

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO. 193 2009-2908
R.A./CP/NO..... 2015
E.P./M.P./NO..... 2015

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PO 20/12/2015
SECTION OFFICER (JUDL.)

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

1. ORIGINAL APPLICATION No : 193 / 2009

2. Transfer Application No : -----/2009 in O.A. No.-----

3. Misc. Petition No : -----/2009 in O.A. No.-----

4. Contempt Petition No : -----/2009 in O.A. No.-----

5. Review Application No : -----/2009 in O.A. No.-----

6. Execution Petition No : -----/2009 in O.A. No.-----

Applicant (S) : Smt. Abhijit Rabha

Respondent (S) : U.O.T. & Ors

Advocate for the : Mr. D. K. Das, Mrs. R.S. Choudhury.
(Applicant (S)) Mrs. L.G. Ahmed, Ms. N. Sultana.

Advocate for the : CASL. Gr. A. Assam, G.A. Mughalayya.
(Respondent (S))

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed on 16.9.09 Date of filing 16.9.09 No. 424353 Dated 16.9.09</p> <p><i>K. DAS</i> Dy. Registrar 6.9.09</p>	17.09.2009	<p>Heard Mr. D.K.Das, learned counsel for the Applicant, Ms.U.Das, learned Addl. Standing counsel for Respondent Nos.1 & 2 and Mrs.M.Das, Advocate for the State of Assam on whom copies of this O.A. have already been supplied.</p> <p>Notices be issued to the Respondents requiring them to file their counter/written statement/counter to this case by 22.10.2009.</p>
<p>Steps taken along with enveloped.</p> <p><i>22</i> 16.9.09.</p> <p><u>K. DAS</u></p> <p>I issue notice to the Respondents.</p> <p><i>Q.</i> 18.9.09</p>	/bb/	<p>Call this matter on 22.10.2009.</p> <p><i>C.</i> (M.K.Chaturvedi) Member (A)</p>

2-
Copies of notices
along with order
dated 17/9/2009
sent to D/Sec. for
issuing to the
respondents by
regd. A/D post.

D/No - 11482 to 11489

(P) 24/9/2009. DT = 24/9/09

④ Service report
awaited.

21.10.09

22.10.2009 Ms. Usha Das, learned Addl. Standing Counsel appearing for Respondent Nos. 1 & 2. Mrs. M. Das, learned counsel appearing for the State of Assam prays for two weeks time to file reply. The contention of the learned counsel for the Applicant is that the Respondents are restructuring the post of Conservator of Forests in various grades. The basic grievance of the learned counsel for the Applicant is that the Govt. of Assam initiated a proposal for cadre review cum restructuring of the Assam Wing of the Assam-Meghalaya Joint Cadre and challenging such cadre review for upgradation, the Applicant has approached the Hon'ble High Court by way of a Writ Petition.

Let the State Government file reply as well as the Central Government.

List on 09.11.2009.

(Madan Kumar Chaturvedi)

Member (A)

(Mukesh Kumar Gupta)

Member (J)

22.10.2009 Ms. Usha Das, learned Addl. Standing Counsel appearing for Respondent Nos. 1 & 2. Mrs. M. Das, learned counsel appearing for the State of Assam prays for two weeks time to file reply. The contention of learned counsel for Applicant is that the Respondents are restructuring the posts in various grades. His basic grievance is that the Govt. of Assam initiated a proposal for cadre review cum restructuring of the Assam Wing of the Assam-Meghalaya Joint Cadre and circumventing the interim order of Hon'ble High Court by undertaking the process of upgradation. Some state official have approached Hon'ble High Court by way of a Writ Petition challenging the process of cadre review.

A/D Case received
from Resp't. No. 7
Dear
5/11

No W/s filed.

23
6.11.09

11.11.09
An add. affidavit
has been filed by
the Applicant.
Copy served.

11/11/09

16.11.09
W/s intimated
by Respondent Nos. 3 & 4.

16.11.09
Tb.11.09

Chaturvedi
(Madan Kumar Chaturvedi)
Member (A)

Gupta
(Mukesh Kumar Gupta)
Member (J)

/lm/

09.11.2009

None appears for parties. Adjourned to

18.11.2009.

Chaturvedi
(Madan Kumar Chaturvedi)
Member (A)

Gupta
(Mukesh Kumar Gupta)
Member (J)

nkm

O.A. No. 193 of 2009

26.11.2009

Proxy counsel for Mrs. R.S. Choudhury, learned counsel for applicant made a prayer for adjournment on the ground of her illness. Case adjourned.

List this case for hearing on 1st December, 2009.

Rejoinder not filed.

30.11.09

/pb/

30.11.09

01.12.2009 Judgment pronounced in open court, kept in separate sheets. O.A. stands disposed of. No costs.


(Madan Kumar Chaturvedi)
Member (A)


Madan Kumar Chaturvedi
Member (A)


(Mukesh Kumar Gupta)
Member (J)

nkm

Received for
Mrs. M. Das
Dr. C.R.S.C.
CS Hargirha
21.12.09

24/12/09

Judgment/Order dated
1/12/09 sent to the D/Section
for issuing the all the
responses by Post.

File No — 12987 to 12993

Dated — 24.12.09

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No.193 of 2009

Date of Order: This the 1st day of December 2009

The Hon'ble Shri Mukesh Kumar Gupta, Judicial Member

The Hon'ble Shri Madan Kumar Chaturvedi, Administrative Member

Shri Abhijit Rabha, IFS,
S/o Late P.K. Rabha,
Permanent R/o House No.21,
Rajgarh Bye Lane-2,
Guwahati, Assam.

..... Applicant

By Advocate Mr D.K. Das.

- versus -

1. The Union of India, represented by the Secretary, Ministry of Environment and Forests, Government of India, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003.
2. The Secretary, Ministry of Personnel, Public Grievance & Pension, (Department of Personnel & Training), Government of India, New Delhi.
3. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati-6.
4. The Commissioner & Secretary, Department of Environment & Forests, Government of Assam, Dispur, Guwahati-6.
5. The Commissioner and Secretary Department of Personnel, Government of Assam, Dispur, Guwahati-6.
6. The Commissioner and Secretary Department of Finance, Government of Assam, Dispur, Guwahati-6.

7. The Karbi Anglong Autonomous Council represented by its Principal Secretary, Karbi Anglong.

8. The State of Meghalaya, through the Chief Secretary, Government of Meghalaya, Shillong. Respondents

By Advocate Ms U. Das, Addl. C.G.S.C. and Mrs M. Das, Government Advocate, Assam.

ORDER (ORAL)

MUKESH KUMAR GUPTA, JUDICIAL MEMBER

Abhijit Rabha, Member of IFS 1984 batch of Assam-Meghalaya Joint Cadre, in this O.A. seeks direction to respondent No.4 not to upgrade the post of Conservator of Forests to next higher post of Chief Conservator of Forests/create ex cadre post for accommodating a few selected candidates to his prejudice, with all consequential benefits.

2. By filing reply, respondents vide para 3.4 have in categorically stated that, in compliance of Hon'ble High Court's order dated 08.02.2008, Government of Assam as well as Government of India "have not taken any action for finalization of cadre review or cadre restructuring". Vide reply para 3.5 it has been further stated that, "the proposal for cadre review could not be finalized as the matter is sub judice before the Hon'ble Gauhati High Court. Further there is, no definite proposal of the Government of Assam for upgradation of the post of CF in Karbi Anglong Autonomous Council

9

(KAAC in short) to the post of Chief Conservator of Forests (CCF in short)".

