

✓

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

- ✓ O.A./TA/ NO... 125... 2009
✓ R.A./CP/NO... 26... 2013
✓ E.P./M.P./NO... 24/12 2013
CP 4/2010
1. Order Sheets..... 3 pg- 01 to 04 ✓
CP. 4/2010 1 page..... 1 ✓
CP. 26/2012 - 1 Kept pending 01 ✓
E.P. 24/12 4 01 to 7 ✓
2. Judgment/ order dtd. 30.6.2009 page..... 1 to 6 ✓
CP. JEP 26 & 24/0012 12.12.2012
CP 4/2010 - 03-6.2010
3. Judgment & Order dtd.....received from H.C. /Supreme Court.
4. O.A. 125/2009page..... 01to..... 37 ✓
5. E.P./M.P. 24/12page..... 01to..... 36 ✓
6. R.A./C.P. 26/12page..... 01to..... 34 ✓
CP. 4/10 Pg 01 to 21 ✓
7. W.S. Page..... to.....
8. Rejoinder.....page.....to.....
9. Replypage.....to.....
10. Any other paperspage.....to.....
11. Affidavit-Filed on behalf of Pg- 01 to 13 ✓
R-No. 3 to 4
12. CP. No 4/2010 Affidavit Pg- 01 to 6 ✓
13. IFS Letter Pg- 01 & 2 ✓

17.7.2015
SECTION OFFICER (JUDL.)

(A file total four Nos)

16.7.2015

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDERSHEET

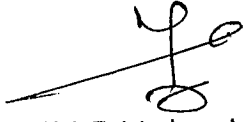
1. Original Application No : 125 / 2009
2. Misc. Petition No : ----- in O.A. No.-----
3. Contempt Petition No : ----- in O.A. No.-----
4. Review Application No : ----- in O.A. No.-----
5. Execution Petition No : ----- in O.A. No.-----

Applicant (S) : Sri B. Ch. Das

Respondent (S) : Union of India & ors.

Advocate for the : Mr. S. Dutta, Mrs. U. Dutta,
{Applicant (S)} Ms. P.K. Zaman, Ms. N. Vashum &
Mr. C. S. Hazarika

Advocate for the : C.G.S.C. & G.A., A.P.
{Respondent (S)}

Notes of the Registry	Date	Order of the Tribunal
<p>14th Application is in term is filed/C.F. for Rs. 10/- deposited vide JPO/BB No. <u>62F. 852937, 352936</u> Dated <u>26.6.09</u>, <u>352938</u></p> <p><u>29.6.09</u></p> <p>5 copies of Application with envelopes received for issue notice to the Respondents No. 2 to 5. Copy served to the Sr. C.G.S.C. and undertaking to serve a copy of the same to the Sr. Govt. Adv. Arunachal Pradesh.</p> <p><u>29/6/09</u></p> <p>Received copy order dated 30/6/2009 Bharat Das on behalf of Brajesh Chandra Das. (Applicant) 27/7/09</p>	<p>30.06.2009</p>	<p>Heard Mr.S.Dutta, learned counsel for the Applicant; Mr.G. Baishya, learned Sr. Standing counsel for the Govt. of India; Mr.R.K.Dev Choudhury, learned counsel for the State of Arunachal Pradesh and perused the materials placed on record.</p> <p>For the reasons recorded separately, this O.A. stands disposed of with observations and directions to the Respondents.</p> <p style="text-align: right;">  (M.R. Mohanty) Vice-Chairman </p>

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

O.A. No.125 of 2009

DATE OF DECISION: 30.06.2009

Shri Brajesh Chandra Das

.....Applicant/s.

Mr. S.Dutta

..... Advocate for the
Applicant/s.

- Versus -

Union of India & Ors.

.....Respondent/s

Mr. G.Baishya, Sr. C.G.S.C. for Union of India &

Mr.R.K.Dev Choudhury, for Govt. of Arunachal Pradesh

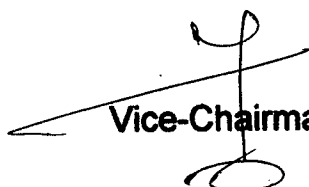
.....Advocate for the
Respondents

CORAM

THE HON'BLE MR.MANORANJAN MOHANTY, VICE CHAIRMAN

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

Judgment delivered by


Vice-Chairman

u

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH::: GUWAHATI

Original Application No.125 of 2009

Date of Order: This, the 30th day of June, 2009.

HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

Shri Brajesh Chandra Das
Son of Late Ram Gopal Das
Geruapar, P.O. Sarupeta
District : Barpeta, Assam
PIN- 781 318.

.....Applicant

By Advocates: Mr. S. Dutta, Mrs.U.Dutta, Ms.Pahmida K. Zannat,
Ms.Nimshim Vashum & Mr. Chanakya Shankar Hazarika.

-Versus-

1. The Union of India
Represented by Secretary
to the Government of India
Ministry of Environment and Forest
Paryavaran Bhavan
CGO Complex, Lodhi Road
New Delhi- 110 003.
2. The Director (IFS Division)
Ministry of Environment and Forest
Paryavaran Bhavan
CGO Complex, Lodhi Road
New Delhi – 110 003.
3. The State of Arunachal Pradesh
Through the Principal Secretary to the
Government of Arunachal Pradesh
Environment and Forest Department
Itanagar- 791 111.
4. The Principal Chief Conservator of Forests
Arunachal Pradesh, Itanagar- 791 111.
5. Union Public Service Commission
Through its Secretary
Dholpur House
New Delhi- 110 069.

.....Respondents

By Advocates: Mr. G. Baishya, Sr. C.G.S.C. for Govt. of India &
Mr. R. K. Dev Choudhury, for Govt. Arunachal Pradesh.

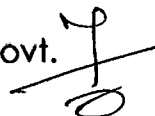


ORAL ORDER
Dated 30.06.2009
O.A. No.125/2009

MANORANJAN MOHANTY, (VICE-CHAIRMAN):-

Applicant (who was appointed as Forest Ranger in NEFA/Arunachal Pradesh on 01.04.1970) was promoted as ACF during 1980. One of his junior named S.J. Jongsam (who became ACF during 1981, by direct recruitment to State Service) superseded him, during 1988, by obtaining promotion as DCF in State Govt. Service. During 1992, some others were also granted promotion as DCF. Applicant, having not been given promotion, approached the Hon'ble Gauhati High Court by way of filing CR No. 455/1993; which was, virtually allowed, on 18.05.1998, with direction to promote the Applicant w.e.f. 28.11.1992 with all service benefits including seniority. Accordingly by an order Dated 24.06.1999, the State Govt. brought the Applicant to DCF post by creating temporary post of DCF with effect from 28.11.1992 i.e. the date on which his juniors received the promotion as DCF. Later, the Writ Appeal No. 36/2000 (challenging the order dated 18.05.1998 passed in CR No. 455/1993) was dismissed, as infructuous, by the Division Bench of the Hon'ble Gauhati High Court on 28.06.2006.

2. While the grievances of the Applicant were pending before the Hon'ble High Court, as aforesaid, some officers from Arunachal Pradesh Forest Services were nominated (by the State Govt. of Arunachal Pradesh) for promotion to IFS and four persons (some of whom were juniors to the Applicant) were granted promotion (to IFS) on 26.09.1996. Applicant was not nominated by the State Govt.; apparently because he was superseded by his juniors, by that time, by the action of the State Govt.



3. However, after succeeding (with aid of the Hon'ble Court's order as aforesaid) to get DCF post in State Govt. Service, the Applicant was granted promotion to IFS on 18.08.2000. His representation to antedate his promotion (to IFS) to 26.09.1996 (i.e. the date when his juniors were promoted to IFS) was forwarded by the State Govt. (of Arunachal Pradesh) to the Govt. of India on 22.08.2005. He filed another representation on 18.08.2006; which was forwarded (by the State Govt.) to Govt. of India on 07.09.2006. On 04.07.2007, the State Govt. of Arunachal Pradesh issued an order placing the name of the Applicant above the name of aforesaid Shri S.J. Jongsam in the Seniority/Gradation list dated 03.07.1993 of DCF in State Govt. Service by treating him (Applicant) to be in the Cadre of DCF w.e.f. 28.11.1992. Applicant, thereafter submitted representations to the Govt. of India, on 19.07.2007 and 25.11.2007 seeking to antedate his promotion to IFS.

4. In response to his letter dated 25.11.2007, the State Govt. of Arunachal Pradesh informed the Applicant (in their Communication dated 10.10.2008) that his (Applicant) representation dated 10.08.2006 (claiming induction to IFS w.e.f. 26.09.1996 in accordance with the judgment dated 28.06.2006 in W.A. No. 36/2000 against judgment dated 18.05.1998 in Civil Rule No. 455/1993) was forwarded to Govt. of India on 07.09.2006 and that the Govt. of India has also been requested, on 24.07.2007, to refer to the representations dated 24.02.2006 & 27.10.2006 of the Applicant and that no decision has so far been received from Govt. of India. Finally, it was disclosed in the said letter dated 10.10.2008 of the State of Govt. as under:-

"Your promotion to IFS cadre from the State Cadre with retrospective effect can be done by the Union of India only in accordance with IFS (Appointment by Promotion) Regulations, 1966. The Service benefits as admissible to you under rules will be



considered on receipt of the Decision from the Govt. of India."

5. Finally, the Applicant (who has already retired from services on 31.07.2005) submitted a representation to the Govt. of India on 03.02.2009 (which was forwarded to Govt. of India, by the State Govt. of Arunachal Pradesh, on 24.03.2009) before filing the present Original Application (on 29.06.2009) under section 19 of the Administrative Tribunals Act, 1985; wherein he has prayed as under :-

"8.1 That the Hon'ble Tribunal be pleased to direct the respondents to hold review DPC so as to consider induction/appointment of the applicant to the IFS (AGMUT Cadre) with effect from 26.09.1996 i.e., the date when his junior Sri SJ Jongsam was inducted/appointed to the said cadre.

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to consider grant of the benefit of Junior Administrative Grade and Selection Grade with effect from the year 2001 and 2005 respectively, or the dates when Sri S J Jongsam, the immediate junior of the applicant was granted the said benefits.

8.3 That the Communiqué dated 10.10.2008 be set aside and quashed.

8.4 Costs of the application.

8.5 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper."

