively;

- (iii) to direct the Respondents to consider the case of the applicant for selection and appointment to the IFS for the year 2000, by treating his continuous service with effect from 1-11-1978;

Alternatively :-

- (iv) to direct the Respondents to place the applicant in the select list of 2002 for appointment to the IFS ahead of the Respondent No.7, by treating his continuous service with effect from 1-11-1978;
- (v) to direct the Respondents to allot the proper and correct year of allotment of the applicant in the IFS treating his continuous service with effect from 1-11-1978;
- (vi) any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and as may be deemed fit and proper;

XI. **Interim Order prayer for :-**

The applicant prays for an expeditious disposal of the present application.

XII. **Particulars of the Postal Order :-**

Postal Order No. : 26 G 326727

Date : 11-09-2006
Issuing Officer : Guwahati GPO
Payable at : Guwahati GPO

XIII. **List of enclosures :-**

An index showing the particulars of documents enclosed.

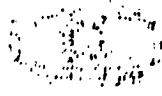
Verification

I, Shri Mamat Kalita, Son of Late Gopal Chandra Kalita, aged about 56 years, by profession -service, resident of Village - Lakhiminagar, Guwahati - 781 006, do hereby say that I am the applicant in the accompanying application. I am acquainted with the facts and circumstances of the case. I hereby verify that the statements made in Paragraphs I to XIII are true to my knowledge and that I have not suppressed any material fact.

I sign this verification this the 26th day of September, 2006 at Guwahati.

Mamat Kalita
Applicant

Guwahati, the 26th day of September, 2006.

भारत
GOVERNMENTसरकार
OF INDIA

कृषि एवं सिंचाई मन्त्रालय

MINISTRY OF AGRICULTURE & IRRIGATION

राज्य वन सेवा महाविद्यालय, बरनीहाट State Forest Service College, Barnihat

श्री/भैमवी समत कलिता आत्मज/अत्मजा
श्री गोपाल चन्द्र कलिता निवासी राजो, असम
ने इस महाविद्यालय में वानिकी और सम्बद्ध विषयों का अनुदेश और व्यावहारिक प्रशिक्षण पाठ्यक्रम पूरा
किया तथा अपेक्षित परीक्षाओं में सफल हुए।

Shri/ Bhaimvi Mamat Kalita son/ daughter of
Shri Gopal Chandra Kalita resident of Rajo, Assam
has completed a course of instruction and practical training in Forestry and Allied
Subjects in this College and has successfully passed the requisite examinations.

प्रमाणित किया जाता है कि उन्हें इस महाविद्यालय का
This is to certify that he has been awarded the

उपाधिपत्र Diploma

सन उन्नीस सौ अस्सी के अक्टूबर मास के चौबीसवें दिन को बरनीहाट में प्रदान किया गया।
of the College at Barnihat this Twenty-fourth day of October
one thousand nine hundred and eighty.

प्रधानाचार्य, राज्य वन सेवा महाविद्यालय
Principal, State Forest Service College

निदेशक, वन शिक्षा
Director, Forest Education

अध्यक्ष, वन अनुसंधान संस्थान एवं महाविद्यालय
President, Forest Research Institute and Colleges

ORDERS BY THE GOVERNOR OF ASSAM
FOREST DEPTT. : : : : : ESTT. BRANCH.

NO. F

NOTIFICATION.

Dated Dispur, the 10th Feb'81.

NO. FRE. 61/76/230 : On successful completion of the Diploma Course Training at State Forest Service College, Burnihat the following trainees are appointed temporarily and until further orders as A. C. F. in the scale of pay of Rs. 500-35-745-EB-35-1025-EB-40-1225/- P.M. and other allowances as admissible under rules and post them to the Divisions with H.Q. mentioned against each.

The appointment is purely temporary and may be terminated at any time without assigning any reason thereof. The order will take effect from the date of joining.

- 1) Sri P. Kotoky - Kamrup West Division with H.Q. at Gauhati.
- 2) Sri M. Kalita - Golaghat Divn. with H.Q. at Golaghat.
- 3) Sri P. Changkakati - Attached to C. F. Research and Education Circle, Bheralumukh with H.Q. at Gauhati.

By order etc.,

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

Memo No. FRE. 61/76/230-

Dr. Dispur, the 10th Feb'81.

- Copy to :-
- 1) The Accountant General, Assam, etc. Shillong.
 - 2) The Chief Conservator of Forests, Assam, Rabbari, Gauhati.
 - 3) The Superintendent, Assam Govt. Press, Bamunimaidan, Gauhati-21.
 - 4) The Conservator of Forests, Research and Education Circle, Bheralumukh, Gauhati-9 for necessary action.
 - 5) The Conservator of Forests, Eastern Assam Circle, Jorhat for information and necessary action.
 - 6) The Conservator of Forests, Central Assam Circle, Rajgarh Ali link Road, Gauhati-7.
 - 7) All Divisional Forest Officers.
 - 8) Sri P. Kotoky, A. C. F. C/o. Divisional Forest Officer, West Kamrup Divn. Gauhati.
 - 9) Sri M. Kalita, A. C. F. C/o. Divisional Forest Officer, Golaghat Divn. Golaghat.
 - 10) Sri P. Changkakati, A. C. F. C/o. Conservator of Forest, Research and Education Circle, Bheralumukh, Gauhati-9.

By order etc.,

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

FOREST

GOVERNMENT OF ASSAM
DEPARTMENT : : : : : DISPUR.

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 20th Jan/74

NO.FRE. 11/90/388

The Governor of Assam is pleased to fix finally and publish the graduation list of the State Forest service Officers (Class-I) (as per statement enclosed) under the Forest Department with immediate effect.

This concurs the Notification No.FRE. 11/90/175, dtd. 19.4.93.

Sd/- A.O. Roy Choudhury,
Deputy Secy. to the Govt. of Assam,
Forest Deptt., Dispur.

Memo No.FRE. 11/90/388-A,

Dated Dispur, the 20th Jan/74

Copy forwarded to :-

- 1) The Deputy Director, Assam Govt. Press, Damanimidan, Guwahati-21 for favour of publication of this Notification in the next issue of the Assam Gazette and to send 100 Copies to this Department.
- 2) The Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-8.
- 3) The Chief Conservator of Forests, Wildlife, Assam, Rajgarh Road, Guwahati-3.
- 4) The Chief Conservator of Forests, Social Forestry, Assam, Zoo Barongi Road, Guwahati- 24.
- 5) The Conservator of Forests,
- 6) The Field Director, Tiger Project, Barpeta Road.
- 7) The Director, Kaziranga National Park, Bokakhat.
- 8) The Principal, North East Forest Rangers' College, Jalukbari, Guwahati- 14.
- 9) Officer concerned.

By order etc.,

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

(Signature)
20/1/74

Sl. No.	Name of officers with Home District.	Date of birth.	Date of First entry in the Govt. service.	Date of entry into Forest service Class-I.	Whether confirmed	Whether ST(P)/S.C. S.T.(H)	Remarks.
1	2	3	4	5	6	7	8
1.	Shri Man Mohan Patnak (Barpeta)	1.5.1939	1.4.1964	1.4.1964	Yes	-	Promoted to C.E..
2.	" Chandra Kanta Das (Nagson)	1.6.1942	2.4.1969	2.4.1969	-do-	S.C.	✓
3.	" Nagen Das (Kamrup) ✓	1.6.1943	2.4.1969	2.4.1969	-do-	-	-
4.	" Sarat Chandra Phatuwari (Dibrugarh) ✓	1.7.1941	2.4.1969	2.4.1969	-do-	S.T.(P)	IF
5.	" Tapas Kr. Das (Lachar) ✓	9.4.1950	31.3.1973	31.3.1973	-do-	-	IF
6.	" Kirmal Kumar Sarma (Nagson) ✓	1.5.1947	31.3.1973	31.3.1973	-do-	-	-
7.	" Hemanta Kumar Saikia (Lakhimpur) ✓	1.2.1947	31.3.1973	31.3.1973	-do-	S.T.(F)	-
8.	" Kanak Chandra Dutta (Kamrup) ✓	1.2.1948	31.3.1973	31.3.1973	-do-	-	-
9.	" Surajit Dutta (K. & J. Hills) ✓	16.3.1952	3.3.1974	3.3.1974	-do-	-	-
10.	" Surendra Nath Buragoin (Sibsagar) ✓	1.5.1950	3.3.1974	3.3.1974	-do-	-	-
11.	" Md. Shaherul Islam (Sibsagar) ✓	13.3.1949	3.3.1974	3.3.1974	-do-	-	-
12.	" Shri Hari Prasad Phukan (Kamrup)	1.2.1950	3.3.1974	3.3.1974	No.	-	-
13.	" Durga Kanta Das (Kokrajhar) ✓	5.4.1953	27.2.1975	27.2.1975	Yes,	S.T.(P)	-
14.	" Jitu Das (Kamrup) ✓	1.3.1953	27.2.1975	27.2.1975	-do-	S.C.	-

Contd... 2/-/-

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- 2 -

1	2	3	4	5	6	7	8
15.	Shri Binod Behari Hobis (Barpeta)	1.1.1951	27.2.1975	27.2.1975	Yes	-	-
16.	Md. Mohammad Ali (Kamrup)	15.5.1937	1.4.1958	2.4.1976	Confirmed as F.R.	-	-
17.	Shri Banilal Chakraborty. (Sylhet)	1.4.1936	1.10.1959	30.3.1975	-do-	-	-
18.	Md. Ranjan Ali, (Dhubri)	1.2.1936	1.10.1959	15.12.1976	-do-	-	-
19.	Shri Premadhar Neog (Sibsagar)	1.9.1937	1.10.1959	30.3.1976	-do-	-	-
20.	" Mahini Kumar Gogoi (Lakhimpur)	1.2.1938	28.5.1960	21.12.1976	-do-	-	-
21.	" Padma Kanta Goyan (Darrang)	1.4.1939	28.9.1960	15.12.1976	-do-	-	-
22.	" Tara Prasad Chang- kakati (Darrang)	1.5.1940	1.10.1961	15.12.1976	-do-	-	-
23.	" Jitendra Ch. Dey (Bongaigaon)	1.9.1939	1.10.1961	15.12.1976	-do-	-	-
24.	" Partha Sarathi Das (Barpeta)	2.12.1952	30.4.1978	30.4.1978	Confirmed	-	-
25.	Md. Altaf Ahmed, (Kamrup)	27.2.1956	30.4.1978	30.4.1978	-do-	-	-
26.	Shri Sushanta Nayak (Kamrup)	29.2.1955	30.4.1978	30.4.1978	-do-	S.C.	-
27.	" Purnananda Borcoloi, (Nagaon)	17.2.1955	1.5.1979	1.5.1979	-do-	=	-
28.	Md. Abdul Shahid Laskar (Dachar)	1.3.1954	1.5.1979	1.5.1979	-do-	-	-
29.	Shri Prabir Kr. Kozoky (Sibsagar)	1.11.1952	27.2.1975	11.2.1981	-do-	-	-
30.	" Ramot Kalita (Kamrup)	1.4.1950	31.3.1972	11.2.1981	Confirmed as F.R.	-	-

Continued to be sent over.

Contd... 3/-

	2	3	4	5	6	7	8
31. Shri Prasanta Pran Changkakati (Kamrup) *	T		11.2.1981	11.2.1981	No.	-	-
32. Shri Susnil Kr. Sarma (Kamrup) X	1.8.1939		20.9.1960	13.5.1981	Confirmed as F.R.	-	-
33. Md. Eunis Ali (Lakhimpur) X	1.3.1941		1.10.1962	15.5.1981	-do-	-	-
34. Shri Rajendra Nath Sanoual, (Dibrugarh) *	1.3.1942		1.10.1963	21.5.1981	-do-	S.T.(P)	-
35. " Purna Kanta Hazarika (Lakhimpur) *	1.3.1937		1.10.1963	21.5.1981	-do-	S.C.	-
36. " Ritesh Bhattacharjee, (Dibrugarh) ✓	18.5.52		1.5.1977	6.1.1981	No.	-	-
37. Md. Safiqueuddin Ahmed (Kamrup) ✓	23.3.1959		6.11.1981	6.11.1981	-do-	-	-
38. Shri Sanjib Kr. Bora ✓	1.1.1958		6.11.1981	6.11.1981	No.	-	-
39. " Kailash Khargharie (Jorhat) ✓	-		31.1.1982	31.1.1982	-do-	-	-
40. " Partha Pratim Das (Barpeta) X	1.1.1952		27.2.1975	1.11.1982	Confirmed as F.R.	-	-
41. Md. Abdul Kuddus (Nalbari) ✓	1.1.1953		1.11.1982	1.11.1982	No.	-	-
42. Shri Rup Nath Brahma, (Bongaigaon) ✓	1.8.1955		23.4.1978	1.11.1982	-do-	S.T.(P)	-
43. Md. Desiruz Zaman (Dibrugarh) ✓	14.1.1956		1.11.1982	1.11.1982	-do-	-	-
44. Md. Mufakkar Ali, (Kamrup) ✓	19.1.1959		1.11.1982	1.11.1982	-do-	-	-
45. Shri Kananindra Nath Barman, (Nalbari) ✓	1.1.1956		1.11.1982	1.11.1982	-do-	-	-

Contd... 4/-

1	2	3	4	5	6	7	8
			1.11.1982	1.11.1982	No.	-	-
...	Shri Mohendra Nath Duara (Sibsagar) ✓	-					
47.	Arup Kumar Das, ✓ (Kamrup)	1.1.1957	1.11.1982	1.11.1982	-do-	S.C.	-
48.	Amarendra Ch. Das ✓ (Kamrup)	1.4.1955	2.4.1984	2.4.1984	No.	-	-
49.	Ranjit Ch. Goswami, ✓ (Barpeta)	1.1.1956	23.4.1978	2.4.1984	-do-	-	-
50.	Hemkanta Talukdar, ✓ (Kamrup)	31.12.1961	2.4.1984	2.4.1984	-do-	-	-
51.	Chitta Ranjan Choudhary, ✓ (Darrang)	1.1.1956	26.4.1980	2.4.1984	-do-	S.T.(P)	-
52.	Amrit Kr. Das, ✓ (Sibsagar)	1.3.1961	7.4.1984	7.4.1984	-do-	S.C.	-
53.	Madhusudan Sinha, ✓ (Cachar)	30.9.1956	2.4.1984	2.4.1984	-do-	-	-
54.	Md. Isfaque Ahmed, (Kamrup) ✓	5.5.1957	2.4.1984	2.4.1984	-do-	-	-
55.	Md. Faizul Rahman, ✓ (Kamrup)	21.5.1959	1.4.1984	1.4.1984	-do-	-	-
56.	Shri Hirenza Kr. Sarma, ✓ (Nalbari)	25.1.1961	20.3.1985	20.3.1985	-do-	-	-
57.	Pradip Kr. Hazarika, ✓ (Nagaon)	1.1.1958	20.3.1985	20.3.1985	No.	-	-
58.	Md. Firdus Ali Ahmed, ✓ (Kamrup)	-	20.3.1985	20.3.1985	-do-	-	-
59.	Shri Sabyasachi Sinha, ✓ (Cachar)	22.1.1957	26.3.1985	26.3.1985	-do-	-	-
60.	Dioyadhar Goozi, ✓ (Lakhimpur)	1.1.1960	27.4.1984	1.4.1986	-do-	-	-

Contd.: 5/-

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2	3	4	5	6	7	8
				No.	S.T.(P)	-
61. Mr. Ranjan Kr. Das, ✓ (Kamrup)	6.12.1961	1.4.1986	1.4.1986	-do-	S.C.	-
62. " Dilip Kumar Das, ✓ (Cachar)	1.4.1959	1.4.1986	1.4.1986	-do-	-	-
63. " Primal Kanti Das ✓ (Kamrup)	-	1.4.1986	1.4.1986	-do-	-	-
64. Md. Giasuddin Garbhuyan, ✓ (Cachar)	1.7.1953	27.2.1975	1.4.1986	Confirmed as F.R.	-	-
65. Shri Mohesh Ch. Kalita, ✓ (Kamrup)	1.3.1958	1.5.1982	1.4.1986	No.	-	-
66. Md. Jorgez Ahmed, (Jornst) ✓	-	1.4.1986	1.4.1986	-do-	-	-
67. Shri Swapan Kr. Seal Sarma, ✓ (Dibru) ✓	-	1.5.1983	1.4.1986	-do-	-	-
68. " Jatindra Sarma, ✓ (Nalbari)	12.8.1963	1.4.1986	1.4.1986	-do-	-	-
69. Md. Hifzur Rahman Laskar, ✓ (Cachar)	1.1.1953	1.5.1976	1.4.1986	-do-	-	-
70. " Aftabuddin Ahmed, ✓ (Kamrup)	1.11.1958	1.4.1986	1.4.1986	-do-	-	-
71. Shri Sukumar Mozin ✓ (Kamrup)	1.7.1961	28.3.1981	1.4.1986	-do-	-	-
72. " Amal Ch. Sarma, ✓ (Kamrup)	1.11.1961	1.4.1986	1.4.1986	-do-	-	-
73. Md. Solman Uddin Choudhury, ✓ (Cachar)	24.12.1962	1.4.1986	1.4.1986	-do-	-	-
74. Shri Rajib Kumar Das, ✓ (Kamrup)	12.10.1964	1.4.1986	1.4.1986	-do-	-	-
75. " Kunja Hazarika, ✓ (Sonitpur)	10.10.1962	1.4.1986	1.4.1986	-do-	-	-

Contd....6/-

1	2	3	4	5	6	7	8
			1.4.1966	1.4.1985	No.		
76.	Shri Prebhakar Das ✓ (Kamrup)				Confirmed as F.I.I.	S.T.(P)	-
77.	Isuar Mazumdar ✓ (Kokrajhar)	1.6.1944	31.3.1969	5.10.1985	-do-	-	-
78.	Jitendra Nath Bhagabati ✓ (Kamrup)	1.12.1941	1.10.1982	16.10.1985	-do-	-	-
79.	Lishi Kanta Singh ✓ (Manihari)	1.2.1941	1.10.1983	12.9.1986	-do-	-	-
80.	Knapendra Nath Barua ✓ (Lakshimpur)	1.12.1943	1.4.1987	22.12.1986	-do-	S.T.(P)	-
81.	Bisaj Chandra Barua ✓ (Sibsagar)	1.2.1940	2.4.1985	-	-do-	-	-
82.	Mr. Moniruddin Fakirul Alam ✓ (Dolaitola)	1.12.1941	2.4.1985	1.10.1986	-	-	-
83.	Shri Rasendra Barua ✓ (Kamrup)	1.10.1943	2.4.1985	5.10.1986	-	-	-
84.	Karayan Gahanta ✓ (Nagaon)	15.1.1952	13.11.1986	13.11.1986	No.	-	-
85.	Brahma Nanda Dasari ✓ (Sonitpur)	15.1.1966	14.11.1985	14.11.1986	-do-	S.T.(P)	-
86.	Chandan Kr. Borah ✓ (Nagaon)	5.3.1961	14.11.1985	14.11.1986	-do-	-	-
87.	Mazikul Hussain ✓ (Nalbari)	5.4.1962	13.11.1985	13.11.1986	-do-	-	-
88.	Diganta Barboruah ✓ (Sibsagar)		12.11.1985	12.11.1986	-do-	-	-
89.	Ajoy Dauri Bhargava ✓ (Dibrugarh)		12.11.1985	12.11.1986	-do-	S.T.(P)	-
90.	Bankim Sarma ✓ (Nalbari)	3.10.1963	1.1.1987	1.1.1987	No.	-	-

Contd... 7/-

Notified to the Govt.

Amrta

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	2	3	4	5	6	7	8
101. Smt. Nit Kumar Gogoi (Dibrugarh) ✓	1.12.1945	31.3.1969	12.10.1992	Confirmed as F.R.	-	-	✓
102. " Deba Prasad Saikia (Nagaon) ✓	1.3.1945	31.3.1969	19.10.1992	-do-	-	-	-
107. " Kanchi Chandra Scharia (Darrang) ✓	1.2.1944	31.3.1969	12.10.1992	-do-	-	-	-
108. Md. Ahmed Ibrahim Shah Abul (Kamrup) ✓	1.10.1944	2.4.1969	12.10.1992	-do-	-	-	-
109. Smt. Rai Mohan Sarkar (Dumri) ✓	1.6.1940	2.4.1969	29.10.1992	-do-	-	-	-
110. " Annapurni Shekhar Chakrabarty (Cachar) ✓	1.5.1944	2.4.1969	1.11.1992	-do-	-	-	-
111. " Prabir Borthakur (Silasgar) ✓	1.7.1943	2.4.1969	16.10.1992	-do-	-	-	-
112. " Jogen Nath Bura- gohain (Dibrugarh) ✓	1.6.1944	2.4.1969	4.1.1993	-do-	-	-	-
113. " Sukteswar Bardoloi (Nagaon) ✓	1.9.1944	2.4.1969	23.11.1992	-do-	-	-	-
114. " Sri Kanta Sarma (Darrang) ✓	1.3.1946	1.4.1970	19.10.1992	-do-	-	-	-
115. " Girindra Nath Bezbaruah (Kamrup) ✓	1.4.1945	1.4.1970	14.10.1992	-do-	-	-	-
116. " Shobhatosh Bhattacharjee, (Cachar) ✓	1.3.1945	1.4.1970	4.12.1992	-do-	-	-	-
117. " Mohini Kumar Saikia (Nagaon) ✓	22.7.1950	1.4.1971	20.10.1992	-do-	-	-	-
118. " Uddhan Chandra Kalita (Kamrup) ✓	1.4.1947	1.4.1971	12.10.1992	-do-	-	-	-

Contd....9/-

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1	2	3	4	5	6	7	8
120.	Sri Monendra Nath Dora (Golaghat)	1.2.1947	1.4.1971	20.10.1992	Confirmed as F.R.	-	-
121.	Sushil Kr. Talukdar (Kamrup)	1.8.1945	1.4.1971	28.12.1992	-do-	-	-
122.	Rabindra Kr. Gogoi (Nagaon)	24.9.1946	1.4.1971	28.10.1992	-do-	-	-
123.	Pabitra Kr. Sarma (Darrang)	1.4.1947	1.4.1971	5.9.1993	-do-	-	-
124.	Chandra Kanta Gogoi (Sibsagar)	1.7.1945	1.4.1971	12.10.1992	-do-	-	-
125.	Basarath Deka (Dibrugarh)	1.5.1950	31.3.1972	23.10.1992	-do-	-	-
126.	Ananta Ram Bhuyan (Kamrup)	1.3.1947	31.3.1972	19.10.1992	-do-	-	-
127.	Karuna Gogoi (Dibrugarh)	1.12.1946	31.3.1972	22.2.1993	-do-	-	-
128.	Subhash Ch. Khatoniar (Kamrup)	3.3.1950	31.3.1972	12.10.1992	-do-	-	-
129.	Siruchand Duara (Sibsagar)	1.3.1935	1.11.1954	23.11.1992	-do-	-	-
130.	Lohit Chandra Kalita (Kamrup)	1.3.1941	23.1.1963	12.10.1992	-do-	-	-
131.	Prafulla Ch. Sarma (Kamrup)	23.1.1950	31.3.1973	21.10.1992	-do-	-	-
132.	Ashok Kr. Misra (Sonitpur)	1.9.1950	31.3.1973	-	-do-	-	-
133.	Bijit Kr. Dhar (Cachar)	1.10.1948	31.3.1973	30.10.1992	-do-	-	-

1	2	3	4	5	6	7	8
133.	Shri P.C. Shosh (Jhabri) ✓	1.5.1947	31.3.1973	12.11.1992	Confirmed as F.R.	-	-
134.	" Ranjit Kr. Patowary (Kamrup) ✓	1.6.1948	31.3.1973	17.5.1993	-co-	-	-
135.	" D. R. Doley (Lakhimpur), ✓	1.9.1951	31.3.1973	4.11.1992	-co-	S.T.(=)	-
136.	" Tirtheswar Saikia, (Dibrugarh) ✓	1.8.1952	3.3.1974	23.10.1992	-co-	S.T.(=)	-
137.	" Suren Bora (Goalpara), ✓	12.12.1947	3.3.1974	25.10.1992	-co-	S.T.(=)	-
138.	" Thaneswar Das (Sibsagar) ↑	2.1.1944	14.11.1967	24.12.1992	-co-	S.C.	-
139.	" Nilmoni Maral- (Kamrup) ✓	1.9.1954	1.5.1977	12.10.1992	Re.	S.C.	-
140.	" Shankar Hazarika ✓ (Kamrup)	27.1.1957	1.5.1977	12.10.1992	-co-	S.C.	-
141.	" Chitta Ranjan Das (VI) ✓ (Jorhat)	21.6.1954	23.4.1978	19.10.1992	-co-	S.C.	-
142.	" Ananda Chandra Das ✓ (Golaghat)	1.1.1945	19.11.1965	21.10.1992	-co-	S.C.	-
143.	" Naba Kumar Malakar ✓ (Sonitpur).	2.2.1959	26.4.1980	31.10.1992	-co-	S.C.	-

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

28/1/94

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ANNEXURE-D

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

NO.FE.22/II/GL/99,

Dated Guwahati, the 18th April/2000.

To,

1. All the Chief Conservator of Forests etc in Assam,
2. All the Conservator of Forests etc. in Assam.
3. All the Divisional Forest Officers etc. in Assam.

Sub :- Preparation of gradation list of A.F.S.
Class-I Officers.

I am to inform you that Govt. in the Forest Department have directed to prepare the Gradation list of the A.F.S. (Class-I) service and accordingly a draft gradation list is prepared. I am sending here with a copy of the draft gradation list with a request to circulate the same amongst the S.F.S. officers and if there be any omission and commission that should immediately be brought for the notice of the undersigned so that the same can be reported to Govt. for final notification of the correct gradation list.

This may please be given priority.

2504200
Principal Chief Conservator of Forests
Assam :: Guwahati-8.

Memo No.FE.22/II/GL/99-A, Dated Guwahati, the 18th April/2000.

Copy alongwith a copy of draft, Gradation list is onwarded to the Joint Secretary to the Govt. of Assam, Forest Department, Dispur Guwahati-6 for information with reference to the Govt. letter No.FRE. 106/99/I, dtd. 7.12.99.

2
Principal Chief Conservator of Forests
Assam :: Guwahati-8.

P.C.B.
18.4.2000

Sh

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Sl. No.	Name of officers with Home District.	Date of birth.	Date of first entry in the Govt. service.	Date of entry into or est. service Class-I.	Whether confirmed	Whether ST(P)/S.C. S.T.(H)	Remarks.
1	2	3	4	5	6	7	8
1.	Sri Chandra Kanta Das, (Nagaon)	1.6.1942	2.4.1969	2.4.1969	Yes	-	
x2.	Sri Prabin Kr. Kotoky, (Sibsagar)	1.11.1952	27.2.1975	11.11.1975	- do -	-	
3.	" Momot Kalita, Kamrup	1.4.1950	31.3.1972	11.11.1972	- do -	-	
4.	" Prasanta Pran Chhangkakati, (Kamrup)	-	11.2.1981	11.2.1981	No.	-	
5.	" Rajendra Nath Sanwal, (Dibrugarh)	1.3.1942	1.10.1963	21.10.1981	Confirmed	ST(P)	
6.	" Ritesh Bhattacharjee, (Dibrugarh)	18.5.52	1.5.1977	6.1.1981	No.	-	
7.	Md. Safiquddin Ahmed, M.Sc. (Kamrup)	23.3.1959	6.11.1981	6.11.1981	-do-	-	
8.	Sri Sanjib Kr. Bora,	1.1.1958	6.11.1981	6.11.1981	No	-	
9.	" Kailash Kharcharia, M.Sc. (Jorhat)	-	31.1.1982	31.1.1982	-do-	-	
10.	Md. Abdul Kuddus (Nalbari)	1.1.1953	1.11.1982	1.11.1982	-do-	-	
11.	Sri Rup Nath Brahma, (Bongaigaon)	1.8.1955	23.4.1978	1.11.1982	-do-	ST(P)	
12.	Md. Debiruz Zaman, (Dibrugarh)	14.1.1956	1.11.1982	1.11.1982	-do-	-	
13.	" Mufakkar Ali, (Kamrup)	19.1.1959	1.11.1982	1.11.1982	-do-	-	
14.	Sri Khanindra Nath Sarman,	1.1.1956	1.11.1982	1.11.1982	-do-	-	
15.	" Mohendra Nath Duara, (Sibsagar)	-	1.11.1982	1.11.1982	No.	-	
16.	" Arup Kumar Das, (Kamrup)	1.1.1957	1.11.1982	1.11.1982	-do-	S.C.	

1	2	3	4	5	6	7	8
17.	Sri Amarendra Ch. Das, (Kamrup)	1.4.1955	2.4.1984	2.4.1984	No.	-	-
18.	" Ranjit Ch. Goswami, (Barpeta)	1.1.1956	23.4.1978	2.4.1984	-do-	-	-
19.	" Hemkanta Talukdar, (Kamrup)	31.12.1961	2.4.1984	2.4.1984	-do-	-	-
20.	" Chitta Ranjan Bhobra, (Darrang)	1.1.1956	26.4.1980	2.4.1984	-do-	-	-
21.	" Amrit Kr. Das, (Sibsagar)	1.3.1961	7.4.1984	7.4.1984	-do-	S.T(P)	-
22.	" Madhusudan Sinha, (Cachar)	30.9.1956	2.4.1984	2.4.1984	-do-	S.C.	-
23.	Md. Isfaque Ahmed, (Kamrup)	6.5.1957	2.4.1984	2.4.1984	-do-	-	-
24.	" Faizrul Rahman, (Kamrup)	21.5.1959	1.4.1984	1.4.1984	-do-	-	-
25.	Sri Hiranya Kr. Sarma, (Nalbari)	25.1.1961	20.3.1985	20.3.1985	-do-	-	-
26.	" Pradip Kr. Hazarika, (Nagaon)	1.1.1958	20.3.1985	20.3.1985	-do-	-	-
27.	Md. Firdus Ali Ahmed, (Kamrup)	-	20.3.1985	20.3.1985	-do-	-	-
28.	Sri Sabyasachi Sinha, (Cachar)	22.1.1957	26.3.1985	26.3.1985	-do-	-	-
29.	" Dibyadhar Gogoi, (Lakhimpur)	1.1.1960	27.4.1984	1.4.1986	-do-	-	-
30.	" Ranjan Kr. Das, (Kamrup)	6.12.1961	1.4.1986	1.4.1986	No.	S.T.(P)	Promoted to tEo.
31.	" Dilip Kr. Das, (Cachar)	1.4.1959	1.4.1986	1.4.1986	-do-	S.C.	rank of DCF. with
32.	Md. Giasuddin Barbhuyan, (Cachar)	1.7.1953	27.2.1975	1.4.1986	Confirmed as F.R.	-	effect from 2.5.90 as per reservation act.