3. Mr D.K. Das, learned counsel for the applicant, in above premises, contends that though, according to his information a proposal was mooted for cadre restructuring and upgradation vide File No.FRE 31/2002.Part, but as respondents have taken specific plea in their reply as noted above, appropriate orders may be passed.

4. Keeping in view the undertaking furnished and the specific statement made that Government of Assam has not taken any action for upgrading the post of CF in KAAC to the next higher post of CCF pending finalization of cadre review or cadre restructuring, we hold that present O.A. can be disposed of. It is expected that respondents will abide by their undertaking as noticed hereinabove. Order accordingly.

5. O.A. stands disposed of. No costs.

Chaturvedi
(MADAN KUMAR CHATURVEDI)
ADMINISTRATIVE MEMBER

Mukesh
(MUKESH KUMAR GUPTA)
MEMBER (JUDICIAL)

dkm

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

ORIGINAL APPLICATION. No 193 of 2009

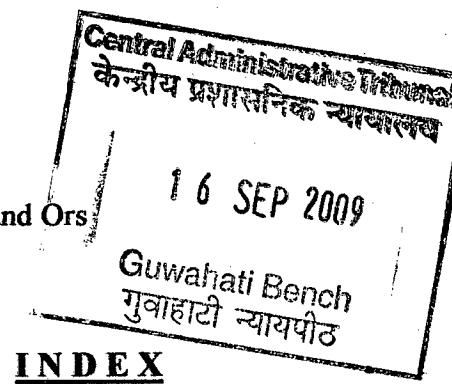
Abhijit Rabha.

... Applicant.

-Versus-

Union of India and Ors

... Respondents



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Filed by:

Nasrin Sultana
(NASRIN SULTANA)
Advocate

Alapithak

SYNOPSIS

16 SEP 2009

Guwahati Bench

The Applicant is a Direct Recruit to the Indian Forest Service and belongs to the 1984 batch of the Assam- Meghalaya Joint Cadre. In the Year 1997 the Applicant was promoted to the post of Conservator of Forest and has been rendering his sincere and dedicated services to the Department since his initial appointment in 1984. That on 04.08.2009 the Applicant was transferred and posted as Conservator of Forest under Karbi Anglong District at Diphu. It is pertinent to state herein that the said post to which the Applicant has been transferred and where he has taken over charge, is an Ex-Cadre Post which was created specifically for the Karbi Anglong Autonomous Council vide Memo No. FRE-7/97/68-A dated 03.04.1998 by the Government of Assam. The Central Government in exercise of powers conferred by Section 3 of the All India Services Act, 1951, has framed several rules and regulations in respect of the Indian Forest Services, which are applicable in the case of the Applicant. On 09.11.1995 the Government of India, Ministry of Personnel, Public Grievances and Pensions in consultation with the Government of Assam brought in IFS (Fixation of Cadre Strength) Amendment Regulation, 1995 whereby for the first time the Senior Duty Posts in Indian Forest Service in different grades were identified, thereby making a departure from the past. On 28.10.1998 the Ministry of Environment & Forest wrote to the Chief Secretary of all the State Governments inviting their views on restructuring of posts in various grades in the IFS in the Ratios: PCCF: 8%, CCF: 17%, CF: 25%, DCF: 50%. The Govt. of Assam however did precious little pursuant to the said letter dated 29.10.1998. However, all of the sudden, the Commissioner & Secretary to the Govt. of Assam, Department of Environment & Forest on 05.09.2007 submitted a proposal to the Secretary, Govt. of India, Ministry of Environment & Forest, for cadre review cum restructuring of the Assam wing of Assam Meghalaya Joint Cadre of IFS. Such action, to the best knowledge of the Applicant is being done with the sole purpose of accommodating a select few blue eyed persons.

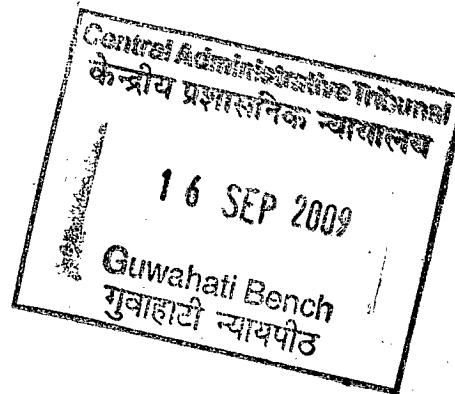
It is pertinent to state that being aggrieved by the said letter dated 05.09.2007, the Assam Forest Service (Class-I) Association approached the Hon'ble High Court by way of W.P(C) No.476/2008. The Hon'ble Court while issuing Notice of Motion on 08.02.2008 was pleased to direct that "*in the meantime and until further orders the Cadre review in respect of the Assam – Meghalaya Joint Cadre of the Indian Forest Service will not be finalized without leave of this Court*".

It has been reliably learnt that the Government of Assam in a most surreptitious manner, is considering further upgradation of some posts of Conservator of Forests to the post of Chief Conservator of Forest in the IFS Cadre, particularly in the Karbi Anglong District despite stay



orders in this regard. It is further reliably learnt that the post in question which is being considered for Up gradation is the post being held by the Applicant, which is itself an Ex-Cadre post created by Notification dated 03.04.1998, being retained till date. The Applicant humbly submits that if any such action is resorted to by the Respondent Authorities the same would lead to an incongruous situation wherein the higher level CCF posts would be more than the lower level CF posts. Considering the fact that the Applicant has been due for promotion to the rank of CCF since the year 2002, if some of the Conservator of Forests are promoted selectively by creation of Ex-cadre posts and/ or upgradation of the post of CF, it would cause irreparable loss to the Applicant. It is further pertinent to mention herein that to the best knowledge of the Applicant no consent/ approval has been taken from the KAAC prior to the consideration of such upgradation/creation of Ex-cadre posts by the Government of Assam, which is mandatory in law.

Hence this application for redress of the grievances as narrated in the body of the petition.



Abdul Rab

LIST OF DATES

1984 The Applicant joined in service as a direct recruit to the IES. (Annexure-D, Pg- 16-17)

1997 The Applicant promoted to the post of Conservator Of Forest.

09.11.1995 The Govt of India, Ministry of Personnel, Public Grievance & Pensions in consultation with the Govt. of Assam brought in the IFS(Fixation of Cadre strength) Amendment Regulation, for identifying senior duty posts in IFS under the Govt. of Assam.