6. Heard Mr. S. Dutta, learned counsel appearing for the Applicant; Mr. Gautam Baishya, learned Sr. Standing Counsel for the Union of India and Mr. R. K. Dev Choudhury, learned Counsel for the State of Arunachal Pradesh (to whom copies of this O.A. have already been supplied) and perused the materials placed on record



7. By order dated 18.05.1998 of the Hon'ble High Court rendered in CR No. 455/1993, the Applicant was to be given promotion retrospectively w.e.f. 28.11.1992 with all service benefits; which includes the right to be considered for promotion at appropriate stage (at least when his juniors received consideration for promotion) and, accordingly, the State Govt. (of Arunachal Pradesh) and the Govt. of India ought to have acted promptly to consider the case of the Applicant for nomination (for promotion to IFS) at least with effect from the date his juniors were nominated/promoted to IFS, by detailing a Review Committee. Since the State Govt. (of Arunachal Pradesh) has, by now, repeatedly written to the Govt. of India (to consider the case/representation of the Applicant to antedate his promotion to IFS), it is now for the Govt. of India, UPSC & the State Govt. of Arunachal Pradesh to detail a Review Committee to examine, retrospectively, as to whether the Applicant could have been nominated at the time (26.09.1996) when his juniors in State Govt. Service were nominated/appointed to IFS and act accordingly and, if required, by creating a temporary post (in IFS) from a retrospective date and, as now claimed by the Applicant, also consider his case for conferment of 'Junior Administrative Grade' and Selection Grade w.e.f. 2001 & 2005 respectively; as his un-disputed Junior (in State Service) Shri S. J. Jongsam got the said benefits during 2001 & 2005.

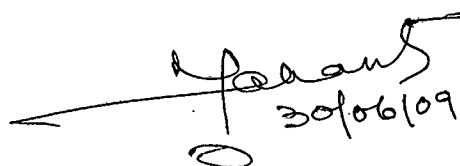
8. It has been alleged by the Applicant that instead of acting promptly, the Respondents are only satisfied by transmitting & sitting over the repeated representations of the Applicant for years. It is the positive case of the Applicant that no final orders have yet been passed by the Central Govt. on his (Applicant) repeated representations. Copies of the letter dated 10.10.2008 and 24.03.2009 (filed as Annexure-11 & Annexure- 13 to this

O.A.) of the State Govt. goes to show that Govt. of India has not reacted on the prayers of the Applicant (to antedate his promotion, to IFS, to a date on which his juniors got the promotion) till 10.10.2008/24.03.2009.

9. In the above said premises, without any waste of time, this matter is remitted to the Respondents (Govt. of India, UPSC & State Govt. of Arunachal Pradesh) who should act promptly to consider the case of the Applicant for his promotion to IFS from the dates (starting from 26.09.1996) his juniors (in State Govt. Service) received promotion to IFS; by detailing a Review Committee headed by UPSC and to grant him necessary relief, as due and admissible under the Rules, by way of passing a reasoned order within 120 days from the date of receipt of copy of this order.

10. Subject to above observations and directions, this case is disposed of.

11. Send copies of this order to the Applicant and (to all the Respondents (along with the copies of the Original Application) by Registered Post and free copies of this order be also supplied to the Advocates appearing for the parties.



(MANORANJAN MOHANTY)
VICE-CHAIRMAN

/BB/

29 JUN 2009

गुवाहाटी बेंच
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(Application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the Case:

O.A. No. 125/2009

Shri Brajesh Chandra Das:

Applicant

-Versus-

Union of India & Ors:

Respondents

INDEX

Sl. No.	Annexure	Particulars	Page No.
1.	---	Synopsis & List of Dates	i - ii
2.	---	Application	1 - 10
3.	---	Verification	11
4.	1	Notification dated 26.09.1996 appointing persons to the IFS (AGMUT) Cadre	12 - 13
5.	2	Judgment & Order dated 18.05.1998 passed by the Hon'ble Gauhati High Court in Civil Rule No. 455 of 1993	14 - 20
6.	3	Order dated 24.06.1999 promoting the applicant to the post of DCE with effect from 28.11.1992	21 - 22
7.	4	Communiqué dated 22.08.2005 forwarding applicant's representation to the respondent no. 2	23
8.	5	Order dated 28.06.2006 passed by the Hon'ble Gauhati High Court in WA No. 36 of 2000 dismissing the writ appeal	24 - 25
9.	6	Representation dated 18.08.2006 submitted by the applicant claiming induction/appointment to the IFS (AGMUT) Cadre with retrospective effect	26 - 27
10.	7	Communiqué dated 07.09.2006 issued by respondent no. 3 forwarding the applicant's representation dated 18.08.2006 to the respondent no. 2	28
11.	8	Order dated 04.07.2007 granting the applicant the benefit of seniority	29
12.	9	Representation dated 19.07.2007 submitted to the respondent no. 2 claiming induction/appointment to the IFS (AGMUT) Cadre with retrospective effect	30
13.	10	Reminder dated 25.11.2007 sent to the respondent no. 3 & 4 on his earlier representation	31 - 33
14.	11	Communiqué dated 10.10.2008 issued by the respondent no. 3 disposing of applicant's representation	34
15.	12	Representation dated 03.02.2009 submitted to the respondent no. 1 claiming induction/appointment to the IFS (AGMUT) Cadre with retrospective effect	35 - 36
16.	13	Communiqué dated 24.03.2009 issued by the respondent State forwarding the applicant's representation dated 03.02.2009 to the respondent no. 1	37
17.	---	VAKALATNAMA	38
18.	---	NOTICE	39

Date: 25.06.2009

Filed By: -
The Applicant
Through: -

U. Dutta
(Ms. Urna Dutta)
Advocate

Brajesh Chandra Das

29 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: AT GUWAHATI

Title of the Case:

Original Application No. 125/2009

Shri Brajesh Chandra Das:

Applicant

-Versus-

Union of India & Ors:

Respondents

SYNOPSIS

The applicant in this application challenges, amongst others, the legality and validity of the impugned Communiqué dated 10.10.2008 (Annexure – 11) declining any responsibility of the respondent State in the matter of induction/appointment of the applicant to the Indian Forest Service (Arunachal Goa Mizoram and Union Territories Cadre) [in short, IFS (AGMUT Cadre)] with retrospective effect. The application also challenges the inaction of the respondents in considering his case for induction/appointment to the IFS (AGMUT Cadre) with effect from the date 26.09.1996 i.e., the date when his juniors were so inducted/appointed and also the inaction of the respondents in not considering payment of such consequential benefits to the applicant as would flow to him because of his such antedated induction/appointment.

LIST OF DATES

- | | | |
|-------------------|---|---|
| 01.04.1970 | Applicant ('A') appointed as <u>Forest Ranger</u> of the erstwhile North East Frontier Agency (presently known as Arunachal Pradesh). | |
| 15.10.1980 | 'A' promoted as <u>Assistant Conservator of Forest</u> (in short, ACF) with effect from 20.02.1980 – He joined on 29.10.1980. | ... <u>Para 4.2, Pg. 2</u> |
| 01.04.1981 | One Sri SJ Jongsam was appointed as ACF through Direct Recruitment – SJ Jongsam became immediate junior to applicant in the cadre of ACF. | ... <u>Para 4.3, Pg. 2</u> |
| 22.12.1988 | Sri SJ Jongsam was promoted as Deputy Conservator of Forest (State Forest Service) [in short, DCF (SFS)]. | |
| 28.11.1992 | Five other persons were promoted as DCF (SFS) – <u>Applicant was not promoted ignoring his seniority.</u> | ... <u>Para 4.5, Pg. 2</u> |
| 1993 | 'A' approached Hon'ble Gauhati High Court in CR No. 455 of 1993 – Promotions of SJ Jongsam and others challenged. | ... <u>Para 4.6, Pg. 3</u> |
| 1996 | Respondent State nominated names of few SFS officers (all junior to 'A' except one Sri R Modi) for induction/appointment to the IFS (AGMUT Cadre) – <u>'A' not nominated presumably because of his lower seniority in the seniority list.</u> | |
| 26.09.1996 | Four persons including Sri SJ Jongsam were appointed to the IFS (AGMUT Cadre) – Except Sri R Modi all were junior to 'A'. | ... <u>Para 4.7 & 4.8, Pg. 3/Anx. 1, Pg. 12</u> |

29 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

ii

- 18.05.1998** CR No. 455 of 1993 got disposed of – Direction given to promote 'A' with effect from 28.11.1992 and to maintain his seniority and give consequential benefits.
... Para 4.9, Pg. 3/ Anx. 2, Pg. 14
- 24.06.1999** 'A' promoted as DCF with effect from 28.11.1992 – Benefit of seniority not given.
... Para 4.10, Pg. 4/ Anx. 3, Pg. 21
- 18.08.2000** 'A' appointed to the IFS (AGMUT) Cadre.
31.07.2005 'A' retired from service as DCF (IFS).
... Para 4.13, Pg. 4
- 22.08.2005** Respondent State forwarded representation filed by 'A' seeking induction/nomination in the IFS (AGMUT Cadre) with retrospective effect from 26.09.1996.
... Para 4.14, Pg. 4/ Anx. 4, Pg. 23
- 28.06.2006** Hon'ble High Court dismissed WA No. 36 of 2000 filed by one Sri RK Deuri and another against the Judgment and Order in Civil Rule No. 455 of 1993.
... Para 4.15, Pg. 5/Anx. 5, Pg. 24
- 18.08.2006** 'A' filed representation to respondent no. 3 & 4 – Sought induction/nomination in the IFS (AGMUT Cadre) with retrospective effect from 26.09.1996 and other ancillary benefits.
- 07.09.2006** R3 forwarded the representation to R2.
... Para 4.16, Pg. 5/ Anx. 6 & 7, Pg. 26 & 28
- 04.07.2007** 'A' was granted benefit of seniority – Placed above Sri SJ Jongsam in the seniority list dated 03.07.1993. *(in which cadre?)*
... Para 4.17, Pg. 5/Anx. 8, Pg. 29
- 19.07.2007** 'A' represented to R2 – Sought grant of benefits of antedated induction/appointment to the IFS (AGMUT cadre).
... Para 4.18, Pg 5/Anx. 9, Pg. 30
- 25.11.2007** 'A' sent reminder on his representation.
... Para 4.19, Pg. 6/Anx. 10, Pg. 31
- 10.10.2008** Respondent State issued impugned Communiqué avoiding any responsibility in the matter.
... Para 4.20, Pg. 6/Anx. 11, Pg. 34
- 03.02.2009** 'A' represented to R1.
- 24.03.2009** Special Secretary (E&F), Department of Environment & Forest, Government of Arunachal Pradesh forwarded the representation to R1
... Para 4.21, Pg. 6/ Anx. 12 & 13, Pg. 35 & 37

29 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

1

Filed by the applicant
through U. Datta, Advocate
on 29.06.09

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

(Application under Section 19 of the Administrative Tribunals Act, 1985)

Original Application No. 125/2009

BETWEEN:

Shri Brajesh Chandra Das

Son of Late Ram Gopal Das
Geruapar, P.O. Sarupeta,
District: Barpeta, Assam
PIN - 781 318

... Applicant

-AND-

1. The Union of India,
Represented by Secretary to the Government of India,
Ministry of Environment and Forest, Paryavaran Bhavan,
CGO Complex, Lodhi Road
New Delhi- 110 003
2. The Director (IFS Division)
Ministry of Environment and Forest, Paryavaran Bhavan,
CGO Complex, Lodhi Road
New Delhi- 110 003
3. The State of Arunachal Pradesh
Through the Principal Secretary to the
Government of Arunachal Pradesh,
Environment and Forest Department,
Itanagar - 791 111
4. The Principal Chief Conservator of Forest,
Arunachal Pradesh, Itanagar - 791 111
5. Union Public Service Commission
Through its Secretary
Dholpur House, New Delhi - 110 069

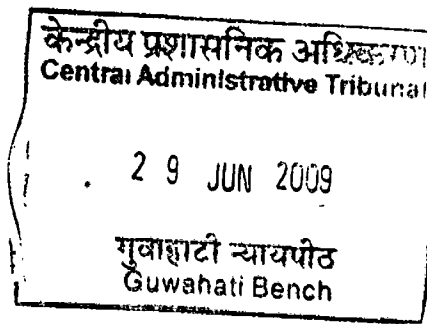
... Respondents

DETAILS OF THE APPLICATION

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

This application is made against non-consideration of the applicant's case for induction/appointment of his name to the Indian Forest Service (Arunachal Goa Mizoram and Union Territories Cadre) [In short, IFS (AGMUT Cadre)] by holding a review of the decision of the Departmental Promotion Committee (in short, DPC) which led to appointment of his junior to the IFS (AGMUT Cadre) by Notification dated 26.09.1996 ignoring his case. The application is also against non-consideration of his case for payment of benefits consequential to such induction/nomination.