1	2	3	4	5	6	7	8
33.	Sri Mohesh Ch. Kalita, (Kamrup)	1.3.1958	1.5.1982	1.4.1986	No	-	-
34.	Md. Jorge Ahmed, (Jorhat)		1.4.1986	1.4.1986	-do-	-	-
35.	Sri Swapan Kr. Seal Sarma (Dhubri)		1.5.1983	1.4.1986	-do-	-	-
36.	" Jatindra Sarma, (Nalbari)	12.8.1963	1.4.1986	1.4.1986	-do-	-	-
37.	Md. Hifzur Rahman Laskar, (Cachar)	1.1.1953	1.5.1976	1.4.1986	-do-	-	-
38.	" Aftabuddin Ahmed, (Kamrup)	1.11.1953	1.4.1986	1.4.1986	-do-	-	-
39.	Sri Sukumar Mamin, (Kamrup)	1.7.1961	28.3.1981	1.4.1986	-do-	-	-
40.	" Amel Ch. Sarma, (Kamrup)	1.11.1961	1.4.1986	1.4.1986	-do-	-	-
41.	Md. Solman Uddin Choudhury, (Cachar)	24.12.1962	1.4.1986	1.4.1986	-do-	-	-
42.	Sri Rajib Kumar Das, (Kamrup)	12.10.1964	1.4.1986	1.4.1986	-do-	-	Promoted to the rank of DCF. as per reservation act w.e. from 2.5.90.
43.	" Kunja Hazarika, (Sonitpur)	10.10.1962	1.4.1986	1.4.1986	-do-	-	-
44.	" Prabhakar Das, (Kamrup)		1.4.1986	1.4.1986	No	-	-
45.	" Iswar Narzary, (Kokrajhar)	1.6.1944	31.3.1968	6.10.1986	Confirmed as F.R.	S.T.(P)	Promoted on to the rank of ACF. on reservation quota.
46.	" Khagendra Nath Pegu, (Lakhimpur)	1.12.1943	1.4.1971	22.12.1986	-do-	-	-
47.	" Pasendra Sarma, (Kamrup)	1.10.1943	2.4.1968	6.10.1986	-	-	-
48.	" Mahayan Mahanta, (Nagaon)	16.1.1962	13.11.1986	13.11.1986	No.	-	-
49.	" Brahma Nanda Patiri, (Sonitpur)	19.1.1966	14.11.1986	14.11.1986	-do-	S.T.(P)	-
50.	" Chandra Kr. Bora, (Nagaon)	5.3.1961	14.11.1986	14.11.1986	-do-	-	-
51.	Md. Mazdul Hussain, (Nalbari)	8.4.1962	13.11.1986	13.11.1986	-do-	-	-

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1	2	3	4	5	6	7	8
62.	Sri Diganta Barboruah, (Sibsagar)		12.11.1985	12.11.1986	Confirmed	-	-
63.	" Ajoy Deuri Bharali, (Dibrugarh)		12.11.1986	12.11.1986	as F.R. -do-	S.T.(P)	-
64.	" Bankim Sarma,(Nalbari)	3.10.1963	1.1.1987	1.1.1987	No	-	-
65.	" Gohin Ch. Bora(Nagaon)		1.1.1987	1.1.1987	No	-	-
66.	" Girindra Nath Adhikary, (Dhubri)		1.1.1987	1.1.1987	-do-	-	-
67.	Md. Muklesh Ali,(Sardeta)		1.1.1987	1.1.1987	-do-	-	-
68.	Sri Asharya Moi Goswami, (Dibrugarh)		15.4.1987	15.4.1987	-do-	-	-
69.	" Rajen Chowdhury, (Sonitpur)	28.2.1964	8.4.1987	8.4.1987	-do-	-	-
70.	" Jibananda Bararika, (Jorhat)	11.4.1960	13.4.1987	13.4.1987	-do-	-	-
71.	" Joy Singh Bey, (Karbi-Anglong)	20.12.60	7.5.1986	14.4.1987	-do-	S.T.(PH)	Promoted to the rank of DCF.w.e.f 15.2.99 as per reservation Act.
72.	" Anirudha Bay,(Kamrup)		13.4.1987	13.4.1987	-do-	-	-
73.	" Mridul Kumar Dhar, (Cachar)	11.6.1959	9.9.1981	15.11.1987	-do-	-	-
74.	" Rajhu Nath Bara,		4.12.1989	1.7.1992	-do-	-	-
75.	" Aswini Kr. Patowary,		21.6.1988	1.7.1992	-do-	-	-
76.	" Satya Brata Dey, (Karimganj)	1.11.1943	1.4.1967	23.12.1992	-do-	-	-
77.	" Ajit Kumar Gogoi, (Dibrugarh)	1.12.1945	31.3.1968	12.10.1992	-do-	-	-
78.	Md. Ahmed Ibrahim Shah. Abdali(Kamrup)	1.10.1944	2.4.1969	12.10.1992	-do-	-	-
79.	Sri Amiangshu Shekhar Chakraborty,(Cachar)	1.5.1944	2.4.1969	1.11.1992	-do-	-	-

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1	2	3	4	5	6	7	8
80.	Sri Pradip Barthakur, (Sibsagar)	1.7.1943	2.4.1969	16.10.1992	Confirmed as P.T.	-	-
81.	" Jogendra Nath Bura- gochara (Dibrugarh).	1.6.1944	2.4.1969	4.1.1993	-do-	-	-
82.	" Sukleswar Bardoloi (Nagaon)	1.9.1944	2.4.1969	23.11.1992	-do-	-	-
83.	" Sri-Kanta Sarma, (Darrang)	1.3.1946	1.4.1970	19.10.1992	-do-	-	-
84.	" Girindra Nath Be-baruah (Kamrup)	1.4.1945	1.4.1970	14.10.1992	-do-	-	-
85.	" Bhobatosh Bhattacharjee (Cachar)	1.3.1945	1.4.1970	4.12.1992	-do-	-	-
86.	" Mohini Kumar Saikia, (Nagaon)	22.7.1950	1.4.1971	20.10.1992	-do-	-	-
87.	" Uddhab Chandra Kalita, (Kamrup)	1.4.1947	1.4.1971	12.10.1992	-do-	-	-
88.	" Mohendra Nath Bora, (Golaghat)	1.2.1947	1.4.1971	20.10.1992	-do-	-	-
89.	" Sushil Kr. Talukdar, (Kamrup)	1.8.1945	1.4.1971	28.12.1992	-do-	-	-
90.	" Rabindra Kr. Gogoi, (Nagaon)	24.9.1946	1.4.1971	28.10.1992	-do-	-	-
91.	" Pabitra Kr. Sarmah (Darrang)	1.7.1947	1.4.1971	9.9.1993	-do-	-	-
92.	" Chahdra Kanta Gogoi (Sibsagar)	1.7.1945	1.4.1971	12.10.1992	-do-	-	-
93.	" Dasarath Deka, (Dibrugarh)	1.5.1951	31.3.1972	23.10.1992	-do-	-	-
94.	" Ananta Ram Bhuyan, (Kamrup)	1.3.1947	31.3.1972	19.10.1992	-do-	-	-
95.	" Karuna Gogoi, (Dibrugarh)	1.12.1946	31.3.1972	22.2.1993	-do-	-	-

Contd.....

1	2	3	4	5	6	7	8
96.	Sri Subhash Ch. Khatanar (Kamrup)	3.3.1950	31.3.1972	12.10.1992	Confirmed as F.P.	-	-
97.	" Prafulla Ch. Sarma, (Kamrup)	28.1.1950	30.3.1973	21.10.1992	-do-	-	-
98.	" Ashok Kr. Misra, (Sonitpur)	1.9.1950	31.3.1973	-	-do-	-	-
99.	" Bijit Kr. Dhar, (Cachar)	1.10.1948	31.3.1973	30.10.1992	-do-	-	-
100.	" P.C. Ghash, (Dhubri)	1.5.1947	31.3.1973	12.11.1992	-do-	-	-
101.	" Ranjit Kr. Patowary, (Kamrup)	1.6.1948	31.3.1973	17.5.1993	-do-	-	-
102.	" D.R. Doley (Lakhimpur)	1.9.1951	31.3.1973	4.11.1992	-do-	S.T.(P)	Promoted on reserva- tion quota -do-
103.	" Tirtheswar Saikia, (Dibrugarh)	1.8.1952	3.3.1974	23.10.1992	-do-	S.T.(P)	-do-
104.	" Suren Boro (Goalpara)	12.12.1947	3.3.1974	26.10.1992	-do-	S.T.(P)	-do-
105.	" Thaneswar Das, (Sibsagar)	2.1.1944	14.11.1967	24.12.1992	-do-	S.C.	-do-
106.	" Nilmoni Morol (Kamrup)	1.9.1954	1.5.1977	12.10.1992	No	S.C.	-do-
107.	" Shankar Hazarika, (Kamrup)	27.1.1957	1.5.1977	12.10.1992	-do-	S.C.	-do-
108.	" Chitta Ranjan Das, (II) (Jorhat)	21.6.1954	23.4.1978	19.10.1992	-do-	S.C.	-do-
109.	" Ananda Chandra Das, (Jorhat)	1.1.1945	19.11.1965	21.10.1992	-do-	S.C.	-do-
110.	" Naba Kumar Malakar, (Sonitpur)	2.2.1959	26.4.1980	31.10.1992	-do-	S.C.	-do-
111.	" U.C. Deuri, (Dibrugarh)	1.11.1945	31.3.1972	1995	-do-	S.T.(P)	-do-
112.	" G.R. Boro, (Kokrajhar)	1.4.1947	31.3.1973	1995	-do-	-do-	-do-

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2	3	4	5	6	7	8
113. Sri Phuding Teron						
114. " A.K. Sarma, (Kamrup)	1.12.1947	31.3.1973	1995	Confirmed as F.R.	-	-
115. " K.N. Mahanta, (Jorhat)	1.9.1950	31.3.1973	1995	-do-	Hindu	-
116. " P.K. Sarma, (Nagaon)	21.9.1947	31.3.1973	1995	-do-	-do-	-
117. " C.K. Dutta, (Sibsagar)	1.10.1948	29.8.1973	1995	-do-	-do-	-
118. " Kulen Das, (Kamrup)	30.5.1949	29.8.1973	1995	-do-	-do-	-
119. " T.K. Kakoty, (Sibsagar)	1.11.1950	3.3.1974	1995	-do-	-do-	-
120. " S. Das, (Kamrup)	2.3.1949	3.3.1974	1995	-do-	-do-	-
121. " Loknath Baruah, (Sibsagar)	1.11.1950	3.3.1974	1995	-do-	-do-	-
122. " Haren Deka, (Malbari)	1.3.1952	3.3.1974	1995	-do-	-do-	-
123. " P.K. Mahanta, (Nagaon)	1.9.1948	3.3.1974	1995	-do-	-do-	-
124. " R.K. Baruah, (Dibrugarh)	3.3.1950	3.3.1974	1995	-do-	-do-	-
125. " A. Matlab, (Songaigaon)	9.4.1948	3.3.1974	1995	-do-	-do-	-
126. " P.C. Baruah, (Nagaon)	1.12.1950	3.3.1974	1995	-do-	-do-	-
127. " R.N. Bhattacharjee, (Cachar)	7.1.1950	3.3.1974	1995	-do-	-do-	-
128. " M. Roy, (Dhubri)	1.3.1949	3.3.1974	1995	-do-	-do-	-
129. " K.N. Chetia, (Sibsagar)	25.7.1948	3.3.1974	1995	-do-	-do-	-
130. " H.K. Saikia, (Sibsagar)	1.10.1951	27.2.1975	1995	-do-	-do-	-
131. " R.K. Bhargali, (Nagaon)	23.5.1951	27.2.1975	1995	-do-	-do-	-
132. " Benbar Saha, (Cachar)	21.1.1950	27.2.1975	1995	-do-	-do-	-
133. " H.A. Choudhury, (Kamrup)	20.5.1951	27.2.1975	1995	-do-	Muslim	-
134. " P.K. Deuri, (Dibrugarh)	1.10.1949	27.2.1975	1995	-do-	S.T.(P)	Promoted of
135. " S.I. Ahmed, (Sibsagar)	23.7.1952	27.2.1975	1995	-do-	Muslim	reserved qu-
136. " M.C. Baruah, (Lakhimpur)	1.1.1954	1.3.1976	1995	-do-	Hindu	ota.

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1	2	3	4	5	6	7	8
137.	Sri N.C.Kalita,(Nalbari)	1.1.1954	1.5.1976	1995	Confirmed as F.R.	Hindu	-
138.	" J.N.Bora,(Nagaon)	1.3.1944	1.4.1970	1995	-do-	-	-
139.	" C.R.Das,(Kamrup)	1.1.1947	1.4.1970	1995	-do-	-	-
140.	" M.S.U.Laskar,(Cachar)	1.6.1947	31.3.1973	1995	-do-	Muslim	-
141.	" M.M.Deka,(Kamrup)	1.1.1951	1.5.1976	1997	-do-	Hindu	-
142.	" H.K.Goswami,(Kamrup)	31.3.1951	1.5.1976	1997	-do-	-do-	-
143.	" S.N.Gogoi,(Sibsagar)	19.8.1946	1.5.1976	1997	-do-	-do-	-
144.	" Piar Ali,(Kamrup)	1.3.1955	1.5.1976	1997	-do-	Muslim	-
145.	" Jahindra Brahma,(Kokrajhar)	2.5.1951	1.5.1976	1995	-do-	S.T.(P)	Promoted against reservation quota.
146.	" Syed Muktar Ahmed, Nagaon.	8.12.1951	1.5.1976	1995	-do-	Muslim.	-
147.	" S.K.Ali Ahmed,(Dhubri)	28.10.51	1.5.1976	1995	-do-	-do-	-
148.	" Bhupendra Nath Talukdar (Barpeta)	16.9.1954	1.5.1977	March/1999	-do-	-do-	-
149.	" S.K.Baruah,(Dhubri)	30.1.1954	1.5.1977	-do- 1999	-do-	-do-	-
150.	" Akbar Hussain,(Nagaon)	28.1.1950	1.5.1977	-do- 1999	-do-	"	-
151.	" Rong Deb Nath,(Cachar)	25.1.1953	1.5.1977	-do- 1999	-do-	"	-
152.	" Tripendra Basumatary,(Kokrajhar)	1.1.1953	1.5.1977	-do- 1999	-do-	S.T.(P)	Promoted against reservation quota.
153.	" U.T.Bora,(Sibsagar)	1.5.1954	1.5.1977	-do- 1999	-do-	-	-
154.	" J.N.Dutta,(Sibsagar)	2.9.1956	1.5.1977	-do- 1999	-do-	S.T(P)	Promoted against reservation quota.
155.	" M.M.Ahmed,(Sibsagar)	1.12.1956	1.5.1977	-do- 1999	-do-	-	-
156.	" M.N.Baruah,(Sibsagar)	7.2.1956	1.5.1977	-do- 1999	-do-	S.T.P.	Promoted against reservation quota.

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Continued in next page

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1	2	3	4	5	6	7	8
157.	Sri B.N. Harzary,	27.10.1951	1.5.1977	March/1999	Confirmed as.F.R.	S.T.P.	Promoted against reservation quota.
158.	" P.N.Chutia,(Dibrugarh)	23.2.1953	1.5.1977	-do- 1999	-do-	-	-
159.	" Syed Ansar Ali,(Dhubri)	23.11.1954	1.5.1977	-do- 1999	-do-	-	-
160.	" Tarun Gogoi,(Dibrugarh)	23.2.1957	23.4.1978	-do- 1979	-do-	-	-
161.	" R.P.Das,(Kokrajhar)	1.3.1952	20.4.1979	Sept/1997	-do-	-	Promoted to A.C.F. as reservation act.

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ANNEXURE-E

(TO BE PUBLISHED IN PART-I SECTION 2 OF THE GAZETTE OF INDIA)

F.No.17013/02/2000-IFS-II
Government of India
Ministry of Environment and Forests
Paryavaran Bhavan,
CGO Complex, Lodi Rd.,
New Delhi - 110003

Dated, the 8th February, 2001

NOTIFICATION

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

<u>S.No.</u>	<u>Name of the officer</u>	<u>Date of Birth</u>
01	Shri P. Kotoky	01.11.1952
02	Shri R. Bhattacharjee	18.05.1952
03	Shri S. Ahmed	23.03.1959

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

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

Copy to:

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

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

GOVERNMENT OF ASSAM
FOREST DEPARTMENT : : : DISPUR

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 13th February/2001.

NOJFRE.109/94/Pt-I/116 : The following Notification of Govt. of India is reproduced for general information.

" Notification No.17013/02/2000-IFS-II, dtd.8th February, 2001, issued by the Govt. of India, Ministry of Environment and Forests.

- NOTIFICATION -

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

S.No.	Name of the officer	Date of Birth
01	Shri P. Kotoky	01-11-1952
02	Shri R. Bhattacharjee	18-05-1952
03	Shri S. Ahmed	23-03-1959

Sd/- R. Sanchwal,
Under Secretary to the Govt. of India.

(A. B. Md. Eunus)
Joint Secretary to the Govt. of Assam,
Forest Department, Dispur

Memo No.FRE.109/94/Pt.I/116-A, Dated Dispur, the 13th February/2001.

Copy to :-

1. The Accountant General(A&E) Assam, Beltola, Maidamgaon, Guwahati-28.
2. The Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8.
3. The Principal Secretary to the Govt. of Meghalaya, Forest and Environment Department, Shillong.
4. The Principal Chief Conservator of Forests, Govt. of Meghalaya, Shillong.
5. The Under Secretary to the Govt. of India, Ministry of Environment and Forests, C.G.O. Complex, Lodhi Road, New Delhi-110003.
6. The Chief Conservator of Forests(Social Forestry) Assam, Guwahati-24.

Contd..P/2....

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ANNEXURE - F

GOVERNMENT OF ASSAM
FOREST DEPARTMENT :: DISPUR

NO.FRE.109/94/Pt-I/147, Dated Dispur, the 29th May, 2001.

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

✓ TO

Shri M. Kalita,
Divisional Forest Officer,
Social Forestry Division,
Bongaigaon.
Dist- Bongaigaon, Assam.

Sub : Appeal for promotion to I.F.S.

Ref : Your representation No.A/SEB/P.File/Part/1157,
dated 5-1-2001.

Sir,

I am directed to say that your representation dated 5-1-2001 has been received from the Principal Chief Conservator of Forests, Assam vide his letter No.FE.24/36/2K, dated 25-1-2001 and examined by the Government and found that your main grievance is non-inclusion of your name in the select list of 2000 for appointment to I.F.S. by promotion and selection of two officers who are junior to you.

1. As regards your contention at para (6) of the representation it is informed that U.P.S.C. was duly intimated of the fact of dropping of the departmental proceeding against you vide Government letter No.FRE.109/94/Pt-I/68, dtd. 27-11-2000. In the minutes of the selection committee meeting held on 8.12.2000 there is no mention of pendency of departmental proceeding against you.

2. As regards your contention at para (7) of your representation it is informed that the above-mentioned departmental proceeding was drawn up against you on the basis of allegations received from Political(Vigilance Cell)Department. Therefore, after dropping of the departmental proceeding, the Political (Vigilance Cell)Department was requested to furnish a revised vigilance report. But, by the time of receipt of the vigilance report, the meeting of the selection committee was over.

3. As regards your contention at paras 8 and 9 of your representation it is informed that the selection committee recommended the name of the officers on the basis of overall assessment of the records of all eligible officers.

Contd...P/2...

4. As regards your contention at para 10, it is informed that the vacancy due to death of D. K. Basumatary occurred in September, 2000. Hence this vacancy was not taken into consideration during the selection committee meeting held on 8-12-2000. As per the I.F.S. (Appointment by promotion) Amendment Regulations, 1997 "the number of vacancies shall be determined by the Central Government in consultation with the State Government and shall not exceed the number of substantive vacancies as on 1st day of January of the year in which the meeting is held". Since this vacancy occurred after 1-1-2000, it will be considered in the next selection committee meeting during, 2001. The number of vacancies during 2000 was determined by the Government of India, Ministry of Environment and Forests in consultation with the State Government. There were only 3 vacancies during 2000 (as on 1.1.2000) as determined by the Central Government and accordingly selection committee considered 3 vacancies only.

In view of the position, stated above there is no merit to take up the matter with the Government of India for revision of the selection committee's recommendations of their meeting held on 8.12.2000. Your representation is accordingly disposed of.

Yours faithfully,

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

Memo No.FRE.109/94/Pt-I/147-A, Dated Dispur, the 29th May, 2001.

Copy to the Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8 with reference to his letter No.FE.24/36/2K, dated 25-1-2001.

By order etc.,

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

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[Signature]

[Signature]

-52-

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ANNEXURE - G

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

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 6th August, 2002.

NO.FRE. 64/97/174 :- The Governor of Assam is pleased to confirm the following Deputy Conservator of Forests, under Rule 9(ii) of the Assam Forest Service (Class-I) Rules, 1942, in the post of D.C.F. in Assam Forest (Class-I) Service with effect from the date shown against each.

Name of officer	Confirmed U.O.F.	Post against which confirmed.
1. Shri Momot Kalita, DCF	1.1.2001	Post of DCF made permanent vide No.FRE.99/86/490 dtd. 12.6.2001.
2. Shri Sanjib Kr.Bora, DCF	1.1.2001	-Do-
3. Shri Kailash Khargharla, DCF	1.1.2001	-Do-
4. Shri Abdul Kuddus, DCF	1.1.2001	-Do-
5. Shri Rup Nath Brahma, DCF	1.1.2001	-Do-
6. Shri Debiruz Zaman, DCF	1.1.2001	-Do-
7. Shri Arup Kr. Das, DCF	1.3.2001	Post of DCF made permanent vide No.FRE.43/89/425, dtd. 9.7.2001.
8. Shri Hom Kanta Jalukdar, DCF.	1.3.2001	-Do-
9. Shri Chitta Ranjan Bhobora, DCF.	1.3.2001	-Do-

Sd/- B.B. Hagjor,
Secretary to the Govt. of Assam,
Forest Department, Dispur.
Dated Dispur, the 6th August, 2002.

Memo No.FRE. 64/97/174-A,
Copy to :-

- 1) The Accountant General(A&E), Assam, Maidamgaon, Bultola, Guwahati-29.
- 2) The Principal Chief Conservator of Forests, Assam, Rababari, Guwahati-8.
- 3) The Chief Conservator of Forests(Wildlife), Assam, Rababari, Guwahati-8.
- 4) The Chief Conservator of Forests(Territorial), Assam, Panbazar, Guwahati-1.
- 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) Officers concerned.
- 8) The Deputy Director, Assam Govt. Press, Bamunimaidam, Guwahati-21 for favour of publication of the above Notification in the next issue of the Assam Gazette.
- 9) Personal File of the officers.

By order etc.,

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

6.7.52
12/8/02

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ANNEXURE - H

NOTIFICATION

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Dated Dispur, the 1st Sept. , 2003.

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GRADATION LIST AS ON 1-6-2003

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Sl. No.	Name of officers with Home District	Date of birth	Date of first entry into Govt. Service	Date of entry into A.F.S. Class -I	Whether Confirmed	Whether ST(P) SC ST(H)	Remarks
1	2	3	4	5	6	7	8
1.	Shri Momot Kalita, Kamrup	1-4-1950	31-3-1972	11-2-1981	Confirmed	-	-
2.	Shri Prasanta Pran Changkakati, Kamrup	28-2-1956	11-2-1981	11-2-1981	Confirmed	-	-
3.	Shri Sanjib Kr. Bora, Kamrup	1-1-1958	6-11-1981	6-11-1981	-do-	-	-
4.	Shri Kailash Khar-gharia, M.Sc, Jorhat	12-3-1952	31-1-1982	31-1-1981	-do-	-	-
5.	Md. Abdul Kuddus, Nalbari	1-1-1953	1.11.1982	1-11-1982	-do-	-	-
6.	Shri Rup Nath Brahma, Bongaigaon	1-8-1955	23-4-1978	1-11-1982	-do-	ST(P)	-
7.	Md. Debiruz Zaman, Dibrugarh	14-1-1956	1-11-1982	1-11-1982	-do-	-	-
8.	Md. Mufakkar Ali, Kamrup	19-1-1959	1-11-1982	1-11-1982	-do-	-	-
9.	Shri Khanindra Nath Sarman, Nalbari	1-1-1956	1.11.1982	1.11.1982	-do-	-	-
10.	Shri Muhendra Nath Duara Sibsagar	1-10-1958	1-11-1982	1-11-1982	-do-	-	-
11.	Shri Arup Kr. Das, Kamrup	1-1-1957	1-11-1982	1-11-1982	-do-	S.C.	-

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1	2	3	4	5	6	7	8
12.	Shri Amarendra Ch. Das, Kamrup	1-4-1955	2-4-1984	2-4-1984	Confirmed	-	
13.	Shri Ranjit Ch. Goswami, Barpeta	1-1-1956	23-4-1978	2-4-1984	-do-	-	
14.	Shri Hemkanta Talukdar, Kamrup	31-12-1961	2-4-1984	2-4-1984	-do-	-	
15.	Shri Chitta Ranjan Bhobra, Darrang	1-1-1956	26-4-1980	2-4-1984	-do-	ST(P)	
16.	Shri Amrit Kr. Das, Sibsagar	1-3-1961	7.4.1984	7-4-1984	-do-	S.C.	
17.	Shri Madhusudan Sinha, Cachar	30-9-1956	2-4-1984	2-4-1984	-do-	-	
18.	Md. Isfaq Ahmed, Kamrup	6-5-1957	2-4-1984	2-4-1984	-do-	-	
19.	Md. Faizrul Rahman, Kamrup	21-5-1959	1-4-1984	1-4-1984	-do-	-	
20.	Shri Hiranaya Kr. Sarma, Nalbari	25-1-1961	20.3.1985	20.3.1985	-do-	-	
21.	Shri Pradip Kr. Hazarika, Nagaon	1-1-1958	20-3-1985	20.3.1985	Not Confirmed	-	
22.	Md. Firdus Ali Ahmed, Kamrup	31.12.1955	20.3.1985	20-3-1985	Confirmed	-	
23.	Shri Sabyasachi Sinha, Cachar	22-1-1957	26-3-1985	26-3-1985	-do-	-	
24.	Shri Dibyadhar Gogoi, Lakhimpur	1-1-1960	27-4-1984	1-4-1986	-do-	-	

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1	2	3	4	5	6	7	8
25. Shri Ranjan Kr. Das, Kamrup	6-12-1961	1-4-1986	1-4-1986	Confirmed	ST(P)		
26. Shri Dilip Kr. Das, Cachar	1-4-1959	1-4-1986	1-4-1986	-do-	S.C.		
27. Shri Giasuddin Borbhuya, Cachar	1-7-1953	27-2-1975	1-4-1986	-do-			
28. Shri Mahesh Ch. Kalita, Kamrup	1-3-1958	1-5-1982	1-4-1986	-do-			
29. Md. Jorge Ahmed, Jorhat		1-4-1986	1-4-1986	-do-			
30. Shri Swapn Kr. Seal Sarma, Dibrui		1-5-1983	1-4-1986	-do-			
31. Shri Jatindra Sarma, Nalbari	12-8-1963	1-4-1986	1-4-1986	-do-			
32. Md. Hifazur Rahman Laskar, Cachar	1-1-1953	1-5-1976	1-4-1986	-do-			
33. Md. Aftabuddin Ahmed, Kamrup	1-11-1958	1-4-1986	1-4-1986	-do-			
34. Shri Sukumar Mamin, Kamrup	1-7-1961	28-3-1981	1-4-1986	-do-			
35. Shri Amal Ch. Sarma, Kamrup	1-11-1961	1-4-1986	1-4-1986	-do-			
36. Shri Salamuddin Choudhury, Cachar	24-12-1962	1-4-1986	1-4-1986	-do-			
37. Shri Rajib Kr. Das, Kamrup	12-10-1964	1-4-1986	1-4-1986	Not confirmed	ST(P)		
38. Shri Kunja Hazarika, Sonitpur	10-10-1962	1-4-1986	1-4-1986	-do-			
39. Shri Prabhakar Das, Kamrup		1-4-1986	1-4-1986	Confirmed			
40. Shri Narayan Mahanta, Nagaon	16-1-1962	13-11-1986	13-11-1986	Not confirmed			
41. Shri Brahma Nanda Patire, Lakhimpur	19-1-1966	14-11-1986	14-11-1986	Not confirmed	ST(P)		
42. Shri Chandan Kr. Bora, Nagaon	5-3-1961	14-11-1986	14-11-1986	Not confirmed			

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1	2	3	4	5	6	7	8
43. Shri Mazidul Hussain, Nalbari	8-4-1962	13-11-1986	13-11-1986	Confirmed	-		
44. Shri Diganta Barbaruah, Dibrugarh	1-3-1960	12-11-1986	12-11-1986	-do-	-		
45. Shri Ajoy Deuri Bharali, Dibrugarh	1-4-1961	12-11-1986	12-11-1986	-do-	ST(P)		
46. Shri Bankim Sarma, Nalbari	3-10-1963	1-1-1987	1-1-1987	-do-	-		
47. Shri Gatin Ch. Bora, Nagaon		1-1-1987	1-1-1987	-do-	-		
48. Shri Girindra Nath Adhikary, Dhubri	13-8-1959	27-4-1984	1-1-1987	-do-	-		
49. Md. Muklesh Ali, Barpeta		1-1-1987	1-1-1987	Not confirmed	-		
50. Shri Aiswarzamai Goswami, Dibrugarh (P)		15-4-1987	15-4-1987	-do-	-		
51. Shri Rajen Choudhury, Sonitpur (P)	28-2-1964	8-4-1987	8-4-1987	Confirmed	-		
52. Shri Jibanenda Hazarika, Jorhat	11-4-1960	13-4-1987	13-4-1987	-do-	-		
53. Shri Joy Singh Roy, Karbi Anglong (P)	26-12-1960	7-5-1986	14-4-1987	Not confirmed	ST(H)		
54. Shri Anirudha Dey, Kamrup		13-4-1987	13-4-1987	Confirmed	-		
55. Shri Mridul Kr. Dhar, Cachar	11-06-1959	9-9-1981	15-11-1987	-do-	-		
56. Shri Srikanta Sarma, Darang	1-3-1946	1-4-1970	19-10-1992	Not Confirmed	-		
57. Shri Mohini Kr. Saikia, Nagaon	22-7-1950	1-4-1971	20-10-1992	-do-	-		
58. Shri Uddhab Ch. Kalita, Kamrup	1-4-1947	1-4-1971	12-10-1992	-do-	-		

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1	2	3	4	5	6	7	8
59.	Shri Mahendra Nath Bora, Galaghat	1-2-1947	1-4-1971	20-10-1992	Confirmed	-	-
60.	Shri Sushil Ch. Talukdar, Kamrup	1-8-19	1-4-1971	28-12-1992	-do-	Retired on 31-7-03	-
61.	Shri Rabindra Kr. Gogoi, Nagaon	24-9-1946	1-4-1971	28-10-1992	not confirmed	-	-
62.	Shri Pabitra Kr. Sarma, Darrang	1-4-1947	1-4-1971	9-9-1993	-do-	-	-
✓ 63.	Shri Chandra Kanta Gogoi, Sibsagar	1-7-1945	1-4-1971	12-10-1992	Confirmed	Retired on 30-6-03	-
64.	Shri th Deka, Dibrugarh	1-5-1950	31-3-1972	23-10-1992	-do-	-	-
65.	Shri Ananta Ram Bhuyan, Kamrup	1-3-1947	31-3-1972	19-10-1992	Not Confirmed	-	-
66.	Shri Karuna Gogoi, Dibrugarh	1-12-1946	31-3-1972	22-2-1993	-do-	-	-
67.	Shri Subhash Ch. Khataniar, Kamrup	3-3-1950	31-3-1972	12-10-1993	-do-	-	-
68.	Shri Prafulla Ch. Sarma, Kamrup	28-1-1950	31-3-1973	21-10-1992	-do-	-	-
69.	Shri Ashok Kr. Misra, Sonitpur	1-9-1950	31-3-1973	22-10-1992	-do-	-	-
70.	Shri Bijit Kr. Dhar, Cachar	1-10-1948	31-3-1973	31-10-1992	-do-	-	-
71.	Shri Ranjit Kr. Patowari, Kamrup	1-6-1948	31-3-1973	17-5-1993	Confirmed	-	-
72.	Shri D.R. Doley, Lakhimpur	1-9-1951	31-3-1973	4-11-1992	Not confirmed	S.T.(P)	-
73.	Shri Tirtheswar Saikia, Dibrugarh	1-8-1952	3-3-1974	23-10-1992	-do-	S.T.(P)	23-10

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1	2	3	4	5	6	7	8
74.	Shri Suren Boro, Goalpara	12-12-1947	03-03-1974	25-10-1992	Not confirmed	ST(P)	
75.	Shri Nilmoni Moral, Kamrup	01-09-1954	01-05-1977	12-10-1992	Confirmed	S.C.	
76.	Shri Shankar Hazarika, Kamrup	27.7.1952 27-1-1957	01-05-1977	12-10-1992	-do-	S.C.	
77.	Shri Chitta Ranjan Das (II) Jorhat	21-06-1954	23-04-1978	19.10.1992	-do-	S.C.	
78.	Shri Naba Kr. Malakar, Sonitpur	02-02-1959	26-04-1980	31-10-1992	-do-	S.C.	
79.	Shri U.C. Deuri, Dibrugarh	01-11-1945	31-03-1972	23-11-1992	-do-	S.T(P)	
80.	Shri R.N. Boro		04-12-1989	01-07-1992	-do-	ST(P)	
81.	Shri A.K. Patowary		04-12-1989	01-07-1992			
82.	Shri Gamla Ram Boro, Kokrajhar	01-04-1947	31-03-1973	18-07-1995	Confirmed as F.R.	ST(P)	
83.	Shri Phuding Ierang, Karbi Anglong	21-10-1957	01-05-1982	1995	-do-	ST(H)	
84.	Shri Abani Kr. Sarma, Kamrup	01-12-1947	31-03-1973	25-09-1995	-do-	-	
85.	Shri Kirtinath Mahanta, Jorhat	01-09-1950	31-03-1973	25-09-1995	-do-	-	
86.	Shri Padma Kt. Sarma, Nagaon	21-09-1947	31-03-1973	25-09-1995	-do-	-	
87.	Shri Pradip Kr. Das, Sibsagar	1-03-1950	29-08-1973			S.C.	
88.	Shri Chandra Kr. Dutta, Sibsagar.	01-10-1948	29-08-1973	25-09-1995	-do-	-	

Contd...7/-

GROUP 1 to 1000

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12/10/95

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1	2	3	4	5	6	7
89.	Shri Kulendra Das, Kamrup	30-05-1949	29-08-1973	25-09-1995	Confirmed as F.R.	
90.	Shri Tarun Kr. Kakoty, Sibsagar	01-11-1950	03-03-1974	25-09-1995	-do-	
91.	Shri Sadamanda Das, Kamrup	02-03-1949	03-03-1974	25-09-1995	-do-	
92.	Shri Loknath Baruah, Sibsagar	01-11-1950	03-03-1974	25-09-1995	-do-	
93.	Shri Haren Deka, Nalbari	01-03-1952	03-03-1974	25-09-1995	-do-	
94.	Shri Pranab Kr. Mahanta, Nagaon	01-09-1948	03-03-1974	25-09-1995	-do-	
95.	Shri Niren Kr. Baruah, Dibrugarh	02-03-1950	03-03-1974	25-09-1995	-do-	
96.	Md. Abdul Motlib, Bongaigaon	09-04-1948	03-03-1974	25-09-1995	-do-	
97.	Shri Putul Ch. Baruah, Nagaon	02-12-1950	03-03-1974	25-09-1995	-do-	
98.	Shri Purna Kanta Deori, Dibrugarh	01-10-1949	27-02-1975	25-09-1995	-do-	
99.	Shri Rathendra Nath Bhattacharjee, Cachar.	07-01-1950	03-03-1974	14-12-1995	-do-	
100.	Shri Muruli Dhar Roy, Dhubri	01-03-1949	03-03-1974	14-12-1995	-do-	
101.	Shri Keshaba Nanda Chetia, Sibsagar	25-7-1948	03-03-1974	14-12-1995	-do-	
102.	Shri R.K. Bharali, Nagaon	23-02-1951	27-02-1975	14-12-1995	-do-	
103.	Shri Hemanta Kr. Saikia, Sibsagar	01-10-1951	27-02-1975	14-12-1995	-do-	
104.	Shri Banbir Sinha, Cachar	21-01-1950	27-02-1975	14-12-1995	-do-	
105.	Shri H.A. Choudhury, Kamrup	20-05-1951	01-05-1976	14-12-1995	-do-	
106.	Md. S.I. Ahmed, Sibsagar	23-07-1952	27-02-1975	14-12-1995	-do-	

Contd...