03.04.1998 The Govt. of Assam created an Ex-Cadre post of Conservator of Forest for Karbi angling Autonomous Council (Annexure-C, Pg-15)

28.10.1998 The Govt of India, Ministry of Environment & Forest, invited views from state Govts, for reserving certain Ratios of Posts in various Grades in the IFS Cadre. (Annexure-E, Pg- 18-21)

2002 The Applicant became due for promotion to the post of Conservator of Forest.

05.09.2007 The Govt of Assam initiated a proposal for cadre review cum restructuring of the Assam Wing of the Assam Meghalaya Joint Cadre. (Annexure- F; Pg- 22-26)

08.02.2008 The Hon'ble Gauhati High Court vide interim order stayed the proposed cadre review in W.P.(C) No. 476/2008 (Annexure- G; Pg- 27-28)

04.08.2009 Applicant transferred and posted as Conservator of Forest under KAAC in the Ex-Cadre post. (Annexure-A; Pg- 13)

18.08.2009 Applicant accordingly took over charge at the said post. (Annexure-B; Pg- 14)

29.08.2009 Applicant submitted a representation to the Respondent No.4, stating inter alia not to create such ex-cadre posts/ upgrade the existing post of CF to the post of CCF, in contravention of the interim orders passed by the Hon'ble High Court and without first considering the case of the Applicant for promotion, which was due in the year 2002 itself. (Annexure-I: Pg; 34-35)

Abijit Roy

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

ORIGINAL APPLICATION NO. 193 OF 2009

FILED BY THE APPLICANT

THROUGH

Nasrin Sultan
ADVOCATE
16.09.09

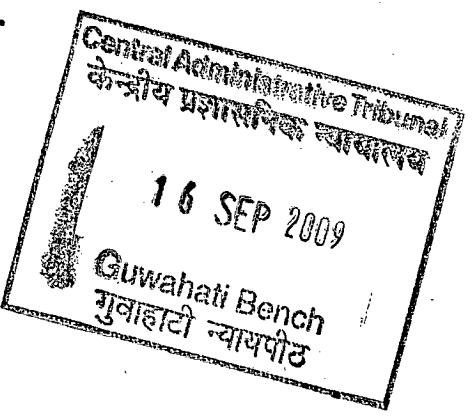
BETWEEN

1. Sri Abhijit Rabha, IFS,
Son of Late P.K. Rabha,
Permanent R/o House No. 21
Rajgarh Bye lane-2,
Guwahati, Assam.

APPLICANT...

- AND -

1. The Union of India, represented by the Secretary, Ministry of Environment and Forest, Government of India, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi-110003.
2. The Secretary, Ministry of personal, public Grievance & Pension (Department of Personnel & Training), Government of India, New Delhi.
3. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati-6.
4. The Commissioner and Secretary, Department of Environment and Forest, Government of Assam, Dispur, Guwahati-6.
5. The Commissioner and Secretary, Department of Personnel, Government of Assam, Dispur, Guwahati-6.
6. The Commissioner and Secretary, Department of finance, Government of Assam, Dispur, Guwahati-6.
7. The Karbi Anglong Autonomous Council represented by its Principal Secretary, Karbi Anglong.
8. The State of Meghalaya, through the Chief Secretary, Government of Meghalaya, Shillong.



RESPONDENTS

Abhijit Rabha

I. DETAILS OF THE APPLICATION:

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

That the present application is directed against the impugned proposed action of the Respondent Authorities of upgrading the posts of Conservator of Forest (Hereinafter referred to as CF) to the post of Chief Conservator of Forests (herein after referred to as CCF) and/or selectively accommodating some blue eyed persons in the post of CCF by creating ex-cadre posts. The application is further directed against the impugned illegal and arbitrary action of the Respondent Authorities of not considering the case of the Applicant for promotion to the post of Chief Conservator of Forest, despite the Applicant having become eligible for promotion to the said post in the year 2002 itself.

2. JURISDICTION OF THE TRIBUNAL:

The Applicant declares that the subject matter in respect of which the present application is made is within the jurisdiction of this Hon'ble Tribunal.

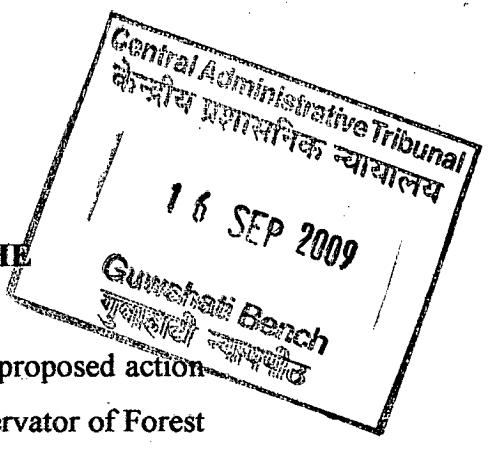
3. LIMITATION:

The Applicant declares that the present application is within the period of limitation prescribed in Section 21 of the Administrative Tribunal Act, 1985.

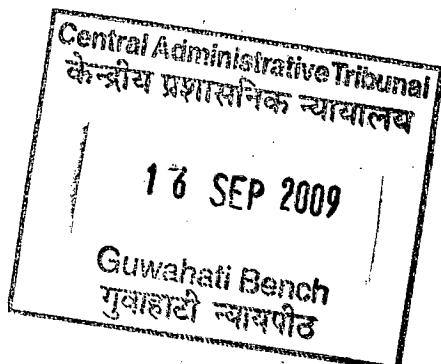
4. FACTS OF THE CASE:

- 4.1. That the Applicant is a citizen of India and is permanent resident of Guwahati in the district of Kamrup in Assam and as such is entitled to all the rights, privileges and protection granted to the citizens of India under the Constitution of India and the law framed thereunder.
- 4.2. That the Applicant belongs to the 1984 (direct recruit) batch of Indian Forest Service (hereinafter referred to as IFS) and belongs to the Assam – Meghalaya Joint Cadre. That in the Year 1997 the Applicant was promoted to the post of Conservator of Forest and has been rendering his sincere and dedicated services to the Department since his initial appointment in 1984. That on 04.08.2009 vides Notification under Memo No. FRE.36/96/186 the Applicant was transferred and posted as Conservator of Forest under Karbi Anglong District at Diphu. Accordingly the applicant joined his duties by taking over charge at the said place on 18.08.2009. That it is further pertinent to

Abdul Rehman



state herein that the said post to which the Applicant has been transferred and where he has taken over charge, is an Ex-Cadre Post which was created specifically for the Karbi Anglong Autonomous Council vide Memo No. FRE-7/97/68-A dated 03.04.1998 by the Government of Assam, pursuant to the necessary sanction for creation of the same by the Governor of Assam. The said post continues to be retained for KAAC till date.



A copy of the Order dated 04.08.2009 and the Taking over charge dated 18.08.2009 are annexed herewith and marked as **ANNEXURE A & B respectively.**

A copy of the Notification dated 03.04.1998 whereby the said post was created is annexed herewith as **ANNEXURE- C.**

- 4.3. That it is pertinent to mention that the service condition of the members of the State Forest Service of Assam is governed by the provisions of the Assam Forest Service (Class-I) Rules 1942 (herein after referred to as the 1942 Rules). The 1942 Rules are the pre-constitution Rules which were brought in force with effect from 1.4.1942 by Notification No. GFR 140/42 dated 25th April, 1942 in exercise of power under Section 241(1) & (2) of the Government of India Act, 1935. After the commencement of the Constitution, the 1942 Rules were continued as the 'laws in force' by Article 33 of the Constitution.
- 4.4. That it is further stated that under Entry 41 of the State List in Seventh Schedule to the Constitution the State has plenary powers to enact a law in matters relating to "State Public Services". The expression "State Services" includes the various public services in the State, recruitments to which are made by the Public Service Commission and by other agencies of State. Hence the Assam State Forest Service is a "State Public Service" within the meaning of the expression used in Entry 41 of the List II in the Seventh Schedule to the Constitution. Under Article 246(3) of the Constitution, the State Legislature to legislate on State Public Services and on all matters incidental and ancillary to such services. Therefore, the Assam State Forest Service being a State Public Service, the Assam State Legislature is competent and has exclusive powers to make laws for the same.