Brajesh Chandra Das



2. Jurisdiction of the Tribunal:

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

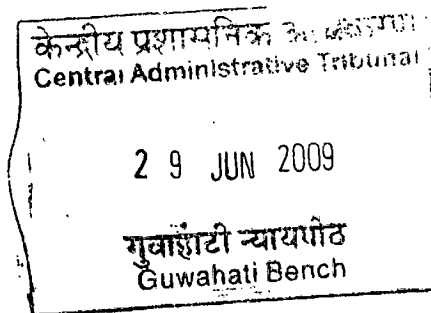
3. Limitation:

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

4. Facts of the Case:

- 4.1 That the applicant is a citizen of India and resident of the address given in the cause title and as such, he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2 That on 01.04.1970 the applicant was initially appointed as Forest Ranger of the erstwhile North East Frontier Agency (presently known as Arunachal Pradesh). Thereafter, by Notification No. FOR/233/72/Pt/25453-505 dated 15.10.1980, he was promoted to the post of Assistant Conservator of Forest (in short, ACF) with effect from 20.02.1980 and he joined to the said post on 29.10.1980.
- 4.3 That after promotion of the applicant as ACF, some other persons – including one Sri SJ Jongsam – were appointed as ACF through Direct Recruitment. The said Sri SJ Jongsam was appointed on 01.04.1981 and he became the applicant's immediate junior in the cadre of ACF.
- 4.4 That the post of Deputy Conservator of Forest (in short, DCF) is up next to the post of ACF and is filled up by promotion of persons with eight years service in the cadre of ACF. The post is manned by officers from State Forest Service (in short, SFS) as well as Indian Forest Service (in short, IFS). However, when vacancy exists in the cadre of IFS, such persons may be nominated for induction/appointment to the IFS. Be stated that under Rule 5 of the IFS (Appointment by Promotion) Rules, 1966, the list of suitable officers is prepared on the basis of seniority in the State Forest Service.
- 4.5 That by an order dated 22.12.1988, the respondent State promoted the said Sri SJ Jongsam as DCF (SFS) with effect from 01.08.1987, however, ignoring the applicant's seniority in the cadre of ACF and the recommendation of the DPC in his favour. By yet another order dated 28.11.1992, the respondent

Brajesh Chandra Das



State had again given promotion to five other persons as DCF (SFS) notwithstanding applicant's seniority over them.

- 4.6 That being aggrieved, the applicant had approached the Hon'ble Gauhati High Court in a writ petition challenging the legality of the above said promotions. The said writ petition was numbered as Civil Rule No. 455 of 1993.
- 4.7 That in the year 1996 the respondent State had nominated the names of few State Forest Service Officers in the cadre of ACF/DCF (SFS), including Sri SJ Jongsam, for appointment to the IFS (AGMUT Cadre). Such candidates were holding various places from serial number 9 in the seniority list of ACF officers as on 01.01.1983 published under no. 180/E-2/84/21316-364 dated 03.07.1993. It is stated that out of the persons so nominated, except for one Sri R Modi (at serial number 9); all were junior to the applicant. In the said seniority list Sri SJ Jongsam was placed at serial 20 and though erroneously, the applicant was placed at serial 37. In such premise, the applicant was not nominated ostensibly for the reason that on the basis of his lower seniority, he was not considered to be within the zone of consideration. This was done, however, without considering the fact that the question of inter se seniority between the applicant, Sri SJ Jongsam (serial 20), Sri RK Deuri (serial 21) and Sri S. Thirunavukarasu (serial 25), amongst others, were pending adjudication between the Hon'ble High Court in Civil Rule No. 455 of 1993.

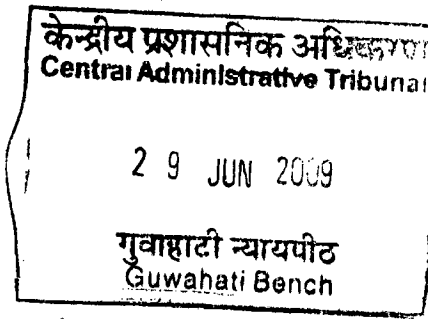
The applicant is not having a legible copy of the aforesaid seniority list and as such is unable to enclose a copy thereof with this application. He however, craves leave of this Hon'ble Tribunal to produce the same at hearing, if need be.

- 4.8 That on consideration of the names so nominated, the respondents by notification dated 26.09.1996 appointed four persons including Sri SJ Jongsam - against the vacancies for the State of Arunachal Pradesh - to the IFS (AGMUT Cadre). The persons so appointed were holding places at serial 9, 20, 21 and 25 in the seniority list of ACF as on 01.01.1983.

A copy of the aforesaid Notification dated 26.09.1996 is annexed herewith as **Annexure - 1**.

- 4.9 That the Civil Rule No. 455 of 1993 was finally disposed of by the Hon'ble High Court on 18.05.1998 and the respondent State was directed to give the applicant's promotion as DCF with effect from 28.11.1992 and pass necessary

Brajesh Chandra Das



order maintaining his seniority and to give the applicant all service benefits of the post including seniority.

A copy of the Judgment & Order dated 18.05.1998 passed by the Hon'ble Gauhati High Court in Civil Rule No. 455 of 1993 is annexed herewith as **Annexure - 2.**

- 4.10 That in compliance of the aforesaid order of the Hon'ble High Court, by Order No. FOR 236/E(A)/93/22574-674 dated 24.06.1999, the respondent State had promoted the applicant to the post of DCF with effect from 28.11.1992.

A copy of the aforesaid order dated 24.06.1999 is annexed herewith as **Annexure - 3.**

- 4.11 That as against the Judgment & Order dated 18.05.1998 passed by the Hon'ble Gauhati High Court in Civil Rule No. 455 of 1993, one Sri RK Deuri and another had preferred an appeal viz. Writ Appeal No. 36 of 2000 before the Division Bench of the Hon'ble Gauhati High Court.
- 4.12 That in such circumstance, the respondent State had not passed any order in terms of the Judgment & Order dated 18.05.1998 in Civil Rule No. 455 of 1993 and thus, had not granted the benefit of seniority to the applicant.
- 4.13 That however, by a Notification No. 32012/1/93-IFS-I dated 18.08.2000 issued by the respondent Union of India, the applicant was appointed to the IFS (AGMUT Cadre) subject to outcome of aforesaid Writ Appeal No. 36 of 2000. The applicant thereafter retired from service on 31.07.2005 in the capacity of DCF (IFS).
- 4.14 That consequent to his appointment to the IFS (AGMUT Cadre) by notification dated 18.08.2000; the applicant submitted a representation to the respondent no. 2 through the respondent State and prayed for his induction/nomination in the IFS (AGMUT Cadre) with retrospective effect from 26.09.1996 i.e., the date when his junior Sri SJ Jonsam was appointed to the IFS (AGMUT Cadre). The said representation of the applicant was however, forwarded by the respondent State through communiqué under No. FOR 145/70/Vol.I/622-23 dated 22.08.2005.

A copy of the aforesaid Communiqué under No. FOR 145/70/Vol.I/622-23 dated 22.08.2005 is annexed herewith as **Annexure - 4.**

Brajesh Chandra Das

29 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

5

- 4.15 That the Writ Appeal No. 36 of 2000 was, however, dismissed on 28.06.2006 as infructuous by the Hon'ble Gauhati High Court.

A copy of the Order dated 28.06.2006 passed by the Hon'ble Gauhati High Court in WA No. 36 of 2000 is annexed herewith as **Annexure - 5**.

- 4.16 That after disposal of the aforesaid writ appeal, the applicant submitted a representation dated 18.08.2006 to the respondent no. 3 and 4 with a copy to the respondent no. 2 and sought for grant of the following:

- (a) Appointment as DCF against cadre post of IFS allotted to Arunachal Pradesh,
- (b) Induction/appointment of IFS senior time scale against promotion quota with effect from 26.09.1996 (written as 26/9/06 in the representation),
- (c) Restoration of junior administrative grade with effect from a date when his juniors were granted the said grade,
- (d) Restoration of selection grade with effect from a date when his juniors were granted the said grade, and
- (e) Release of all service and financial benefits.

The respondent no. 3 by communiqué dated 07.09.2006 had forwarded the said representation of the applicant to the respondent no. 2.

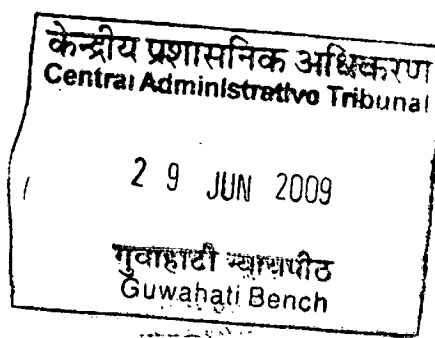
A typed copy of the representation dated 18.08.2006 as well as the Communiqué dated 07.09.2006 are annexed herewith as **Annexure - 6 & 7** respectively.

- 4.17 That thereafter, by Order under Memo No. FOR 236/E-2/93/Pt/20,651-80 dated 04.07.2007, the respondent State had granted to the applicant the benefit of seniority and placed him above Sri SJ Jongsam in the seniority list published under no. 180/E-2/84/21316-364 dated 03.07.1993.

A copy of the aforesaid order dated 04.07.2007 is annexed herewith as **Annexure - 8**.

- 4.18 That having not received any response on his representation dated 18.08.2006 and also in view of grant of seniority in terms of the order dated 04.07.2007 aforesaid, the applicant submitted a representation dated 19.07.2007 to the respondent no. 2 claiming induction/appointment to the IFS (AGMUT Cadre) with effect from the date when his junior Sri SJ Jongsam

Brageesh Chandra Das



was so inducted/appointed. The applicant also endorsed a copy of the said representation to the respondent no. 3 & 4.

A copy of the aforesaid representation dated 19.07.2007 is annexed herewith as **Annexure - 9**.