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1	2	3	4	5	6	7	8
107.	Shri Madhab Ch. Barua, Lakhimpur	01-01-1954	01-05-1976		Confirmed as F.R.		
108.	Shri Narayan Ch. Kalita, Nalbari	01-01-1954	01-05-1976	14-12-1995	-do-		
109.	Shri Jabindra Brahma, Kokrajhar	02-05-1951	01-05-1976	14-12-1995	-do-	ST(V)	
110.	Shripendra Basumatary, Kokrajhar	01-01-1953	01-05-1977	19-03-1996	-do-	ST(P)	
111.	Shri Murari Mohan Deka, Kamrup	01-01-1951	01-05-1976	30-08-1997	-do-	-	
112.	Shri C.R. Das(I), Kamrup	01-01-1947	01-04-1970	25-07-1997	-do-	-	
113.	Shri M.S.U. Laskar, Cachar	01-06-1947	31-03-1973	25-07-1997	-do-	-	
114.	Shri Hara Kanta Goswami, Kamrup	31-01-1951	01-05-1976	25-07-1997	-do-	-	
115.	Shri S.N. Gogoi, Sibsagar	19-08-1946	01-05-1976	25-07-1997	-do-	-	
116.	Md. Piari Ali, Kamrup	01-03-1955	01-05-1976	25-07-1997	-do-	-	
117.	Md. Muktar Ahmed, Nagaon	09-12-1951	01-05-1976	25-07-1997	-do-	-	
118.	Md. S.K. Ali, Dhubri	28-10-1951	01-05-1976	25-07-1997	-do-	-	
119.	Shri J.N. Dutta, Sibsagar	02-09-1956	01-05-1977	25-07-1997	-	ST(P)	
120.	Shri R.P. Das, Kokrajhar	01-03-1952	20-04-1979	25-07-1997	-do-	-	
121.	Shri T.N. Handique, Dibrugarh	01-09-1952	01-05-1976	25-07-1997	-do-	-	
122.	Shri Bhupendra Nath Talukdar, Barpeta.	16-09-1954	01-05-1977	01-03-1999	-do-	-	
123.	Shri S.K. Baruah, Dhubri	30-01-1954	01-05-1977	01-03-1999	-do-	-	

Contd....9/-

APPROVED TO BE IN CHARGE

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1	2	3	4	5	6	7	8
124.	Md. Akbar Hussain, Nagaon	28-01-1950	01-05-1977	01-03-1999	Confirmed as F.R.		
125.	Shri .Rong Deb Nath, Cachar	25-01-1953	01-05-1977	01-03-1999	-do-	-	
126.	Md. Ubedul Islam Bora, Sibsagar	01-06-1954	01-05-1977	01-03-1999	-do-	-	
127.	Md. M.M. Ahmed, Sibsagar	01-12-1956	01-05-1977	01-03-1999	-do-	-	
128.	Shri M.N. Baruah, Sibsagar	07-02-1956	01-05-1977	01-03-1999	-do-	ST(P)	
129.	Shri B.N. Narzary, Kokrajhar	27-10-1951	01-05-1977	01-03-1999	-do-	ST(P)	
130.	Shri P.N. Chutia, Dibrugarh	23-07-1953	01-05-1977	01-03-1999	-do-	-	
131.	Syed Ansar Ali (Dhubri)	23-11-1954	01-05-1977	01-03-1999	Not confirmed		
132.	Shri Tarun Gogoi, Dibrugarh	25-02-1957	23-04-1978	01-03-1999	-do-	-	
133.	Shri B.P. Singh Bhui	01-01-1952	01-05-1976	03-11-2000	-do-	-	
134.	Shri P.N. Bora, Sibsagar	31-12-1956	23-04-1978	03-11-2000	-do-	-	
135.	Shri Ranadhir Das, Kokrajhar	14-02-1954	23-04-1978	03-11-2000	-do-	-	
136.	Shri N.N. Debchoudhury, Barpeta	01-02-1956	23-04-1978	03-11-2000	-do-	-	
137.	Shri S.F. Rahman, Jorhat	01-07-1955	23-04-1978	03-11-2000	-do-	-	
138.	Shri Gunin Saikia, Jorhat	01-01-1958	23-04-1978	03-11-2000	-do-	-	
139.	Shri Badiuz Zaman, Kokrajhar	01-01-1956	23-04-1978	03-11-2000	-do-	-	
140.	Shri Parimal Ch. Roy, Dhubri	26-02-1954	23-04-1978	03-11-2000	-do-	-	
141.	Shri Aditya Khound, Jorhat	01-03-1955	23-04-1978	03-11-2000	-do-	-	

Contd....10/-

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1	2	3	4	5	6	7	8
142.	Shri R.N. Borbora, Nagaon	10-02-1955	23-04-1978	03-11-2000	Not confir- med		
143.	Shri Utpal Bhuyan, Sonitpur	23-01-1954	28-04-1979	03-11-2000	-do-	-	
144.	Shri Hamidul Haque Hussain, Dhubri	01-06-1957	28-04-1979	03-11-2000	-do-	-	
145.	Shri Rajib Kr. Gogoi, Dibrugarh	01-06-1956	28-04-1979	03-11-2000	-do-	-	
146.	Mr. Nurzamal Haque, Sonitpur	01-07-1953	28-04-1979	03-11-2000	-do-	-	
147.	Shri Gazendra Narayan Roy, Dhubri	02-07-1952	28-04-1979	03-11-2000	-do-	-	
148.	Mr. Saidur Rahman Laskar, Cachar	01-01-1957	28-04-1979	03-11-2000	-do-	-	
149.	Shri Raghobendra Barman, Dhubri	01-09-1955	28-04-1979	03-11-2000	-do-	-	
150.	Shri Jagannath Saikia, Dibrugarh	01-03-1952	28-04-1979	03-11-2000	-do-	ST(P)	
151.	Shri Purneswar Pangting, Sinsagar		28-04-1979	03-11-2000	-do-	ST(P)	
152.	Shri Gushal Goswami, Jorhat	01-01-1948	26-04-1980	03-11-2000	-do-	-	
153.	Shri Prasanna Kr. Goswami, Kamrup		26-04-1980	03-11-2000	-do-	-	
154.	Shri Siraj Ahmed, Kamrup	01-02-1955	26-04-1980	03-11-2000	-do-	-	
155.	Shri Prahlad Boro, Kamrup	01-01-1957	26-04-1980	03-11-2000	-do-	ST(P)	
156.	Mr. Noor Islam, Kamrup	01-12-1954	26-04-1980	03-11-2000	-do-	-	
157.	Shri Bidya Bordoloi, Nagaon	23-02-1960	28-04-1981	03-11-2000	-do-	-	
158.	Shri Mahat Ch. Talukdar, Nalbari	01-03-1957	28-04-1981	03-11-2000	-do-	-	
159.	Shri Mrinal Baruah, Kamrup	01-01-1958	28-04-1981	03-11-2000	-do-	-	
160.	Shri Guna Ram Das, Dibrugarh	01-03-1954	28-04-1981	03-11-2999	S.C.		

Contd... 11/-

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1	2	3	4	5	6	7
161.	Shri Ajay Kr. Brahma, Kokrajhar.	28-10-1952	28-04-1981	03-11-2000	Not confirmed	ST(P)
162.	Shri Abraham Iswary, Kokrajhar	17-04-1961	01-05-1981	03-11-2000	-do-	ST(P)
163.	Shri B.C. Das, Kamrup	30-08-1960	01-05-1983	03-11-2000	-do-	SC
164.	Shri Borsing Bey, Karbi Anglong	19-11-1959	01-05-1983	03-11-2000	-do-	ST(H)
165.	Shri Jiten Das, Nagaon	01-09-1960	27-04-1984	03-11-2000	-do-	SC
166.	Shri Robi Singh Ingty, Karbi Anglong	30-09-1965	01-04-1986	03-11-2000	-do-	ST(H)
167.	Shri Jaganath Rongpi, Karbi Anglong	30-06-1964	15-05-1986	03-11-2000	-do-	ST(H)
168.	Shri N.R. Teron	22-08-1966	10-05-1987	03-11-2000	-do-	ST(H).

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.337 of 2002

Date of decision: This the 28th day of October, 2003

The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman
The Hon'ble Mr. K.V. Prahaladan, Administrative Member

1. Kailash Khargharia,
Divisional Forest Officer,
Guwahati Social Forestry Division,
Dsalatha, Guwahati.
 2. Momoth Kalita,
Divisional Forest Officer,
Bongaigaon Social Forestry Division,
Barpeta District Bongaigaon.
 3. Dabiruz Zaman,
Divisional Forest Officer,
Southern Afforestation Division,
Haflong, N.C. Hills.
 4. Sanjib Bora,
Divisional Forest Officer,
Doomdooma Territorial Division,
Doomdooma, Tingukia.
- By Advocates: Mr B.K. Sharma,
Mr D.K. Das and Mr P. Tiwari.

.....Applicants

- versus -

1. The State of Assam, through the
Principal Secretary,
Department of Forests,
Government of Assam,
Dispur, Guwahati.
 2. The Principal Chief Conservator of Forests,
Assam,
Rehabari, Guwahati.
 3. The Union of India, through the
Secretary to the Government of India,
Ministry of Environment and Forests,
Parvathan Bhawan, CGO Complex,
Conchi Road, New Delhi.
- By Advocates Mr A. Deb Roy, Sr. C.G.S.C. and
Mr A. Das, Government Advocate, Assam.

.....Respondents

.....

ORDER (ORAL)

(HOWDHURY, J. (V.C.))

The controversy pertains to appointment by Promotion to the Indian Forest Service (IFS for short) in conformity with the provisions contained in IFS (Appointment by Promotion) Regulation, 1966 read with IFS (Recruitment) Rules, 1966.

2. The applicants are four in number and their grievances are confined to non-filling up the vacancies in the IFS. According to the applicants there were five vacancies in the year 2002, but the respondents are yet to take any meaningful steps for convening a meeting for selection for promotion to the IFS which was to be held in the year 2002 and thereby prejudiced the career prospects of the applicants.

The State of Assam and the Principal Chief Conservator of Forests - respondent Nos. 1 and 2 in their written statement disputed the claim of the applicant. The respondents contended that though there were five vacancies for promotion quota, the vacancies could not be ascertained due to non-specifying of the posts by the Personnel Department under State deputation. The respondent Nos. 1 and 2 lay the blame on the Personnel Department for not specifying the posts under State deputation which prevented them from sending the proposal to the UPSC for holding the Selection Committee meeting. The plea itself is unacceptable. The Personnel Department as well as the Forest Department are the part of the State machinery. They are to act in unison. It is for the State and its instrumentality to resolve the situation.

: 3 :

4. There is no dispute that the meeting of the Selection Committee for the year 2002 was required to be held and the Union of India in its written statement clearly pointed out this aspect of the matter and observed that the Selection Committee meeting was to be convened shortly by the Commission. Admittedly, five vacancies in promotion quota in respect of the Assam segment of Assam - Meghalaya quota of IFS is determined as is evident from para 14 of the written statement of the Union of India and the meeting is shortly to be convened for the year 2002 by the UPSC.

5. ✓ Upon hearing Mr D.K. Das, learned counsel for the applicants and Mrs M. Das, learned Government Advocate, appearing on behalf of respondent Nos.1 and 2 and also Mr A. Deb Roy, learned Sr. C.G.S.C., we are of the opinion that no direction is called for at this stage from our end. As per the written statement of the Union of India the concerned authority has taken steps for holding the Selection Committee meeting. Already a considerable delay had taken place in not holding the meeting. We expect the respondents will take all the necessary steps for holding the meeting and take all the appropriate steps as required by the law with utmost expedition.

6. Mr D.K. Das, learned counsel for the applicants, pointed out that the applicant No.2, Momoh Kalita, is likely to be overaged and therefore a direction is required to be made to the appropriate authority for holding the Selection Committee meeting within a time limit. We refrain from giving any direction keeping in mind that the statutory authority will undoubtedly act justly and fairly and in accordance with law.

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: 4 :



With the above observation the application stands
disposed of. There shall, however, be no order as to
costs.

Sd/ VICE CHAIRMAN
Sd/ MEMBER (A)

nk

6/11/03
6/11/2003

ANNEX 1

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SL. No. 173

ANNEXURE-J

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Contempt Petition No.14 of 2004
(In O.A.337 of 2002)

07

Date of decision: This the 26th day of August 2004

The Hon'ble Shri D.C. Verma, Vice-Chairman

The Hon'ble Shri K.V. Prahladan, Administrative Member

Shri Mamat Kalita,
S/o Late Gopal Chandra Kalita,
Resident of Lakiminagar,
Guwahati.

.....Petitioner

By Advocates Mr U.K. Nair, Mr B. Sarma
and Mrs N. Bordoloi.

- versus -

1. The Secretary,
Government of India,
Ministry of Environment and Forests,
Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi.
2. The Principal Secretary,
Government of Assam,
Department of Forest,
Dispur, Guwahati.
3. The Principal Chief Conservator of Forests,
Assam,
Rehabari, Guwahati.
4. The Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi.

.....Respondents.

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

.....

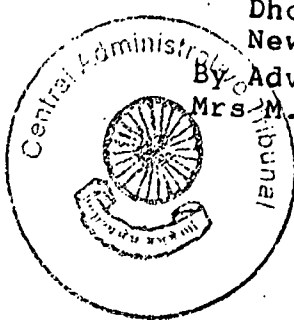
O R D E R

D.C. VERMA, VICE-CHAIRMAN

This Contempt Petition arises out of the decision dated 28.10.2003 in O.A.337 of 2002 in the case of Kailash Khargharia and three others Vs. Union of India and others.

The present petitioner was one of the applicants in O.A.337/2002.

A



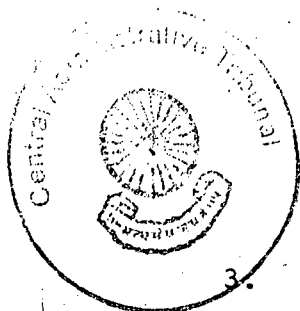
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2. While deciding the said O.A. the Tribunal observed as below:

"Upon hearing Mr D.K. Das, learned counsel for the applicants and Mrs M. Das, learned Government Advocate, Assam appearing on behalf of the respondent Nos.1 and 2 and also Mr A. Deb Roy, learned Sr. C.G.S.C., we are of the opinion that no direction is called for at this stage from our end. As per the written statement of the Union of India the concerned authority has taken steps for holding the Selection Committee meeting. Already a considerable delay had taken place in not holding the meeting. We expect the respondents will take all the necessary steps for holding the meeting and take all the appropriate steps as required by the law with utmost expedition.

"Mr D.K. Das, learned counsel for the applicants, pointed out that the applicant No.2, Momoth Kalita, is likely to be overaged and therefore a direction is required to be made to the appropriate authority for holding the Selection Committee meeting within a time limit. We refrain from giving any direction keeping in mind that the statutory authority will undoubtedly act justly and fairly and in accordance with law."



3. The learned counsel for the petitioner submitted that in terms of the Indian Forest Service (Appointment by Promotion) Regulation, 1966, the Selection Committee meeting for considering of eligible State Forest Service Officers is required to be convened every year. The last meeting for consideration of the cases of eligible State Forest Service Officers of the Assam segment of the Assam-Meghalaya Cadre was held in the year 2001 and the next meeting was to be convened in the year 2002. In spite of the express provision the respondents have not complied with the Tribunal's direction. The petitioner, Mamat Kalita is likely to be overaged. Hence the inaction on the part of the respondents brings the case for contempt.

4. Learned counsel, Mrs M. Das appearing on behalf of respondent 2 submitted that the State Government has already forwarded the information/documents to the UPSC in respect of the eligible State Forest Service Officers including the applicant against six vacancies for the year

2001.....

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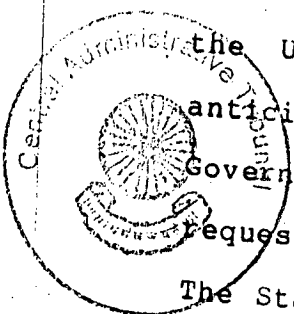
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2001 to 2004 with departmental letter dated 28.5.2004 and has requested the UPSC to convene the Selection Committee meeting. Her submission is that for delay or for non-compliance of the Tribunal's direction the State Government is not responsible.

5. Learned counsel, Mr A. Deb Roy appearing on behalf of respondent 4 i.e. UPSC submitted that the Commission vide letter dated 2.12.2002 requested the State Government to furnish a self-contained proposal for convening the Selection Committee meeting for preparing the Select List of 2002, but no proposal was received from the State Government till 31.12.2002 and as such no meeting of the Selection Committee could be held during the year 2002. The reply on behalf of respondent 4 also shows that vacancies for the year 2002 and 2003 for Indian Forest Service Cadre of the Assam segment was determined vide Government of India letter dated 28/31.10.2003. The State Government, however did not forward any proposal. However, the UPSC scheduled a Selection Committee meeting in anticipation of receipt of proposal from the State Government, on 6.12.2003. The State Government was also requested to send the proposal prior to the said date. The State Government sent the proposal on 4.12.2003, but it was incomplete in so far as some basic documents were missing. So the scheduled meeting of 6.12.2003 had to be postponed. On a request by the Commission by letter dated 8.12.2003 and informing the State Government about the re-scheduled Selection Committee meeting on 30.12.2003, the deficiencies were to be completed, but even then the State Government did not furnish all the documents with their letter dated 20.12.2003. In the meantime a representation

from.....



OFFICE OF THE SECRETARY
CENTRAL ADMINISTRATIVE TRIBUNAL
ASSAM

from R.C. Goswami, one of the State Forest Service Officer was received and the case of P.P. Changkakati, another State Forest Service Officer who had filed O.A.260 of 2002 was required to be considered. Consequently, the direction given by the Tribunal in O.A.260/2002 was also required to be complied with.

6. The facts given above and some more facts given in the reply of respondent 4 shows that the Selection Committee could not proceed in the matter due to various reasons for which the UPSC cannot be held responsible. No doubt, the delay either on part of the State Government, the UPSC or because of the representation or the case decided in respect of other State Forest Service Officers, the result is that the case of the applicant has lingered and the applicant has not been able to be considered because of such delay. So the ultimate loss is of the applicant. So far the present contempt is concerned, none of the respondents may be made liable as the delay is not wilful, but it is not a denying fact that delay is there because of the slow moving machinery and some other reasons resulting the applicant to approach the Tribunal by this Contempt Petition. Here also we cannot provide any relief to the applicant as the meeting is to be undertaken by the UPSC and strictly speaking, which appears from the records, the main delay is caused because of the delayed action of the State Government.

7. Learned counsel for the petitioner submitted that he would be satisfied if in the coming scheduled meeting of September 2004 the name of the applicant is considered by the Selection Committee. The learned counsel for respondent 4, however submitted that he is not aware of any.....

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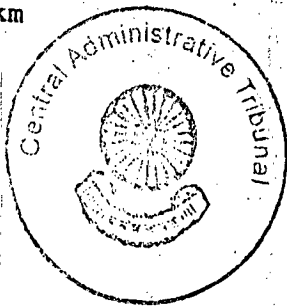
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any scheduled meeting in September 2004. We, however, dispose of this Contempt Petition with the observation that the case of the applicant be considered by the Selection Committee in the light of the Tribunal's order in O.A. 337 of 2002 which may be held during this year.

The Contempt Petition is disposed of. Notice is discharged. No order as to costs.

Sd/ VICE CHAIRMAN
Sd/ MEMBER (JUNIOR)

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certified to be true copy
of the original

Section Officer (J)
C.A.T. GUWAHATI BRANCH
Guwahati-781005

7/9/04

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Gauhati High Court at Guwahati

FILED
✓

10/10/19

- AND -

IN THE MATTER OF :

Shri Mamat Kalita

Son of Late Gopal Chandra Kalita

contd..... p/4

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- 4 -

Resident of Lakhiminagar
Guwahati-

..... PETITIONER

- VS -

1. State of Assam,

Represented by the Principal Secretary
to the Government of Assam, Forest
Department, Dispur, Guwahati-6.

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

3. Union of India,

Represented by the Secretary to the
Gauhati High Court at Guwahati
Govt. of India, Ministry of Environment
and Forest, Paryavaran,
C.G.O. Complex, Lodhi Road,
New Delhi

4. The Chief Secretary to the Government
of Assam, Dispur, Guwahati-6.

5. The Chief Secretary to the Government
of Meghalaya, Shillong.

6. Union Public Service Commission
Dholpur House, Shajahan Road,
New Delhi-110011.

..... RESPONDENTS

contd..... p/5

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Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
	2	3	4

WP(C) No.353/2005.

BEFORE
THE HON'BLE THE CHIEF JUSTICE(ACTG.),
MR D. BISWAS
THE HON'LE MR JUSTICE AMITAVA ROY
12.1.2005.

Heard Mr PK Goswami, learned senior counsel for the writ petitioner; Mr H. Rahman, learned Sr.CGSC for the Respondent No.3; Mr BJ Talukdar, learned State counsel appearing for Respondent nos.1,2 and 4 and also Ms B. Dutta, learned State counsel, Meghalaya.

The writ petitioner herein as applicant No.2 filed O.A.No.337/2002 before the learned Central Administrative Tribunal, Gauhati High Court Bench, Guwahati seeking direction for consideration of his case by the Selection Committee for promotion to the cadre of IFS. The learned Tribunal disposed of the aforesaid application by an order passed on 28.10.2003 with the observation that the inordinate delay ordained by the Respondent authority in considering and making recommendation for promotion of the applicants has been due to inaction on their part in not convening the meeting of the Selection Committee. The learned Tribunal also expressed the hope that the Respondent

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Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
			<p>authority would take all steps for holding the meeting and pass appropriate orders as per law with utmost expedition.</p> <p>The ^{other} applicants, namely, Sri Kailash Khargharia and Sri Dabiruz Zaman ^{also} approached this Court challenging the aforesaid decision of the learned Tribunal in WP(C) No.32/2005 as because the learned Tribunal failed to give any direction calling upon the Respondent authority to hold the meeting within a specified time.</p> <p>While disposing of the aforesaid WP(C) No.32/2005, ^{Gauhati High Court} at this Court directed the Respondents to act upon the observation made by the learned Tribunal i.e. by holding the meeting of the Selection Committee within a period of three months.</p> <p>Mr Goswami, learned senior counsel submitted that a similar direction in the instant petition would suffice and meet the ends of justice. Mr Goswami further pointed out that the writ petitioner also filed a contempt petition, being Misc Case No. No.14/2004, against the Respondents as they failed even to comply with the direction given</p>

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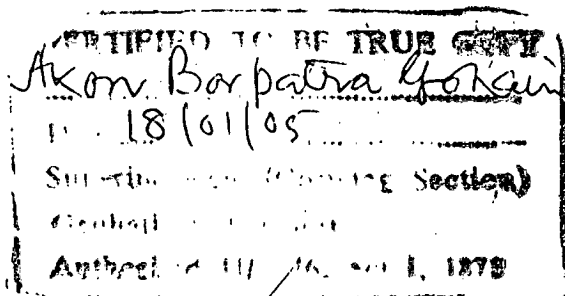
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Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
			<p>by the learned Tribunal and the said petition was disposed of in view of the assurance given for and on behalf of the Respondents that the meeting of the Selection Committee would be held within 2004.</p> <p>We, therefore, dispose of this petition with a direction to the Respondent authority to hold the meeting of the Selection Committee as per the direction given by this Court by the order dated 5th January, 2005 in WP(C) No.32/2005 and make recommendation for encadrement to the IFS Gauhati with due consideration of the petitioner's case in accordance with the provisions of law.</p> <p>No costs.</p>

Missed.

Sd. Ambarakoy Sd. D. Prasad
Judge Chief Justice (Deling)



28/1/05

Page 26634
12/1/03

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ANNEXURE-L

GOVERNMENT OF ASSAM
DEPARTMENT OF ENVIRONMENT AND FORESTS
DISPUR ::: GUWAHATI

ORDERS BY THE GOVERNOR NOTIFICATION

Dated Dispur, the 25th August, 2005.

No. FRE. 106/99/2005: The Governor of Assam is pleased to fix the inter-se-seniority of the Deputy Conservator of Forests as on 1st ..August./ 2005 and publish the draft list as per statement enclosed.

Objection if any on the draft seniority list of Deputy Conservator of Forests with necessary supporting documents to Environment and Forest Department within 60 days from the date of publication of this Notification. In no case objections received after the specified period mentioned above will be entertained.

Sd/- R.N. Sarma,
Secretary to the Govt. of Assam,
Environment & Forest Department.

Memo No. FRE. 106/99/2005 -A
Copy to :-

Dated Dispur, the 25th August, 2005.

1. The Principal Chief Conservator of Forests, Assam, Rehabari Guwahati - 8.
2. The Chief Conservator of Forests
3. The Conservator of Forests ..
4. The Director Kaziranga National Park, Bokakhat/ Field Director, Manas Tiger Project, Barpeta Road.

5. Shri *Manoj Kalita* DFO, *Social Forestry Division* *Nagaon*

By order etc.,

30/8/05
Joint Secretary to the Govt. of Assam,
Environment and Forest Department.

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copy to be sent Govt.

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STATEMENT SHOWING THE INTER-SE-SENIORITY OF THE DEPUTY CONSERVATOR OF FORESTS

Sl. No.	Name of Officers	Date of Birth	Date of Entry into Govt. Service	Date of Entry into A.F.S. (Class-I) Service	Date of promotion to D.C.F.	Whether SC/ST (P)/S.T(H)	Remarks
1	2	3	4	5	6	7	8
1.	Shri Momat Kalita	1.4.1950	31.3.1972	11.2.1981	22.3.1985		
2.	Shri Prasanta Pran Changkakati	28.2.1956	11.2.1981	11.2.1981	22.3.1985		
3.	Shri Sanjib Kr. Bora	1.1.1958	6.11.1981	6.11.1981	22.3.1985		
4.	Shri Kailash Khargharia	12.3.1952	31.1.1982	31.1.1982	22.3.1985		
5.	Md. Abdul Kuddus	1.1.1953	1.11.1982	1.11.1982	26.3.1985		
6.	Shri Rup Nath Brahma	1.8.1955	1.11.1982	1.11.1982	22.3.1985		
7.	Md. Debiruz Zaman	14.1.1956	1.11.1982	1.11.1982	22.3.1985	S.T.(P)	
8.	Md. Mufakkar Ali	19.1.1959	1.11.1982	1.11.1982	22.5.1990		
9.	Shri Khanindra Nath Garman	1.1.1956	1.11.1982	1.11.1982	22.5.1990		
10.	Shri Mohendra Nath Duarah	1.10.1958	1.11.1982	1.11.1982	20.9.1990		
11.	Shri Arup Kr. Das	1.1.1957	1.11.1982	1.11.1982	21.11.1986	S.C.	
12.	Shri Amarandra Ch. Das	1.4.1955	2.4.1984	2.4.1984	23.3.1993		
13.	Shri Ranjit Ch. Goswami	1.1.1956	2.4.1984	2.4.1984	23.3.1993		
14.	Shri Hem Kanta Tlukdar	31.12.1961	2.4.1984	2.4.1984	23.3.1993		
15.	Shri Chitta Ranjan Bhobora	1.1.1956	26.4.1980	2.4.1984	2.5.1990	S.T.(P)	
16.	Shri Amrit Kr. Das	1.3.1961	7.4.1984	7.4.1984	2.5.1990	S.C.	

Contd...2/-

1	2	3	4	5	6	7	8
17. Shri Madhu Sinha	30.9.1956	2.4.1984	2.4.1984	22.6.1994			
18. Md. Isfaque Ahmed	6.5.1957	2.4.1984	2.4.1984	3.9.1994			
19. Md. Faizrul Rahman	21.5.1953	2.4.1984	2.4.1984	5.12.1994			
20. Shri Hiranya Kr. Sarma	25.1.1961	20.3.1985	20.3.1985	5.12.1994			
21. Shri Ranjan Kr. Das	6.12.1961	1.4.1985	1.4.1986	2.5.1990	S.T.(P)		
22. Shri Rajib Kr. Das	12.10.1964	1.4.1986	1.4.1986	2.5.1990	S.T.(P)		
23. Shri Dilip Kr. Das	1.4.1959	1.4.1986	1.4.1986	23.6.1993	S.C.		
24. Shri Joy Singh Bay	20.12.1960	7.5.1986	14.4.1987	15.2.1994	S.T.(H)		
25. Shri Pradip Kr. Hazarika	1.1.1958	20.3.1985	20.3.1985	29.6.1995			
26. Md. Firdus Ali Ahmed	31.12.1955	20.3.1985	20.3.1985	29.6.1995			
27. Shri Sabyasachi Sinha	22.1.1957	26.3.1985	26.3.1985	29.6.1995			
28. Shri Dibyadhar Gogoi	1.1.1960	27.4.1984	1.4.1986	29.6.1995			
29. Md. Giasuddin Barbhuyan	1.7.1953	27.2.1975	1.4.1986	4.7.1996			
30. Shri Mohesh Ch. Kalita	1.3.1958	1.5.1982	1.4.1986	4.7.1996			
31. Md. Jorge Ahmed	9.8.1960	1.4.1986	1.4.1986	4.7.1996			
32. Shri Swapan Kr. Seal Sarma	1.3.1958	1.5.1983	1.4.1986	4.7.1996.			