Abijit Roy

4.5. That the Applicant humbly states that realizing that the pre-constitutional Assam Forest Services (Class -I) Rules, 1942 needs considerable change and restructuring and keeping in mind the requirements of the State of Assam and the career progression of the State Forest Service Officers, the State of Assam is in the process of framing new Rules called Assam Forest Services (Class-I) Rules, 2006 in exercise of powers under proviso to Article 309 of the Constitution of India. These Rules would be in suppression of the Assam Forest Services (Class-I) Rules, 1942. It is reliably learnt that the draft Assam Forest Services (Class-I) Rules, 2006 have been prepared and the same are likely to be finalized in the near future.

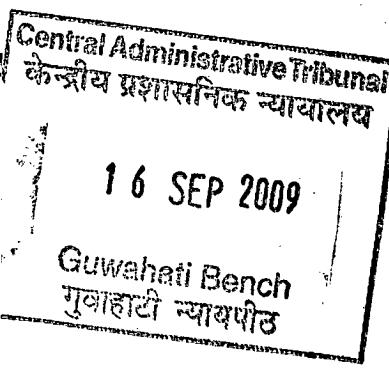
4.6. That meanwhile, the Central Government in exercise of powers conferred by Section 3 of the All India Services Act, 1951, has framed several rules and regulations in respect of the Indian Forest Services, which are applicable in the case of the Applicant, such as –

- i. IFS (Cadre) Rules, 1966
- ii. IFS (Fixation of Cadre Strength) Regulation, 1966
- iii. IFS (Pay) Rules, 1968 etc.

The Central Acts thus cover not only the field of recruitment and conditions of service to the IFS, but also the cadre and fixation of cadre strength.

4.7. That earlier as per rule 3 of the Assam Forest Service (Class-I), Rules 1942, the initial cadre strength of the Assam Forest Service was 24 posts, wherein 2 posts of Conservator of Forest and 1 post of Chief Conservator of Forest were identified for the State Forest service Cadre. However, in the year 1992 pursuant to a litigation before this Hon'ble Tribunal reported in **1995 (II) GLT (CAT), Page-34 (Narendra Nath Hazarika -vs- Union of India and ors.)**, certain directions were issued therein which were in favour of the Direct Recruits to the IFS cadre and accordingly the said 2 posts of CF and 1 post of CCF were treated as identified for IFS cadre Posts.

4.8. That subsequently in the year 1995 the Government of India, Ministry of Personnel, Public Grievances and Pensions vide notification dated 09.11.95 in consultation with the Government of Assam brought in IFS (Fixation of Cadre Strength) Amendment Regulation, 1995 further amending the IFS (Fixation of Cadre Strength) Regulation, 1966. By this 1995 amendment, in the Cadre Strength Regulation for the first time the Senior Duty Posts in Indian Forest Service in different grades



Adarsh

were identified, thereby making a departure from the past. In the 1995 Notification, the Senior Duty Posts in the cadre of Indian Forest Service under the Government of Assam were shown as under:-

ASSAM

SENIOR DUTY POSTS UNDER THE GOVERNMENT OF ASSAM

Principal Chief Conservator of Forest	-	1
Chief Conservator of Forests (Protection)	-	1
Chief Conservator of Forests (Wildlife)		
& Chief Wildlife Warden	-	1
Chief Conservator of Forest (Social Forestry)	-	1
Chief Conservator of Forests (Research, Training & Working Plans)	-	1
Conservator of Forests (Territorial)	-	6
Conservator of Forests (Development)	-	1
Conservator of Forests (Economic Circle)	-	1
Conservator of Forests (Headquarters)	-	1
Conservator of Forests (Social Forestry)	-	3
Conservator of Forests (Wildlife)	-	1
Conservator of Forests (Border)	-	1
Field Director-Project Tiger, Manas	-	1
Director, Kaziranga Nation Park	-	1
Principal, NEF Rangers College, Jalukbari	-	1
Deputy Conservator of Forests (Territorial)	-	22
Deputy Conservator of Forests (Wildlife)	-	2
Deputy Conservator of Forests (Assam State Zoo)-	-	1
Working Plan Officer	-	3
Forest Utilisation Officer	-	1
Planning Officer	-	3
Silviculturist	-	1

Total: 55

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

16 SEP 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Copy of the Notification dated 09.11.1995 is annexed herewith and marked as **ANNEXURE-D.**

4.9 That the Applicant humbly states that pursuant to the notification dated 09.11.1995 whereby the cadre strength of IFS was fixed as 55, the Govt. of India in the Ministry of Environment & Forest vide notification No. F. 16016/22/98- IFS- II dated 28.10.1998 wrote to the Chief Secretary of all the State Governments inviting their views on

Adyit Pal

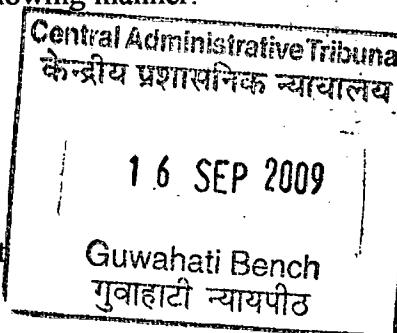
restructuring of posts in various grades in the IFS. The letter proposed to have the posts in various grades in the IFS Cadres in the following ratios:

Sl. No	GRADE	Percentage of SENIOR DUTY POSTS
1	Principal Chief Conservator of Forest and Additional Principal Chief Conservator of Forests (PCCF)	8%
2	Chief Conservator of Forest (CCF)	17%
3	Conservator of Forest (CF)	25%
4	Deputy Conservator of Forest (DCF)	50%

A copy of the said letter of the Govt. of India, Ministry Environment & Forest dated 28.10.1998 is annexed herewith and marked as ANNEXURE-E.

4.10 That the Govt. of Assam however did precious little pursuant to the said letter dated 29.10.1998 and infact no action was taken thereon. However, all of the sudden, the Commissioner & Secretary to the Govt. of Assam, Department of Environment & Forest vide letter memo No:- FRE 104/99/148 dated 05.09.2007 submitted a proposal to the Secretary, Govt. of India, Ministry of Environment & Forest, for cadre review cum restructuring of the Assam wing of Assam Meghalaya Joint Cadre of IFS. In Annexure-1 of the aforesaid letter dated 05.09.2007, the post of Senior Duty Officers of IFS have been categorized in the following manner:-

1. PCF and Additional PCF
2. Chief Conservator of Forest
3. Conservator of Forest
4. Deputy Conservator of Forest

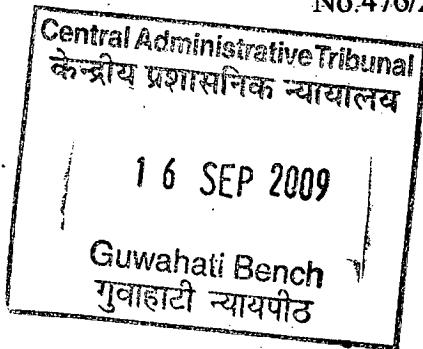


It is apparent that the said proposal contained in the letter dated 05.09.2007 has determined the number of posts in the Grade of Deputy Conservator of Forest, Conservator of Forest, Chief Conservator of Forest, Principal Chief Conservator of Forest on the basis of the 28.10.1998 guidelines, where the percentage of Senior Duty Post of various Grades of IFS were fixed.

A copy of the Letter dated 05.09.2007 is annexed herewith and marked as ANNEXURE-F.