- 4.19 That the aforesaid representations of the applicant having failed to evoke any positive response, he issued a reminder on 25.11.2007 to the respondent no. 3 & 4 on the subject of his induction/appointment to the IFS (AGMUT Cadre) with effect from the date when his junior Sri SJ Jongsam was so inducted/appointed.

A typed copy of the aforesaid reminder dated 25.11.2007 is enclosed herewith as **Annexure - 10**.

- 4.20 That thereafter on 07.11.2008, the Chief Conservator of Forests (A&V), Government of Arunachal Pradesh issued a communiqué dated 10.10.2008 disposing of his representation and informing the applicant that his grievance with regard to 'induction/appointment to the IFS (AGMUT Cadre) with effect from the date when his junior Sri SJ Jongsam was so inducted/appointed' could be redressed only by Union of India. By the said communiqué the applicant was also informed that payment of service benefits admissible under the Rules would be considered only upon receipt of decision from Government of India.

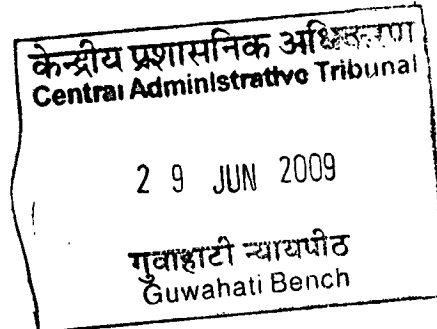
A copy of the aforesaid Communiqué dated 10.10.2008 is enclosed herewith as **Annexure - 11**.

- 4.21 That in the aforesaid premise, the applicant took up the matter with the respondent no. 1 through his representation dated 03.02.2009 and sought relief. On 24.03.2009, the Special Secretary (E&F), Department of Environment & Forest, Government of Arunachal Pradesh had forwarded the said representation of the applicant to the respondent no. 1.

A typed copy of the representation dated 03.02.2009 as well as the communiqué dated 24.03.2009 are annexed herewith as **Annexure - 12 & 13** respectively.

- 4.22 That the applicant states that in terms of the provisions of the IFS (APPOINTMENT BY PROMOTION) REGULATIONS, 1966; the determination of his seniority and consequential entitlement vis-à-vis Sri SJ Jongsam and

Brajesh Chandra Das



others as in the Judgment & order dated 18.05.1993 of the Hon'ble High Court in Civil Rule No. 455 of 1993 and also in view of the consequential orders passed by the respondent State on 24.06.1999 and 04.07.2007, he is entitled to inclusion of his name in the list of suitable officers to be prepared by the respondent State for induction/appointment into the IFS (AGMUT Cadre) along with Sri SJ Jongsam and others who were nominated by the respondent State in the year 1996. Apart from his seniority over Sri SJ Jongsam and others, the applicant was also otherwise eligible for such consideration as by that time he had already put up more than eight years of service as ACF. To facilitate this, the respondent State is under an obligation to hold a review DPC to notionally nominate him along with the ACF/DCFs (SFS) for the purpose of his induction/appointment to the IFS (AGMUT Cadre) in the year 1996. The respondent no. 5, on the other hand, is also under such obligation to consider the applicant's candidature vis-à-vis the other ACF/DCFs (SFS). In other words, the respondents are liable to antedate his induction/appointment into the IFS (AGMUT Cadre) with effect from 26.09.1996 instead of 18.08.2000. The Communiqué dated 10.10.2008 is therefore liable to be set aside.

- 4.23 That the applicant states that from the post of DCF the upward movements in the time scale of pay, as applicable in his case, can be demonstrated as follows:

DCF Selection Grade
| (After 4 years)
DCF Junior Administrative Grade
| (After 9 years)
ACF/DCF (SFS) -----> = DCF (IFS) Senior Scale of Pay
Promotion

- 4.24 That the applicant states that in terms of the IFS (RECRUITMENT) RULES, 1966, on his induction/appointment to the IFS by way of promotion, he becomes eligible to be placed in the senior scale of pay. Further, in terms of the IFS (PAY) RULES, 1968 he becomes eligible to be placed in the Junior Administrative Grade upon completion of 9 (nine) years from the year of allotment of the cadre post. That is to say, the applicant having been allotted the post of DCF in the year 1992 became eligible for being placed in the Junior Administrative Grade in the year 2001. The upward movement to Selection Grade is permissible on completion of 4 (four) years in the Junior Administrative Grade and thus, the applicant became entitled in the year 2005 for placement in the Selection Grade.

Binay Chandra Das

29 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

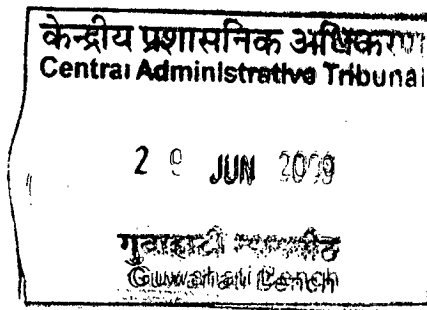
29
8

- 4.25 That the applicant states that his juniors – including Sri SJ Jongsam – got promoted as DCF Selection Grade on 01.01.2005. But, for the erroneous and delayed nomination of the applicant to the IFS (AGMUT Cadre) in the year 2000, he has been deprived of such benefits of promotion to the higher posts and the scales of pay attached therewith. Thus, the applicant is also entitled to be considered for such promotion though notionally, to the Junior Administrative Grade in the year 2001 and to the DCF Selection Grade with effect from 01.01.2005.
- 4.26 That the applicant states that there had been nothing adverse against him in the entire of his service record and as such, he is eligible for the purpose of having his name nominated for induction/appointment into the IFS (AGMUT Cadre) along with the ACF/DCFs (SFS) nominated in the year 1996. On such nomination, the applicant is further entitled to the benefit of antedated induction/appointment into the IFS (AGMUT Cadre) with effect from 26.09.1996 instead of 18.08.2000 and to grant all such consequential benefits including monetary as would flow to him because of such antedated induction/appointment.
- 4.27 That the applicant states that till date nothing has been done from the end of the respondents to redress his grievance and hence this application for appropriate relief.
- 4.28 That this application is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

- 5.1 For that, the applicant – having put up more than eight years service as ACF and further having been promoted as DCF – is entitled, in terms of the IFS (Appointment by Promotion) Regulations, 1966 to have his name nominated for selection for induction/appointment into the IFS (AGMUT Cadre) along with the other ACF/DCFs (SFS) nominated in the year 1996.
- 5.2 For that, in view of his seniority above Sri SJ Jongsam and others, the respondents ought to have nominated his name for his induction/appointment into the IFS (AGMUT Cadre) in the year 1996 and this having not been done, the respondents are liable to hold a review DPC now so as to consider induction/appointment of the applicant into the IFS (AGMUT Cadre) in the year 1996 and the respondents are liable to be directed in this regard.
- 5.3 For that, the year 1992 being the year of allotment of the post of DCF to the applicant, in terms of the IFS (PAY) RULES, 1968 read with the IFS

Brayish Chandra Das



(RECRUITMENT) RULES, 1966, he is eligible for being placed in the Junior Administrative Grade in the year 2001 and further to the Selection Grade in the year 2005 and as such, the respondents are bound in law to consider these aspects of the matter and pass appropriate orders in favour of the applicant so as to grant him the appropriate scales of pay.

5.4 For that, the Communiqué dated 10.10.2008, in that it avoids the responsibility of the respondent State in the matter, suffers from total non-application of mind inasmuch as even under the IFS (Appointment by Promotion) Regulations, 1966, it is the responsibility of the respondent State to prepare a list of suitable officers for induction/appointment to the IFS Cadre and in that view of the matter, the Communiqué dated 10.10.2008 is liable to be declared arbitrary, illegal and thus set aside.

5.5 For that, in any view of the matter the action of the respondents in not considering the applicant's case is illegal, unfair and unreasonable and thus, they are liable to be directed in an appropriate manner by this Hon'ble Tribunal.

6. Details of remedies exhausted:

That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. Matters not previously filed or pending with any other Court:

The applicant also declares that he has not previously filed any suit/application before any other Court/Tribunal pertaining to the subject matter involved in this application nor any such suit/application is presently pending before any other Court/Tribunal.

8. Relief (s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that this Hon'ble Tribunal be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

8.1 That the Hon'ble Tribunal be pleased to direct the respondents to hold review DPC so as to consider induction/appointment of the applicant to the IFS

Braj Chandra Das

29 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

10

(AGMUT Cadre) with effect from 26.09.1996 i.e., the date when his junior Sri SJ Jongsam was inducted/appointed to the said cadre.

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to consider grant of the benefit of Junior Administrative Grade and Selection Grade with effect from the year 2001 and 2005 respectively, or the dates when Sri SJ Jongsam, the immediate junior of the applicant was granted the said benefits.

8.3 That the Communiqué dated 10.10.2008 be set aside and quashed.

8.4 Costs of the application.

8.5 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

The applicant does not pray for any interim relief; however, the Hon'ble Tribunal may be pleased to observe that subsistence of the present application shall debar the respondents from considering his case.

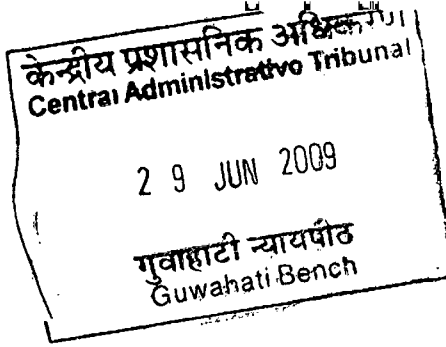
10.
The applicant files this application through advocate.

11. Particulars of the I.P.O

i)	I.P.O No.	:	69F 352936, 69F 352937, 69F 352938
ii)	Date of issue	:	26.06.09
iii)	Issued from	:	G.P.O., Guwahati.
iv)	Payable at	:	G.P.O., Guwahati.

12. List of enclosures:
As given in the index.

Brajesh Chandra Das



VERIFICATION

I, Shri Brajesh Chandra Das, son of Late Ram Gopal Das, aged about 63 years, resident of Geruapar, P.O. Sarupeta, District: Barpeta, Assam, PIN - 781 318, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 23rd day of June 2009.

Brajesh Chandra Das
Signature

(True copy)

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

F. NO. 32012/1/93-IFS I
Government of India
Ministry of Environment and Forests

Paryavaran Bhawan,
CGO Complex, Lodhi, Rf
New Delhi - 110003

Dated the 26th Sept. 1996.

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 please to appoint with immediate effect the undermentioned twenty Officers of the State Forest Service of Arunachal Pradesh, Mizoram and Andaman & Nicobar Administration, Constituent unit of the Arunachal Pradesh-Goa-Mizoram and Union Territories (AGMUT) Cadre, to the Indian Forest Service against the existing vacancies and to allocate them to the AGMUT cadre of the Indian Forest Service under sub-rule (1) of rule 6 of the Indian Forest Service (Cadre) Rules- 1966.