Contd...3/-

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1	2	3	4	5	6	7	8
33.	Shri Jatindra Sarma	12.8.1963	1.4.1986	1.4.1986	4.7.1996		
34.	Shri Kunja Hazarika	10.10.1962	1.4.1986	1.4.1986	4.7.1996		
35.	Shri Sukumar Momin	1.7.1961	22.3.1981	1.4.1986	4.7.1996	S.T.(H)	
36.	Md. Hifzur Rahman Laskar	1.1.1953	1.5.1976	1.4.1986	18.7.1996		
37.	Md. Aftabuddin Ahmed	1.11.1958	1.4.1986	1.4.1986	18.7.1996		
38.	Shri Amal Ch. Sarma	1.11.1961	1.4.1986	1.4.1986	18.7.1996		
39.	Md. Solman Uddin Choudhury	24.12.1962	1.4.1986	1.4.1986	18.7.1996		
40.	Shri Prabhakkar Das	1.1.1961	1.4.1986	1.4.1986	16.12.1997		
41.	Shri Brahmananda Patiri	19.1.1965	1.4.1986	1.4.1986	18.12.1997	S.T.(P)	
42.	Shri Narayan Mahanta	16.1.1962	13.11.1986	13.11.1986	29.12.1997		
43.	Shri Chandan Kr. Bora	5.3.1961	14.11.1986	14.11.1986	29.12.1997		
44.	Md. Mozidul Hussain	8.4.1962	13.11.1986	13.11.1986	29.12.1997		
45.	Shri Diganta Borbourah	1.3.1960	12.11.1986	12.11.1986	15.10.1998		
46.	Shri Ajoy Dauri Gharate	1.4.1961	12.11.1986	12.11.1986	15.10.1998	S.T.(P)	
47.	Shri Bankim Sarma	3.10.1963	1.1.1987	1.1.1987	15.10.1998		
48.	Shri Gohin Ch. Bora	12.5.1958	1.1.1987	1.1.1987	31.1.2002		
49.	Shri Girindra Nath Adhikari	13.8.1959	27.4.1984	1.1.1987	31.1.2002		

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1	2	3	4	5	6	7	8
50. Shri Aiswaryamae Goswami	1.12.1961	15.4.1987	15.4.1987	29.8.2002			
51. Shri Rajen Choudhury	28.2.1964	8.4.1987	8.4.1987	8.4.2003			
52. Shri Jibanananda Hazarika	11.4.1960	13.4.1987	13.4.1987	8.9.2004			
53. Shri Aniruddha Dey	30.12.1960	13.4.1987	13.4.1987	8.9.2004			
54. Shri Mridul Kr. Dhar	11.6.1962	9.9.1981	15.11.1987	8.9.2001			
55. Shri Mohini Kr. Saikia	22.7.1950	1.4.1971	20.10.1992	15.12.2004.			

Jt. Secretary to the Govt. of Assam,
Environment & Forest Department.

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ANNEXURE-M

GOVERNMENT OF ASSAM
DEPARTMENT OF ENVIRONMENT AND FORESTS
DISPUR ::: GUWAHATI

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ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 14th Nov. '05.

No. FRE. 109/94/Pt-III/367 : The following notification issued by the Government of India, Ministry of Environment and Forests, New Delhi is re-published for general information.

F. No. 17013/2/2003-IFS,II dated 7.11.05

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT AND FORESTS
PARYAVARAN BHAWAN, CGO COMPLEX
LODHI ROAD, NEW DELHI-110 003.

New Delhi, the 7th November, 2005.

NOTIFICATION

In exercise of the powers conferred by Sub-rule (1) of Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, read with sub-regulation (1) of Regulation 9 of the Indian Forest Service (Appointment by Promotion) Regulation, 1960, the President is pleased to appoint with immediate effect the under mentioned seven officers of the State Forest Service of Assam, to the Indian Forest Service on the basis of the Select Lists for the year 2002, 2003 and 2004 and to allocate them to the Assam - Meghalaya Joint-Cadre of the Indian Forest Service under Sub-rule (1) of Rule 5 of the Indian Forest Service (Cadre) Rules, 1966.

Select List of 2002

Sl.No.	Name of the Officer	Date of birth
1.	Shri Sanjib Kr. Bora	01-01-1958
2.	Shri Kailash Khargharla	12-03-1952
3.	Md. Abdul Kuddus	01-01-1953
4.	Shri Rup Nath Brahma	01-08-1955

Select List of 2003

Sl.No.	Name of the Officers	Date of birth
1.	Md. Dobiruz Zaman	14-01-1956

Contd...2/-

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Select List of 2004

Sl.No.	Name of the Officer	Date of birth
1.	Shri Mamat Kalita	01-04-1950
2.	Shri Khanindra Nath Barman	01-01-1956

Sd/-
(ASHOK KUMAR)
Under Secretary to the Govt. of India.

Sd/-
Commissioner & Secretary to the Govt.
of Assam, Environment and Forest Department.

Memo No. FRE. 109/94/Pt-III/367-A Dated Dispur, the 14th Nov'05.
Copy forwarded to :-

1. The Accountant General (A&E), Assam, Beltola, Guwahati - 29.
2. The Under Secretary to the Government of India, Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi - 110 003.
3. The Chief Secretary, Meghalaya, Shillong.
4. The Principal Secretary Government of Meghalaya, Forest and Environment Department, Shillong.
5. The Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati - 8.
6. The Principal Chief Conservator of Forests, Meghalaya, Shillong.
7. The Chief Conservator of Forests ...
8. The P.S. to Chief Secretary, Assam, Dispur.
9. The Deputy Secretary to the Govt. of Assam, Personnel (A) Department, Dispur.
10. The Conservator of Forests
11. The Field Director, Manas Tiger Project, Barpeta Road.
12. The Director, Kaziranga National Park, Bokakhat.
13. Shri Mamat Kalita, DFO Nagaon S.F. Division, Nagaon.
14. The P.S. to the Minister of State (Ind), Environment and Forest Department, Assam, Dispur for favour of information of Minister.
15. Personal file of the Officers.
16. The Deputy Director, Assam Govt. Press, Bamunimaidan, Guwahati - 21 for favour of publication of the above notification in the Assam Gazette.

By order etc.,

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

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ANNEXURE - N

Dated Guwahati, the 16th November, 2005.

To

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

(Through proper channel)

Sub: Joining report in the Indian Forest Service.

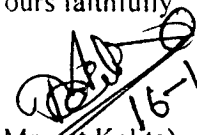
Ref: Govt. notification No.FRE.109/ 94/ Pt.III/ 367, dtd.14.11.2005.

Sir,

In pursuance of the above Govt. notification and the Government of India's Notification No.F.No.17013/ 2/ 2003-IFS, II, dtd.7.11.05, I have the honour to submit my joining report in the Indian Forest Service of Assam-Meghalaya Joint Cadre in the forenoon of 16th November, 2005 holding the charge of the same post of the Divisional Forest Officer, Nagaon (S.F.) Division, Nagaon.


This is for favour of your kind information and necessary action.

Yours faithfully




(Mamat Kalita)
Divisional Forest Officer,
Nagaon (S.F.) Division,
Nagaon.

Copy to:

1. The Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati - 8 for favour of his kind information and necessary action.
2. The Chief Conservator of Forests, Social Forestry, Assam, Basistha, Guwahati - 29 for favour of his kind information and necessary action.
3. The Accountant General (A & E), Assam, Beltola, Guwahati - 29 for favour of his kind information and necessary action.
4. The Under Secretary to the Government of India, Ministry of Environment & Forests, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi - 110 003 for favour of his kind information and necessary action.
5. The Conservator of Forests, Upper Assam Social Forestry Circle, Nagaon for favour of his kind information and necessary action.


(Mamat Kalita)
Divisional Forest Officer,
Nagaon (S.F.) Division,
Nagaon.

O/c

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ANNEXURE - 0

No. 17013/2/2003-IFS-II

Government of India

Ministry of Environment & Forests

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

Dated the March 28, 2006

ORDER

The under-mentioned State Forest Service Officers of Assam Cadre were appointed to Indian Forest Service vide Notification of even number dated the 7th November, 2005. Their seniority and year of allotment are required to be determined in terms of the provisions of Rule 3(3)(ii) of the Indian Forest Service (Regulation of Seniority) Rules, 1997 which stipulates that "the year of allotment of a promotee officer shall be determined with reference to the year in which the meeting of the Committee to make selection, to prepare the select list on the basis of which he was appointed to the Service, was held and with regard to the continuous service rendered by him in the State Forest Service, up to 31st day of December of the year immediately before the year in which the meeting of the Committee to make selection was held".

2. As per the information furnished by the State Government of Assam, the details of service rendered in the grade of State Forest Service by these officers are given below :-

Name S/Shri	Year for which the Selection Committee Meeting was held	Completed years of service rendered in SFS as on 31.12.2001	Year of weightage admissible in terms of Seniority Regulations
Sanjib Kr. Bora	2002	20	6 Years
Kailash Khargharia	2002	19	6 Years
Md. Abdul Kuddus	2002	19	6 Years
Rup Nath Brahma	2002	19	6 Years

Name S/Shri	Year for which the Selection Committee Meeting was held	Completed years of service rendered in SFS as on 31.12.2002	Year of weightage admissible in terms of Seniority Regulations
Md. Deblruz Zaman	2003	20	6 Years

Name S/Shri	Year for which the Selection Committee Meeting was held	Completed years of service rendered in SFS as on 31.12.2003	Year of weightage admissible in terms of Seniority Regulations
Amat Kalita	2004	21	7 Years
Khanindra Nath Barman	2004	21	7 Years

Contd. on p. 2/-

1. In terms of Rules 3(3) (ii) and 4 of the Indian Forest Service (Regulation of Seniority) Rules, 1997, their seniority and year of allotment in the Indian Forest Service is as follows :-

S No	Name S/Shri	Year of allotment	Placement
1	2	3	5
1	Sanjib Kr. Bora	1996	Below Shri C Samayamoorthy (RR:1996)
2	Kailash Khargharia	1996	Below Shri Sanjib Kr. Bora, (SFS:1996)
3	Md. Abdul Kuddus	1996	Below Shri Kailash Khargharia, (SFS:1996)
4	Rup Nath Brahma	1996	Below Shri Md. Abdul Kuddus, (SFS:1996)
5	Md. Debiruz Zaman	1997	Below Shri Utpal Bora, (RR:1997)
6	Mamat Kalita	1997	Below Shri Md. Debiruz Zaman, (SFS:1997)
7	Khanindra Nath Barman	1997	Below Shri Mamat Kalita, (SFS:1997)

(Signature)

(Ashok Kumar)

Under Secretary to the Govt. Of India

Copy for distribution to:-

1. The Chief Secretary, Government of Assam, Dispur, Guwahati.
2. The Chief Secretary, Government of Meghalaya, Shillong.
3. The Secretary, Union Public Service Commission, New Delhi.
4. The Principal Chief Conservator of Forests, Assam, Dispur, Guwahati.
5. The Accountant General, Assam, Dispur, Guwahati.
6. Copy for Guard File/Civil List.

(Signature)

(Signature)

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ANNEXURE - P

GOVERNMENT OF ASSAM
OFFICE OF THE DIVISIONAL FOREST OFFICER, SOCIAL FORESTRY DIVISION
KATIMARI NAGAON

No. SFN/AM.Kalita/PF/T

Dated 28th April, 2006

The Under Secretary to the Govt. of India,
Ministry of Environment and Forests,
C.G.O. Complex, Lodi Road,
New Delhi- 110003.

(Through Proper Channel)

Sub :- Refixation of year of allotment in respect Sri Mamat Kalita, IFS,(AM).

Ref :- Your Order No.17013/2/2003-SF II, dated 28.3.2006
Sir,

With reference to the above, I have the honour to bring to your kind notice that the information shown in the details of service rendered in the grade of State Forest Service pertaining to me is not correct as because it has not included the period during which I have undertaking training in Diploma Course in the State Forest Service College, Burnihat under Government of India. Hence it is clarified that I have undertaken training in Diploma Course in the State Forest Service, Burnihat during the period from 1.11.78 to 30.10.80 in the 1978-80 S.F.S. batch of officers and have successfully passed the requisite examination and obtained the certificate awarding me the diploma (photocopy enclosed). Therefore I request you kindly to include my above mentioned training period (i.e) from 1.11.78 to 30.10.80 while computing the period of continuous service rendered in the State Forest Service under the provision of Explanation II of sub-rule -2 of rule -5 of Indian Forest Service(Appointment by promotion) Regulations 1966.

That after completing the above mentioned training I have rendered continuous service in the capacity as A.C.F. and D.C.F. in State Forest Service under the Department of Environment and Forests of Government of Assam upto 31.12.2003. As such the correct position of service rendered in the grade of State Forest Service by me as shown below :-

Name of the officer	Year of select list	Date of entry into the SFS	Completed year of service rendered in SFS as on 31.12.2003	Year of weightage admissible in terms of seniority regulation	Year of allotment
Sri Mamat Kalita	2004	1.11.78	25 years	7+2=9	1995

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In view of the above, I request your honour kindly to refix my year of allotment as 1995 instead of 1997 as communicated vide your order under reference as admissible under the rules.

Enclo :- As above.

Yours faithfully,

[Signature] 28-4-06

(Sri Mamat Kalita, IFS)
Divisional Forest Officer,
Nagaon S.F. Division,
P.O. Haibargaon, Katimari
Dist. Nagaon, Assam

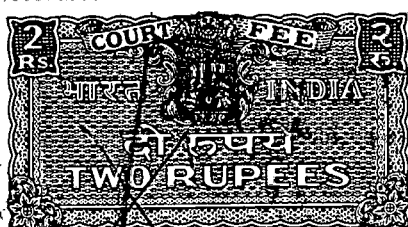
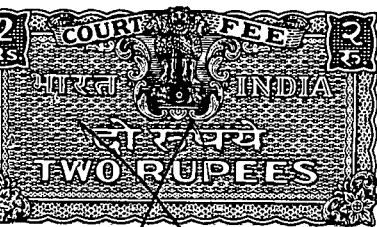
Copy in advance to the Under Secretary to the Govt. of India, Ministry of Environment and Forests, C.G.O. Complex, Lodi Road, New Delhi-110003 for favour of his kind information and necessary action.

Copy in advance to the Commissioner & Secretary to the Govt. of Assam, Environment and Forests, Dispur for favour of his kind information and necessary action.

[Signature] 28-4-06

(Sri Mamat Kalita, IFS)

[Signature]



गुवाहाटी न्यायाधीश
Guwahati Bench

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Filed by -

Kailash Khargharia

Through

Dilipjit Prasad

DISTRICT :: KAMRUP

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

O. A. NO. 258/2006.

IN THE MATTER OF :-

O. A. No. 258/2006

Sri Mamot Kalita.

.... Applicant.

- Vrs -

Union of India & Others.

.... Respondents.

- And -

IN THE MATTER OF :

Written Statement filed by Sri

Kailash Khargharia, IFS, Divisional

Forest Officer, Kamrup East Division,

Indira Nagar, Basistha Forest Complex,

Guwahati-781029, who has been

impleaded as Respondent No.8 in the

O. A. No. 258/2006 filed by the Applicant

WRITTEN STATEMENT FILED BY THE RESPONDENT NO.8 :-

1. That the deponent has received a copy of the O. A. filed by the applicant, he has gone through the same and understood the contents thereof. The deponent states

that save and except the averments which are specifically admitted herein below are denied by this deponent. Further the deponent also does not admit any of the averments made in the application which are contrary to and inconsistent with the record of the case.

2. That the deponent states that inspite of answering all the paragraphs, the deponent answers the paragraphs which are related with the deponent and the Hon'ble Tribunal be pleased to accept the written statement filed by the deponent only touching the paragraphs which have contain the name of the deponent and his service career.

3. That the deponent states that the statement made in paragraph-11 of the application are correct inas much as a meeting of the Selection Committee for promotion of I.F.S. for the year 2000 was held on 8.12.2000. It is also a fact that in the said meeting cases of petitioner as well as the deponent was also considered for promotion to the I.F.S. and prepared a list wherein 9 (nine) officers were included and the name of the deponent was shown against serial No.7 and the name of the applicant was placed at Serial No.2. It may be mentioned in this connection that the Selection Committee while considering the merit of the each candidate and found the person against Serial Nos.1, 4, 5, 6 and 7 were given "very good" assessment whereas the others including the applicant given "good assessment". Further, the Selection Committee selected Sri P. Kotoky, Sri R. Bhattacharjee and Mohd. S. Ahmed for promotion to the I.F.S..

4. That the deponent states that with regard to the statements made in paragraph-17 of the application the deponent states that the Govt. of Assam in the Forest Deptt. vide Notification dated 6.8.2002 confirm the applicant, Sri Sanjib Kumar Borah, the deponent (Kailash Khargharia), Sri Abdul Kuddush, Sri Debiruj Zaman and 3(three) others in the post of D.C.F. in the Assam Forest Service w.e.f. 1.1.2001.

5. That with regard to the statements made in paragraph-18 of the application the deponent states that vide Notification dated 1.9.2003 the draft gradation list of Assam Forest Service (Class-I) officers on 1.6.2003. And the said list the name of the applicant appears against serial No.1 whereas the names of Shri Sangib Kumar Borah, Kailash Khargharia (deponent), Mohammed Abdul Kudus, Shri Rup Nath Brama and Mohammed Debruj Zaman were figured at Serial Nos.3, 4, 5, 6 and 7 respectively.

6. That with regard to the statements made in paragraph-19 of the application, the deponent states that it is also a fact that the deponent, the applicant and two others, as applicants moved before the Hon'ble Tribunal by filing an application to vertilite their grievances for not filling up the vacancies in the I.F.S. which was registered as O.A. No.337/2002. It was contended that therein that there were five vacancies in the year 2002 but the respondents did not take any meaningful steps

Kailash Khargharia

of convening the Selection Committee meeting for promotion to the I.F.S. to be held the year 2002 thereby causing prejudice to them. The Hon'ble Tribunal vide order dated 20.8.2003 disposed of the said O.A. observing that as per W.S. of the Union of India steps for holding the Selection Committee Meeting had been taken and it was expected that the respondents will take necessary steps in that regard as required by ~~with~~ ^{with} utmost expedition.

7. That with regard to the statements made in paragraph-20, the deponent states that even after order dtd. 28.10.2003, there was ~~no~~ considerable delay in holding selection committee meeting being aggrieved the applicant submitted a representation dated 24.3.04 to the U.P.S.C. with copies to other concerned authority to convene the selection committee meeting for promotion to the I.F.S. immediately.

8. That with regard to the statements made in paragraph-21 of the application, the deponent states that it is a fact that a contempt petition was filed by the applicant alleging inaction of the respondents inspite of the order of the Hon'ble Tribunal at 28.10.2003 registered as Contempt Petition No.14/2004. By the order dated 28.10.2004 the Hon'ble Tribunal was pleased to dispose of the contempt petition considering the submission made by the respondents by observing that the case of the applicant be considered by the Selection Committee in the light of the order dtd. 28.10.03 passed in O.A.No.337/2002.

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Kailash Chandra

9. That with regard to the statements made in paragraphs-23 and 24 of the application, the deponent states that the deponent alongwith one Sri Debruj Zaman also like the applicant moved a writ petition before the Hon'ble Gauhati High Court which was registered as W.P.(C) No.32/2005 and the Hon'ble Court was pleased to dispose of the writ petition directing the respondent authorities to hold the meeting of the Selection Committee within a period of 3(three) months and make recommendation for encadrement to the I.F.S. with consideration of the petitioners case in accordance with law.

10. That the averments made in paragraphs-25, 26 and 27 of the application being matter of record of the case, he does not admit anything which are contrary to and inconsistent with the said record.

11. That with regard to the averments made in paragraphs-29 and 30 of the application, the deponent states that the seniority and appointment of I.F.S. (appointment by promotion) was made without considering the training period of the deponent alongwith the others. In this connection the deponent states that he was selected by APSC for the batch 1979-81 and the other candidates in the same batch joined in the S.F.S. College, Bornihat which was started in the year 1979. However, the deponent was sent to Coimbatore S.F.S. College which was started from January, 1980 instead of November, 1979, i.e.

two months later that S.F.S. College, Bornihat. Though the session was scheduled to be started from November, 1979. Therefore, the deponent is entitled and eligible for all the benefits applicable to the 1979-81 batch, of S.F.S. Officers for all practical purposes. Further, the deponent states that as per provision of Rule 5(2) of the Indian Forest Service (Appointed by promotion) Regulation, 1966 and Explanation-II provides that in computing the period of continuous service for the purpose of regulation, there shall be included any period during which an Officer has under-taken -

(a) training in the Diploma Course in the Forest Research Institute and Colleges, Deradun ; or
(b) such other training that may be approved by the Central Government in consultation with the commission in any other Institution. Hence, service rendered by the deponent upto 31.12.2001 including two years in the S.F.S. College comes to 22 years, but not 20 years as considered by the Selection Committee.

The deponent further states that the year of weightage in terms of seniority and regulation is 1(one) year for every completed 3(three) years of service upto 21 years of service rendered and 1(one) year weightage for every 2(two) years of service beyond the period of 21 years of completed service. Hence, the year of weightage permissible for 22 years of completed service rendered is 7(seven) years. Thus, the year of allotment of the deponent on the basis of select list of 2002 after considering the 7(seven) years of weightage should be 1995 and not 1996 as claimed by the applicant.

K. K. Khargharia

In this regard, the deponent submitted a representation to the Under Secretary, Govt. of India, MOEF through the PCCF, Assam on which the PCCF, Assam communicated the same recommending the representation vide No.FE.24/36/2K dtd. 11.10.2006.

So far the grounds taken in the application the deponent has no comments to offer except stating that the confirmation in a post is not a criteria for promotion. However, confirmation has been made vide Govt. Notification No.FBE.64/97/174 dtd. 6.8.2002, so far the other grounds are concerned the deponent states that the answer to the said grounds would be as stated hereinabove in reply to paragraphs-29 and 30 of the application. So far the last ground is concerned, the deponent has no comments to offer.

12. That with regard to the remedies as prayed for in paragraph-VIII the deponent states that the deponent belongs to 1979-81 batch of officers of the AFS (Class-I) presently working as D.F.O., Kamrup East Division, Basistha, Guwahati. The deponent was selected and appointed to the Indian Forest Service for the year 2000-2002 with 1996 as the year of allotment, however, the seniority year ought to have been fixed as 1995 and not 1996, the details of which has been stated above in paragraph-11 of this written statement and therefore, the deponent has already submitted a representation vide No.KK/Promotion/I.F.S./2005-06/1-5 dated 24.4.2006 stating inter alia that selection for I.F.S.

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Cadre of Officers for the year 2003-04 was held in the month of June, 2005 wherein the year of allotment of the deponent was shown as 1996 on the basis of select list of 2002 prepared by the Selection Committee. Further, in the said representation, the deponent pointed out that he has completed 21 years of continuous services as on 31.12.2001 which is wrongly shown as 20 years. Further, after successful completion of two years, the deponent under-went training in S.F.S. College, Coimbatore, Tamilnadu wherein the deponent was awarded with the higher standard Diploma in Forestry and Allied subjects on 13.1.82. It is also mentioned in the representation that the deponent was selected by the APSC for the batch 1979-80. The deponent also mentioned in the said representation that his case ought to have been considered from November, 1979 instead of January, 1980 and also the provision of Rule 5(2) of the Indian Forest Services (Appointed by Promotion) Rules, 1966, special reference to Explanation-II of the said Rules which provides for the continuous service including the training period rendered in the State Forest Service Colleges.

By the said representation, the deponent requested the P.C.C.F., Assam, Rehabari, Guwahati to request the Govt. for rectification of the year of allotment and seniority of the deponent with immediate effect.

A copy of the representation

dated 24.4.2006 is annexed

marked as Annexure

Contd..

13. That the deponent respectfully states and submit that the applicant could not make out any case for interference by the Hon'ble Tribunal and therefore, the Hon'ble Tribunal be pleased to dismiss the present O.A. No.258/2006.

Contd... P.10. Verification...

VERIFICATION

I, Sri Kailash Khargharia, aged about 54 years, at present working as Divisional Forest Officer, Kamrup East Division, Basistha, Guwahati-29, do hereby solemnly affirm and state that the statements made in paragraphs-1 to 12 are true to my knowledge, information and believe and therest are my humble submissions before this Hon'ble Tribunal, I have not suppressed any material fact.

And I sign this verification today the day of December, 2006 at Guwahati.

Kailash Khargharia

DEPONENT.

Identified by me -

Dibyajyoti Baruah

Advocate, Guwahati.

Annexure - I

K.K/Promotion/IFS/2005-06/1-5

dtd.24-04-06

To,

The Principal Chief Conservator of Forests, Assam.
Rehabari, Guwahati

Sub: - Seniority and year of allotment of I.F.S (Appointment by Promotion)

Ref. i) Govt. Notification No.FRE.109/94/Pt-III/367 dtd. Dispur the 14th Nov' 05
ii) Govt. of India, MOEF Notification F. No.17013/2/2003-IFS-II New Delhi dtd.3rd Oct' 05

Sir,

With reference to the above, I have the honour to state the following few lines for favour of your kind information and onward requisite action for rectification of the year of allotment and seniority etc.

1. The meeting of the Committee for Selection of suitable S.F.S Officers to the I.F.S Cadre for the year 2002, 2003 and 2004 was held in the month of June' 2005.
2. The year of allotment of the undersigned is shown as 1996 on the basis of select list of 2002 prepared by the above committee. Where the completed year of service rendered in the S.F.S. as on 31-12-2001 is shown as 20 years.
3. After successful completion of 2 (two) years (1980-82) State Forest Service Diploma Course in the S.F.S. College, Coimbatore (Tamil Nadu) the undersigned was awarded with the Higher Standard Diploma in Forestry and Allied Subjects on 13-01-1982 (a copy of the Certificate enclosed).

In this connection it is to be stated that the undersigned was selected by the A.P.S.C for the batch of 1979-81. The other candidates of the same batch joined in the S.F.S College, Burnihat which was started from Nov'1979. But the self was sent to the Coimbatore S.F.S College which was started from Jan'1980 instead of Nov' 1979 i.e. two months later than the S.F.S College, Burnihat though the session was scheduled to be started from Nov'1979. As such, the undersigned is eligible for all the benefits applicable to the 1979-81 batch of S.F.S Officers for all practical purposes.

4. As per the provision laid down in the Rule 5 (2) of the Indian Forest Service (Appointed by Promotion) Regulation 1966 Explanation - II that

Certified to be
true copy
Sd/- Bank, Adv.

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The continuous service includes the training period rendered in the State Forest Service College. Hence, the continuous service rendered by the undersigned up-to 31-12-2001 including 2 (two) years in the S.F.S. College is 22 years but not 20 years as considered by the Selection Committee. (3)

5. The year of weightage admissible in terms of seniority regulation is 1 (one) year for every completed 3 (three) years of service up-to 21 years of service rendered and 1 (one) year weightage for every completed 2 (two) years of service beyond the period of 21 years of completed service.

Hence, the year of weightage permissible for 22 years of completed service rendered is 7 (seven) years. Thus the year of allotment of the undersigned on the basis of Select List of 2002, after considering the 7 (seven) years of weightage should be 1995 not 1996 as considered now.

Therefore you are requested kindly to move the Govt for rectification of the year of allotment and seniority of the undersigned with immediate effect.

Your kind and sympathetic action in this regard is highly solicited.

Enclo. As stated.

Yours faithfully,

(Kailash Khargharia) IFS
Divisional Forest Officer,
Kamrup East Division, Basistha
Guwahati - 29

Copy to: -

1. The Commissioner & Secretary to the Govt. of Assam, Environment & Forests Department, Dispur, Guwahati - 6 for favour of his kind information and necessary action.
2. The Under Secretary to the Govt. of India, MOEF, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi - 110003 for favour of his kind information and necessary action.
3. The Secretary, Union Public Service Commission, Dholpur House, New Delhi for favour of his kind information and necessary action.
4. The Chief Conservator of Forests (T), Assam, Guwahati - 1 for favour of his kind information.

(Kailash Khargharia) IFS
Divisional Forest Officer,
Kamrup East Division, Basistha
Guwahati - 29

15 FEB 2007
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.

OA No. 258/2006

BETWEEN:

SHRI MAMAT KALITA

APPLICANT

AND:

UNION OF INDIA & OTHERS

RESPONDENTS

WRITTEN STATEMENT FILED ON BEHALF OF RESPONDENT No.2

Written Statement of N.T. Paite posted as Under Secretary in the Union Public Service Commission, New Delhi.

2. I solemnly affirm and state that I am an officer in the Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi and am authorised to file the present Written Statement on behalf of Respondent No. 2.

3. That I have read and understood the contents of the above Application and in reply I submit as under:

4 At the outset, it is submitted that the Union Public Service Commission, being a Constitutional body, under Articles 315 to 323 Part XIV (Services under the Union and the States) Chapter-II of the Constitution, discharge their functions, duties and Constitutional obligations assigned to them under the Constitution. Further, by virtue of the provisions made in the All India Services Act, 1951, separate Recruitment Rules have been framed for the IAS/IPS/IFS. In pursuance of these Rules, the IFS (Appointment by Promotion) Regulations, 1966 [Promotion Regulations, in short] have been made. In accordance with the provisions of the Promotion Regulations, the Selection Committee presided over by the Chairman/Member of the Union Public Service Commission, makes selection of State Forest Service [SFS, in short] officers for promotion to the Indian Forest Service.

PRELIMINARY SUBMISSIONS:

5.1 This respondent is filing the present reply to bring out the factual position vis-a-vis the role of UPSC in so far as the preparation of the Select Lists for promotion to the IFS are concerned.

5.2 It is respectfully submitted that promotion of SFS officers to the IFS is done in accordance with the IFS Promotion Regulations. Under these Regulations, the Government of India, State Government and the UPSC have each been assigned specific roles. The Central Govt., in consultation with the State Government concerned,

(N.T. PAITE)
(N. T. PAITE)
Under Secretary
Union Public Service Commission
New Delhi

Filed by
The Respondent No.2
Through
Usha Das
Addl Cus c
09/02/07

determines the number of posts for recruitment by promotion of SFS officers of the State to the IFS during a particular year in terms of Rule 4(3)b of the IFS(Recruitment) Rules 1966 read with the Regulation 5(1) of the IFS (Appointment by Promotion) Regulation 1966. Thereafter, the State Government forwards a proposal to the Commission alongwith the Seniority List, Eligibility List (upto a maximum of three times the number of vacancies) of the State Service Officers, Integrity Certificates, certificates regarding disciplinary/criminal proceedings, certificate regarding communication of adverse remarks, details of penalties imposed on the eligible officers etc. and complete ACR dossiers of the eligible officers.

5.3 The above documents received from the State Govt. are examined by the Commission for completeness and after the deficiencies have been resolved and reconciled, a meeting of the Selection Committee is convened for preparing the Select List for promotion to the IFS. As per Regulation 3 of the said Regulations, the meeting of the Selection Committee is presided over by either the Chairman or a Member, UPSC. The Selection Committee ordinarily meets every year and prepares a Select List. However, where no meeting of the Committee could be held during a year for any reason other than that provided for in the first proviso of Reg.5(1), as and when the Committee meets again, the Committee prepares year-wise Select Lists.

5.4 In accordance with the provisions of Regulation 5(3AA) of the Promotion Regulations, the aforesaid Committee duly classifies the eligible State Forest Service officers included in the zone of consideration as 'Outstanding', 'Very Good', 'Good' or 'Unfit', as the case may be, on an overall relative assessment of their service records. Thereafter, as per the provisions of Regulation 5(4) of the said Regulations, the Selection Committee prepares a list by including the required number of names first from amongst the officers finally classified as 'Outstanding', then from amongst those similarly classified as 'Very Good' and thereafter from amongst those similarly classified as 'Good' and the order of names within each category is maintained in the order of their respective inter-se seniority in the State Forest Service. The Regulations 5(3AA) and Regulations 5(4) reads as under :-

"5(3AA) The Selection Committee shall classify eligible officers as 'Outstanding', 'Very Good', 'Good' or 'unfit' as the case may be on an overall relative assessment of their service records.