Abhayit Rabha

4.11 That being aggrieved by the said letter dated 05.09.2007 whereby up gradation of the Assam – Meghalaya Joint Cadre of the Indian Forest Service was initiated by the Government of Assam and challenging such Cadre review and/or upgradation, the Assam Forest Service (Class-I) Association approached the Hon'ble High Court by way of a Writ Petition numbered as W.P(C) No.476/2008. The Hon'ble Court while issuing Notice of Motion on 08.02.2008 was pleased to direct that "*in the meantime and until further orders the Cadre review in respect of the Assam – Meghalaya Joint Cadre of the Indian Forest Service will not be finalized without leave of this Court*". Further, some other litigants who are also from the State Forest Service filed another Writ Petition numbered as W.P(C) No.1525/2008 wherein the challenge was identical to that in the aforesaid W.P(C) No.476/2008. It is stated that both the matters have now been referred to the Division Bench of the Hon'ble High Court, in view of the fact that in W.P(C) No.1525/2008 the Petitioners had sought for a declaration that the decision of the Hon'ble Tribunal in **N.N. Hazarika and ors –vs- Union of India and ors.** is per incuriam. Both the matters are now pending disposal and the stay order passed in the W.P(C) No.476/2008 continues to hold the field.



Copies of the interim orders passed by the Hon'ble Gauhati High Court in W.P(C) No.476/2008 and W.P(C) No.1525/2008 are annexed herewith and marked as ANNEXURE-G and H respectively.

4.12 That it is therefore seen that as per the 1995 classification, although many posts in Grade of Conservator of Forests and 4 posts in the Grade of Chief Conservator of Forests have been identified as the IFS Cadre posts, however, no posts of Deputy Conservator of Forests have been identified till date for the IFS Cadre. In effect, this leads to an abnormal situation where the hierarchy of posts is not turning out in the desirable pyramidal manner in which it ought to be. To make matters worse, it has been reliably learnt that the Government of Assam in a most surreptitious manner, is considering further upgradation of some posts of Conservator of Forests to the post of Chief Conservator of Forest in the IFS Cadre, particularly in the Karbi Anglong District despite stay orders in this regard. It is reliably learnt that the post in question which is being considered for Up gradation is the post being held by the Applicant.

The Applicant humbly submits that if any such action is resorted to by the Respondent Authorities the same would lead to an incongruous situation wherein the higher level CCF posts would be more than the

Abhijit Roy

lower level CF posts. It is pertinent to mention herein that the Government of Assam has not even been able to provide the necessary infrastructure required to set-up establishment/offices of the CF's and as such an upgradation of the said posts could lead to an even worse situation. It is further reliably learnt that the said proposed upgradation and/or creation of Ex- Cadre posts is being contemplated with the sole purpose of accommodating certain blue eyed persons.

4.13 That upon learning about such proposed action of the authorities, the Applicant who is currently posted under the Karbi Anglong Autonomous Council, immediately represented to the Respondent No.4 on 29.08.2009 for redress of his grievances inter alia submitting that he is already due for promotion to the rank of CCF since the year 2002 and as such if some of the Conservator of Forests are promoted selectively by creation of Ex-cadre posts and/ or upgradation of the post of CF, it would cause irreparable loss to the Applicant.

The impugned proposed action of upgrading the post of Conservator of Forests of Karbi Anglong Autonomous Council to the post of CCF and/or creating Ex-cadre posts for selectively placing certain blue eyed persons would have the effect of negating the post of the Applicant particularly if he is not considered for such upgradation. Considering the fact that the Applicant has only very recently been posted to Karbi Anglong, he is entitled to complete his tenure as Conservator of Forest at the said place. Further it is noteworthy that the said post which the Applicant is holding is itself an Ex- Cadre post and as such, whether such upgradation of the same is permissible in law, needs to be addressed by this Hon'ble Tribunal.

It is further pertinent to mention herein that the Autonomous Councils under the State of Assam have the jurisdiction over the Forest Department being an entrusted subject as per Notification dated 31.12.1996 issued under Memo. No. HAD.57/95/316-A, and as such no action of upgradation and/or creation of Ex-cadre posts can be initiated/finalized without the prior consent of the concerned Autonomous Council. To the best knowledge of the Applicant no such consent has been taken from the KAAC prior to the consideration of such upgradation/creation of Ex-cadre posts by the Government of Assam. The deponent humbly states that despite best efforts, he could not get copies of the proposed impugned action of the Respondent authorities.

A copy of the representation dated 29.08.2009 made by the Applicant to the Respondent No 4 is annexed herewith and marked as ANNEXURE-I.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
16 SEP 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

Asultana

Abijit Roy

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

1. For that, the proposed impugned action of Govt. of Assam to create further Ex-cadre posts and / or upgrade the post of Conservator of Forest to Chief Conservator of Forest, in order to bestow benefits on a few selected blue eyed persons, amounts to an arbitrary, illegal, unreasonable, unfair and capricious exercise of powers. The Applicant humbly submits that the said impugned proposed action of not considering the case of the Applicant who is also eligible for promotion, is clearly discriminatory and the same amounts to infringement of the rights guaranteed to the Applicant under Article 14 & 16 of the Constitution of India.
2. For that, the impugned proposed action of Cadre restructuring which has been submitted by the Government of Assam vide letter dated 05.09.2007, having been stayed by the Hon'ble High Court in W.P.(C) No 476 of 2008 and W.P.(C) No 1525 of 2008, the Govt. of Assam is estopped from taking any action in respect of the same pendente-lite. The entire matter being sub judice before the Hon'ble Gauhati High Court, any action taken in contravention to the stay orders, would not only amount to lowering the dignity and honour of the Hon'ble High Court but the same would also invite proceedings under the Contempt of Courts Act, 1971. In that view of the matter any arbitrary posting of a Conservator of Forest to the post of Chief Conservator of Forest by creating an Ex- cadre post, without considering the case of the Applicant, would amount to violation of the rights guaranteed to the Applicant, besides being in blatant violation of the principles of Natural Justice. As such, this Hon'ble Tribunal may be pleased to intervene in to the matter and pass appropriate orders in favour of the Applicant.
3. For that, the State Govt. while considering up gradation and /or creation of Ex-cadre posts of Conservator of Forest to Chief Conservator of Forest under the Karbi Anglong Autonomous Council, have deemed it fit not to consult and /or take the prior approval of the Autonomous Council prior to initiating such an action. Such approval being mandatory in law will ipse-dixit make the action a non-est. On that count alone the impugned proposed action of up gradation and / or creation of Ex- cadre posts of Conservator of Forest to Chief Conservator of Forest is liable to be interfered with.
4. For that, the applicant having being recently transferred and posted as Conservator of Forest., Karbi -Along , Diphu, vide order dated 04.08.2009 , any such impugned proposed action of upgrading the post of Conservator of Forest under the Karbi Anglong Autonomous Council, to the post of Chief Conservator of Forest without considering the case of the Applicant would amount to a grave injustice being caused to the Applicant in view of the fact that the Applicant would be rendered

Adhijit Raloi

Central Administrative Tribunal
देश प्रशासनिक न्यायालय

16 SEP 2009

Gauhati Bench
गावती न्यायालय

without a post within a short span of a month of having been transferred to the said post.