Sl. No.	Name of the Officers	Date of birth
1.	2.	3.

ARUNACHAL PRADESH :-

S/Shri

01. R. Modi	01-03-1947
02. S.J. Jengsam	02-01-1955
03. R.K. Deori	01-03-1959
04. S. Thirunavukarasu	04-02-1954

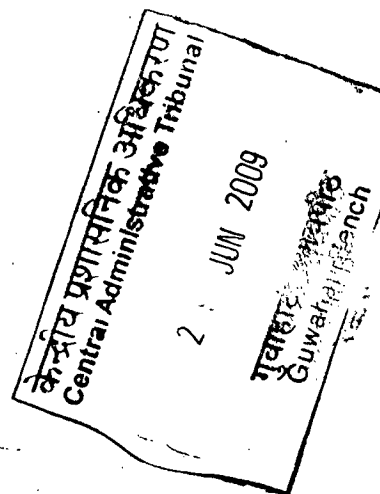
MIZORAM :

01. R. Rezika	01-04-1939
02. B. Suanzalang	31-03-1955
03. P. Liankhama	01-03-1949
04. Laithangliana Murray	16-04-1959
05- Liankima Lailuna	10-11-1961
06. Vanlalsawma	01-03-1959
07. Hmingdailova	01-05-1959

ANDAMAN & NICOBAR ADMINISTRATION :-

s/Shri

01. J.P. Misra	03-07-1954
02. Randhir Singh	17-11-1938
03. M.P. Singh	08-12-1945
04. B.P. Singh	01-04-1947
05. S.C. Mukhopadhyay	26-10-1950
06. Anutosh Guna	30-01-1949
07- George Jacob	14-12-1952



Attested
Dutta
Ach

Sl. No.	Name of the Officers	Date of birth
1.	2.	3.

S/Shri

- | | | |
|-----|-------------------|------------|
| 08. | V. Chandrapandian | 25-00-1950 |
| 09. | Jilmudra Kumar | 27-10-1960 |

Sd/- (R. Sanehal)
Under Secretary to the Govt. of India

To

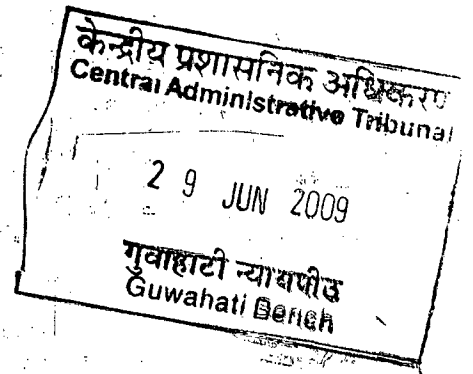
The Manager,
Government of India Press,
(Haryana) (with a copy of Hindi version).

Distribution :-

1. The Chief Secretary, Govt. of A.P., Itanagar.
2. The Chief Secretary, Govt. of Mizoram, Aizawl,
3. The Chief Secretary, Govt. of Andaman & Nicobar, Port Blair.
4. The Principal Chief Conservator of Forests, A.P. Itanagar with spare copies for the Officers concerned.
5. The Principal Chief Conservator of Forests, Mizoram.
6. The Principal Chief Conservator of Forests, Andaman & Nicobar Islands, Port Blair with the spare copies for the Officers concerned.
7. The Accountant General, A.P. Itanagar.
8. The Accountant General, Mizoram, Aizawl.
9. The Accountant General, Andaman Nicobar Islands, Port Blair.
10. The Secretary, Union Public Service Commissioner, Dhampur House, Shahjahan, Road, New Delhi.
11. Guard file.

R.A./

@@@@



रजम एवं प्रतिलिपि की अर्पण तिथि Date fixed for notifying the requisite number of stamps and folios.	अर्पण तिथि पर प्रतिलिपि देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने की प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	अर्पण को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
4/6/98	4/6/98	4/6/98	4/6/98

IN THE GAUHATI HIGH COURT
(The High Court of Assam, Nagaland, Meghalaya, Manipur, Mizoram, Tripura and Arunachal Pradesh)

ANNEXURE-2

CIVIL RULE NO.455 OF 1993

केन्द्रीय प्रशासनिक आ
Central Administrative Tribunal

2 JUN 2009

गुवाहाटी बेंच
Guwahati Bench

Sri Brajesh Chandra Das,
S/O Late Ram Gopal Das,
permanent resident of Sarupeta,
Dist. Barpeta, Assam,
presently residing at Itanagar,
Arunachal Pradesh in connection
with his service.

PETITIONER

-Versus-

1. The Arunachal Pradesh Forest Department.
2. The Principal Chief Conservator of Forest and Secretary, Forest Department, Govt. of Arunachal Pradesh.
3. Shri S J Jongsam,
Deputy Conservator of Forest (S.F.S.),
C/O Chief Conservator of Forest,
Arunachal Pradesh, Itanagar.
4. Sri R K Deuri,
Deputy Conservator of Forest,
C/O Chief Conservator of Forest,
Arunachal Pradesh, Itanagar.
5. Sri S Thi-unevukarasu,
Deputy Conservator of Forest,
Deputy Chief Wildlife Warden,
Maharlagun, Arunachal Pradesh.
6. Sri K Tailong, (D.C.F.),
Divisional Officer, Khunsa Forest Division,
Khunsa, Arunachal Pradesh.
7. Sri K Partin (D.C.F.) Divisional Officer,
Dowmali, Arunachal Pradesh.

RESPONDENTS

B E F O R E :

HON'BLE MR JUSTICE D N CHOWDHURY

Mr NM Lahiri,

For the petitioner : Mr. RP Sarmah,
Mr. AK Goswami,
Mr. SC Dutta,
Mr. SR Sen,
Advocates.

For the respondents: Mr. B Chakraborty,
Govt. Advocate,
Arunachal Pradesh.

Contd. 2/-

Attested
Dutta
Adv

29 JUN 2019

गुवाहाटी न्यायपीठ
Guwahati Bench

-2-

Date of hearing and judgment : 18th of May, 1998.

JUDGMENT AND ORDER (ORAL)

The main controversy raised in this writ petition is relating to the non-consideration of the petitioner's case for the post of Deputy Conservator of Forest and promotion of respondents Nos. 3 to 7 and other junior officers overlooking the genuine claim of the petitioner as well as the inter se seniority of the petitioner vis-a-vis the respondents.

2. The petitioner was initially appointed as Forest Ranger on completion of training and he joined in the said post in the erstwhile North East Frontier Agency, presently known as Arunachal Pradesh, on 1-4-70. By a Notification vide No. FOR/233/72/Pt/25453-505 dated 15-10-80, the petitioner was promoted to the post of Assistant Conservator of Forest (ACF for short) with effect from 20-20-80. The petitioner accordingly, joined the said post of ACF on 29-10-80. The respondents 3 to 7 are all direct recruits and were appointed as ACF after the petitioner. Respondents Nos. 3 and 4 were appointed as ACF on 1st April, 1981 and respondents Nos. 5, 6, and 7 were appointed on 6-11-81, 31-1-82 and 1-11-82, respectively. The post of Deputy Conservator of Forest (DCF in short) is the next higher post and under the Rules, promotion to the above post of DCF is permitted after eight years of service as ACF. Respondent No. 3 was promoted as Deputy Conservator

Contd. ...3/-

29 JUN 2009

गुवाहाटी न्यायापीठ
Guwahati Bench

-3-

of Forest with effect from 1-8-87 vide order dated 22nd December, 1988 and respondents Nos. 4 to 7 were promoted to the post of Deputy Conservator of Forest by notifications dated 28th November, 1992 though as per the seniority list, all the above respondents were junior to the petitioner. Being aggrieved, the petitioner moved this Court assailing the legitimacy of the promotion of the respondents Nos. 3 to 7 overlooking the genuine claim of the petitioner as being violative of Article 16 of the Constitution of India. The petitioner, in the petition, has also stated that one Shri B C Dev, who was junior to him in the Seniority list, was also promoted vide order dated 28th November, 1992 only on his moving the Court.

The respondents filed affidavits. In the mean time during the pendency of the Civil Rule, respondent No. 6, Shri K Tailong, died and accordingly, his name is struck-off. Respondents Nos. 1 and 2 in their affidavit, have stated that the promotion of respondents Nos. 3 to 7 were made after due selection as per the Rules and, therefore, question of infringement of Articles 14 and 16 does not arise. Respondents 1 and 2, further, admitted about the promotion of Shri B C Dev.

3. I have heard Mr NM Lahiri, learned senior counsel appearing on behalf of the petitioner assisted by Shri A K Goswami, Shri SC Dutta and Mr R P Sarma, learned Govt. Advocate for the State of Arunachal Pradesh assisted by Mr B Chakraborty at some length.

Contd. ...4/-

29 JUN 2009

गुवाहाटी स्थलीय
Guwahati Bench

-4-

4. Mr NM Lahiri, learned senior counsel appearing on behalf of the petitioner though a promotee and respondents Nos. 3 to 7 though direct recruits, were merged into one cadre on appointment as ACF i.e., the cadre of ACF. Since the petitioner was eligible to be promoted to the post of Deputy Conservator of Forest, there cannot be any question of ignoring his case for promotion, more so when the petitioner was found suitable by the Departmental Promotional Committee. Mr A K Goswami, the learned counsel, cited the example of Shri B C Dev who was also a promotee ACF and who was also promoted to the post of Deputy Conservator of Forest vide Govt. order dated 28th November, 1992. Mr Goswami, the learned counsel, drew my attention to the inter-se seniority list which shows that whereas the respondents Nos. 3, 4, 5 and 6 along with one Shri M K Palit, were shown above the petitioner, respondent No. 7, Shri B C Dev, was below the petitioner in the seniority list.

5. The learned Govt. Advocate on the other hand submitted that respondents Nos. 3 to 7 were given promotion only on the basis of merit. Although the learned Govt. Advocate could not produce the complete original records before this Court, but has drawn my attention to a photocopy of the proceeding of the Departmental Promotion Committee meeting held on 29th October, 1992 in the office chamber of the Member, Arunachal Pradesh Public Service Commission to consider the cases of Asstt. Conservator of Forests to the posts

Contd. ..5/-

29 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

-5-

of Deputy Conservator of Forests in the Department of Forests. From the minutes of the proceeding, it appears that the Committee considered the cases of twentyone officers including that of the petitioner for promotion to the post of Deputy Conservator of Forests (DCF in short). The Committee after examining the records, recommended names of ten officers from the general category and those of four officers belonging to the Scheduled Tribes. The said list also contained the name of the petitioner amongst the ten officers recommended from the general category.

6. The post of DCF is a Selection Grade post and appointment of members of the service to the Selection Grade is to be made in consultation with the Board on the basis of merit with due regard to seniority as envisioned in Rule 26 of the Rules which reads as follows :

"26. Selection Grade (I) Appointment of members of the service to the selection grade shall be made in consultation with the Board on the basis of merit with due regard to seniority.

2) An officer with the minimum eight years of service (in time scale of pay) shall be eligible for being considered for appointment to the selection grade.