5 (4) The List shall be prepared by including the required number of names first from amongst the officers finally classified as 'Outstanding' then from amongst those similarly classified as 'Very Good' and thereafter from amongst those similarly classified as 'Good' and the order of names inter-se within each category shall be in the order of their seniority in the State Forest Service."

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 (P. T. PATE)
 Under Secretary
 Union Public Service Commission
 New Delhi/New Delhi

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5.5 Further that the names of the officers whose integrity certificate is withheld by the State Govt. or against whom there are disciplinary/criminal proceedings or unexpunged adverse entries in their Service records, are included in the Select Lists provisionally in accordance with the provisions of proviso to Regulation 5(4) which reads as under :-

"Provided that the name of an officer so included in the list shall be treated as provisional if the State Government withholds the integrity certificate in respect of such an officer or any proceedings, departmental or criminal are pending against him or anything adverse against him which renders him unsuitable for appointment to the service has come to the notice of the State Government."

5.6 As per the provisions of Regulation 6 and 6-A, the State Govt. and the Central Govt. are required to furnish their observations on the recommendations of the Selection Committee. After taking into consideration the observations of the State Govt. and the Central Govt. and the requisite records received from the State Govt., the Commission take a final decision on the recommendations of the Selection Committee with or without modifications in terms of the provisions of Regulation 7. The appointments to the IFS are made from the Select List by the Central Government, Ministry of Environment & Forests during the validity period of the Select List

FACTS OF THE CASE

6.1 It is humbly stated that the Central Govt. had determined three vacancies to be filled up from the SFS officers by Promotion to the IFS of Assam-Meghalaya (Assam segment) Joint Cadre during the year 2000. The Govt. of Assam vide their letter dated 16.10.2000 forwarded a proposal to the UPSC to convene the Selection Committee Meeting. As per information furnished by the Govt. of Assam, Shri R. Bhattacharjee and Shri S. Ahmed (Respondent Nos.5 & 6 in the instant OA) were confirmed in the SFS on 01.08.86 and 01.11.87 respectively. Similarly S/Shri S.K. Bora, K. Khargharia, Abdul Kuddus and R.N. Brahma (Respondent Nos.7-10 in this instant OA) were confirmed on 01.03.90, 01.10.91, 01.01.92 and 01.07.92 respectively. The Selection Committee meeting was convened on 08.12.2000 to prepare the select list of 2000. The Selection Committee examined the service records of all the officers included in the Eligibility List upto 31.03.1999, as crucial date of eligibility was 01.01.2000. The Applicant was also considered at S.No.2 of the Eligibility List and assessed as 'Good' by the Selection Committee. On the basis of this assessment he could not be included in the Select List as officers with better gradings were available and also due to the statutory limit on the size of the Select List.

6.2 It is also submitted that a Selection Committee Meeting was convened on 05.11.2001 to prepare the select list of 2001 for 01 vacancy. Accordingly three officers were considered and the Applicant was also considered at S.No.1 of the Eligibility List. The Committee examined the service records of the officers included in the Eligibility List upto 31.03.2000 including the applicant and assessed him as 'Good'. On the basis of this

(सिद्धांत ठीक पड़े)
(H. T. PAITE)
उप सचिव/Under Secretary
राज्य लोक सेवा आयोग
Under Public Service Commission
राज्य दिल्ली/Now Delhi

assessment he could not be included in the Select List of 2001 as an officer with better grading was available and also due to statutory limit on the size of the Select List.

6.3 No meeting of the Selection Committee was held during the years 2002 and 2003 as no proposals were received. The Govt. of India determined year wise vacancies for the years 2002, 2003 & 2004 as 5, 1 and 2 respectively vide letter dated 08.04.2004. They mentioned in their letter referred above that the vacancies for the year 2002 includes the vacancy against which Shri P P Changkakati, AFS was included in the Select List of 2001 provisionally and as such, whenever, the Selection Committee meets for preparing the Select List of 2002, the said vacancy (if not filled by that time) would be taken into account. The Selection Committee could not meet during the year 2004 as a decision regarding declaring Shri Changkakati's inclusion in the Select List of 2001 as unconditional and final could not be taken before 31.12.2004. In the meanwhile the Commission received copies of orders from the Hon'ble High Court directing to convene the Selection Committee Meeting for promotion to the IFS of Assam-Meghalaya Joint Cadre (Assam Segment) as early as possible and hence it was decided to convene the Selection Committee Meeting at the earliest. Accordingly the Selection Committee met on 13.06.2005 to prepare the Select Lists of 2002, 2003 & 2004.

6.4 It is most humbly submitted that the applicant was considered for the Select List of 2002 at S.No.1 of the Eligibility List. The Committee examined the records upto 31.03.2001 of the officers included in the Eligibility List and the applicant was assessed as 'Good'. On the basis of this assessment the Applicant could not be included in the Select List as officers with better grading were available and due to statutory limit on the size of the Select List.

6.5 Shri M. Kalita was then considered by the Selection Committee for the year 2003 at S.No.1 of the Eligibility List. The Committee assessed him as 'Good' and on this assessment the Applicant could not find a place in the Select List as officers with higher grading were available and due to statutory limit on the size of the Select List. Finally the Applicant was considered for the Select List of 2004 at S.No.1 of the Eligibility List and assessed as 'Very Good' by the Selection Committee and on the basis of this he was included at S.No.1 of the Select List of 2004 and was appointed to the IFS of Assam-Meghalaya Joint Cadre (Assam segment) by the Govt. of India.

CONTENTIONS OF THE APPLICANT

7. The applicant has made the following contentions in his OA:-

- (a) That S/Shri Ritesh Bhattacharjee and Md. Safiquaddin Ahmed who were selected by the Selection Committee at its Meeting held on 08.12.2000 and appointed to the IFS were never confirmed in the State Forest Services and hence they were not eligible for consideration by the Selection

(सचिव की पीठ)
(N. T. PAITE)
उप सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

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Committee as per the Promotion Regulations. As such, their selection and appointment to the IFS was absolutely illegal, being void ab initio. Similarly respondent Nos. 7 to 11 were also not confirmed in the SFS at the time of the said selection proceedings. On disqualification of the above officers, the Applicant, as had been confirmed in the State Forest Service, stood a chance for selection and appointment to the IFS in the batch of 2000.

- (b) That the Respondents committed a manifest error in placing officers junior to the applicant (i.e respondent No.7 to 11) ahead of him in the Select List of 2002 and 2003 without considering the seniority and overall merit.
- (c) That he was assessed at par (i.e. good) with his juniors like Md. Abdul Kudus and Shri Rup Nath Brahma by the Selection Committee for the Select List of 2000 at its meeting held on 08.12.2000. whereas for the Select List of 2002 his abovementioned juniors were assessed better than him and included in the Select List superseding him. For the Select List of 2002 the service records of the candidates upto December, 2001 were assessed. So it is difficult to imagine that within a period from 08.12.2000 to 31.12.2001 his juniors got extra-ordinary assessment to supersede him who were earlier assessed at par. Hence it appears that there is every possibility of erroneous assessment by the Selection Committee since three meetings for three years i.e. 2002, 2003 and 2004 were clubbed together in a single sitting of the Selection Committee on the same day i.e. on 13.06.2005.
- (d) That the procedure adopted by the official respondents in finalising the Select Lists of 2002, 2003 and 2004 in a single meeting is in contravention of the provisions of Regulation 5 of the 1966 Regulations.
- (e) That Rule 3(3) (ii) of the 1997 Rules clearly provides that the year of allotment of a promoted officer shall be determined with reference to the year in which the meeting of the Selection Committee was held. However, the official respondents committed errors in taking the year 2002 as the reference year for the Respondent Nos.7 to 10 and 2003 for the Respondent No.11 whereas the reference year for Respondents Nos.7 to 11 and the Applicant ought to have been 2005 as the Selection Committee Meeting was held during 2005.
- (f) That the official Respondents also committed errors in not including the Applicant's two years tenure in the State Forest Service College while computing the period of continuous service under explanation-II to Regulation 5(2) of the 1966 Regulation.

(एन.टी. पाटे)
(N. T. PAITE)

अवर सचिव/Under Secretary
सर्व लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

REPLY TO THE CONTENTIONS

8.1 Regarding contention of the Applicant at para 7 (a) above, it is humbly submitted that preparation of the Eligibility List of officers to be considered for promotion comes under the purview of the State Govt. Confirmation of the officers in the SFS is also the concern of the State Govt. However, as per information available with the Commission and already mentioned in para 6.1 above, all the officers included in the Eligibility List of 2000 were substantive as on 01.01.2000, the crucial date of eligibility for the Select List of 2000 and hence all were eligible for consideration. As already indicated in para 6.1 above, the State Govt. had also provided the date of confirmation of each officers. In respect of Respondents 5 and 6 the dates of confirmation provided by the State Govt. were 01.08.1986 and 01.11.1987 respectively. In this connection the submission of the Govt. of Assam may also be referred to, as they are the Cadre controlling authority for SFS officers.

8.2 Regarding contention of the Applicant at para 7 (b) above, it is respectfully submitted that the Selection Committee duly classifies the eligible SFS officers included in the zone of consideration as 'Outstanding' 'Very Good' 'Good' or 'Unfit' as the case may be, on an overall relative assessment of their service records in terms of Regulation 5(3AA) of the Promotion Regulations as quoted in para 5.4 above. Thereafter, as per the provisions of Regulation 5(4) of the Promotion Regulations, the Selection Committee prepares a list by including the required number of names first from the officers finally classified as 'Outstanding', then from amongst those similarly classified as 'Very Good' and thereafter from amongst those similarly classified as 'Good' and the order of names within each category is maintained in the order of their respective inter-se seniority in the State Forest Service.

8.2.1 The ACRs of eligible officers are the basic inputs on the basis of which they are categorised as 'Outstanding', 'Very Good', 'Good' and 'Unfit' in accordance with the provisions of Regulation 5(3AA) of the Promotion Regulations. As per the uniform and consistent procedures and practices followed by the Union Public Service Commission, the Selection Committee examines the service records of each of the eligible officers, with special reference to the performance of officers for the five years preceding the year for which the Select List is being prepared, deliberating on the quality of the officer as indicated in the various columns recorded by the reporting/reviewing officer/accepting authority in the ACRs for different years and then, after detailed deliberations and discussions, finally arrives at a classification to be assigned to each eligible officer in accordance with the provisions of the Promotion Regulations. The Selection Committee is not guided merely by the overall grading that may be recorded in the ACRs but in order to ensure fairness and objectivity makes its own assessment on the basis of deep examination of service record of eligible officers, deliberating on the quality of the officer on the basis of performance as reflected under various columns recorded by the

Reporting/Reviewing Officer/Accepting Authority in ACRs for different years and then finally arrives at the classification to be assigned to each eligible officer in accordance with the provisions of Promotion Regulations. Thus the grading assigned to an officer by the Selection Committee may be different from the overall grading in his ACR assigned by the reporting/reviewing authority. While making an overall assessment, the Selection Committee takes into account orders regarding appreciation for meritorious work done by the concerned officer. Similarly, the Selection Committee also keeps in view orders awarding penalties or any adverse remarks communicated to the officer, which, even after due consideration of his representation have not been completely expunged. Thus, the overall grading reflected in the ACRs of a particular year may differ from the overall grading assigned by the Selection Committee for that year. The Selection Committee makes its assessment in a fair and objective manner. The procedure adopted by the Selection Committee in preparing the Select Lists is uniformly and consistently applied for all States and Cadres for induction into the All India Services.

8.2.2 It is further submitted that the Selection Committee undertakes the detailed exercise enumerated in para 8.2.1 above solely with a view to ensure objectivity and fairness in the selections. The Selection Committee follow uniform procedures, norms and yardsticks for evaluation of ACRs of officers in the zone of consideration. This procedure is uniformly and consistently applied to all States/Cadres for induction to the All India Services.

8.2.3 It is further submitted that in the matter of induction of State Forest Service officers into the IFS, merit is the nucleus of the selection process and as such selection of a junior officer having higher merit in preference to senior officer does not strictly amount to supersession. The procedure followed by the Selection Committee as detailed above has been upheld by the Hon'ble Supreme Court in the case of R.S. Dass (AIR 1987 SC 593) which reads as under:

"The amended provisions of Regulations 5 have curtailed and restricted the role of Seniority in the process of Selection as it has given priority to merit. Now the Committee is required to categorise the eligible officers in four different categories viz. "Outstanding", "Very Good", "Good" & "Unfit" on overall relative assessment of their service records. After categorisation is made the committee has to arrange the names of the officers in the Select List in accordance with the procedure laid down in Regulation 5(5). In arranging the names in the Select list the Committee has to follow the inter-se Seniority of officers within each category. If there are five officers who fall within "Outstanding" category their names shall be arranged in the order of their inter-se Seniority in the State Civil Service. The same principle is followed in arranging the list from amongst the officers falling in the category of "Very Good" and "Good". Similarly, if a junior officer's name finds place in the category of "Outstanding" he would be placed higher in the select list in preference

to a senior officer finding place in the "Very Good" or "Good" category. In this process a junior officer having higher grading would supersede his seniors. This cannot be helped. Where selection is made on merit alone for promotion to a higher service selection of an officer though junior in service in preference to senior does not strictly amount to supersession."

8.2.4 In a recent case of UPSC Vs. K Rajaiah and others, the Hon'ble Supreme Court have held as under:-

"That being the legal position, the Court should not have faulted the so called down gradation of the 1st respondent for one of the years. Legally speaking, the term "down gradation" is an inappropriate expression. The power to classify as 'outstanding', 'very good', 'good' and 'unfit' is vested with the Selection Committee. That is a function incidental to the selection process. The classification given by the State Government authorities in the ACRs is not binding on the Committee. No doubt, the Committee is by and large guided by the classification adopted by the State Government but, for good reasons, the Selection Committee can evolve its own classification which may be at variance with gradation given in the ACRs. That is what has been done in the instant case in respect of the year 1993-94. Such classification is within the prerogative of the Selection Committee and no reasons need be recorded, though it is desirable that in a case of gradation at variance with that of the State Government, it would be desirable to record reasons. But having regard to the nature of the function and the power confined to the Selection Committee under Regulation 5 (4), it is not a legal requirement that reasons should be recorded for classifying an officer at variance with the State Government's decision."

[2005 AIR SCW 3275]

8.2.5 The matter relating to assessments made by the Selection Committee has been contended before the Hon'ble Supreme Court in a number of cases. In the case of Nutan Arvind Vs. Union of India and others the Hon'ble Supreme Court have held as under:-

"When a high level Committee had considered the respective merits of the candidates, assessed the grading and considered their cases for promotion, this court cannot sit over the assessment made by the DPC as an appellate authority."

[(1996) 2 SUPREME COURT CASES 488]

8.2.6 In the matter of UPSC vs. H.L. Dev and others Hon'ble Supreme Court have held as under:-

'How to categorise in the light of the relevant records and what norms to apply in making the assessment are exclusively the functions of the Selection

Committee. The jurisdiction to make the selection is vested in the Selection Committee."

[AIR 1988 SC 1069]

8.2.7 In the case of Dalpat Abasaheb Solanke Vs. B.S. Mahajan, the Hon'ble Supreme Court have held as under:

"It is needless to emphasise that it is not the function of the court to hear appeals over the decisions of the Selection Committees and to scrutinize the relative merits of the candidates. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject.

[AIR 1990 SC 434]

8.2.8 In the case of Smt. Anil Katiyar Vs. UOI & others, the Hon'ble Supreme Court have held as under:-

"Having regard to the limited scope of judicial review of the merits of a selection made for appointment to a service or a civil post, the Tribunal has rightly proceeded on the basis that it is not expected to play the role of an appellate authority or an umpire in the acts and proceedings of the DPC and that it could not sit in judgement over the selection made by the DPC unless the selection is assailed as being vitiated by malafides or on the ground of it being arbitrary. It is not the case of the appellant that the selection by the DPC was vitiated by malafides."

[1997 (1) SLR 153]

8.2.9 It is submitted that in the instant case the Applicant was duly considered by all the Selection Committees that met on 08.12.2000, 05.11.2001 and 13.06.2005 for preparing the IFS Select Lists for 2000, 2001, 2002, 2003 and 2004 as has been brought out at para 6 above, but upto the year 2003 he could not be included in any of the Select List due to his lower grading. The Applicant was graded as 'Very Good' for the Select List of 2004 and on this basis he has been included in the Select List of 2004.

8.3 Regarding the contentions at para 7(c) it is humbly submitted that each Selection Committee consider the ACRs for the five years preceding the year of the SCM. Thus, for the SCM of every successive year, one new ACR gets added while one of the old ACRs gets dropped. Therefore, the set of ACRs being considered by the SCM for each year may be overlapping but is not identical. This change in the set of ACRs being assessed may result in a change in the assessment as in this case.

8.4 Regarding contention of the Applicant at para 7(d), it is respectfully submitted that Reg.5(1) of the Promotion Regulations provides for preparation of year-wise Select Lists. Reg.5(1) of the Promotion Regulation which reads as follows:-

(एन.टी. पाटे)
(N. T. PAITE)
अवर सचिव/Under Secretary
संवर्धन सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

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'5 (1). Each Committee shall ordinarily meet every year and prepare a list of such members of the State Forest Service as are held by them to be suitable for promotion to the Service. The number of members of the State Forest Service to be included in the list shall be determined by the Central Government in consultation with the State government concerned, and shall not exceed the number of substantive vacancies as on the first day of January of the year in which the meeting is held, in the posts available for them under rule 9 of the Recruitment Rules. The date and venue of the meeting of the Committee to make the selection shall be determined by the Commission:

Provided that no meeting of the Committee shall be held, and no list for the year in question shall be prepared when ;

- (a) there are no substantive vacancies as on the first day of January of the year in the posts available for the members of the state Forest Service under rule 9 of the recruitment rules; or
- (b) the Central Government in consultation with the State Government decides that no recruitment shall be made during the year to the substantive vacancies as on the first day of January of the year in the posts available for the members of the State Forest Service under rule 9 of the Recruitment Rules;

Provided further that where no meeting of the Committee could be held during a year for any reason other than that provided for in the first proviso, as and when the Committee meets again, the Select List shall be prepared separately for each year during which the Committee could not meet, as on the 31st December of each year.

In the instant case no Select List could be prepared in the years 2003 to 2004. Therefore, when the Selection Committee met on 13.06.2005 they prepared separate year-wise Select Lists for the years 2002, 2003 & 2004 against vacancies determined by the Govt. of India as on 01.01.2002, 01.01.2003 and 01.01.2004 respectively. As such, the contentions of the Applicant at para 7(d) above are not tenable and devoid of any merit.

8.5 Regarding the contention of the Applicant at para 7 (e) & (f) above, it is submitted that the Govt. of India and the State Govt. are solely concerned with them. As such, submissions made by them in this connection may be perused.

(एन. टी. पाटे)
(N. T. PAITE)
उप सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

9. In view of the facts and circumstances stated above and after consideration of the submissions of the Govt. of India and State Govt., the Hon'ble Tribunal may be pleased to dismiss the instant OA.

VERIFICATION

I do hereby declare that the contents of the above Statement are believed by me to be true based on the records of the case. No part of it is false and nothing has been concealed therefrom.

Verified at New Delhi on the 22nd day of January, 2007.

(एन. टी. पाटे)
(N. T. PAITE)
DEPONENT
अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

(एन. टी. पाटे)
(N. T. PAITE)
DEPONENT
अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BRANCH**

IN THE MATTER OF :

O.A. No.258106

Sri Mamat Kalita

- Vs -

Union of India & others.

- AND -

IN THE MATTER OF :

Written statement on behalf of
Respondent No.3 (Commissioner
& Secretary to the Govt. of
Assam, Environment & Forests
Department, Dispur, Guwahati-6.

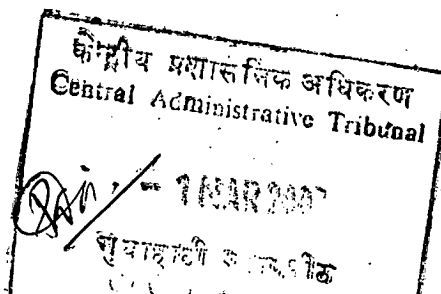
(Written statement on behalf of Respondent No.3)

I, Sri Bir Bhadra Hagjer, son of late Joy Bhadra Hagjer aged about 55 years, presently working as Commissioner & Secretary to the Govt. of Assam, Environment & Forests, Dispur, Guwahati - 6, do hereby solemnly affirm and state as follows :

1. That I am the Commissioner & Secretary to the Govt. of Assam, Environment & Forests, Dispur, Guwahati - 6. The copies of the aforesaid application has been served upon me. I have gone through the same and have understood the contents thereof. I do not admit any of the averments except which are specifically admitted herein-after and the same are deemed as denied.
2. That with regard to the statements made in paragraph 1 of the application, the answering respondent has nothing to make comment on it.
3. That with regard to the statements made in paragraph 2, 3 & 4 of the application, the answering respondent admits the statements made thereon.
4. That with regard to the statements made in paragraph 5 of the application, the answering respondent begs to state that the applicant was initially in the state cadre i.e. State Forest Service and thereafter he was promoted to the rank of Deputy Conservator of Forests (DCF). So far the promotion to the post of Conservator of Forests is concerned the officer should be inducted to the Indian Forest Service and as per provisions of law, he shall have to complete 14 years of service in IFS cadre. The present applicant was promoted to the IFS on 7.11.2005 vide notification No.F. No.17013/2/ 2003-IFS II and his year of allotment is 1997 vide order dated 28.8.2006, hence, the applicant has not completed 14 years of service in IFS for next promotion to the rank of Conservator of Forests.

A copy of the notification dated 7.11.2005 and 28.8.2006 is annexed herewith and marked as **Annexure I & II.**

Contd.



Filed by: -
The State of Assam
Respondent No.3
Through
Mamula Das
Minister of Assam
State of Assam
Sri Bhadr Hagjer CAT
11/3/07

5. That with regard to the statement made in paragraph 6 of the application, the answering respondent begs to state that the applicant along with the private Respondent No.5 to 11 were confirmed in their services in the post of Assistant Conservator of Forests vide order dated 13.2.1996, subsequently the applicant along with Respondent No.7, 8, 9, 10 & 11 were also confirmed in their services in the post of DCF vide order dated 6.8.2002.

Copies of the order dated 13.2.1996 & 6.8.2002 are annexed herewith and marked as *Annexure III & IV*.

6. That with regard to the statements made in paragraph 7 of the application, the answering respondent begs to state that the gradation list dated 18.4.2000 was not published and was not a final and valid gradation list.
7. That with regard to the statements made in paragraph 8 of the application, the answering respondent has nothing to make comment on it.
8. That with regard to the statements made in paragraph 9 of the application, the answering respondent begs to state that all the records of the applicant, who is the second senior most SFS officer, along with the records of the other eligible officers were placed before the meeting of the selection committee held on 8.12.2000. This selection committee was constituted as per provision 3 of the Indian Forest Service (Appointment of Promotion) Regulation, 1966. The committee recommends the name of the officers on the basis of overall assessment of the service records of all eligible officers. But, the applicant's name was not recommended for selection for the appointment to the IFS as the service records of the applicant were not at par with that of his juniors i.e. respondent No.5 & 6. Thus, the above mentioned respondents were appointed, but not the applicant.
9. That with regard to the statement made in paragraph 10 of the application, the answering respondent admits with the facts mentioned thereon.
10. That with regard to the statements made in paragraph 11 of the application, the answering respondent reiterates and reaffirm, the statement made in paragraph 8 of this written statement.
11. That with regard to the statements made in paragraphs 12 of the application, the answering respondent begs to state that the representation 5.1.2001 as submitted by the applicant has been disposed of by the Govt. of Assam, Environment & Forests Department vide their letter No.FRE.109/ 94/ Pt.I/ 143, dtd.29.05.2001.

A copy of the letter dtd.29.05.2001 is annexed herewith and marked as *Annexure - V*.

12. That with regard to the statements made in paragraph 13 of the application, the answering respondent reiterates and reaffirms the statement made in paragraph 8 of this written statement.
13. That with regard to the statements made in paragraph 14 of the application, the answering respondent reiterates and reaffirms the statement made in paragraph 11 of this written statement.
14. That with regard to the statements made in paragraph 15 of the application, the answering respondent agrees with the facts mentioned thereon.

Contd.

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15. That with regard to the statements made in paragraph 16 of the application, the answering respondent begs to state that for holding the selection committee meeting for appointment of eligible officers to the IFS by promotion was under process for consideration.
16. That with regard to the statements made in paragraph 17 of the application, the answering respondent reiterates and reaffirms the statement made in paragraph 5 of this written statement.
17. That with regard to the statement made in paragraph 18 of the application, the answering respondent admits with the facts mentioned thereon.
18. That with regard to the statements made in paragraphs 19 of the application, the answering respondent has nothing to make comments on it.
19. That with regard to the statements made in paragraphs 20 of the application, the answering respondent begs to state that so far the convening of the selection committee for promotion to the IFS, the Govt. of Assam all along made correspondence for meeting of the selection committee and in fact after last selection of 2001 and 2002, the state of Assam made proposal to the UPSC of eligible officer along with information/ documents for selection committee meeting for 2003 which was scheduled to be held on 30.12.2003. However, due to the pending of series of cases in Hon'ble High Court and Hon'ble Central Administrative Tribunal, the selection of the eligible officers along with the applicant for appointment to IFS could not be made by selection committee meeting.
20. That with regard to the statements made in paragraphs 21 of the application, the humble answering respondent has nothing to make comments on it.
21. That with regard to the statements made in paragraphs 22 of the application, the humble answering respondent reiterates and reaffirms the statement made in paragraph 19 of this written statement.
22. That with regard to the statements made in paragraphs 23 & 24 of the application, the humble answering respondent has nothing to make comment on it.
23. That with regard to the statements made in paragraph 25 of the application, the humble answering respondent admits with the facts mentioned thereon.
24. That with regard to the statements made in paragraph 26 of the application, the humble answering respondent agrees with the fact that the selection committee meeting for Assam segment was held during the month of June, 2005 for the following vacancies shown year wise for promotion of SFS officers to IFS.
 - a. 4 nos. of vacancies occurred during 2002
 - b. 1 no. of vacancies occurred during 2003.
 - c. 2 nos. of vacancies occurred during 2004.**Total 7 nos. of vacancies occurred.**

Accordingly, 3 (three) select list have been prepared against the vacancy occurred during the years 2002, 2003 & 2004.

Contd.

25. That with regards to the statements made in paragraph 27 of the application, the humble answering respondent has nothing to make comment on it as they are being records of the case, however, the answering respondent has denied any statements which are contrary to records.
26. That with regard to the statements made in paragraph 28 of the application, the humble answering respondent agrees with the facts mentioned thereon.
27. That with regards to the statement made in paragraph 29 of the application, the humble answering respondent begs to state that the fixation of seniority and the year of allotment fixed by the Government of India for respondent No.7, 8, 9 & 10 is 1996 and whereas the seniority and the year of allotment fixed by the Government of India for respondent No.11 and the applicant is 1997. The seniority was fixed by the Government of India for the officers as per recommendation of selection committee meeting on the basis of merit, examining overall assessment of their service records.
28. That with regards to the statements made in paragraph 30 of the application, the humble answering respondent begs to state that the representation dated 28.4.2006 made by the applicant through proper channel has immediately been forwarded to the Government of India for necessary consideration. The applicant claims for re-fixation of his seniority and the year of allotment 1995 instead of 1997. According to Rule 3 (II) of the Indian Forest Service (regulation of Seniority) Rules, 1997 and in terms of provision made in 5 explanation (II) of the Indian Forest Service (Appointment by Promotion) Regulation, 1966, the seniority and the year of allotment of the applicant would be 1996 instead of 1995, as claimed by him. Hence, the applicant claim is that the training period should be included for computing the period of continuous service while calculating weight age for fixing his seniority.

In this connection, a proposal has been submitted to the Govt. vide Principal Chief Conservator of Forests, Assam's letter No.FE.24/ 30/ 2K, dtd.11.10.2006 and subsequent letter of even No., dtd.1.02.2007 fixing the seniority of promoted officers of IFS cadre as below. As the completed year of continuous service is computed including the training period in all past cases in fixation of their seniority and the year of allotment, the same principles may be followed for the following officers also.

Sl. No.	Name	Year of allotment
1.	Sri P. Kotoky	1993
2.	Sri S. K. Bora	1995
3.	Sri K. Kharghoria	1995
4.	Md. Abdul Kuddus	1995
5.	Sri Rup Nath Brahma	1995
6.	Sri D. Zaman	1996
7.	Sri M. Kalita	1996
8.	Sri K. N. Barman	1996

A copy of letter dated 11.10.2006 & 1.02.2007 are annexed herewith and marked as *Annexure VI & VII*.

VERIFICATION

I, Sri Bir Bhadra Hagjer, son of late Joy Bhadra Hagjer aged about 55 years presently working as Commissioner & Secretary to the Govt. of Assam, Environment & Forests Department, Dispur, Guwahati - 6 do hereby verify that the statements made in paragraphs 1, 2, 3, 6, 7, 9, 10, 12, 13 to 23, 25 to 27 are true to my knowledge; those made in paragraphs 4, 5, 8, 11, 13, 24 and 28 being matters of records of the case derived there from which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts in this Tribunal.

And, I signed this verification on this the 1st March.

2007

Bir Bhadra Hagjer

(B. B. Hagjer, I.A.S.)
Commissioner & Secretary to the Govt. of Assam,
Environment & Forests Department,
Dispur, Guwahati - 781 006.

(TO BE PUBLISHED IN PART I SECTION 2 OF THE GAZETTE OF INDIA)

F. No. 17013/2/2003-IFS.II
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS

PARYAVARAN BHAWAN, CGO COMPLEX,
LODI ROAD, NEW DELHI - 110 003

NEW DELHI, the 7th November, 2005

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, read with sub-regulation (1) of Regulation 9 of the Indian Forest Service (Appointment by Promotion) Regulations, 1966, the President is pleased to appoint with immediate effect the under mentioned seven officers of the State Forest Service of Assam, to the Indian Forest Service on the basis of the Select Lists for the years 2002, 2003 and 2004 and to allocate them to the Assam-Meghalaya Joint Cadre of the Indian Forest Service under sub-rule (1) of Rule 5 of the Indian Forest Service (Cadre) Rules, 1966:

Select List of 2002

Sl No.	Name of the Officer S/Shri	Date of Birth
1.	Sanjib Kr. Bora	01-01-1958
2.	Kailash Khargharia	12-03-1952
3.	Md. Abdul Kuddus	01-01-1953
4.	Rup Nath Brahma	01-08-1955

Select List of 2003

Sl No.	Name of the Officer S/Shri	Date of Birth
1.	Md. Debiruz Zaman	14-01-1956

Select List of 2004

Sl No.	Name of the Officer S/Shri	Date of Birth
1.	Mamat Kalita	01-04-1950
2.	Khanindra Nath Barman	01-01-1956

(Ashok Kumar)

Under Secretary to the Govt. of India

The Manager,
Government of India Press,
Faridabad (Haryana).



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Copy to:

1. The Chief Secretary, Government of Assam, Dispur, Guwahati {Kind Attn: Sh B B Hagjer, Commissioner & Secretary (Env. & Forests Department) w.r.t. their letter No. FRE.109/94/Pt-III/344 dated 21st October, 2005}.
2. The Chief Secretary, Government of Meghalaya, Shillong.
3. The Principal Chief Conservator of Forests, Assam, Dispur, Guwahati
4. The Principal Chief Conservator of Forests, Meghalaya, Shillong.
5. The Accountant General, Assam, Dispur, Guwahati.
6. The Secretary, Union Public Service Commission, Dholpur House, Shahjhan Road, New Delhi. {Attn. Sh R S Sinha, Under Secretary (AIS)} w.r.t. their letter No. 10/2/2004-AIS, dated the 29th September, 2005.
7. Guard File/ Civil List.