5. For that, the applicant humbly submits that even the existing posts of Chief Conservator of Forest do not have proper establishments and /or offices to function from and as such any further up gradation of the post of Conservator of Forest to Chief Conservator of Forest and /or any further creation of Ex- cadre posts to benefit/ illegally accommodate a selected few, would create an even further chaotic situation besides damaging the pyramidal hierarchy of the IFS cadre. As such, this Hon'ble Tribunal may be pleased to direct the authorities not to proceed with the impugned proposal of creation of Ex- cadre posts and /or upgradation of posts of the Conservator of Forest to Chief Conservator of Forest to accommodate a select few, during the pendency of the interim orders passed by the Hon'ble Gauhati High Court vis- a -vis the cadre restructuring.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has no other alternative and efficacious remedy available to him except by way of this instant application.

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

That the applicant declares that no such writ petition or suit has been filed regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, and a notice be issued to the respondents to show cause as to why the reliefs sought for by the applicant shall not be granted, call for the records of the case 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 reliefs:

1. Direct the Respondent Authorities, particularly the Respondent No.4 not to upgrade the post of Conservator of Forest to Chief Conservator of Forest and/or create Ex-Cadre posts for accommodating a select few to the prejudice of the Applicant, besides others.

Abijit Roy

2. To direct the Respondent Authorities not to initiate any action of up gradation and/or creation of Ex-Cadre posts in violation of interim orders dated 05/09/2007 passed by the Hon'ble High Court in WP(C) No.1525/08, with the pendency of the said cases.
3. Direct the Respondent authorities not to upgrade the post of Conservator of Forest under the Karbi Anglong Autonomous Council to the post of Chief Conservator of forest, without the prior approval of the Karbi Anglong Autonomous Council and without disposing of his representation dated 28/09/09.
4. Costs of application.
5. Any other relief reliefs to which the applicant is entitled to, under the facts and circumstances of the case as may be deemed fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

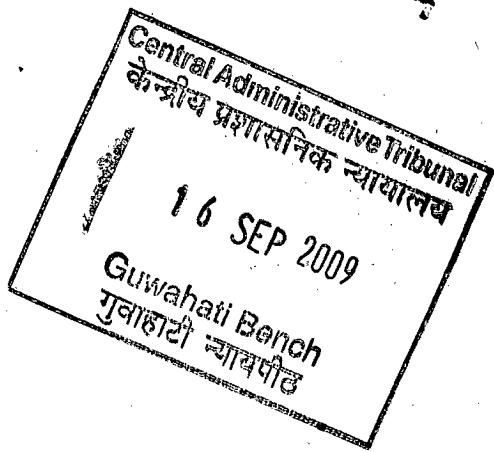
The applicant respectfully prays before this Hon'ble Tribunal that during the pendency of the instant original application, the applicant shall not be disturbed from his present place of posting as Conservator of Forest, Karbi Anglong, by accommodating another incumbent by the up gradation of the post of Conservator of Forest to Chief Conservator of Forest.

10. PARTICULARS OF THE IPO.

i. I.P.O. NO.	: 3961 424353
ii. Date of Issue	: 16.09.09
iii. Issued from	: GUWAHATI S.I.P.O.
iv. Payable at	: GUWAHATI

11. DETAILS OF ENCLOSURES:

As stated in the Index.



Alfrey Reh

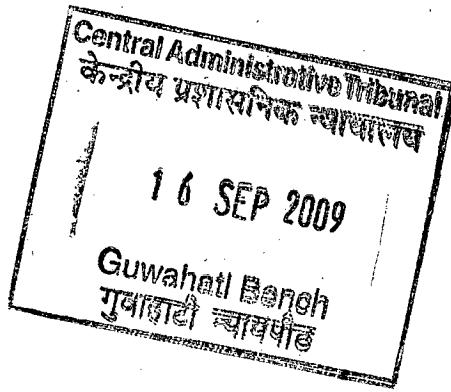
VERIFICATION

I, Abhijit Rabha,, son of Late P.K.Rabha, aged about 48 years, permanent resident of House No. 21, Rajgarh Bye Lane No.2, Guwahati Assam-781003, do hereby solemnly affirm and verify that I am the Applicant in the instant application and as such, I am fully conversant with the facts and circumstances of the case. The statements made in Paragraphs- 1, 2, 3, 4.1, 4.2 (partly), 4.3, 4.4, 4.5, 4.6, 4.7 (partly), 4.11 (partly), 4.12, 4.13, 6 to 11... are true to my knowledge and those made in Paragraphs- 4.2 (partly), 4.7 (partly), 4.8, 4.9, 4.10, 4.11 (partly), are matters of records, which I believe to be true, those made in para 5 of the O.A are true to my legal advice and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 16th day of Sept, 2009 at Guwahati.



SIGNATURE OF THE APPLICANT



GOVERNMENT OF ASSAM
ENVIRONMENT AND FORESTS DEPARTMENT

ORDERS BY THE GOVERNOR
NOTIFICATION

Dated Dispur, the 4th August 2009.

No.FRE.36/96/186 : In the interest of Public Service Shri Abhijit Rabha, IFS, attached to Principal Chief Conservator of Forest (Wild life) is hereby transferred and posted as Conservator of Forest Karbi Anglong, Diphu with immediate effect and until further orders vice Shri S. S. Rao, Conservator of Forest transferred.

No.FRE.36/96/186-A : In the interest of Public Service Shri S. S. Rao, Conservator of Forest, Karbi Anglong, Diphu is hereby transferred and posted as Conservator of Forest attached to the Principal Chief Conservator of Forest(Wild-life) in place of Shri Abhijit Rabha, IFS, Conservator of Forest transferred with immediate effect and until further orders.

No.FRE.36/96/186-B : In the interest of Public Service Shri G.N. Adhikari, Divisional Forest Officer, Logging Division, Tinsukia is hereby transferred and posted as Divisional Forest Officer Karbi Anglong West Division vice Shri S.K. Daila, IFS, Divisional Forest Officer transferred.

No.FRE.36/96/186-C : In the interest of Public Service Shri S.K. Daila, IFS, Divisional Forest Officer, Karbi Anglong West Division is hereby transferred and posted as Divisional Forest Officer, Logging Division, Tinsukia in place of Shri G.N. Adhikari, Divisional Forest Officer transferred with immediate effect and until further orders.

Shri Abhijit Rabha, IFS, Conservator of Forest and Shri G.N. Adhikari, Divisional Forest Officer, Logging, Division, Tinsukia will move first. *श्री अधिकारी कार्बी अंग्लोंग वेस्ट डिविजन के प्रशासनिक न्यायालय*

Sd/- S. I. Rashid

Deputy Secy. to the Govt. of Assam,
Environment & Forests Department,

Memo. No. 36/96/186-D Dated Dispur, the 4th August 2009

Copy to: - *Shri Biju Boro*

1. The Chief Executive Member, Karbi Anglong Autonomous Council, Diphu with reference to letter No. D.O.KAAC/CEM/08-09/102 Dated 15.6.09.
2. The Accountant General (A&E) Assam, Maidamgaon, Guwahati-29
3. The Principal Chief Conservator of Forest, Assam, Rehabari, Guwahati-8.
4. The Principal Chief Conservator of Forest (Wild life) Assam, Basistha, Guwahati-29.
5. Person concerned.
6. The Deputy Director Govt. Press Bamunimaidam Guwahati-21 for publication of above notification in the next issue of Assam Gazette.

By order etc.,

Deputy Secy. to the Govt. of Assam,
Environment and Forests Department,

Abul
27/8/09

Certified to be true copy

Multana

Advocate

Assam schedule L (Part-II) Form No.22 F.D. FORM NO.22

FOREST DEPARTMENT, ASSAM.