Provided that service in a duty post or an equivalent post or higher post under Central Government, Govt. of Arunachal Pradesh or in a State Forest Service shall count towards eight year period.

Provided further that where a person is considered for such appointment all persons senior to him (in the time scale of pay) shall also be considered if the seniors have successfully completed probation and they have completed six years service in the grade. "

Contd. ..6/-

29 JUN 2013

गुवाहाटी न्यायापीठ
Guwahati Bench

-6-

7. From the facts as stated above, the following points emerge :

Firstly, the petitioner was senior to respondents Nos.3 to 7 in the Gradation list and also was senior to Shri B C Dev; and

Secondly, the Selection Committee (DPC) also found the petitioner eligible for selection.

The rule for promotion to a Selection Grade post stipulates 'merit with due regard to seniority'. The petitioner was also found eligible for selection.

When the petitioner did possess merit and and was senior to other respondents, he was entitled for promotion to the post of DCF as per the Rules. That apart, by this time Shri B C Dev, who was junior to him/petitioner, was also promoted with effect from 28-11-92.

8. On overall consideration of all the facts and circumstances, I do not find any justification for ignoring the case of the petitioner, more so after he was found eligible for promotion. Other similarly placed eligible persons were already promoted with effect from 28-11-92 including person junior to him. When the Departmental Promotion Committee found the petitioner eligible and recommended his name for promotion, there was no reason for not promoting the petitioner to the post of DCF.

The respondents are accordingly directed to consider the case of the petitioner for promotion as per the Rules and in the light of the observations

Contd. ...7/-

29 JUN 2009

गुवाहाटी न्यायालय
Guwahati Bench

- 7 -

made above. The respondents shall also take into consideration the service rendered by the petitioner and shall pass necessary order maintaining his seniority and give promotion with effect from 28-11-92. The petitioner shall be entitled to all the ^{/Service} benefits of the post including seniority.

The petition is allowed to the extent indicated above.

Sd/- D.N. Chowdhury
Jd/-

Certified to be true copy

Pradip Kumar Bhowmik

Asst. Registrar (Judl.)

GAUHATI HIGH COURT

Authorised UAS. 90 Act. 1971

Attested
Mulla
Adv

4/6/98

(COPY)

- 21 -

ANNEXURE - 3

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT & FORESTS
ITANAGAR.

O R D E R

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

29 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

The Governor of Arunachal Pradesh is pleased to order promotion of Shri B.C. Das, Asstt. Conservator of Forests (SFS) in the pay scale of Rs. 2200-75-2800-EB-100-4000/-P.M. w.e.f. 28/11/92 against the post of Deputy Conservator of Forests (SFS) created temporarily for the period w.e.f. from 28/11/92 to 31/8/97, vide order No. For 236/E-A/93/22473-573 dated 24th June/99.

And whereas, the temporary post of Deputy Conservator of Forests (SFS) in the pay scale of Rs. 2200-75-2800-EB-100-4000/- has been created for the specific period from 28/11/92 to 31/8/97, therefore, Shri B.C. Das, SFS is entertained as Deputy Conservator of Forests (SFS) w.e.f. 1/9/97 against the vacancy caused due to retirement of Shri B.C. Deb, DCF (SFS) from service w.e.f. from 31/8/97 (AN).

This issues in pursuance of and in compliance with the judgement and order dated 18/5/98 of the Hon'ble High Court, Guwahati in Civil Rule No. 455 of 1993, Shri B.C. Das, Vs the A.P. Forest Departments and others and also with the concurrence of the Finance Department, Govt. of A.P. vide O.O. No. 676 dated 1/4/99.

Sd/- (B. Mathews)
Principal Secretary (Environment & Forests)
A.P. Itanagar.

Memo. No. For. 236/E(A)/93/22574-674 Dated 24/6/99.

Copy to :-

1. The Accountant General (Accounts), Meghalaya, Mizoram, A.P. Shillong.
2. The Secretary to Hon'ble Governor, A.P. Itanagar.
3. The Secretary to Hon'ble Chief Minister, A.P. Itanagar.
4. The P.S. to Hon'ble Minister (E&F), A.P. Itanagar.
5. The P.S. to Chief Secretary A.P. Itanagar.
6. The Commissioner (Finance) Govt. of A.P. Itanagar.
7. The Under Secretary (Finance), Govt. of A.P. Itanagar.
8. The Chief Conservator of Forests, Wildlife, A.P. Itanagar.
9. The Chief Conservator of Forests, (REV), A.P. Itanagar.
10. All Conservator of Forests, A.P.
11. All Divisional Forest Officers, A.P.
12. The Field Director, Project Tiger Miao.
13. The Principal, A.P. Forest School, Roing.
14. The Dy. Chief Wildlife Warden, Naharlagun.
15. The Director of Accounts & Treasuries, Govt. of A.P. Naharlagun.

Contd.P/2.....

Attended
Mulla
Adv

29 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

- 22 -

// 2 //

16. The Director, State Forest Research Institute, Chirap, Itanagar.
17. All Branches of this office.
18. Master copy file.
19. Ten (10) spare copies.
20. Personal file of officers concerned.

Sd/- (B. Mathews)
Principal Secretary (Envt. & Forests)
A.P. Itanagar.

R.G.//**

00000

- 23 -

ANNEXURE-4

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT & FORESTS
ITANAGAR

NO.FOR.145/70/Vol.I/622-23

Dtd.Ita. thAug/05
22nd

To

The Director
Ministry of Environment & Forests,
Govt. of India, New Delhi.

Sub:- Induction/appointment of the IFS AGMUT cadre with
retrospective effect.

Ref:- Representation of Shri BC Das, IFS, AGMUT.

Sir,

With reference to above on the subject, I am directed to forward herewith a representation submitted by Shri BC Das, IFS, AGMUT for his induction/appointment in IFS AGMUT cadre with retrospective effect w.e. from 26/9/96 from date his juniors were promoted to IFS vide your notification No.32012/1/93-IFS-I dated 26/9/1996 as per judgement of Guwahati High Court in Civil Rule No.455 of 1993. In this connection, it is to inform you that Shri BC Das, SFS was appointed in IFS AGMUT cadre vide your notification No.A.32012/1/93-IFS-I dated - 23/11/2000 w.e. from 18/8/2000 subject to outcome of (i) WP(C) No.36/2000 in Civil Rule No.455/93 and (ii) WP(C) No.2112/200 in Guwahati High Court. The photo copies of above judgement along with your notification dated 26/9/1996 and dated - 23/11/2000 are also enclosed herewith for favour of necessary action.

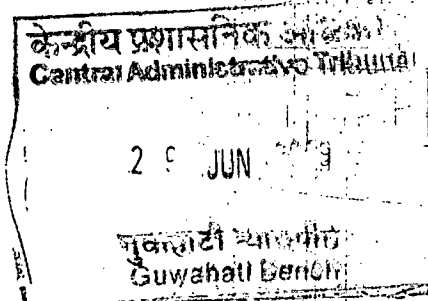
Enclo: As above.

Yours faithfully,

(Hibu Dole) *Hibu Dole*
Joint Secretary (E&F)
Arunachal Pradesh::Itanagar

Copy to -

Shri BC Das, IFS(Retd.), C/o. CF, Western Ar.
circle, Banderdewa.



Certified

*Attested
Dulla
Adh*

Be put up draft to Govt

18/8/05

THE GAUHATI HIGH COURT

(High Court of Assam Nagaland, Meghalaya, Manipur, Tripura,
Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from

LW H

Civil Rule

No. 36 of 2000

Sri R.K. Debnath

Appellant

Petitioner

Versus

State of Assam

Respondent

Opposite-Party

Appellant
For
Petitioner

Mr. M.Z. Ahmed

Mr. S. B. Datta

Mr. B. Kalita

Respondent
For
Opposite-Party

G. H. Assam Pradesh

Mr. N. N. Sanyal

Mr. P. P. Sarmah

Mr. U. Das

Per R.M. 12

Advised R.M. 3

Noting by Officer or
AdvocateSerial
No.

Date

Office notes, reports, orders or proceedings
with signature

1

2

3

4

Attested
White
Adv

Serial No.	Date	Office no. 13, reports, orders or proceedings with signature
1	2	3

WA No. 36/2000.

PRESENT

HON'BLE THE CHIEF JUSTICE B.S. REDDY
HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH

28.06.2006

Reddy, C.J.:-

It is stated by the learned counsel for the appellants that cause in this writ appeal does not survive requiring any further adjudication as such.

The writ appeal shall accordingly stand dismissed as infructuous without any order as to costs.

Sd/- T.N. Singh
JUDGE

Sd/- B.S. Reddy
CHIEF JUSTICE

Memo No. 36/2000-2716-11/WA dtd. 07.03.07
Copy forwarded for information and necessary action to :-

1. The Principal Chief Conservator of Forest and Secretary, Forest Department, Govt. of Arunachal Pradesh.

✓ Sri Brajesh Chandra Das,
Divisional Forest Officer,
Working Plan Division, Namsang P.O., Dist. Lohit,
Arunachal Pradesh.

By order

Asstt. Registrar (I&E),
Gauhati High Court, Guwahati.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
29 JUN 2009
गुवाहाटी बेंच
Guwahati Bench

The Principal Chief Conservator of Forests
And Principal Secretary (Env. & Forests)
Govt. of Arunachal Pradesh, Itanagar.

Sub :- Induction /Appointment of the IFS AGMUT cadre with retrospective effect from the date when my juniors have been appointed with further promotion ~~with financial benefit~~ with financial benefit in pay etc.

- Ref :- 1) My application dated 1/7/05 forwarded by Conservator of Forests, Western Circle Banderdewa vide NO WAC/53/94/3231-32 Dt 2/7/05
- 2) Your No. For 145/70/VOI-I/622-23 dt. 22/8/05
- 3) My Application dt. 22/11/05
- 4) My Application dt. 24/2/06

Sir,

Please refer to the above cited letters, I am enclosing herewith the outcome of WA No. 36/2000 in Civil Rule No.- 455/93 passed by the learned two ~~benched~~ ^{Judge Bench} judges, Guwahati High Court on 28/06/06 for favour of your early necessary action. Since the writ appeal has been defeated and stand dismissed by learned two ~~benched~~ ^{Judge Bench} judges of Guwahati High Court, You are requested to restore my rightful claims as below on the basis of the judgement of learned single judge of Guwahati High Court dt. 18th of May, 1998 of Civil Rule No. 455 of 1993, giving me service benefit of the post including seniority over respondents No. 3 to 7 as ordered by the Hon'ble Guwahati High Court.

i) Appointment (of SFS officer) to officiate as Deputy Conservator of Forests against the cadre post of IFS allotted to Arunachal Pradesh as was appointed to my juniors.

ii) Induction/Appointment of IFS senior time scale against promotion quota w.e.f. a date to the induction/ appointment of my juniors in service on 26/9/66

iii) Restoring juniors administrative grade w.e.f. a date of my juniors have been granted.

iv) Restoration of selection grade w.e.f. a date my juniors have

Attested
Dutta
Adw

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal
29 JUN
गुवाहाटी ब्याच Guwahati Bench

2

been promoted.

v) Release of all service and financial benefits due from the acceptance of appointments/ promotion of my juniors.