42-21
(Ashok Kumar)
Under Secretary to the Govt. of India

No. 17013/2/2003-IFS-II
Government of India

Ministry of Environment & Forests

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

Dated the March 28, 2006

ORDER

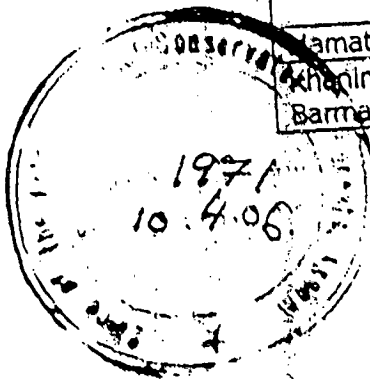
The under-mentioned State Forest Service Officers of Assam Cadre were appointed to Indian Forest Service vide Notification of even number dated the 7th November, 2005. Their seniority and year of allotment are required to be determined in terms of the provisions of Rule 3(3)(ii) of the Indian Forest Service (Regulation of Seniority) Rules, 1997 which stipulates that "the year of allotment of a promotee officer shall be determined with reference to the year in which the meeting of the Committee to make selection, to prepare the select list on the basis of which he was appointed to the Service, was held and with regard to the continuous service rendered by him in the State Forest Service, up to 31st day of December of the year immediately before the year in which the meeting of the Committee to make selection was held".

2. As per the information furnished by the State Government of Assam, the details of service rendered in the grade of State Forest Service by these officers are given below :-

Name S/Shri	Year for which the Selection Committee Meeting was held	Completed years of service rendered in SFS as on 31.12.2001	Year of weightage admissible in terms of Seniority Regulations
Sanjib Kr. Bora	2002	20	6 Years
Kallash Khargharia	2002	19	6 Years
Md. Abdul Kuddus	2002	19	6 Years
Rup Nath Brahma	2002	19	6 Years

Name S/Shri	Year for which the Selection Committee Meeting was held	Completed years of service rendered in SFS as on 31.12.2002	Year of weightage admissible in terms of Seniority Regulations
Md. Debiruz Zaman	2003	20	6 Years

Name S/Shri	Year for which the Selection Committee Meeting was held	Completed years of service rendered in SFS as on 31.12.2003	Year of weightage admissible in terms of Seniority Regulations
Amat Kalita	2004	21	7 Years
Khanindra Nath Barman	2004	21	7 Years



In terms of Rules 3(3) (II) and 4 of the Indian Forest Service (Regulation of Seniority) Rules, 1997, their seniority and year of allotment in the Indian Forest Service is as follows:-

S No	Name S/Shri	Year of allotment	Placement
1	2	4	5
1	Sanjib Kr. Bora	1996	Below Shri C Samayamoorthy (RR:1996)
2	Kallash Khargharia	1996	Below Shri Sanjib Kr. Bora, (SFS:1996)
3	Md. Abdul Kuddus	1996	Below Shri Kallash Khargharia, (SFS:1996)
4	Rup Nath Brahma	1996	Below Shri Md. Abdul Kuddus, (SFS:1996)
5	Md. Debruz Zaman	1997	Below Shri Utpal Bora, (RR:1997)
6	Mamat Kalita	1997	Below Shri Md. Debruz Zaman, (SFS:1997)
7	Khanindra Nath Barman	1997	Below Shri Mamat Kalita, (SFS:1997)

(Ashok Kumar)
Under Secretary to the Govt. Of India

Copy for distribution to:-

1. The Chief Secretary, Government of Assam, Dispur, Guwahati.

2. The Chief Secretary, Government of Meghalaya, Shillong.

3. The Secretary, Union Public Service Commission, New Delhi.

4. The Principal Chief Conservator of Forests, Assam, Dispur, Guwahati.

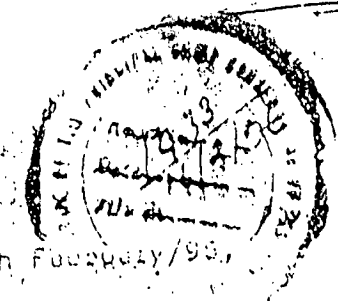
5. The Accountant General, Assam, Dispur, Guwahati.

6. Copy for Guard File/Civil List.

GOVERNMENT OF ASSAM
FOREST DEPARTMENT : DISPUR.

ORDERS BY THE GOVERNOR

NOTIFICATION



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Dated Dispur, the 13th February/93.

- NU.FRE. 42/79/208 : Shri Hari Prasad Phukan, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 1.4.1983 vice Shri J.N. Tezpur, retired.
- NU.FRE. 42/79/208-A : Shri Momot Kalita, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 2.12.83 vice Shri D.G. Baruah, appointed on promotion to I.F.S.
- NU.FRE. 42/79/208-B : Shri Prasanta Pran Changkakati, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 2.12.83, vice Shri S. Roychoudhury, appointed on promotion to I.F.S.
- NU.FRE. 42/79/208-C : Shri Sushil Kr. Sarma, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 2.12.83, vice Shri P. Roy, appointed on promotion to I.F.S.
- NU.FRE. 42/79/208-D : Shri Lenus Ali, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 2.12.83, vice Shri B. N. Pathak, appointed on promotion to I.F.S.
- NU.FRE. 42/79/208-E : Shri Rajendra Nath Sonowal, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 1.1.86, vice Shri U. Choudhury, retired.
- NU.FRE. 42/79/208-F : Shri Nitash Ch. Bhattacharjee, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 1.8.86, vice Shri N. K. Das, retired.
- NU.FRE. 42/79/208-G : Shri Supriyadin Ahmad, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 1.11.87 vice Shri M. N. Ahikary, retired.
- NU.FRE. 42/79/208-H : Shri Sanjib Kr. Bora, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 1.3.90 vice Shri H. N. Borah, retired.
- NU.FRE. 42/79/208-I : Shri Kailash Kharmaria, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 1.10.91 vice Shri D. K. Bora, retired.
- NU.FRE. 42/79/208-J : Shri Abdul Kuddus, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 1.1.92 vice Shri R.K. Das, retired.

Contd., 2/-

1572-496

NO.FRE. 42/79/208-K : Shri Rup Nath Brahma, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 1.7.92 vice Shri K.K.Gupta, retired.

NO.FRE. 42/79/208-L : Shri Juhiruz Jaman, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 1.4.93 vice Shri D.M.Chattacharya, retired.

NO.FRE. 42/79/208-M : Shri Muffakar Ali, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 6.6.93 vice Shri I. Sharalua, retired.

NO.FRE. 42/79/208-N : Shri Khanindra Nath Dorman, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 1.11.93 vice Shri T.Hazari, retired.

NO.FRE. 42/79/208-O : Shri Mahendra Nath Duara, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 1.4.94 vice Shri Ramjanoli, retired.

NO.FRE. 42/79/208-P : Shri Arup Kr. Das, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 1.5.94 vice Shri C.L.Chakraborty, retired.

NO.FRE. 42/79/208-Q : Shri Amarendra Ch. Das, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 24.3.95 vice Shri S.C. Phookail, appointed on promotion to I.F.S.

NO.FRE. 42/79/208-R : Shri Ranjit Ch. Goswami, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 24.3.95 vice Shri T.K. Das, appointed on promotion to I.F.S.

NO.FRE. 42/79/208-S : Shri Hum Kanta Talukdar, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 24.3.95 vice Shri S.N. Buragoina, appointed on promotion to I.F.S.

NO.FRE. 42/79/208-T : Shri Chitta Ranjan Ghosh, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 24.3.95 vice Shri J.C. Dey, appointed on promotion to I.F.S.

NO.FRE. 42/79/208-U : Shri Amrit Kr. Das, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 1.7.95 vice Shri M. Ali, retired.

NO.FRE. 42/79/208-V : Shri Mahasudhan Sinha, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 1.9.95 vice Shri P.P. Naag, retired.

NO.FRE. 42/79/208-W : Shri Isfahan Ahmed, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 1.2.96 vice Shri H.R. Gogoi, retired.

Sd/- M. Banerjee,
Commissioner & Secy. to the Govt. of Assam,
Forest Deptt., Dispur.

Contd.,...3/-

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- 3 :-

Memo No. F.R.E. 42/79/208-X, Dated Dispur, the 13th February/96.

Copy forwarded to :-

- 1) The Accountant General (A&E), Assam, Dhangubari, Guwahati-5.
- 2) The Principal Chief Conservator of Forests, Assam, Dhangubari, Guwahati-8.
- 3) The Principal Chief Conservator of Forests, Social Forestry, Assam, 205 Narongi Road, Guwahati-24.
- 4) The Chief Conservator of Forests (Territorial), Assam, Kailash Road, Guwahati-3.
- 5) The Chief Conservator of Forests, Research, Education and Working Plan, Assam, Guwahati-24.
- 6) The Chief Conservator of Forests, Wildlife, Assam, K. D. Baruah Road, Guwahati-24.
- 7) The Conservator of Forests, - - - - -
- 8) Shri - - - - -
- 9) The Deputy Director, Assam Govt. Press, Damanimaldan, Guwahati-21 for favour of publication of the above Notification in the Assam Gazette.
- 10) Personal File of the officers.

By order etc.,

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

[Signature]
13/2/96

43

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

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 6th August, 2002.

NO. F.R.E. 64/97/174 - The Governor of Assam is pleased to confirm the following Deputy Conservator of Forests, under Rule 9(ii) of the Assam Forest Service (Class-I) Rules, 1942, in the post of D.C.F. in Assam Forest (Class-I) Service with effect from the date shown against each.

<u>Name of Officer</u>	<u>Confirmed date</u>	<u>Post against which confirmed</u>
1. Shri Mamat Kalita, DCF	1.1.2001	Post of DCF made permanent vide No. F.R.E. 99/86/490 dtd. 12.6.2001.
2. Shri Sanjib Kr. Bora, DCF	1.1.2001	-Do-
3. Shri Kallash Khargharia, DCF	1.1.2001	-Do-
4. Shri Abdul Kuddus, DCF	1.1.2001	-Do-
5. Shri Upa Nath Brahma, DCF	1.1.2001	-Do-
6. Shri Gobiruz Zaman, DCF	1.1.2001	-Do-
7. Shri Arup Kr. Das, DCF	1.3.2001	Post of DCF made permanent vide No. F.R.E. 43/89/425, dtd. 9.7.2001.
8. Shri Hom Kanta Talukder, DCF,	1.3.2001	-Do-
9. Shri Chitra Ranjan Bhobora, DCF,	1.3.2001	-Do-

Sd/- O.B. Hagjur,
Secretary to the Govt. of Assam,
Forest Department, Dispur.

Dated Dispur, the 6th August, 2002.

Memo No. F.R.E. 64/97/174 -
Copy to :-

- 1) The Accountant General (A&E), Assam, Maidamgon, Bultola, Guwahati-29.
- 2) The Principal Chief Conservator of Forests, Assam, Rihabari, Guwahati-8.
- 3) The Chief Conservator of Forests (Wildlife), Assam, Rihabari, Guwahati-8.
- 4) The Chief Conservator of Forests (Territorial), Assam, Panbazar, Guwahati-1.
- 5) The Chief Conservator of Forests (Social Forestry), Assam, 200 Nazong Road, Guwahati-24.
- 6) The Chief Conservator of Forests (Research, Education and Working Plan), Assam, Guwahati-24.
- 7) Officers concerned.
- 8) The Deputy Director, Assam Govt. Press, Bomani Maidam, Guwahati-21 for favour of publication of the above Notification in the next issue of the Assam Gazette.
- 9) Personal file of the officers.

By order etc.,

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

13/8/02

-12-
-50-
ANNEXURE - B

GOVERNMENT OF ASSAM
FOREST DEPARTMENT : : : DISPUR

NO.FRE.109/94/Pt-I/147, Dated Dispur, the 29th May, 2001.

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

✓ TO

Shri M. Kalita,
Divisional Forest Officer,
Social Forestry Division,
Bongaigaon.
Dist- Bongaigaon, Assam.

Sub : Appeal for promotion to I.F.S.

Ref : Your representation No.A/SEB/P.File/Part/1157,
dated 5-1-2001.

Sir,

I am directed to say that your representation dated 5-1-2001 has been received from the Principal Chief Conservator of Forests, Assam vide his letter No.FE.24/36/2K, dated 25-1-2001 and examined by the Government and found that your main grievance is non-inclusion of your name in the select list of 2000 for appointment to I.F.S. by promotion and selection of two officers who are junior to you.

1. As regards your contention at para (6) of the representation it is informed that U.P.S.C. was duly intimated of the fact of dropping of the departmental proceeding against you vide Government letter No.FRE.109/94/Pt-I/68, dtd. 27-11-2000. In the minutes of the selection committee meeting held on 8.12.20 there is no mention of pendency of departmental proceeding against you.

2. As regards your contention at para (7) of your representation it is informed that the above-mentioned departmental proceeding was drawn up against you on the basis of allegations received from Political(Vigilance Cell)Department. Therefore, after dropping of the departmental proceeding, the Political (Vigilance Cell)Department was requested to furnish a revised vigilance report. But, by the time of receipt of the vigilance report, the meeting of the selection committee was over.

3. As regards your contention at paras 8 and 9 of your representation it is informed that the selection committee recommended the name of the officers on the basis of overall assessment of the records of all eligible officers.

Contd...B/2...

-51-

-13-

-(2)-


(45)

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4. As regards your contention at para 10, it is informed that the vacancy due to death of D. K. Basumatary occurred in September, 2000. Hence this vacancy was not taken into consideration during the selection committee meeting held on 8-12-2000. As per the I.F.S. (Appointment by promotion) Amendment Regulations, 1997 "the number of vacancies shall be determined by the Central Government in consultation with the State Government and shall not exceed the number of substantive vacancies as on 1st day of January of the year in which the meeting is held". Since this vacancy occurred after 1-1-2000, it will be considered in the next selection committee meeting during, 2001. The number of vacancies during 2000 was determined by the Government of India, Ministry of Environment and Forests in consultation with the State Government. There were only 3 vacancies during 2000 (as on 1.1.2000) as determined by the Central Government and accordingly selection committee considered 3 vacancies only.

In view of the position, stated above there is no merit to take up the matter with the Government of India for revision of the selection committee's recommendations of their meeting held on 8.12.2000. Your representation is accordingly disposed of.


Yours faithfully,


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

Memo No.FRE.109/94/Pt-I/147-A, Dated Dispur, the 29th May, 2001.

Copy to the Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati-8 with reference to his letter No.FE.24/36/2K, dated 25-1-2001.

By order etc.,


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

....

GOVERNMENT OF ASSAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS : : ASSAM
REHABARI : : GUWAHATI - 781 008.

Dated Guwahati, the 11th October, 2006

No.FE.24/36/2K

To

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

Sub:

Determination of seniority of promotee officers of IFS Cadre of Assam.

Ref:

Govt. letter No.FRE.109/94/Pt.III/422, dtd.31.8.06

Sir,

In inviting a reference to the Govt. letter mentioned above, I am to inform you that while furnishing information for fixing seniority and the year of allotment for SFS officer inducted in IFS, the Govt. of Assam, Environment & Forest Department has included the training period while computing continuous years of service against the officers as seen from the following list which was notified by the Government of India, Ministry of Environment & Forests vide their letter No.17013/02/2000-IFS-II, dtd.11.6.2002 (Photocopy enclosed), details are given below

Sl No.	Name of the officer	Year of select list	Date of Entry in Forestry Training course	Date of entry into Forest Service (Class-I)	Completed years of service rendered in State Forest Service as on	Total Weightage	Year of allotment
1	Sri N. K. Sarma	31.12.98	1.4.71	31.3.73	27 years	10 years	1991
2	Sri H. K. Saikia	31.12.98	1.4.71	31.3.73	27 years	10 years	1991
3	Sri P. S. Das	31.12.98	1.5.76	30.4.78	22 years	7 years	1992
4	Sri S. Nayak	31.12.98	1.5.76	30.4.78	22 years	7 years	1992
5	Sri P. N. Bordoloi	31.12.98	1.5.77	1.5.79	21 years	7 years	1992
6	Sri A. S. Laskar	31.12.98	1.5.77	1.5.79	21 years	7 years	1992
7	Sri P. Kotoky	31.12.99	1.11.78	11.2.81	20 years	6 years	1994
8	Sri R. C. Bhattacharjee	31.12.99	1.11.79	6.11.81	20 years	6 years	1994
9	Sri S. Ahmed	31.12.99	1.11.79	6.11.81	20 years	6 years	1994

But, in respect of Sl. No.7, the training period was not included while computing the completed years of continuous service which should have been furnished as below

Sl. No.	Name of the officer	Year of select list	Date of Entry in Forestry Training course	Date of entry into Forest Service (Class-I)	Completed years of service rendered in State Forest Service as on	Total Weightage	Year of allotment
1	Sri P. Kotoky	31.12.99	1.11.78	11.2.81	21 years	7 years	1992

The Govt. of Assam, Environment & Forest Department has already requested the Government of India, Ministry of Environment & Forests for correction of the years of allotment as 1993 instead of 1994 vide Govt. letter No.FRE.4/ 2003/ 174, dtd 10.1.06 (photocopy enclosed).

Similarly, the above principle would also be applicable in case of the following IFS officers while fixing their seniority and the year of allotment, the details are shown below :

Sl. No.	Name of the officer	Year of select list	Date of Entry in Forestry Training course	Date of entry into Forest Service (Class-I)	Completed years of service rendered in State Forest Service as on	Total Weight age	Year of allotment
1.	Sri Sanjib Kr. Bora	31.12.01	1.11.79	6.11.81	22 years	7 years	1995
2.	Sri K. Kharghoria	31.12.01	1.11.80	31.11.82	22 years	7 years	1995
3.	Md. Abdul Kuddus	31.12.01	1.11.80	1.11.82	21 years	7 years	1995
4.	Sri R. N. Brahma	31.12.01	1.11.80	1.11.82	21 years	7 years	1995
5.	Md. D. Zaman	31.12.02	1.11.80	1.11.82	22 years	7 years	1996
6.	Sri M. Kalita	31.12.03	1.11.78	11.2.81	25 years	9 years	1995
7.	Sri K. N. Barman	31.12.03	1.11.80	1.11.82	23 years	8 years	1996

As the completed year of continuous service is computed including the training period in all past cases, the same principle may kindly be followed for the following officers also. Hence, I request you kindly to move the Government of India to re-fix their seniority and year of allotment of the following officers as shown below :

Sl. No.	Name	Year of allotment to be re-fixed as	The year of allotment which was already been notified by Government of India 02
1	Sri P. Kotoky	1993	1994
2	Sri S. K. Bora	1995	1996
3	Sri K. Kharghoria	1995	1996
4	Md. Abdul Kuddus	1995	1996
5	Sri Rup Nath Brahma	1995	1996
6	Md. D. Zaman	1996	1997
7	Sri M. Kalita	1995	1997
8	Sri K. N. Barman	1996	1997

Yours faithfully,

Principal Chief Conservator of Forests,
Assam.

12.10.06

0/c

GOVERNMENT OF ASSAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS: ASSAM
REHABARI : GUWAHATI - 781 008.

No.FE.24/36/2k

Dated Guwahati, the 1st February, 2007

To,

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

Sub:-

Determination of seniority of promotee officers of IFS cadre of Assam.

Ref:-

This office letter No.FE.24/36/2k, dated 11.10.06

Sir,

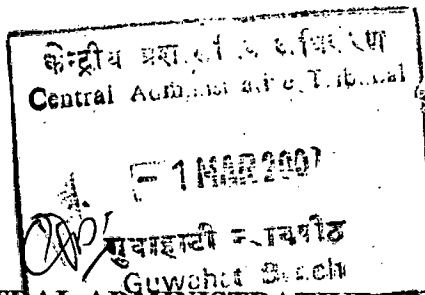
In continuation of this office letter cited above, I am to request you kindly to treat the year of allotment to be fixed against Sri M. Kalita (Sl. No.7) as 1996 instead of 1995 as proposed vide this office letter No.FE.24/36/2k, dated 11.10.06 under the column of "year of allotment to be refixed" in the last para.

Encls:- As above.

Yours faithfully,

Principal Chief Conservator of Forests
Assam.

97c
ISSUED ON.....01/02/07



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BRANCH

Filed by: -
Respondent No. 4
Through:-
Mamun Doley
For: A. Assam
State of Assam
CA T
1/3/07

IN THE MATTER OF :

O.A. NO.258106

Sri Mamat Kalita

- Vs -

Union of India & others.

- AND -

IN THE MATTER OF :

Written statement on behalf
of Respondent No.4
(Principal Chief Conservator
of Forests), Assam, Rehabari,
Guwahati - 8.

(Written statement on behalf of Respondent No.4)

I, Sri Sonadhar Doley, son of late Bhuban Ch. Doley presently working as Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati - 8, do hereby solemnly affirm and state as follows :

1. That I am the Principal Chief Conservator of Forests, Assam, Rehabari. The copies of the aforesaid application has been served upon me. I have gone through the same and have understood the contents thereof. I do not admit any of the averments, except which are specifically admitted hereafter and the same are deemed as denied.
2. That with regard to the statements made in paragraph 1, 2, and 3 of the application, the humble answering respondent has nothing to make comment on it.
3. That with regard to the statements made in paragraph 4 of the application, the answering respondent admits the statements made thereon.
4. That with regard to the statements made in paragraph 5 of the application, the answering respondent begs to state that the applicant was initially in the state cadre i.e. State Forest Service and thereafter he was promoted to the rank of Deputy Conservator of Forests (DCF). So far the promotion to the post of Conservator of Forests is concerned the officer should be inducted to the Indian Forest Service and as per provisions of law, he shall have to complete 14 years of service in IFS cadre. The present applicant was promoted to the IFS on 7.11.2005 vide notification No.F. No.17013/2/ 2003-IFS II and his year of allotment is 1997 vide order dated 28.3.2006, hence, the applicant has not completed 14 years of service in IFS for next promotion to the rank of Conservator of Forests.

A copy of the notification dated 7.11.2005 and 28.3.2006 is annexed herewith and marked as **Annexure I & II**.

5. That with regard to the statement made in paragraph 6 of the application, the humble answering respondent begs to state that the applicant along with the private Respondent No.5 to 11 were confirmed in their services in the post of Assistant Conservator of Forests vide order dated 13.2.1996 subsequently the applicant along with Respondent No.7, 8, 9, 10 & 11 were also confirmed in their services in the post of DCF vide order dated 6.8.2002.

Contd.

Copies of the order dated 13.2.1996 & 6.8.2002 are annexed herewith and marked as *Annexure III & IV*.

6. That with regard to the statements made in paragraph 7 of the application, the answering respondent begs to state that the gradation list dated 18.4.2000 was not published and was not a final and valid gradation list.
7. That with regard to the statements made in paragraph 8 of the application, the answering respondent has nothing to make comment on it.
8. That with regard to the statements made in paragraph 9 of the application, the answering respondents begs to state that all the records of the applicant, who is the second senior most SFS officer, along with the records of the other eligible officers were placed before the meeting of the selection committee held on 8.12.2000. This selection committee was constituted as per provision 3 of the Indian Forest Service (Appointment of Promotion) Regulation, 1966. The committee recommends the name of the officers on the basis of overall assessment of the service records of all eligible officer. But, the applicants name was not recommended for selection for the appointment to the IFS as the service records of the applicant were not at par with that of his juniors i.e. respondent No.5 & 6. Thus, the above mentioned respondents were appointed, but not the applicant.
9. That with regard to the statements made in paragraph 10 of the application the answering respondent admits with the statement made thereon.
10. That with regard to the statements made in paragraph 11 of the application the humble answering respondent reiterates and reaffirm, the statement made in paragraph 8 of this written statement.
11. That with regard to the statements made in paragraphs 12, 13, 14, 15 & 16 of the application, the humble answering respondent has nothing to make comment on it.
12. That with regard to the statements made in paragraph 17 of the application, the humble answering respondent reiterates and reaffirms the statement made in paragraph 5 of this written statement.
13. That with regard to the statement made in paragraph 18 of the application, the humble answering respondent admits the statement made thereon.
14. That with regard to the statement made in paragraphs 19, 20, 21, 22, 23 & 24 of the application, the answering respondent has nothing to make comments on it.
15. That with regard to the statements made in paragraph 25 of the application, the answering respondent admits with the statements made thereon.
16. That with regard to the statements made in paragraph 26 of the application, the humble answering respondent agrees with the fact that the selection committee meeting for Assam segment was held during the month of June, 2005 for the following vacancies shown year wise for promotion of SFS officers to IFS.

- (i) 4 nos. of vacancies occurred during 2002
- (ii) 1 no. of vacancies occurred during 2003.
- (iii) 2 nos. of vacancies occurred during 2004.

Total 7 nos. of vacancies occurred.

Contd.

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Accordingly, 3 (three) select list have been prepared against the vacancy occurred during the years 2002, 2003 & 2004.

17. That with regards to the statements made in paragraph 27 of the application, the humble answering respondent has nothing to make comment on it and they are being records of the case, however, the answering respondent has denied any statements which are contrary to records.
18. That with regard to the statements made in paragraph 28 of the application, the humble answering respondent admits with the statements made thereon.
19. That with regards to the statement made in paragraph 29 of the application, the humble answering respondent begs to state that the fixation of seniority and the year of allotment fixed by the Government of India for respondent No.7, 8, 9 & 10 is 1996 and whereas the seniority and the year of allotment fixed by the Government of India for respondent No.11 and the applicant is 1997. The seniority was fixed by the Government of India for the officers as per recommendation of selection committee meeting on the basis of merit examining overall assessment of their service records.
20. That with regards to the statement made in paragraph 30 of the application, the humble answering respondent begs to state that the representation dated 28.4.2006 made by the applicant through proper channel has immediately been forwarded to the Government of India for necessary consideration. The applicant claims for re-fixation of his seniority and the year of allotment 1995 instead of 1997. According to Rule 3 (II) of the Indian Forest Service (regulation of Seniority) Rules, 1997 and in terms of provision made in 5 explanation (II) of the Indian Forest Service (Appointment by Promotion) Regulation, 1966, the seniority and the year of allotment of the applicant would be 1996 instead of 1995, as claimed by him. Hence, the applicant claim is that the training period should be included for computing the period of continuous service while calculating weight age for fixing his seniority.

In this connection, a proposal has been submitted to the Govt. vide Principal Chief Conservator of Forests, Assam's letter No.FE.24/ 30/ 2K, dtd.11.10.2005 and subsequent letter of even No., dtd.1.02.2007 fixing the seniority of promoted officers of IFS cadre as below. As the completed year of continuous service is computed including the training period in all past cases in fixation of their seniority and the year of allotment, the same principles may be followed for the following officers also.

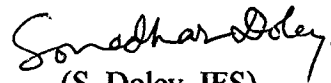
Sl. No.	Name	Year of allotment
1.	Sri P. Kotoky	1993
2.	Sri S. K. Bora	1995
3.	Sri K. Kharghoria	1995
4.	Md. Abdul Kuddus	1995
5.	Sri Rup Nath Brahma	1995
6.	Sri D. Zaman	1996
7.	Sri M. Kalita	1996
8.	Sri K. N. Barman	1996

A copy of letter dated 11.10.2006 & 1.02.2007 are annexed herewith and marked as **Annexure V & VI**

VERIFICATION

I, Sri Sonadhar Doley, son of late Bhuvan Ch. Doley aged about 57 years presently working as Principal Chief Conservator of Forests, Assam, Rehabari, Guwahati - 8, do hereby verify that the statements made in paragraphs 1, 2, 3, 6, 7, 9 to 15 and 17 to 19 are true to my knowledge; those made in paragraphs 4, 5, 8, 16 and 20 being matters of records of the case derived there from which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts in this Tribunal.

And, I signed this verification on this the 1st day
of March 2007


(S. Doley, IFS)

Principal Chief Conservator of Forests,
Assam, Rehabari, Guwahati - 781 008.

(TO BE PUBLISHED IN PART I SECTION 2 OF THE GAZETTE OF INDIA)

F. No. 17013/2/2003-IFS.II
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS

PARYAVARAN BHAWAN, CGO COMPLEX,
LODI ROAD, NEW DELHI - 110 003

NEW DELHI, the 7th November, 2005

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, read with sub-regulation (1) of Regulation 9 of the Indian Forest Service (Appointment by Promotion) Regulations, 1966, the President is pleased to appoint with **immediate effect** the under mentioned seven officers of the State Forest Service of Assam, to the Indian Forest Service on the basis of the Select Lists for the years 2002, 2003 and 2004 and to allocate them to the Assam-Meghalaya Joint Cadre of the Indian Forest Service under sub-rule (1) of Rule 5 of the Indian Forest Service (Cadre) Rules, 1966.

Select List of 2002

Sl No	Name of the Officer S/Shri	Date of Birth
1	Sanjib Kr. Bora	01-01-1958
2	Kailash Khargharia	12-03-1952
3	Md. Abdul Kuddus	01-01-1953
4	Rup Nath Brahma	01-08-1955

Select List of 2003

Sl No	Name of the Officer S/Shri	Date of Birth
1	Md. Debiruz Zaman	14-01-1956

Select List of 2004

Sl No	Name of the Officer S/Shri	Date of Birth
1	Mamat Kalita	01-04-1950
2	Khanindra Nath Barman	01-01-1956

(Ashok Kumar)
Under Secretary to the Govt. of India

The Manager,
Government of India Press,
Faridabad (Haryana)



2001
2004

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Copy to:

1. The Chief Secretary, Government of Assam, Dispur, Guwahati {Kind Attn: Sh B B Hagjer, Commissioner & Secretary (Env. & Forests Department) w.r.t. their letter No FRE/109/94/Pt-III/344 dated 21st October, 2005}.
2. The Chief Secretary, Government of Meghalaya, Shillong.
3. The Principal Chief Conservator of Forests, Assam, Dispur, Guwahati
4. The Principal Chief Conservator of Forests, Meghalaya, Shillong.
5. The Accountant General, Assam, Dispur, Guwahati.
6. The Secretary, Union Public Service Commission, Dholpur House, Shahjhan Road, New Delhi {Attn: Sh R S Sinha, Under Secretary (AIS)} w.r.t. their letter No: 10/2/2004-AIS dated the 29th September, 2005.
7. Guard File/ Civil List

(Ashok Kumar)

Under Secretary to the Govt. of India

-7-

No. 17013/2/2003-IFS-II
Government of India
Ministry of Environment & Forests

ANNEXURE - II

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

Dated the March 28, 2006

ORDER

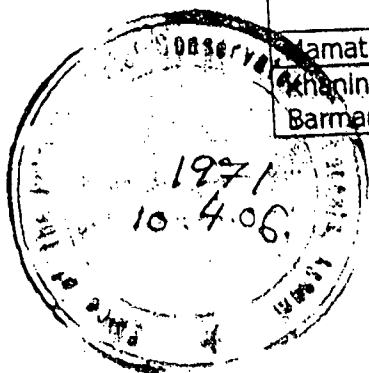
The under-mentioned State Forest Service Officers of Assam Cadre were appointed to Indian Forest Service vide Notification of even number dated the 7th November, 2005. Their seniority and year of allotment are required to be determined in terms of the provisions of Rule 3(3)(ii) of the Indian Forest Service (Regulation of Seniority) Rules, 1997 which stipulates that "the year of allotment of a promotee officer shall be determined with reference to the year in which the meeting of the Committee to make selection, to prepare the select list on the basis of which he was appointed to the Service, was held and with regard to the continuous service rendered by him in the State Forest Service, up to 31st day of December of the year immediately before the year in which the meeting of the Committee to make selection was held".

2. As per the information furnished by the State Government of Assam, the details of service rendered in the grade of State Forest Service by these officers are given below :-

Name S/Shri	Year for which the Selection Committee Meeting was held	Completed years of service rendered in SFS as on 31.12.2001	Year of weightage admissible in terms of Seniority Regulations
Sanjib Kr. Bora	2002	20	6 Years
Kailash Khargharia	2002	19	6 Years
Md. Abdul Kuddus	2002	19	6 Years
Rup Nath Brahma	2002	19	6 Years

Name S/Shri	Year for which the Selection Committee Meeting was held	Completed years of service rendered in SFS as on 31.12.2002	Year of weightage admissible in terms of Seniority Regulations
Md. Debiruz Zaman	2003	20	6 Years

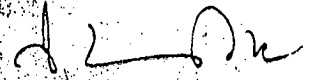
Name S/Shri	Year for which the Selection Committee Meeting was held	Completed years of service rendered in SFS as on 31.12.2003	Year of weightage admissible in terms of Seniority Regulations
Amat Kalita	2004	21	7 Years
Khagendra Nath Barmen	2004	21	7 Years



Contd. ... on ... p. ...