Certificate of the transfer of charge of the office of the Conservator of Forests,

Karbi Anglong Autonomous Council Circle, Diphu,

Dated Diphu

The 18th August/2009.

In pursuance to Govt. Notification No.FRE.36/96/186, Dated 04/08/2009 and as approved by Karbi Anglong Autonomous Council Authority vide their letter No. KAAC/Esstt-158/P(B)/2001/9705(A), Dated 07/08/2009, I certified that I received/assumed/relinquished/hand over charge of the office of the Conservator of Forests, Karbi Anglong Autonomous Council Circle, Diphu from Shri S.S. Rao, I.F.S. Conservator of Forests on the afternoon of this 18th day of August/2009.

I received the sum of Rupees **NIL** the cash balance, as shown by the Cash Book on this date and sum of Rupees 71,56,723/- in **United Bank of India, Diphu** in Revolving Fund Current A/C No.CD/**868** and sum of Rupees 1,33,47,679/- in P.L. Account No.**11007471664** maintained in **State Bank of India, Diphu**. I have examined all the office books and found them posted up to date.

I have received the needful vouchers belongs to the amounts of the current month and have made myself acquainted with all outstanding liabilities on account of the department.

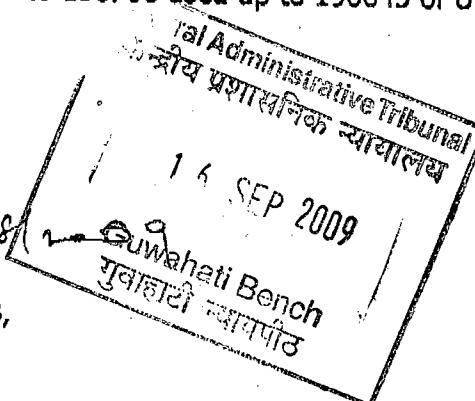
I have examined the live and dead-stock, as well as the books, maps, office records and office furniture at head quarters, and have examined the registers, which I have found posted up-to-date.

I have received the following cheque books:-

- 1) 730401 to 730500 used up to 730430 of S.B.I., Diphu.
- 2) 190601 to 190700 used up to 190643 of U.B.I., Diphu.

Countersigned.

SSR
(S.S. Rao, IFS)
Conservator of Forests,
Relieved Officer.



Abhijit Rabha
16-08-2009
(Abhijit Rabha, IFS)
Conservator of Forests,
Relieving Officer.

Certified to be true copy

Multana

Advocate

GOVERNMENT OF ASSAM
FOREST DEPARTMENT :::: DISPUR

RE 7/97/68

Dated Dispur, the 03rd April, 1998

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

to : The Accountant General (A&E) Assam,
Beltola, Guwahati-28.

to : Sanction to the creation of 1(one) ex-cadre post
of Conservator of Forests for Karbi Anglong
Autonomous Council.

Recd it NO. 11
dt. 1. 5/98

I am directed to convey the sanction of the Governor
of Assam to the creation of 1(one) ex-cadre post of Conservator of
Forests for Karbi Anglong Autonomous Council in Indian Forest
Scale of pay of Rs. 16400-450-20000 upto 28-2-99 with effect
from the date of entertainment for placing services of an officer
of Conservator of Forests rank under the administrative control
of Karbi Anglong Autonomous Council, Diphu in pursuance of the
1 Areas Deptt's O.M.No.HAD.57/95/316 dt. 31.12.96.

The expenditure is debitable to the H/A"2406-Forestry
Wildlife-01-Forestry-001-Direction and Admn.(1)H.Q.Estt-1-
aries(Non Plan)" in the current year budget 1998-99.

The sanction issues with the concurrence of
Finance(EC-I)Dept. vide their U.O.No.308/98 dt. 31-3-98.

Mr. H. K. Sengupta
16 SEP 1998
Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
Guwahati Bench
ज्ञानालय न्यायालय
No. No. FRE-7/97/68-A, Dated Dispur, the 03rd April, 1998.
Rehbari, Guwahati-8.
Dated Dispur, the 03rd April, 1998.
Rehbari, Guwahati-8.

Yours faithfully,

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

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

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

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

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

The Commissioner & Secretary to the Govt. of Assam,
Chief Minister's Secretariat, Dispur, Guwahati-6.

Contd....2..

Certified to be true copy
Nulhana

Advocate

ANNEXURE-D.

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

NO. 16016/2/95-AIS (II) (A)
 GOVERNMENT OF INDIA
 MINISTRY OF PERSONAL, P.G. & PENSIONS
 (Department of Personal & Training)

New Delhi, the 9th November,
1995NOTIFICATION

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

1. (i) These Regulations may be called the Indian Forest Service (Fixation of Cadre Strength) Second Amendment Regulations, 1995.
 (ii) They shall come into force on the date of their publication in the official Gazette.
 2. In the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, for the heading "Assam-Meghalaya" and the entries occurring thereunder, the following shall be substituted, namely:-

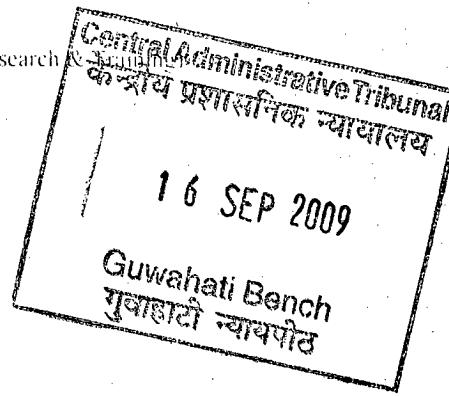
"ASSAM-MEGHALAYA"

1. Senior Duty Posts under the Government of Manipur- Tripura

72

Senior Duty Post under the State Government of Assam

Principal Chief Conservator of Forests
 Chief Conservator of Forests (Protection)
 Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden
 Chief Conservator of Forests (Social Forestry)
 Chief Conservator of Forests (Working Plan, Research & Training)
 Conservator of Forests (Territorial)
 Conservator of Forests (Development)
 Conservator of Forests (Economic Circle)
 Conservator of Forests (Headquarters)
 Conservator of Forests (Social Forestry)
 Conservator of Forests (Wildlife)
 Conservator of Forests (Border)
 Field Director, Project Director, Manus
 Director, Kaziranga National Park



Certified to be true copy

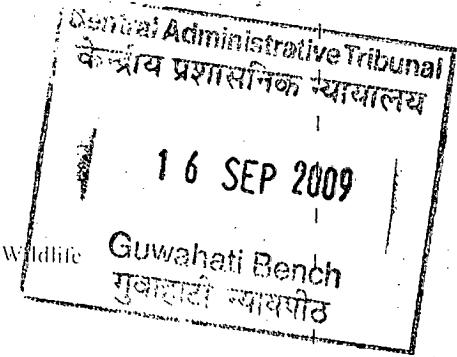
Multana
 Advocate

21

Principal, NEF Rangers College, Jalukbari	1
Deputy Conservator of Forests (Territorial)	22
Deputy Conservator of Forests (Wildlife)	2
Deputy Conservator of Forests (Assam State Zoo)	4
Working Plan Officer	3
Forest Utilisation Officer	1
Planning Officer	3
Silviculturist	1
	35