The outcome of (I) WA. No 36/2000 in Civil Rule No 455/ 93 and (II) WP(C) No 2112/2000 in Guwahati High Court (Copy already enclosed vide my letter dt 22/11/05) as mentioned in the Govt. of India, Ministry of Env & Forest's letter No. A 32012/1/93 - IFS -1 dt 23/ 11/2000 does not survive and writ appeal and writ petition has been dismissed as infructuous and stand closed.

An urgent necessary action is requested.

Enclo:- Order on WA No. 36/2000

dt. 28/6/2006 : P No. 58222

dt. 8/08/06 (4 copies)

Yours faithfully,

B.C. Das, IFS (Retd.)

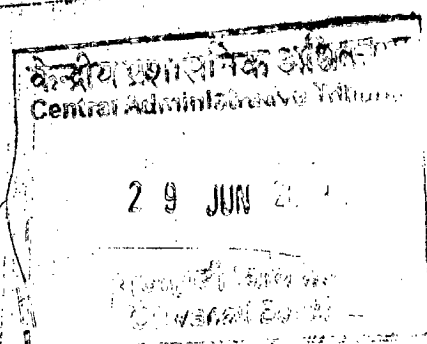
P.O.- Sarupeta (Geruapar)

Pin - 781318

Dist.- Barpeta (ASOM)

Registered A/D

Copy to :- The Director ; Ministry of Environment and Forests ; Govt. of India , New Delhi, for information and necessary action. Copies of the order on WA 36 of 2000 of learned iwo ~~bench~~ ^{Judge Panel} judge on 28/6/2006 is enclosed. He is requested to refer (i) No., FOR 145/70/ Vol 1/622-23 dt. 22/08/05 (ii) My application dt. 22/11/05 (in which out come of WP (c) No. 2112/2000 was enclosed) and 24/2/06 and take necessary action urgently as I Was made sufferer for such a long time without any valid reason.



Speed post

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT AND FORESTS
ITANAGAR

NO.FOR.145/70/Vol-I/328-29

Itanagar, dated 7th Sept, 2006

To

The Director, (IFS Division),
Ministry of Environment and Forests
Govt. of India
Paryavaran Bhawan, CGO Complex
Lodhi Road, New Delhi

Sub:

Induction/Appointment of the IFS (AGMUT) Cadre with retrospective effect.

Ref:

1. Representation of Shri B.C.Das, IFS (Rtd) dated 18-08-2006
2. This office No. FOR. 1145/70/Vol-I/622-23 dated 22-08-2005.

Sir,

With reference to above, I am directed to forward herewith a representation dated 18-08-2006 alongwith copy of the Judgment dated 28-06-2006 in WA. No36/2000 of Hon'ble Guahati High Court, submitted by Shri B.C. Das, IFS (Rtd) for your information and needful please. In this connection it may be mentioned here that, Shri B.C Das, IFS (RTD) was appointed in IFS Cadre vide your notification No. A-32012/1/93-IFS-I dated 23-11-2000, with effect from 18-08-2000, subject to out come of (i) WP(C).36/2000 in Civil Rule No.455/93 and (ii) WP(C) NO.2112/2000 in Guahati High Court. The photo-copies of said Judgments alongwith Notification dated 26/09/1996 and dated 23/11/2000 were sent to you vide this office letter NO. FOR..145/70/Vol-I/622-23 dated 22-08-05 which may please be ^{referred} ~~reference~~ to.

Encl: As stated.

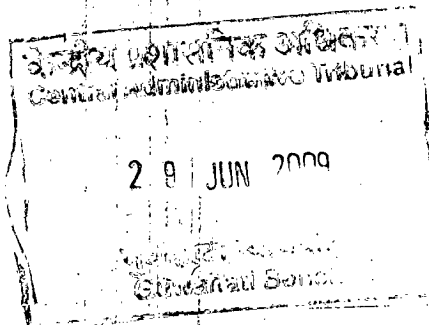
Yours faithfully,

Kamal Datta
(Kamal Datta)

Joint Secretary (E&F)

✓ Copy to Shri B.C. Das, IFS (Rtd) P.O. Saru peta(Geruapar)
Dist -Barpeta.
Pin -781318, Assam

*Attested
Quita
Adm*



GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT & FORESTS
ITANAGAR

ORDER

Whereas Shri Brajesh Chandra Das, the then Assistant Conservator of Forests filed a case before Hon'ble High Court, Guwahati vide case No. Civil Rule 455 of 1993 for his promotion and seniority.

And whereas Hon'ble High Court, Guwahati vide Judgement dated 18/05/1998 directed the Respondent Authority to promote the officer w.e.f. 28.11.1992 with all service benefits of the post including seniority.

And whereas in compliance to the Hon'ble High Court's Order, Shri Brajesh Chandra Das was promoted to the post of Dy. Conservator of Forests (SFS) w.e.f. 28.11.1992 vide Order No. FOR. 236/E (A)/93/22574-674 dated 24.06.1999, and whereas no order has been issued in regard to his Seniority.

Now, therefore, the Seniority of Shri Brajesh Chandra Das is fixed above Shri S.J. Jongsam. The Seniority list as published vide No. 180/E-2/84/21316-364 dated 03.07.1993 stands modified to that extent.

Sd/-

(M.B. Lal)

Principal Secretary (E&F)

Memo No. FOR. 236/E-2/93/PU 20, 651-80

Itanagar dated, 04/07/2007.

Copy to:

1. The Director, IFS, Govt. of India, Ministry of Env't. & Forests, Paryavaran Bhawan, Lodi Road, CGO Complex, New Delhi.
- ✓ 2. All concerned Assistant Conservator of Forests.
3. The Senior Govt. Advocate, Guwahati High Court, Guwahati.
4. Office Order Pad.

Shri Brajesh Chandra Das,
PO: Sarupeta (Geruapar)
Dist: Barpeta
Assam-781318

T. Gapak

(T. Gapak)

Joint Secretary (E&F)

D:\Drive D\ORDER\ORDER.doc

*Attested
Mulla
faw*

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

29 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Registered

The Director IFS Division
Ministry of Environment & Forests
Govt. of India.
Parayavaran Bhawan, Lodhi Road,
C.G.O. Complex, New Delhi.

Sub.: - Induction/Appointment of the IFS (AGMUT) cadre from the date juniors were inducted/appointed.

Ref.: - Govt of Arunachal Pradesh, Department of Environment & Forests, Itanagar memo No. FOR.236/E-2/93/pt/651-80 dt 04/07/2007

Sir,

Please refer to the above cited Govt. of Arunachal Pradesh, Department of Environment at Forests, Itanagar's letter No cited above (Copy enclosed) where in the seniority of mine is fixed above Shri S.J. Jongsam. Therefore you are requested to issue order in favour of me accordingly giving all service benefits from time to time given to my juniors with the direction to provide me financial benefits⁷⁷ involved from time to time as was intimated to you vide my letter dt. 18/8/06 which was forwarded to you by Govt. of Arunachal Pradesh E & F, Itanagar vide No. FOR. 145/70/Vot. 1/328-29 dt. 07.09.2006.

An early action is requested.

→ and Pensionary benefit.

Yours faithfully

lib
19/07/2007

B.C. Das IFS (Retd)
P.O.- Sarupeta, Geruapar
Dist.- Barpeta (Assam)

Registered

Copy to :- The Principal Chief Conservator of Forests and
Principal Secretary (E & F)
Govt. of Arunachal Pradesh, Itanagar for favour of information &
necessary action. He is requested to issue orders regarding appointment
of SFS officer to officiate as Deputy Conservator of Forests against the
Cadre Post of IFS allotted to Arunachal Pradesh in favour of me as was
appointed to my juniors from time to time and provide financial benefit
at the earliest.

Attested
Mulla
Ash

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

29 JUN 2009

गुवाहाटी बेंच
Guwahati Bench

ANNEXURE-10

To,

The PCCF and Principal Secretary (E&F),
Govt. of Arunachal Pradesh,
Itanagar.

Sub: Induction/appointment and further promotion of the IFS (AGMUT) cadre from the date of my juniors were inducted/ appointed/promoted.

Ref: (i) My representation dt 18/08/2006
(ii) Your No. FOR/145/70/Vol.-I/328-29 dt. 07/09/06
(iii) Your Memo No. FOR 236/E-2/93/Pt/20651-80. dt. 04/07/2007
(iv) My representation dt 19/07/2007

Sir,

Please refer to your Memo No. FOR 236/E-2/93/Pt/20651-80. dt. 04/07/2007, through you have restored my seniority very lately, but you have not given me the service benefits of the post yet which are enjoyed by my juniors since long. So you are requested to give me service benefits of the post already enjoyed by my juniors by issuing / persuade for issuing the following orders from Govt. of India expeditiously from the date when my Juniors are allowed to avail the benefits.

(I) Appointment (of SFS Officers) to officiate as Deputy Conservator of Forests against the cadre post of IFS allotted to Arunachal Pradesh, since my juniors were appointed on purely temporary basis from time to time giving one day break. For example an order issued under Memo no. FOR 410/E-2/81/3458-548 dt. 22/02 /1994 (copy enclosed) may be referred to.

(II) Induction / appointment of IFS senior times scale against promotion quota w.e.f. a date to the induction /appointment of my Juniors vide G.O.I, Ministry of Environment and Forests, Paryavaran Bhavan, N. Delhi's notification F.no.32012/1/93-IFS/dt. 26th Sept. 1996.

(III) Restoration of junior Administrative grade (in pay scale of Rs. 12000-375-16,000/ pm after completion of 9 years service from the year of allotment) w.e.f. a date of my juniors have been granted.

*Effectuated
Dutta
ASW*

29 JUN 2008
Central Administrative

(IV) Restoration of selection grade w.e.f. 01/01/05 (in the payscale of Rs.14,300.....) the date of my juniors have been promoted.

Hence, you are once again requested to give service benefits of the post expeditiously w.e.f. the date of availing the same by my Juniors.

Enclo: As stated above.

Yours faithfully,

Sd/ (illegible)

25.11.07

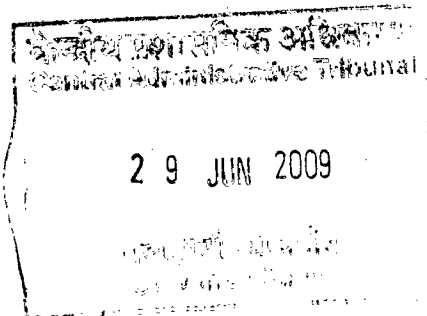
(B.C. Das) IFS (Retd)

P.O:- Sarupeta

Geruapar, Dist:- Barpeta

Assam, 781318

Copy to: (I) The Director IFS Division Ministry of Environment and Forests, Govt. of India for favour of information and necessary action. He is requested to refer to the letters under references, which were endorsed to him and issue necessary orders expeditiously.