1. In terms of Rules 3(3) (ii) and 4 of the Indian Forest Service (Regulation of Seniority) Rules, 1997, their seniority and year of allotment in the Indian Forest Service is as follows:-

S No	Name S/Shri	Year of allotment	Placement
1	2	4	5
1	Sanjib Kr. Bora	1996	Below Shri C Samayamoorthy (RR:1996)
2	Kailash Khargharia	1996	Below Shri Sanjib Kr. Bora, (SFS:1996)
3	Md. Abdul Kuddus	1996	Below Shri Kailash Khargharia, (SFS:1996)
4	Rup Nath Brahma	1996	Below Shri Md. Abdul Kuddus, (SFS:1996)
5	Md. Debiruz Zaman	1997	Below Shri Utpal Bora, (RR:1997)
6	Mamat Kalita	1997	Below Shri Md. Debiruz Zaman, (SFS:1997)
7	Khanindra Nath Barman	1997	Below Shri Mamat Kalita, (SFS:1997)



(Ashok Kumar)

Under Secretary to the Govt. Of India

Copy for distribution to:-

1. The Chief Secretary, Government of Assam, Dispur, Guwahati.
2. The Chief Secretary, Government of Meghalaya, Shillong.
3. The Secretary, Union Public Service Commission, New Delhi.
4. The Principal Chief Conservator of Forests, Assam, Dispur, Guwahati.
5. The Accountant General, Assam, Dispur, Guwahati.
6. Copy for Guard File/Civil List.

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 13th February/95.

NU.FRE. 42/79/208 : Shri Hari Prasad Phukan, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 1.4.1983 vice Shri J.N. Talukdar, retired.

NU.FRE. 42/79/208-A : Shri Momot Kalita, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 2.12.83 vice Shri D.C. Baruah, appointed on promotion to I.F.S.

NU.FRE. 42/79/208-B : Shri Prasanta Pran Changkakati, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 2.12.83, vice Shri S. Raychoudhury, appointed on promotion to I.F.S.

✓ NU.FRE. 42/79/208-C : Shri Sushil Kr. Sarma, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 2.12.83, vice Shri P. Ray, appointed on promotion to I.F.S. ✕

NU.FRE. 42/79/208-D : Shri Zunus Ali, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 2.12.83, vice Shri B. N. Pathak, appointed on promotion to I.F.S.

NU.FRE. 42/79/208-E : Shri Rajendra Nath Sonowal, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 1.1.86, vice Shri C. Choudhury, retired.

NU.FRE. 42/79/208-F : Shri Ritash Ch. Bhattacharjee, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 1.8.86, vice Shri A. K. Das, retired.

NU.FRE. 42/79/208-G : Shri Safiquddin Ahmad, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 1.11.87, vice Shri M. N. Achikary, retired.

NU.FRE. 42/79/208-H : Shri Sanjib Kr. Dora, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 1.3.90 vice Shri H. N. Bordoloi, retired.

NU.FRE. 42/79/208-I : Shri Kailash Kharmaria, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 1.10.91 vice Shri B. K. Bora, retired.

NU.FRE. 42/79/208-J : Shri Abdul Kuddus, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 1.1.92 vice Shri R.N. Das, retired.

Contd., 2/-

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- NO.FRE. 42/79/208-K : Shri Rup Nath Brahma, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 1.7.92 vice Shri K.K.Gupta, retired.
- NO.FRE. 42/79/208-L : Shri Jubaruz Jaman, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 1.4.93 vice Shri J.N.Shattacharjee, retired.
- NO.FRE. 42/79/208-M : Shri Muffakar Ali, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 6.6.93 vice Shri I. Dharalua expired.
- NO.FRE. 42/79/208-N : Shri Khanindra Nath Barman, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 1.11.93 vice Shri T. Hazarika, retired.
- NO.FRE. 42/79/208-O : Shri Mohendra Nath Duary, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 1.4.94 vice Shri Ramjan Ali, retired.
- NO.FRE. 42/79/208-P : Shri Arup Kr. Das, D.C.F. is confirmed in the post of Asstt. Conservator of Forests with effect from 1.5.94 vice Shri C.L.Chakraborty, retired.
- NO.FRE. 42/79/208-Q : Shri Amarendra Ch. Das, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 24.3.95 vice Shri S.C. Phatuoli, appointed on promotion to I.F.S.
- NO.FRE. 42/79/208-R : Shri Ranjit Ch. Goswami, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 24.3.95 vice Shri T.K. Das, appointed on promotion to I.F.S.
- NO.FRE. 42/79/208-S : Shri Hem Kanta Talukdar, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 24.3.95 vice Shri S.N. Buragohain appointed on promotion to I.F.S.
- NO.FRE. 42/79/208-T : Shri Chitta Ranjan Bhobora, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 24.3.95 vice Shri J.C. Dey, appointed on promotion to I.F.S.
- NO.FRE. 42/79/208-U : Shri Amrit Kr. Das, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 1.7.95 vice Shri M. Ali, retired.
- NO.FRE. 42/79/208-V : Shri Madhusudan Sinha, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 1.9.95 vice Shri P.O. Naog, retired.
- NO.FRE. 42/79/208-W : Shri Isfaque Ahmed, D.C.F. is confirmed in the post of Asstt. Conservator of Forests, with effect from 1.2.96 vice Shri H.K. Gogoi, retired.

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

Contd....3/-

Memo No. FKE. 42/79/208-X, Dated Dispur, the 13th February/96.

Copy forwarded to :-

- 1) The Accountant General (A&E), Assam, Bhangagarn, Guwahati-5.
- 2) The Principal Chief Conservator of Forests, Assam, Mahaburi, Guwahati-8.
- 3) The Principal Chief Conservator of Forests, Social Forestry, Assam, Zoo Narengi Road, Guwahati-24.
- 4) The Chief Conservator of Forests (Territorial), Assam, Rajgarh Road, Guwahati-3.
- 5) The Chief Conservator of Forests, Research, Education, and Working Plan, Assam, Guwahati-24.
- 6) The Chief Conservator of Forests, Wildlife, Assam, R. G. Baruah Road, Guwahati-24.
- 7) The Conservator of Forests, - - - - -
- 8) Shri - - - - -
- 9) The Deputy Director, Assam Govt. Press, Bamunimaidan, Guwahati-21 for favour of publication of the above Notification in the Assam Gazette.
- 10) Personal File of the officers.

By order etc.,

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

[Signature]
13/2/96

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

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 6th August, 2002.

NO. FRE. 64/97/174 :- The Governor of Assam is pleased to confirm the following Deputy Conservator of Forests, under Rule 9(ii) of the Assam Forest Service (Class-I) Rules, 1942, in the post of D.C.F. in Assam Forest (Class-I) Service with effect from the date shown against each.

Name of Officer	Confirmed U.O.P.	Post against which confirmed.
1. Shri Mamot Kalita, DCF	1.1.2001	Post of DCF made permanent vide No. FRE. 99/86/490 dtd. 12.6.2001.
2. Shri Sanjib Kr. Bora, DCF	1.1.2001	-Do-
3. Shri Kallash Khargharia, DCF	1.1.2001	-Do-
4. Shri Abdul Kuddus, DCF	1.1.2001	-Do-
5. Shri Rup Nath Brahma, DCF	1.1.2001	-Do-
6. Shri Qabiruz Zaman, DCF	1.1.2001	-Do-
7. Shri Arup Kr. Das, DCF	1.3.2001	Post of DCF made permanent vide No. FRE. 43/89/425, dtd. 9.7.2001.
8. Shri Hem Kanta Jalukbar, DCF,	1.3.2001	-Do-
9. Shri Chitto Ranjan Bhobora, DCF.	1.3.2001	-Do-

Sd/- B.B. Majumdar,
Secretary to the Govt. of Assam,
Forest Department, Dispur.

Dated Dispur, the 6th August, 2002.

Memo No. FRE. 64/97/174-A,
Copy to :-

- 1) The Accountant General (A&E), Assam, Maidamgaon, Bultola, Guwahati-29.
- 2) The Principal Chief Conservator of Forests, Assam, Kohabari, Guwahati-8.
- 3) The Chief Conservator of Forests (Wildlife), Assam, Kohabari, Guwahati-8.
- 4) The Chief Conservator of Forests (Territorial), Assam, Panbazar, Guwahati-1.
- 5) The Chief Conservator of Forests (Social Forestry), Assam, Zoo Road, Guwahati-24.
- 6) The Chief Conservator of Forests (Research, Education and Working Plan), Assam, Guwahati-24.
- 7) Officers concerned.
- 8) The Deputy Director, Assam Govt. Press, Bamonimaidam, Guwahati-21 for favour of publication of the above Notification in the next issue of the Assam Gazette.
- 9) Personal File of the officers.

By order etc.,

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

4252
10/8/02

GOVERNMENT OF ASSAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS : : ASSAM
REHABARI : : GUWAHATI - 781 008.

No.FE-24/36/2K

Dated Guwahati, the 11th October, 2006

To

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

Sub:

Determination of seniority of promotee officers of IFS Cadre of Assam.

Ref:

Govt. letter No.FRE.109/94/Pt.III/422, dtd.31.8.06.

Sir,

In inviting a reference to the Govt. letter mentioned above, I am to inform you that while furnishing information for fixing seniority and the year of allotment for SFS officer inducted in IFS, the Govt. of Assam, Environment & Forest Department has included the training period while computing continuous years of service against the officers as seen from the following list which was notified by the Government of India, Ministry of Environment & Forests vide their letter No.17013/02/2000-IFS-II, dtd.11.6.2002 (Photocopy enclosed), details are given below :

Sl. No.	Name of the officer	Year of select list	Date of Entry in Forestry Training course	Date of entry into Forest Service (Class-I)	Completed years of service rendered in State Forest Service as on	Total Weight age	Year of allotment
1.	Sri N. K. Sarma	31.12.98	1.4.71	31.3.73	27 years	10 years	1991
2.	Sri H. K. Saikia	31.12.98	1.4.71	31.3.73	27 years	10 years	1991
3.	Sri P. S. Das	31.12.98	1.5.76	30.4.78	22 years	7 years	1992
4.	Sri S. Nayak	31.12.98	1.5.76	30.4.78	22 years	7 years	1992
5.	Sri P. N. Bordoloi	31.12.98	1.5.77	1.5.79	21 years	7 years	1992
6.	Sri A. S. Laskar	31.12.98	1.5.77	1.5.79	21 years	7 years	1992
7.	Sri P. Kotoky	31.12.99	1.11.78	11.2.81	20 years	6 years	1994
8.	Sri R. C. Bhattacharjee	31.12.99	1.11.79	6.11.81	20 years	6 years	1994
9.	Sri S. Ahmed	31.12.99	1.11.79	6.11.81	20 years	6 years	1994

But, in respect of Sl. No.7, the training period was not included while computing the completed years of continuous service which should have been furnished as below :

Sl. No.	Name of the officer	Year of select list	Date of Entry in Forestry Training course	Date of entry into Forest Service (Class-I)	Completed years of service rendered in State Forest Service as on	Total Weight age	Year of allotment
1.	Sri P. Kotoky	31.12.99	1.11.78	11.2.81	21 years	7 years	1993

The Govt. of Assam, Environment & Forest Department has already requested the Government of India, Ministry of Environment & Forests for correction of the years of allotment as 1993 instead of 1994 vide Govt. letter No.FRE.4/ 2003/ 174, dtd.10.1.06 (photocopy enclosed).

Similarly, the above principle would also be applicable in case of the following IFS officers while fixing their seniority and the year of allotment, the details are shown below :

Sl. No.	Name of the officer	Year of select list	Date of Entry in Forestry Training course	Date of entry into Forest Service (Class-I)	Completed years of service rendered in State Forest Service as on	Total Weight age	Year of allotment
1.	Sri Sanjib Kr. Bora	31.12.01	1.11.79	6.11.81	22 years	7 years	1995
2.	Sri K. Kharghoria	31.12.01	1.1.80	31.1.82	22 years	7 years	1995
3.	Md. Abdul Kuddus	31.12.01	1.11.80	1.11.82	21 years	7 years	1995
4.	Sri R. N. Brahma	31.12.01	1.11.80	1.11.82	21 years	7 years	1995
5.	Md. D. Zaman	31.12.02	1.11.80	1.11.82	22 years	7 years	1996
6.	Sri M. Kalita	31.12.03	1.11.78	11.2.81	25 years	9 years	1995
7.	Sri K. N. Barman	31.12.03	1.11.80	1.11.82	23 years	8 years	1996

As the completed year of continuous service is computed including the training period in all past cases, the same principle may kindly be followed for the following officers also. Hence, I request you kindly to move the Government of India to re-fix their seniority and year of allotment of the following officers as shown below :

Sl. No.	Name	Year of allotment to be re-fixed as	The year of allotment which was already been notified by Government of India
1.	Sri P. Kotoky	1993	1994
2.	Sri S. K. Bora	1995	1996
3.	Sri K. Kharghoria	1995	1996
4.	Md. Abdul Kuddus	1995	1996
5.	Sri Rup Nath Brahma	1995	1996
6.	Md. D. Zaman	1996	1997
7.	Sri M. Kalita	1995	1997
8.	Sri K. N. Barman	1996	1997

Yours faithfully,

Principal Chief Conservator of Forests,
Assam.

12.10.06

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**GOVERNMENT OF ASSAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS: ASSAM
REHABARI : GUWAHATI - 781 008.**

No.FE.24/36/2k

Dated Guwahati, the 1st February, 2007

To,

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

Sub:- Determination of seniority of promotee officers of IFS cadre of Assam.


Ref :- This office letter No.FE.24/36/2k, dated 11.10.06

Sir,

In continuation of this office letter cited above, I am to request you kindly to treat the year of allotment to be fixed against Sri M. Kalita (Sl. No.7) as 1996 instead of 1995 as proposed vide this office letter No.FE.24/36/2k, dated 11.10.06 under the column of " year of allotment to be refixed" in the last para.

Encls:- As above.

Yours faithfully,


Principal Chief Conservator of Forests
Assam.

o/c
ISSUED ON.....01/02/07

7 MAR 2007

ORIGINAL APPLICATION NO. 258/2006

Guwahati Bench

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL -

GUWAHATI BENCH

Mamat Kalita

-

-

Applicant

Vs.

Union of India & Others

-

-

Respondents

Reply on behalf of the Respondent No. 1

I, Ashok Kumar, aged 50 years S/o Late Shri L D Kalra, working as Under Secretary in the Ministry of Environment & Forests, Government of India, Paryavaran Bhawan, New Delhi do hereby solemnly affirm and say as under: -

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



h D
Motin Ud-Din Ahmed, M.A.B.Sc, LL.B
 Addl. Central Govt. Standing Counsel
 Gauhati Bench.

12/1/07

3.1 Sh Mamat Kalita, the applicant herein, has filed this application against the Notification No 17013/2/2003-IFS.II dated 7th November, 2005 issued by the answering respondent whereby the applicant was appointed to the Indian Forest Service (IFS) with effect from 7.11.2005 on the basis of inclusion of his name in the Select List of 2004. The contention of the applicant is that his name should have been included in the Select List of 2002. The applicant has also challenged the order No 17013/2/2003-IFS.II dated 7th November, 2005 issued by the answering respondent whereby he has been assigned 1997 as his year of allotment in IFS. The applicant is also challenging the appointment of Respondent No 5 and 6 who were appointed to IFS with effect from 8.2.2001 on the basis of inclusion of their names in the Select List of 2000. He has prayed for a direction to the respondents to convene review Selection Committee Meeting to prepare select lists for the years 2002, 2003 and 2004 so that his name is considered for promotion to the IFS cadre of Assam.

3.2 Indian Forest Service (I.F.S.) is one of the three All India Services constituted under the All India Services Act, 1951. The service is organised into cadres, one each for a State or a group of States.

3.3 Appointment of persons to this Service is made as per provisions made in the IFS (Recruitment) Rules, 1966, IFS (Appointment by Competitive Examination) Regulations, 1967 and IFS (Appointment by Promotion) Regulations, 1966 and other provisions as amended from time to time.

3.4 Promotion of State Forest Service Officers (SFS) to the Indian Forest Service (IFS) is made under IFS (Appointment by Promotion)

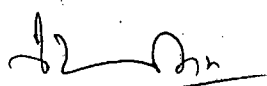


17/2

Regulations, 1966 as amended from time to time (hereinafter referred to as Promotion Regulations).

3.5 Regulation 3 of the Promotion Regulations enjoins the constitution of the Committee to select the promotees under the chairmanship of the Chairman of the UPSC or its Member, who shall prepare, under Rule 5, a list of suitable officers. Regulation 6 mandates the State Government to forward the select list to the UPSC for approval. Under Regulation 7 the UPSC may approve the list finally with such modifications, if any, as may in the opinion of UPSC be just and proper. Under sub regulation 3 of Regulation 7 the list finally approved by the UPSC shall form the select list of the promotee officers. Thereafter, under Regulation 9, "Appointments of the members of the State Forest Service to the Service shall be made by the Central Government on the recommendations of the State Government in the order in which the names of members of the State Forest Service appear in the Select List for the time being in force."

3.6 In regard to the eligibility conditions for being considered by the Selection Committee are concerned the answering respondent submits that the third proviso to sub-regulation 2 of Regulation 5 of the Promotion Regulations mandates that the Committee shall not consider the case of a member of the State Forest Service unless on the first day of January of the year in which it meets, he is substantive in the State Forest Service and has completed not less than eight years of continuous service (whether officiating or substantive) in post(s) included in the State Forest Service. Further, the sub-regulation 3 of Regulation 5 of the Promotion Regulations mandates that the Committee shall not consider the case of the



17/2/20

members of the State Forest Service who have attained the age of 54 years on the first day of January of the year in which it meets. This means that the three requirements, namely, substantive appointment in the State Forest Service, completion of not less than eight years of continuous service (whether officiating or substantive) in post(s) included in the State Forest Service and not having attained the age of 54 years on the first day of January of the year in which the Selection Committee meets, must be fulfilled before the name of an officer of State Forest Service can be considered by the Selection Committee for inclusion in the Select List. In other words, as per IFS((Appointment by Promotion) Regulations, 1966, all the following three conditions must be satisfied as on first day of January of the year in which the Selection Committee meets before the name of an officer of State Forest Service can be considered by the Selection Committee

- (1) he is substantive in State Forest Service
- (2) he has completed not less than eight years of continuous service (whether officiating or substantive) in post(s) included in the State Forest Service ;
- (3) and he has not attained the age of 54 years

3.7 It is further submitted that the answering respondent has a limited role in the selection and the appointment to the IFS under the Promotion Regulations. It is only on the basis of the documents supplied by the State Government to the Union Public Service Commission that the list is prepared by the Selection Committee which is headed by the Chairman/member of the UPSC and appointments of the members of the State Forest Service to the IFS are to be made by the Central Government on the



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recommendations of the State Government in the order in which the names of the members of the SFS Officers appear in the Select List.

3.8 A meeting of the Selection Committee for preparing year-wise Select Lists for the years 2002, 2003 and 2004 was held on 13th June, 2005 at New Delhi and the committee prepared the year wise Select Lists for the years 2002, 2003 and 2004. The name of the applicant was included in the Select List of 2004. The Select lists were approved by the UPSC on 29th September, 2005. Thereafter based on the proposal received from the Govt of Assam, the applicant was appointed to IFS with effect from 7th November, 2005. After his appointment to IFS his seniority was determined by the answering respondent in terms of IFS (Regulation of Seniority) Rules, 1997 and based on the information provided by the Govt of Assam the applicant was assigned 1997 as his Year of Allotment. Having thus submitted the brief background of the case, the answering respondent submits his reply to the averments made in the Original Application in the succeeding paragraphs.

4. Reply to the Facts of the case:

4.1 In reply to para VI.1 the answering respondent has no comments.

4.2 In reply to para VI.2 the answering respondent has no comments as the averments made therein relate to respondent no. 3 whose reply statement may kindly be referred to.

4.3 In reply to para VI.3, the answering respondent has no comments as the averments made therein relate to



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respondent no. 3 whose reply statement may kindly be referred to.

4.4 In reply to para VI.4, the answering respondent has no comments as the averments made therein relate to respondent no. 3 whose reply statement may kindly be referred to.

4.5 In reply to para VI.5, the answering respondent has no comments as the averments made therein relate to respondent no. 3 whose reply statement may kindly be referred to.

4.6 In reply to para VI.6, the answering respondent has no comments as the averments made therein relate to respondent no. 3 whose reply statement may kindly be referred to.

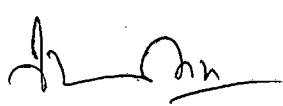
4.7 In reply to para VI.7, the answering respondent has no comments as the averments made therein relate to respondent no. 3 whose reply statement may kindly be referred to.

4.8 In reply to para VI.8, the answering respondent has no comments as the averments made therein require no comments.

4.9 In reply to para VI.9, the answering respondent has no comments.

4.10 In reply to para VI.10, the answering respondent has no comments as the averments made therein are matter of record.

4.11 In reply to para VI.11, the answering respondent submits that a meeting of the Selection committee was held on



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8.12.2000 to prepare a Select List of three officers for three vacancies in the promotion quota of IFS in Assam segment of Assam-Meghalaya Joint Cadre. The name of the applicant was in the zone of consideration but on the basis of assessment made by the Selection Committee, the name of the applicant was not included in the Select List. That Select List was notified in January, 2001 and it is after more than 5 years that the applicant is raising the issued of non inclusion of his name in the Select List of 2000 and this is clearly time barred and suffers from latches and delays. Since the Selection committee falls in the domain of Union Public Service Commission (Respondent No 2) their reply statement in this regard may also kindly be referred to.

4.12 In reply to para VI.12, the answering respondent has no comments as the averments made therein relate to respondent no. 3 whose reply statement may kindly be referred to.

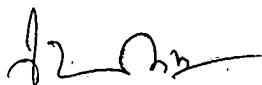
4.13 In reply to para VI.13, the answering respondent has no comments as the averments made therein are matter of record.

4.14 In reply to para VI.14, the answering respondent has no comments as the averments made therein relate to respondent no. 3 whose reply statement may kindly be referred to.

4.15 In reply to para VI.15, the answering respondent has no comments as the averments made therein are matter of record.



- 4.16 In reply to para VI.16, the answering respondent has no comments as the averments made therein relate to respondent no. 3 whose reply statement may kindly be referred to.
- 4.17 In reply to para VI.17, the answering respondent has no comments as the averments made therein relate to respondent no. 3 whose reply statement may kindly be referred to.
- 4.18 In reply to para VI.18, the answering respondent has no comments as the averments made therein relate to respondent no. 3 whose reply statement may kindly be referred to.
- 4.19 In reply to para VI.19, the answering respondent has no comments as the averments made therein are matter of record.
- 4.20 In reply to para VI.20, the answering respondent has no comments as the averments made therein are matter of record.
- 4.21 In reply to para VI.21, the answering respondent has no comments as the averments made therein are matter of record.
- 4.22 In reply to para VI.22, the answering respondent has no comments as the averments made therein are matter of record.
- 4.23 In reply to para VI.23, the answering respondent has no comments as the averments made therein are matter of record.



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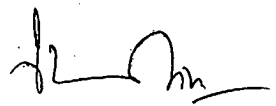
4.24 In reply to para VI.24, the answering respondent has no comments as the averments made therein are matter of record.

4.25 In reply to para VI.25, the answering respondent has no comments as the averments made therein relate to respondent no. 3 whose reply statement may kindly be referred to.

4.26 In reply to para VI.26, the answering respondent submits that while it is true that the meeting of the Selection Committee was held on 13.6.2005, it is strongly denied that the selection for three years (i.e. 2002, 2003 and 2004) was clubbed as averred by the applicant. The Selection Committee which met on 13.6.2005 prepared year-wise Select Lists for the years 2002, 2003 and 2004. This was done in terms of 2nd proviso to Regulations 5(i) of the IFS(Appointment by Promotion) Regulations, 1966 which states that if no meeting of the Committee could be held during a year, as and when the Committee meets again, the select list shall be prepared separately for each year during which the Committee could not meet. Thus the averment of the applicant that selection for three years was clubbed is totally misconceived and baseless.

4.27 In reply to para VI.27, the answering respondent has no comments as the averments made therein are matter of record.

4.28 In reply to para VI.28, the answering respondent has no comments as the averments made therein relate to



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respondent no. 3 whose reply statement may kindly be referred to.

4.29 In reply to para VI.29, the answering respondent has no comments as the averments made therein are matter of record.

4.30 In reply to para VI.29, the answering respondent submits that the Govt of India has already sent its response to the Govt of Assam on the representation of the applicant and their reply statement in this regard may kindly be referred to in this matter.

REPLY TO GROUNDS

1. In response to Ground 1 the answering Respondent has no comments as the averments made therein relate to Respondent No.3 whose reply statement in this regard may kindly be referred to.
2. In response to Ground 2 the answering Respondent has no comments as the averments made therein relate to Respondent No.3 whose reply statement in this regard may kindly be referred to.
3. In response to Ground 3 the answering Respondent has no comments as the averments made therein relate to Respondent No.3 whose reply statement in this regard may kindly be referred to.
4. In response to Ground 4 the answering Respondent submits that meeting of the Selection committee was held on 8.12.2000 to prepare a Select List of 2000 consisting of three officers for

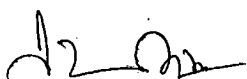


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three vacancies in the promotion quota of IFS in Assam segment of Assam-Meghalaya Joint Cadre. The name of the applicant was in the zone of consideration but on the basis of assessment made by the Selection Committee, the name of the applicant was not included in the Select List. That Select List was notified in January, 2001 and it is after more than 5 years that the applicant is raising the issued of non inclusion of his name in the Select List of 2000. This is clearly time barred and suffers from latches and delays. It is well settled in service jurisprudence that a Government servant who has a legitimate claim has to approach the Court within a reasonable period for the relief he seeks as this is necessary to avoid dislocating the administrative set-up after it has been functioning on a certain basis for years. Inordinate and unexplained delay or latches is by itself a ground to refuse relief, irrespective of the merit of the claim. In the present case the applicant chose to remain silent for long and on this ground only his claim is liable to be rejected.

5. In response to Ground 5 the answering Respondent submits that in Union of India Vs. Mohan Lal Kapoor & Ors. the apex court had held {quoted in Syed Khalid Rizvi Vs. Union of India 1993 Supp (3) SCC 575, } that

".....under Regulation 5(3) of the promotion regulations the Selection Committee has an unrestricted choice of selection of the best available talent from amongst the eligible candidates determined by reference to merit and suitability. Seniority would be considered only where merit and ability are nearly equal. The process of selection may mean supersession by a junior or even exclusion from the selection. There



is no vested right to promotion or to remain in the seniority list."

"No officer whose name has been entered in the list has a vested right to remain in the list till date of appointment. The list would be liable to shuffle and the name may be excluded from the list on the comparative assessment of merit, ability and suitability based on the anticipated or expected availability of the vacancies within quota etc. The junior may supersede the senior and may be ranked top."

It is therefore submitted that in terms of the Promotion Regulations the selection for inclusion in a Select list is based on merit and suitability in all respects with due regard to seniority. In other words, the test for inclusion in the Select List is merit-cum-seniority. The apex court has held that in applying this test a junior can become senior. On this test the applicant was included in the Select List of 2004 while his juniors in State Forest Service were included in earlier Select Lists. As a consequence thereof his promotion to IFS was later to that of his juniors.

6. In response to Ground 6 the answering Respondent submits that the selection of State Forest Service officers in the Select List falls in the domain of the UPSC (Respondent No 2) and as such the answering respondent has no comments and the reply statement of Respondent No.2 and 3 in this regard may kindly be referred to. As regards averment of the applicant that selection for three years i.e. 2002, 2003 and 2004 was clubbed together, the answering respondent submits that while it is true that the meeting of the Selection Committee was held on 13.6.2005, it is strongly denied that the selection for three years (i.e. 2002, 2003 and 2004) was



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clubbed as averred by the applicant. The Selection Committee which met on 13.6.2005 prepared year-wise Select Lists for the years 2002, 2003 and 2004. This was done in terms of 2nd proviso to Regulations 5(i) of the IFS(Appointment by Promotion) Regulations, 1966 which states that if no meeting of the Committee could be held during a year, as and when the Committee meets again, the select list shall be prepared separately for each year during which the Committee could not meet. Thus the averment of the applicant that selection for three years was clubbed is totally misconceived and baseless.

7. In response to Ground 7 the answering Respondent submits that the averment of the applicant that selection for three years i.e. 2002, 2003 and 2004 was clubbed together is baseless and misconceived. The answering respondent submits that while it is true that the meeting of the Selection Committee was held on 13.6.2005, it is strongly denied that the selection for three years (i.e. 2002, 2003 and 2004) was clubbed as averred by the applicant. The Selection Committee which met on 13.6.2005 prepared year-wise Select Lists for the years 2002, 2003 and 2004. This was done in terms of 2nd proviso to Regulations 5(i) of the IFS (Appointment by Promotion) Regulations, 1966 which states that if no meeting of the Committee could be held during a year, as and when the Committee meets again, the select list shall be prepared separately for each year during which the Committee could not meet. Thus the averment of the



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applicant that selection for three years was clubbed is totally misconceived and baseless.

8. In response to Ground 8 the answering Respondent submits that the averment of the applicant that the answering respondent has committed a manifest error in allotting the year of allotment to the applicant and Respondents No.s 7 to 11 is strongly denied as baseless. The Rule 3(3)(ii) of the IFS (Regulation of Seniority) Rules, 1997 is extracted below:

(ii) The year of allotment of a promotee officer shall be determined with reference to the year for which the meeting of the Committee to make selection, to prepare the select list on the basis of which he was appointed to the Service, was held and with regard to the continuous service rendered by him in the State Forest Service, up to the 31st day of December of the year immediately before the year for which meeting of the Committee to make selection was held to prepare the select list on the basis of which he was appointed to the Service, in the following manner:-

for the service rendered by him upto twenty one years, he shall be given a weightage of one year for every completed three years of service, subject to a minimum of four years;

he shall also be given a weightage of one year for every completed two years of service beyond the period of twenty one years, referred to in sub-clause (a), subject to a maximum of three years.

Explanation: For the purpose of calculation of the weightage under this clause, the fractions, if any, are to be ignored.

Provided that he shall not be assigned a year of allotment earlier than the year of allotment assigned to an officer senior to him in that select list or appointed to the service on the basis of an earlier select list."

It would be seen that the rule clearly states that the year of allotment of a promotee officer shall be determined with reference to the year **for** which the meeting of the selection committee was held, on the basis of which that promotee officer was appointed to the Service.



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Thus the averment of the applicant that determination of year of allotment in his case is vitiated is baseless and without any merit.

9. In response to Ground 9 the answering Respondent submits that since the details about the service rendered by a promotee officer in the State Forest Service falls in the domain of the concerned State Government, the answering respondent requested the Government of Assam to indicate the number of completed years of service rendered by the applicant in the State Forest Service of Assam till 31.12.2003 (i.e. the year immediately before the year for which meeting of the Committee to make selection was held to prepare the select list on the basis of which he was appointed to the Service). The Government of Assam intimated to the answering respondent that the applicant had rendered 21 years of completed service as on 31.12.2003 in the State Forest Service of Assam. Accordingly the seniority of the applicant was determined by the answering respondent. It is also submitted that even if it is assumed that the applicant had rendered 25 years of service as on 31.12.2003 in the State Forest Service of Assam, as claimed by him, this would not entitle him to get a higher year of allotment as in terms of proviso to the Rule 3(3)(ii) of the IFS (Regulation of Seniority) Rules, 1997 an officer cannot be assigned a year of allotment earlier than the year of allotment assigned to an officer senior to him in that select list or appointed to the service on the basis of an earlier select list. Since officer included in the Select List of 2003 (i.e. Respondent No 11) has been assigned 1997 as his Year of Allotment the year of allotment of the applicant cannot be higher than 1997 irrespective of the number of years of service rendered by the applicant in the State Forest Service of Assam.