Registered

To,

The PCCF and Principal Secretary (E & F),
Govt of Arunachal Pradesh,
Itanagar.

Sub: Induction/Appointment/and further promotion of the IFS (AGMUT) Cadre from the date of my juniors were inducted/appointed/promoted.

Ref: - (i) My representation dt 18/08/2006

(ii) your No. FOR/145/70/Vol-1/328-29
dt 07/09/06

(iii) your Memo No. FOR 236/E-2/93/Pt
/20651-20 dt 04/07/2007

(iv) My representation dt 19/07/2007

Sir,

Please refer to your Memo No. FOR/236/E-2/93/Pt/20651-20 dt 04/07/2007, though you have restored my seniority very lately, but you have not given me the service benefits of the post yet which are enjoyed by my juniors since long. So you are requested to give me service benefits of the post already enjoyed by my juniors by issuing/persuade for issuing the following order from Govt of India expeditiously from the date when my juniors are allowed to avail the benefits

Attested
Mulla
Adv

केन्द्रीय प्रशासन
Central Administration
29 JUN
गुवाहाटी न्यायधीन
Guwahati Bench

29 JUN 2009

गुवाहाटी बेंच
Guwahati Bench

(I) Appointment (of SFS officers) to officiate as Deputy Conservator of Forests against the cadre post of IFS allotted to Assamachal Pradesh, since my juniors were appointed on purely temporary basis from time to time giving one day break for example an order issued under Memo no. FOR 410/E-2/81/3458-548 dt 22/02/1994 (copy enclosed) may be referred to.

(II) Induction/Appointment of IFS senior time scale against promotion quota w.e.f a date to the induction/appointment of my juniors vide order G.O.I ministry of Environment and Forests, Paryavaran Bhawan, N. Delhi's notification F.no 32.012/1/93-IFS I dt 26th Sept 1996.

(III) Restoration of junior Administrative grade (in pay scale of Rs 12000-375-16,000/- p.m after completion of 9 years service from the year of allotment) w.e.f a date of my juniors have been granted.

(IV) Restoration of selection grade w.e.f 01/01/05 (in the pay scale of Rs 14,300/-) the date of my juniors have been promoted.

Hence, you are once again requested to give service benefits of the post expe-

- 33B -

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

29 JUN 2009

Guwahati Bench

ditionally w.e.f the date of availing the
same by my juniors.

Yours faithfully,

Encls:- As stated above.

25/11/07
(B.C. Das) IFS (Retd.)

P.O:- Salmipeta

Gemapar, Dist:- Barpeta

ASSAM, 781318

Copy to:- (1) The Director IFS Division Ministry
of Environment and Forests, Govt of India
for favours of information and necessary
action. He is requested to refer to the
letters under references, which were
endorsed to him and issue necessary
orders expeditiously

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT AND FORESTS
ITANAGAR.

NO. FOR /236/E-2/93/PI/ 27 (30-31)

Itanagar, dated, 10/10/2008

To

Shri B.C. Das.
P.O. Sarupeta, Geruapar,
Dist. Barpeta, Assam.

Sub: Induction/ appointment and further promotion of the IFS (AGMUT) cadre
from the date of your junior were inducted/appointment/promoted.

Ref: Your letter dated 25-11-2007.

Sir,

With reference to your letter cited above it is to inform that your representation dated 10-08-2006 claiming induction to IFS w.e. from 26-09-1996 in accordance with the judgment of dated 28-06-2006 in W.A. No, 36/2000 against judgment of dated 18-05-1998 in civil Rule No. 455/1993 was forwarded to the Ministry of Environment and Forests vide letter No. FOR 145/70/vol-1/1328-29 dated 07-09-2006. The Ministry has also been requested vide this office letter No. 236/E-2/93/PI/229-31 dated 24-04-2007 to refer to your representation dated 24-02-2006 and 27-10-2006 addressed to the Ministry of Environment and Forests with copies to this office, but no decision has so far been received. Your promotion to IFS cadre from the State Cadre with retrospective effect can be done by the Union of India only in accordance with IFS (Appointment by Promotion) Regulations, 1966. The Service benefits as admissible to you under rules will be considered on receipt of the Decision from the Govt. of India.

Yours faithfully,

(T. Millang)

Chief Conservator of Forests (A&V)
Govt. of Arunachal Pradesh.

Copy to

The Director (IFS Division), Ministry of Environment and Forests, Govt. of India. In this connection this office letter No. FOR/236/E-2/93/PI/229-31 dated 24-04-2007 may kindly be referred to and the decision of the Govt. of India may kindly be communicated.

(T. Millang)

Chief Conservator of Forests (A&V)
Govt. of Arunachal Pradesh.

D:\Enst\A Supdt. Plener, dr.

Attested
Dutta
Adv

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

29 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

To

The Secretary
Govt. of India
Ministry of Environment and Forests
Paryavaran Bhawan
C.G.O. Complex, Lodhi Road
New Delhi-110003

Speed Post.

(Through Proper Channel)

Sub:- Induction/appointment of the IFS AGMUT Cadre with restrospective effect from the date when juniors have been inducted/appointed with all service benefits of the post.

Ref:- Govt. of Arunachal Pradesh's Order issued under Memo No. FOB.236/E-2/93/ Pt/20657-80 dt. 04/07/2007 and judgment and order in Civil Rule No. 455/93 dt. 18.5.98 implimentation there of.

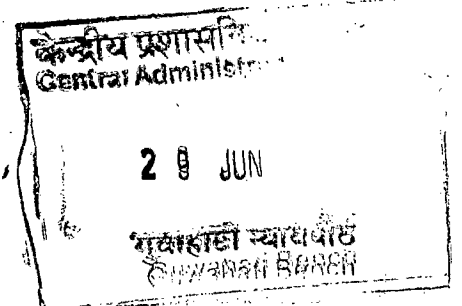
Sir,

In inviting a reference to the order issued under Memo No. 236/E-2/93/Pt/20657-80 dt. 04/07/2007 (Annexure 'A') along with order issued under Memo No. 236/E(A)/93/22574-674 dt. 24/6/99 (Annexure 'B') and seniority list published vide No. 180/E-2/84/21,316-364 dt. 03/07/1993 (Annexure 'C') and judgment and order in Civil Rule No. 455/93 dt. 18.5.98 of Guwahati High Court (Annexure 'D') and out come of WANO. 36/2000 in Civil Rule No. 455/93 passed by learned two judge Bench dt. 28.6.06 (Annexure 'E'), the Govt. of Arunachal Pradesh has not implemented his order at Annexure 'A' or persued for implementation and pertially implementel the judgment and order of Civil Rule 455/93 dt 18.5.98. In this regards lots of correspondance were made to (i) the PecF & Principal Secretary Enviornment and Forests, Govt. of Arunachal Pradesh and (ii) The Director IFS Division, Ministry of Environment and Forests, Govt. of India, Paryavan Bhawan Lodhi Road, CGO Complex, New Delhi vide my letter dt. 18/8/06 (Annexure 'F') which was forwarded to the Director IFS Division by the Govt. of Arunachal Pradesh vide No. 145/90/Vo/ 1/328 dt. 7.9.06 (Annexure 'G') and my letter dt. 19/7/07, (Annexure 'H') 25.11.07 (Annexure 'I')

Please refer to my letter dt. 25.11.07 (Annexure 'I') you are requested to give me following service benefits from the date when my junior Shri S.J. Jongsam, Shri R.K. Deori and Shri S. Thirunavukarasu are allowed to avail the benefits.

(i) Appointment (of SFS officers) to official as deputy Conservetor of Forests against the cadre post of IFS allowed to Arunachal Pradesh, since my juniors were appointed on purely temporary basis from time to time giving one day break, Annexure 'J'.

Attested
Dutta
Adv




(ii) Induction/appointment of the senior time scale against promotion quota w.e.f. a date to the induction/appointment of my juniors vide G.O.I. Ministry of Env. and Forests, Paryavaran Bhawan, New-Delhi's intification F.No. 32012/1/93 IFSI dt. 26th Sept, 1996 (Annexure 'K').

(iii) Restoration of Junior Administrative grade in the Pay scale of Rs. 12000/- 375-16000/- P.M. after completion of 9 years service from the year of allotment (1992) w.e.f. a date of my juniors have been granted.

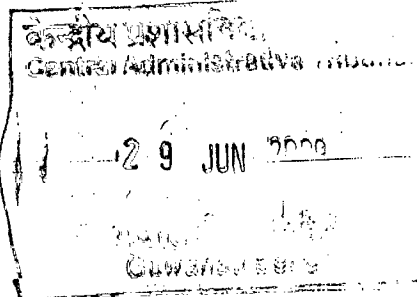
(iv) Restoration of selection grade w.e.f. 01/01/05 (in the pay scale of 14300/-), the date of my juniors have been promoted.

Please issue necessary orders on the above points (ii), (iii) and (iv) and direct PCCF, Itanagar for issued orders on (i) expeditiously.

Yours faithfully


B.C. Das IFS (Retd.)
Dist. Barpeta, Assam.
Pin-781318.

- Copy to : (i) The Director General of Forests Govt. of India, Ministry of Environment and Forest, Paryavaran Bhawan, C.G.O. Complex Lodhi Road, New Delhi 110003 for favour of necessary action along with enclosers.
- (ii) The Chief Secretary, Govt. of Arunachal Pradesh, Itanagar for favour of necessary action along with enclosers.
- (iii) The PCCF and Principal Secy. Govt. of Arunachal Pradesh in duplicate.
- (iv) The Chairman, UPSC, Dholpur Road Sahjahanpur, New Delhi.



GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ENVIRONMENT AND FORESTS
ITANAGAR

No. FOR-236/E-2/93/PV/101

Itanagar, dated, March, 2009.

To

The Secretary,
Govt. of India,
Ministry of Environment and Forests,
Paryavaran Bhawan, CGO Complex,
Lodi Road, New-Delhi-110003

Sub: Induction/ Appointment of Shri B.C. Das, IFS (Retd) with retrospective effect.

Sir,

I am enclosing herewith a representation dated 3/2/09 submitted by Shri B.C. Das, IFS (AGMUT) (Retd) for his induction/appointment to IFS (AGMUT) Cadre with retrospective effect w.e.f. 26-09-1996 from date his Juniors were promoted to IFS vide your notification No.32012/1/93-IFS-I dated 26/9/1996 as per Judgement of Guwahati High Court in Civil Rule No. 455 of 1993.

In this connection it is to inform you that Shri B.C. Das, SFS was appointed to IFS (AGMUT) Cadre vide your notification No.A.32012/1/93-IFS-I dated 23/11/2000 w.e.f. 18/8/2000 subject to out come of (i) WP (C) No. 36/2000 in Civil Rule No.455/93 and (ii) WP(c) No. 2112/2000 in Guwahati High Court. You are requested to peruse the representation of the officer and to take needful action.

Encl:- As stated

(T. Millang)
Special Secretary (E&F)

Attested
Dutta
Adi