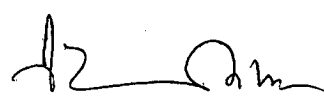
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10. In response to ground 10, the averment of the applicant that the action of the official respondents in assigning the year of allotment in the IFS to Respondents No.s 7 to 11 is earlier than the year of allotment assigned to the applicant is illegal is strongly denied as baseless. It is submitted that the Respondents No.s 7 to 11 were included in the Select Lists of 2002 and 2003 whereas the applicant was included in the Select List of 2004 and as such he cannot claim that his year of allotment should have been earlier to that assigned to Respondents No.s 7 to 11.

PRAYER

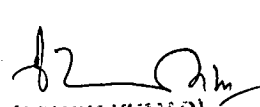
In view of the foregoing paragraphs, it is submitted that the present Application is devoid of any merit and deserves to be dismissed forth with and the Respondent prays accordingly.

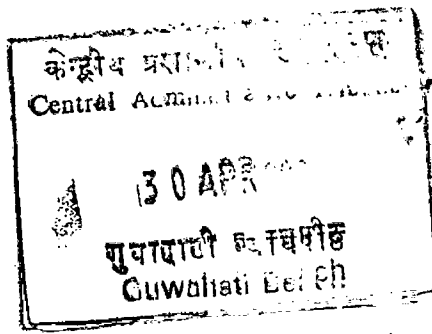

(अशोक कुमार (Ashok Kumar))
अवर सचिव/Under Secretary
पर्यावरण एवं वन मंत्रालय
Min. of Environment & Forests
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

VERIFICATION

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

Verified at New Delhi on this the 7th day of December, 2006.


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



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Files 1:-

Sh. Mamat Kalita

.... Applicant

Through B. Pulker. D.S.
30.4.07
Advocate

District : Kamrup

In the Central Administrative Tribunal
Guwahati Bench :: Guwahati

O.A. No.258 OF 2006

Shri Mamat Kalita

- Applicant,

-Versus-

Union of India & Ors.

- Respondents,

Mamat Kalita

Rejoinder by the applicant to the reply of the Respondent No.1.

I, Shri Mamat Kalita, aged about 56 years, son of Late Gopal Chandra Kalita, by profession - service, resident of Lakhiminagar, Guwahati - 6, do hereby state as follows :-

1. That I am the applicant in O.A. NO 258/06. A copy of the reply of the Respondent No.1 has been served on me through my counsel. I have gone through the same and understood the contents thereof. Save and except what is specifically admitted hereunder, the rest of the averments made in the reply are to be treated as not admitted and denied by the applicant.

2. That the applicant offers no comments on the averments made in paragraphs 3.1 to 3.8 of the reply. However, the applicant reiterates and reaffirms all the averments made in the O.A..
3. That the applicant also offers no comments on the averments made in paragraphs 4.1 to 4.10, 4.12 and 4.25 and 4.27 to 4.30 of the reply.
4. That the statements made in paragraph 4.11 of the reply are not admitted. The applicant reiterates the averments made in paragraph VI.II of the O.A..
5. That with regard to the statements made in paragraph 4.26 of the reply, the applicant states that the fact remains that the selection committee met on a single day i.e. on 13-6-2005 for selection for 3 years i.e. 2002, 2003 and 2004. The fact that 3 selections were made by the same selection committee for the 3 years at a single sitting did have a bearing on the assessment of the candidates. While reiterating the statements made in paragraph VI.26 of the O.A., the applicant states that the selection records would justify the contention of the applicant and, therefore, the same may be directed to be produced at the time of hearing for scrutiny of the Hon'ble Tribunal.
6. That with regard to the statements made in paragraph 4 of the reply to the grounds, the applicant reiterates the averments made in paragraph 4 of this rejoinder. The applicant further states that the Respondent No.1 has not answered the contention advanced by the applicant

Mamata Kalita

but has tried to defeat the same by resorting to a technical plea.

7. That the applicant offers no comment on the statements made in paragraph 5 of the reply to the grounds. There is no dispute to the law laid down by the Apex Court. But the answering Respondent has failed to answer the point as to how in the instant case the juniors have superseded the applicant.
8. That with regard to the statements made in paragraph 6 and 7 of the reply to the grounds, the applicant reiterates the statements made in paragraph 5 of this rejoinder.
9. That the interpretation of Rule 3 (3) (ii) of the Indian Forest Service (Regulation of Seniority) Rules, 1997 advanced in paragraph 8 of the reply to the grounds is not admitted. Appropriate submissions would be made at the time of hearing.
10. That the statements made in paragraph 9 of the reply to grounds are not admitted. In fact, the same is even contradictory to the reply of the Respondent No.3.
11. That the statements made in paragraph 10 of the reply to grounds are not admitted.
12. That the applicant reiterates all the grounds urged in the O.A.
13. That it is submitted that the reply of the Respondent No.1 being

Mammat Kalita

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devoid of any merit may kindly be rejected and the reliefs prayed for by the applicant may be granted.

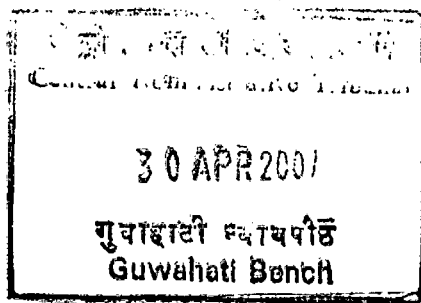
Verification

I, Shri Mamat Kalita, son of Late Gopal Chandra Kalita, aged about 56 years, by profession - service, resident of Lakhiminagar, Guwahati - 6 do hereby say that I have verified the contents of the instant rejoinder and those are true to my knowledge, belief and submission.

Mamat Kalita

Verified at Guwahati on this the 30th day of April, 2007

Mamat Kalita



Filed by:- Legn
Shri Mamat Kalita
... Applicant
Mammat Kalita
Through B. J. Pullum
30.4.07
Advocate

District : Kamrup

In the Central Administrative Tribunal

Guwahati Bench :: Guwahati

O.A. No.258 OF 2006

Shri Mamat Kalita

- Applicant,

-Versus-

Union of India & Ors.

- Respondents,

Rejoinder by the applicant to the written statement of the

Respondent No.2.

I, Shri Mamat Kalita, aged about 56 years, son of Late Gopal Chandra Kalita, by profession - service, resident of Lakhiminagar, Guwahati - 6, do hereby state as follows :-

1. That I am the applicant in O.A. NO 258/06. A copy of the written statement of the Respondent No.2 has been served on me through my counsel. I have gone through the same and understood the contents thereof. Save and except what is specifically admitted hereunder, the rest of the averments made in the reply are to be treated as not admit-

ted and denied by the applicant.

2. That the applicant offers no comments on the averments made in paragraphs 2, 3, 4 and 5.1 to 5.6 of the written statement.
3. That with regard to the statements made in paragraph 6.1 of the written statement, the applicant does not admit that the Respondent Nos.5 and 6 were confirmed on 1-8-86 and 1-11-87. The applicant also does not admit that the Respondent Nos.7 to 10 were confirmed in the State Forest Service on 1-3-90, 1-10-91, 1-1-92 and 1-7-92 respectively.
4. That the applicant offers no comments on the statements made in paragraphs 6.2 and 6.3 of the written statement.
5. That with regard to the statements made in paragraph 6.4 of the written statement, the applicant states that Md. Abdul Kuddus and Shri Rup Nath Brahma were assessed at par with the applicant in the selection for the year 2000 held on 8-12-2000. While it is stated that the applicant was assessed as 'good' in the selection for the year 2002, it has not been stated as to how the aforesaid 2 officers were assessed or graded.
6. That with regard to the statements made in paragraph 6.5 of the written statement, the applicant states that while it has been stated that he was assessed as 'good' for the year 2003, the assessment of the other officers has not been stated. The applicant states that because of the fact that selection for 3 years took place on the same day by the

same selection committee at the same sitting vitiated the assessment of the applicant. The applicant states that if the records of the selection proceedings are placed before this Hon'ble Tribunal, it would vindicate the stand of the applicant.

7. That the applicant offers no comment on the statements made in paragraph 7(a) to 7 (f) of the written statement.
8. That the statements made in paragraph 8.1 of the written statement are not admitted.
9. That the applicant offers no comment on the averments made in paragraphs 8.2 to 8.2.8 of the written statement.
10. That the statements made in paragraphs 8.2.9 and 8.3 of the written statement are not admitted. The scrutiny of the selection records would vindicate the stand of the applicant that he was not assessed properly and that his assessments were vitiated due to the fact that selection for 3 years by the same selection committee were clubbed together on the same day.
11. That with regard to the statements made in paragraph 8.4 of the written statements the applicant states that though separate yearwise select lists were prepared for the year 2002, 2003 and 2004, the fact remains that those selections were made by the same selection committee on a single day with most of the candidates overlapping in the eligibility lists for the said three years.

Mamot Kalita

12. That the applicant offers no comment on the averments made in paragraph 8.5 of the written statement.
13. That the statement made in paragraph 9 of the written statement is not admitted. In view of the facts and circumstances of the case, Hon'ble Tribunal may be pleased to grant the reliefs as prayed for by the applicant.

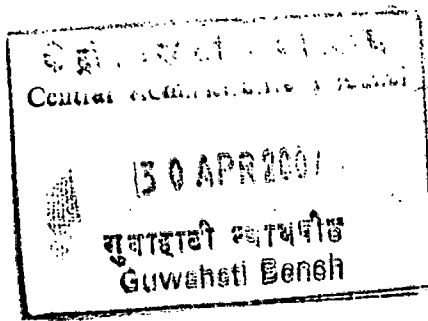
Mamat Kalita

Verification

I, Shri Mamat Kalita, son of Late Gopal Chandra Kalita, aged about 56 years, by profession - service, resident of Lakhiminagar, Guwahati - 6 do hereby say that I have verified the contents of the instant rejoinder and those are true to my knowledge, belief and submission.

Verified at Guwahati on this the 30th day of April, 2007

Mamat Kalita



Filed by: 199
Shri Mamat Kalita
... Applicant
Mamat Kalita
30.4.07
Advocate

District : Kamrup

In the Central Administrative Tribunal

Guwahati Bench :: Guwahati

O.A. No.258 OF 2006

Shri Mamat Kalita

- Applicant,

-Versus-

Union of India & Ors.

- Respondents,

Rejoinder to the written statement filed by the

Respondent No.3.

I, Shri Mamat Kalita, son of Late Gopal Chandra Kalita, aged about 56 years, by profession - service, resident of Lakhiminagar, Guwahati - 6, do hereby state as follows :-

1. That I am the applicant in O.A. NO 258/2006. A copy of the written statement filed by the Respondent No.3 was served on me through my counsel. I have gone through the same and understood the contents thereof. This rejoinder is being filed in reply to the

averments made in the written statement. Save and except those statements made in the written statement which are specifically admitted hereunder, the rest of the averments made therein are to be regarded as not admitted and denied by the applicant.

2. That the applicant offers no comment on the statements made in paragraphs 1,2, and 3 of the written statement.
3. That with regard to the statements made in paragraph 4 of the written statement, the applicant states that his further promotion to the post of Conservator of Forests would depend on the outcome of the instant O.A.
4. That the statements made in paragraph 5 of the written statement are not admitted. In fact, those are contradictory to the averments made in the written statements of the Respondent No.2. The applicant reiterates the averments made in paragraph VI.6 of the O.A..
5. That the statements made in paragraph 6 of the written statement, are not admitted. The applicant reiterates the averments made in paragraph VI.7 of the O.A.
6. That the applicant offers no comment on the statement made in paragraph 7 of the written statements.
7. That the statements made in paragraph 8 of the

Mamrat Kalita

written statement are not admitted. As would be evident from the letter dated 29-05-2001 of the Joint Secretary to the Government of Assam, Forest Department (Annexure - V to the written statement), the revised vigilance report of the Political (Vigilance Cell) Department was not before the Selection Committee when it met on 8-12-2000 for selection for the year 2000. By time to the said report was received, the meeting of the selection committee was already over. Non-placement and consequential non-consideration of the said revised report vitiated the assessment of the applicant, causing prejudice to him.

Mamot Kalita

8. That with regard to the statements made in paragraph 9, 10 and 11 of the written statement, the applicant reiterates the statements made in the foregoing paragraph 7 of this rejoinder.
9. That the applicant offers no comment on the statements made in paragraphs 12, 13, 14, and 15 of the written statement. However, the applicant reiterates the averments made in paragraph 7 of this rejoinder.
10. That with regard to the statements made in paragraph 16 of the written statement, the applicant reiterates the averments made in paragraph 17 of the O.A..
11. That the applicant offers no comment on the statements made in paragraphs 17 to 23 of the written statements.

12. That with regard to the statements made in paragraph 24 of the written statement, the applicant reiterates the averments made in paragraph VI.26 of the O.A..

13. That applicant offers no comment on the statements made in paragraphs 25 and 26 of the written statement.

14. That with regard to the statements made in paragraphs 27 and 28 of the written statement, the applicant states that grave injustice has been caused to him by selecting him for the year 2004 and by fixing his year of allotment as 1997. As indicated in para 28 of the written statement, the answering Respondent has now proposed to the Government of India to fix the applicant's year of allotment as 1996 instead of 1997, which would only be of partial relief to the applicant and would not cure the injustice done to him.

15. That the written statement of the Respondent No.4 being identical to the written statement of the Respondent No.3, the present rejoinder may also be kindly treated as the rejoinder to the written statement of the Respondent No.4 as well.

16. That it is respectfully submitted that the written statements of the Respondent Nos.3 and 4 may kindly be rejected and the reliefs sought for by the applicant may be granted.

Mamot Kalita

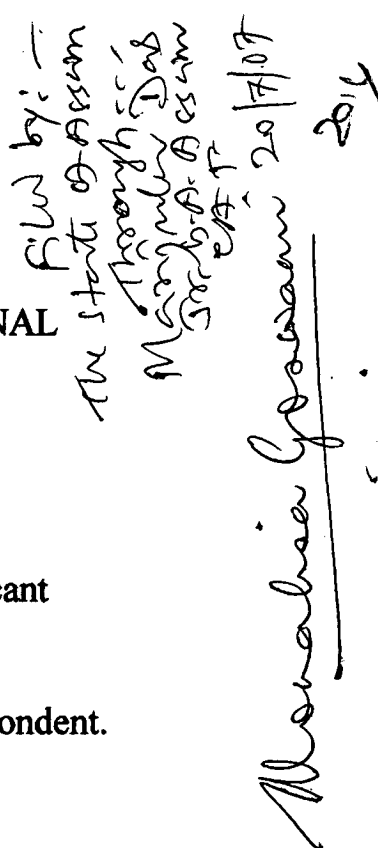
Verification

I, Shri Mamat Kalita, son of Late Gopal Chandra Kalita, aged about 56 years, by profession - service, resident of Lakhiminagar, Guwahati - 6 do hereby say that I have verified the statements made in the instant rejoinder and those are true to my knowledge, belief and submission.

Mamat Kalita

Verified at Guwahati on this the 30th day of April, 2007

Mamat Kalita



3. That in the said case this Hon'ble Tribunal after hearing was pleased to pass an order dated 14.06.06 directing the Government of Assam to produce all the documents as aforesaid before this Hon'ble Tribunal by the next date. Further it was ordered that if they cannot produce the same by the next date the competent authority shall file the affidavit.

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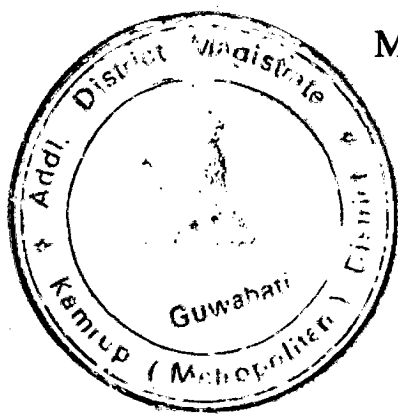
4. That in pursuance of Hon'ble Tribunal's order the proceedings/minutes have been submitted alongwith this affidavit, however in photocopy. The ACRs of the applicant and the respondents no.5 to 11 for the years 1997 to 2003 (7years) could not be submitted today due to technical snag and the same in original will be submitted at the time of hearing. Hence this affidavit.


5. That the statements made in paragraphs 1,3 and 4 are true to my knowledge; those made in paragraph 2 are being matters of records of the case derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this affidavit on this the 19th July 2007 at Guwahati.


DEPONENT.

Solemnly affirmed and declared before me by the deponent who is personally known to me.



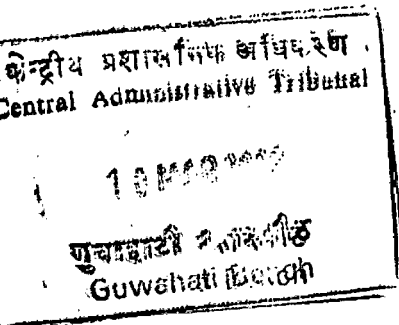

Magistrate
Addl. District Magistrate
Kamrup (Metropolitan) District
GUWAHATI.

District : Kamrup

In the Central Administrative Tribunal

Gauhati Bench :: Guwahati

O.A. No.258 OF 2006



Shri Mamat Kalita

APPLICANT

-Versus-

Union of India & Ors.

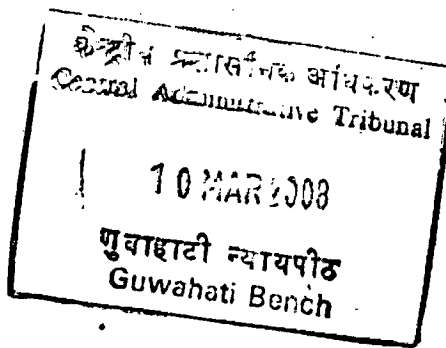
RESPONDENTS

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Filed by :-


Advocate 10/3/08



Filed by
Mamat Kalita
Applicant
Through
Aditya Hazarika
Advocate
202
5/3/08

District : Kamrup

In the Central Administrative Tribunal

Gauhati Bench :: Guwahati

O.A. No.258 OF 2006

IN THE MATTER OF :-

An additional affidavit by the applicant in
support of the original application in O.A.
No.258 of 2006

-AND-

IN THE MATTER OF :-

O.A. No.258 of 2006

Shri Mamat Kalita

- APPLICANT

-Versus-

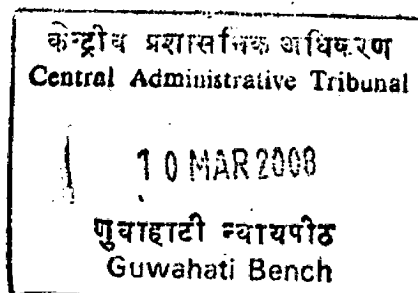
Union of India & Ors.

- RESPONDENTS

[ADDITIONAL AFFIDAVIT]

I, Shri Mamat Kalita, son of Late Gopal Chandra Kalita, aged
about 57 years, by profession - service, resident of Lakhiminagar, Guwahati
- 6, do hereby state as follows :-

1. That ...



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Manoj Kalita

1. That I am the applicant in O.A. NO 258/2006. I am acquainted with the facts and circumstances of the case. I am competent to swear this affidavit. This affidavit is being filed to place on record the discrepancies found while perusing the record of the case.
2. That in view of the leave granted by this Hon'ble Tribunal, the applicant's counsel went through the record of the case submitted by the Respondents in the Registry of this Hon'ble Tribunal. The record was found to be the photo copy of the original. On perusal of the record, the applicant begs to place on record the following for consideration of this Hon'ble Tribunal.
3. That on a comparative analysis of the Annual Confidential Rolls (ACRs) of the applicant and the Respondents for the period from 1996-97 to 2002-03, the following facts have been noticed :-

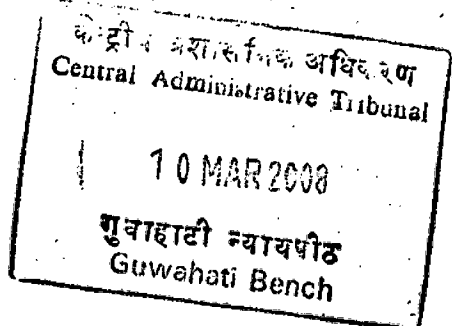
YEAR WISE

1996-97 :- During this year, the applicant was graded good whereas the Respondent Nos.7, 9, 10 and 11 were graded very good.

1997-98:- During this year, the applicant and the Respondent Nos.9, 10 and 11 were graded good whereas the Respondent No.7 was graded very good. During this year the reviewing authority gave an adverse comment against the Respondent No.9 to the effect that he needs further improvement. The reviewing authority commented, which was accepted by the accepting authority, that the Respondent No.9 is fit for promotion as per his seniority only.

1998-99...

3

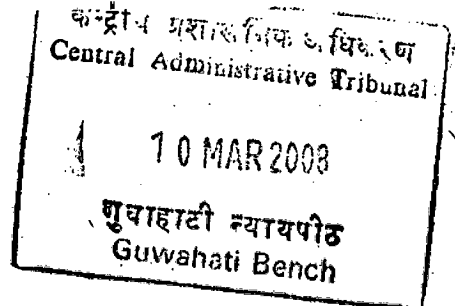


1998-99:- During this year, the applicant was graded good but the Respondent Nos.7, 9,10 and 11 were graded very good. During this year there was a comment by the reporting authority against the Respondent No.10 to the effect that he is fit for promotion on the basis of seniority only.

1999-2000:- During this year the applicant was graded as average. But it may be mentioned that the reporting authority recorded the ACR of the applicant not in the format prescribed in the statutory form as per the provisions of Rule 4(2) of the Assam Services (Confidential Rolls) Rules, 1990. Certain adverse and critical remarks were recorded by the reporting authority which were not as per the prescribed format which vitiated the said reporting. The Respondent Nos.7, 9, 10 and 11 were graded good.

2000-2001:- During this year the applicant was graded as good whereas the Respondent Nos.7, 9 and 10 were graded very good. The reporting authority commented that the Respondent No.9 is fit for promotion as per his seniority only. The Respondent No.11 was graded as outstanding. The grading was given to the Respondent No.1 by the concerned Executive Member and Chief Executive Member of the North Cachar Hills Autonomous Council, who are not the reviewing and accepting authorities as per schedule IV of the Assam Services (Confidential Rolls) Rules, 1990. The said illegality resulted in the overgrading of the Respondent No.11, vitiating his ACR for the said year as well as the selection of the Respondent No.11 on the basis of such ACR.

2001-2002....



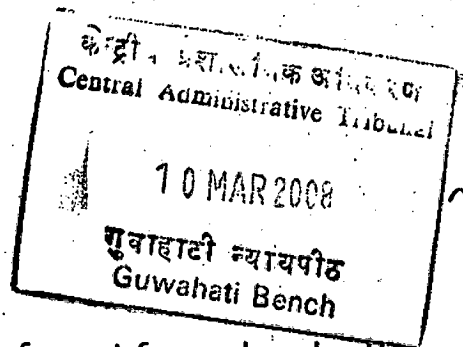
2001-2002 :- During this year, the applicant was graded as outstanding whereas the Respondent Nos.7, 9, 10 and 11 was graded as very good. In this year also, the Respondent No.11's ACR was accepted by the Principal Secretary, N.C. Hills Autonomous Council, who is not the competent accepting authority as per the said 1990 Rules. That being the position, the ACR of the Respondent No.11 also stood vitiated for the said year.

2002-2003 :- During this year, the applicant was graded as very good whereas the Respondent Nos.7 and 8 are were graded as good, the Respondent No.9 was graded as very good while the Respondent No.11 was graded as outstanding. The Respondent No.8 was graded as outstanding by the reviewing authority but the accepting authority downgraded it to good. In this year also, the ACR of the Respondent No.11 was reviewed by the concerned Executive Member and accepted by the Chief Executive Member of the North Cachar Hills Autonomous Council in complete violation of the 1990 Rules. The same clearly vitiated the ACR of the Respondent No.11 for the said year.

COMPARATIVE ANALYSIS OF THE ACRs OF THE CONTESTING PARTIES FOR THE PERIOD FROM 1996-97 to 2002-03.

Applicant :- (i) For the period 24-11-1999 to 31-3-2000, Shri M.M.Sarma, IFS, Conservator of Forest, Bongaigaon Social Forestry Circle was the reporting authority of the applicant. As the reporting officer, he recorded the ACR of the applicant not in the....

5



Mamot Kalita

in the prescribed statutory format framed under the provisions of Rule 4(2) of the 1990 Rules but as per his own accord.

(ii) Similarly, Shri M.M. Sarma recorded the ACR of the applicant for the period from 1-4-2000 to 31-3-2001 not as per the prescribed statutory form.

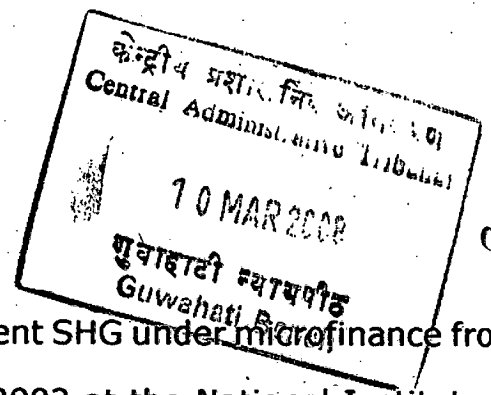
(iii) The same has vitiated the aforesaid two ACRs of the applicant.

(iv) Shri M.M. Sarma, Conservator of Forest, Bongaigaon Social Forestry Circle as the reporting authority and Shri K.N. Deva Goswami, Chief Conservator of Forest, Social Forestry, Assam as the reviewing authority had recorded some adverse and critical remarks in the ACRs of the applicant for the period from 24-11-99 to 31-3-2000 and from 1-4-2000 to 31-3-2001, which were not communicated to the applicant and as such he was not afforded any opportunity to represent against the said remarks. The same is in violation of Rules 10, 11 and 12 of the 1990 Rules, adversely affecting the applicant.

(v) As a result, the grading of the applicant was adversely affected which had a definite bearing on the non selection of the applicant for the previous years.

(vi) Moreover, the applicant had attended and completed the following training courses:-

(a) Course



- (a) Course on Management SHG under microfinance from 21-1-2002 to 26-1-2002 at the National Institute of Rural Development, North Eastern Regional Centre, Jawahar Nagar, Guwahati - 22;
- (b) Training of trainers on micro-planning from 8-1-2002 to 11-1-2002 at Guwahati jointly organised by the Assam Forest Department and Regional Centre, National Afforestation and Eco-Development Board, Ministry of Environment and Forests, Government of India.

The applicant's participation in the said training were not taken into consideration while recording his ACR as is required under the 1990 Rules.

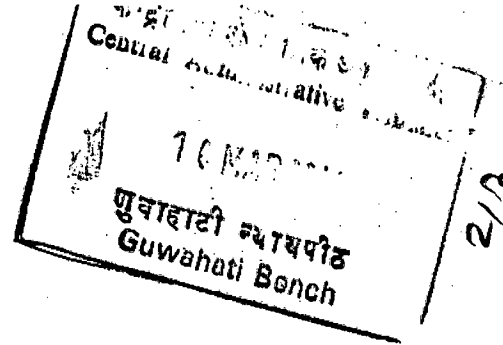
Copies of the certificates issued to the petitioner for participating in the aforesaid training programmes are enclosed herewith and marked as **Annexures - Q and Q-1** respectively.

Respondent No.8 :- In case of the Respondent No.8, although the reviewing authority graded him as outstanding during 2002-03, the accepting authority downgraded him as good for the said period.

Respondent No.9 :- For the year 1997-98, the reviewing authority commented and which was accepted by the accepting authority that the Respondent No.9 is fit for promotion as per his seniority only. The Respondent No.9

got an ...

7



Monnet Koleyta

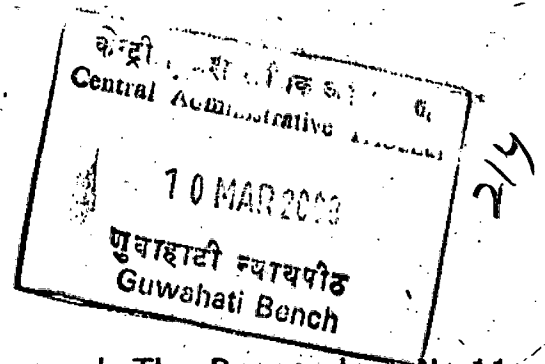
got an adverse remark by the reviewing authority that he needs further improvement. Similarly, for the year 2000-01 the reporting authority had commented that the Respondent No.9 is fit for promotion as per his seniority only. In view of the aforesaid, it is clear that the Respondent No.9 could not have superseded the applicant who is two years senior to him.

Respondent No.10 :- In the case of the Respondent No.10, the reporting authority commented during the year 1998-99 that he is fit for promotion as per his seniority only. In that view of the matter, he could not have superseded the applicant who is two years senior to him.

Respondent No.11 :- The ACRs of the Respondent No.11 for the years 1-9-2000 to 31-3-2001, 2001-2002 and 2002-2003 were reviewed and accepted by the Executive Member and Chief Executive Member, North Cachar Hills Autonomous Council in violation of schedule IV of the 1990 Rules. The same has vitiated the ACRs of Respondent No.11 for the said periods rendering the same nonest. It may be mentioned that for the said periods Respondent No.11 was clearly overgraded, his gradings for the said periods being outstanding, very good and outstanding again.

4. That from the above analysis, it is respectfully submitted that the applicant ought to have been selected for the vacancy of 2003 in as much as he was graded outstanding in his ACR for the year 2001-

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2002 and all others were graded very good. The Respondent No.11 was selected for the year 2003 but as has been pointed out in the foregoing paragraphs, his ACRs for the years 2000-2001, 2001-2002 and 2002-2003 could not have been taken into consideration as those were recorded in complete violation of 1990 Rules.

The statements made in the introductory paragraph ^{and in paragraphs} 1 and 2 are true to my knowledge; those made in paragraph 3 being matters of record are true to my information derived therefrom and the rest are my respectful submissions.

I set my hand to this affidavit this the 4th day of March, 2008 at Guwahati.

Identified by me :-

Mammat Kalita
Deponent

Advocate's clerk

9 - 2559
केन्द्रीय प्रशासनिक अदालत
Central Administrative Tribunal
गुवाहाटी न्यायपीठ
Guwahati
EXURE - 9

राष्ट्रीय ग्रामीण विकास संस्थान

उत्तर पूर्वी क्षेत्रीय केन्द्र

(ग्रामीण विकास मंत्रालय भारत सरकार का संस्थान)

जवाहर नगर, गुवाहाटी - 781 022 (भारत)

NATIONAL INSTITUTE OF RURAL DEVELOPMENT

NORTH EASTERN REGIONAL CENTRE

(An Organisation of the Ministry of Rural Development, Govt. of India)

Jawaharnagar, Guwahati - 781 022 (India)



प्रमाणित किया जाता है कि

This is to certify that

Shri M. Kalita

ने

has completed

the Course on Management of SHG under Micro Finance

पर

held from January 21 - 26, 2002.

आयोजित पाठ्यक्रम

पूरा किया है।

पाठ्यक्रम निदेशक

Course Director

निदेशक

Director

महा निदेशक

Director General

अनुमोदित है

2/6

Central Administrative



FOREST DEPARTMENT, GOVT. OF ASSAM
&
REGIONAL CENTRE
NATIONAL AFFORESTATION AND ECO-DEVELOPMENT BOARD
GOVERNMENT OF INDIA, SHILLONG

7.6 MAR 2002
गुवाहाटी ब्याच
Guwahati, Bench

Certified that Mr. M. Kalita D.C.F. of Assam
Forest Department has participated in the "Training of Trainers on Microplanning" from
1st January to 11th January, 2002 at Guwahati, jointly organised by the Assam
Forest Department and Regional Centre, National Afforestation and Eco-Development
Board, Ministry of Environment and Forests, Government of India, Shillong.

DR. S.K. BARIK
Member, Core Group
National Centre, NAEB,
Shillong

SURESH CHAND
Chief Conservator of Forests,
Social Forestry
Assam

K.N. DEB GOSWAMI
Principal Chief Conservator of Forests
Assam

certified as to true copy

Advocate