Senior Duty Post under the State Government of Meghalaya

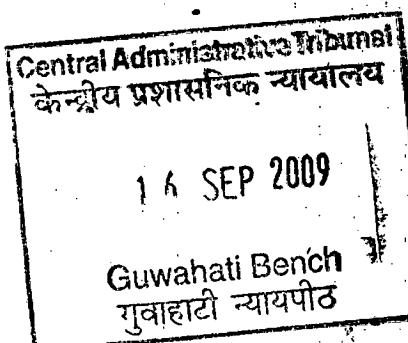
Principal Chief Conservator of Forests	1
Chief Conservator of Forests (Social Forestry & Environment)	1
Conservator of Forests (Territorial & Development)	1
Conservator of Forests (Wildlife)	1
Conservator of Forests (Social Forestry)	1
Conservator of Forests (Research & Training)	1
Deputy Conservator of Forests (Territorial) (Khasi Hills, Jaintia Hills, Garo Hills)	3
Deputy Conservator of Forests (Training)	1
Working Plan Officer	1
Planning Officer	1
Silviculturist	1
Director, Balphakram National Park	1
Deputy Conservator of Forests (Wildlife) (East & West Khasi Hills Wildlife Division)	1
Deputy Conservator of Forests (Utilisation)	1
Deputy Conservator of Forests (Social Forestry)	1
	17



2	Central Deputation Reserve <i>at</i> 20% of Item (1) above	14
3	Posts to be filled by Promotion in accordance with Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966 not exceeding 33 1/3% of Items 1 and 2 above.	28
4	Posts to be filled by Direct Recruitment (Items 1+2+3)	58
3	Deputation Reserve <i>at</i> 25% of item (1) above	18
4	Leave, Training Reserve and Junior Posts <i>at</i> 20% of Item 1 above	14
	Direct Recruit Posts	90
	Promotion Posts	28
	Total Authorized Strength	118

MOST IMMEDIATE

F.No.16016/22/98-IFS-II
Dated : 28th October, 1998



Telegram : PARYAVARAN
NEW DELHI

Telephone : 4561613

Telex: (bi-lingual) :
W-66105 DOE IN

FAX :

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT &
FORESTS

PARYAVARAN BHAVAN, C.G.C. COMPLEX
NEW DELHI - 110003
LODHI ROAD, NEW DELHI - 110003

The Chief Secretaries,
All State Governments/UTs

SUB : Restructuring of posts in various grades in
the Indian Forest Service- Recommendations
of the Fifth Central Pay Commission- regarding.

Reference is invited to the d.o. letter of even
number addressed by the Secretary, Ministry of environment
and Forests, Government of India to the Chief Secretaries
of all the State Government and Union Territories
inviting their views on the restructuring of the posts in
various grades in the Indian Forest Service (Copy enclosed).

2. It was proposed to have the posts in various
grades in the Indian Forest Service Cadres in the following
ratios :

<u>S.NO.</u>	<u>Grade</u>	<u>Percentage of Senior Duty Posts</u>
1.	Principal CCF	
2.	Addl. PCCF	8%
3.	C.C.F.	17%
4.	C.F.	25%
5.	D,G,F	50%

Contd....

Certified to be true copy

Mulfana

Adarsh

- 2 -

18 SEP 2009

Guwahati Bench
गुवाहाटी न्यायालय

Reply from majority of the State Govt. is still awaited. Like-wise, all the State Governments were requested vide letter No. 16017/01/97- IFS, II dated the 5th November, 1997 followed by several reminders to furnish their views with justifications for the creation of the post of Addl. Principal Chief Conservator of Forests in the Indian Forest Service Cadres as recommended by the Fifth Central Pay Commission. On this issue also, reply from the State Governments is awaited.

3. At the issue of restructuring of posts of the IFS Cadres is an important one and needs to be(sic) on priority basis, it has been decided to discuss the issue with the Forest Secretaries and the Principal Chief Conservators of Forests of all the states in its totality in a meeting to be held at 11.00 A.M. on Tuesday the 1st December, 1998 under the chairmanship of Shri Vishwanath Anand, Secretary, Ministry of Environment & Forests, Govt. of India in the Ghali Hall, SCOPE Complex, Scope Convention Centre, 7, Lodhi Road, New Delhi- 110003. Forest Secretaries and the Principal Chief Conservator of Forests of all state Governments are requested to kindly attend the meeting.

4. The State Governments also requested to furnish the following information in advance :

- ✓ (i) The total area to be administered- reserved forests, protected forests and other forest areas under Government Management. This may include information on Sanctuaries and National Parks, etc.
- (ii) Number and names of forest circles and forest divisions, both territorial and functional.
- (iii) Organisation chart showing all posts upto the divisional level indicating all the cadre posts and the ex-cadre posts and how each part is manned by the cadre officer or non-cadre officer.

Contd. . . .

(iv) Budget features of the State Forest Department for the last three years including the current year - revenue expenditure under major heads both under plan and Non-plan.

(v) Brief particulars of the major plan schemes undertaken by the Forest Department - Centrally sponsored Schemes as well as State Sector Schemes.

(vi) An estimate of the area to be afforested in the next 5 years under working plans, degraded forests and social and industrial forestry.

(vii) A brief note on the Social Forestry programme in the State including the area covered number of divisions and circles, details of foreign assistance ~~and~~ ~~and~~ ~~and~~ if any, staff component included in the agreement with the donor agency.

(viii) A brief note on forest protection related problems in the state, with data of the last five years. ✓

The above information together with justification for the proposed re-structuring may kindly be supplied by the State Government latest by the 20th November, 1990.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

16 SEP 2009

Guwahati Bench
गুৱাহাটী ব্যায়াপীঠ
Copy to:

Yours faithfully,

(Sarweshwar Jha)

Joint Secretary to the Govt. of India

(1) Forest Secretaries
(2) PCCFs.

All State Governments/UTs

Contd.....

They are (sic) requested to kindly (sic) furnishing of the required and relevant information latest by the 20 th November, 1998.

- (3) Director General, Indian Council of Forest Research and Education, Dehradun.
- (4) Director, Wildlife Institute of India, Dehradun.
- (5) Director, Forest Survey of India, Dehradun.
- (6) Director, Indian Gandhi National Forest academy, Dehradun.
- (7) Director, Indian Institute of Forest Managements, Bhopal.
- (8) Director, Forest Education, Dehradun. Managements Bhopal.

All are requested to participate in the meeting.

Copy also to :

- i) PPS to Secretary (E & F)
- ii) PPS to IGF & SS
- iii) Addl. IGF(FC)/Addl. IGF(WL)
- iv) Director (PT)/ Director (PE)
- v) All DIGFs in MoEF.

16 SEP 2009

Multi Bench
मैत्री न्यायपीठ

Sd/- Illegible
(Sarweswar Jha)
Joint Secretary to the Govt. of India.

**GOVERNMENT OF ASSAM
ENVIRONMENT & FORESTS DEPARTMENT**

No. FRE.104/99/144

Guwahati Dispur, the 5th September,07.

From: Shri S.B. Hagher, IAS,
Commissioner & Secretary to the Govt. of Assam
Environment & Forests Department,
Dispur, Guwahati – 6

To: Smti. Nenna Gupta, IAS
Secretary to the Govt. of India
Ministry of Environment & Forests
Parivaran Bhawan, C.C.C. Complex,
Lodhi Road, New Delhi - 110003.

Sub: Proposal for cadre Review –cum- Restructuring of Indian Forest Service,
Assam Meghalaya Cadre, Assam Wing.

Ref: (i) MCEF No.100016/2/2001-IFS-II dated 30-8-06,
(2) This Deptt.'s No.FRE.104/99/143 dated 13th Aug/07.,

Madam,

I am directed to refer to this Deptt.'s letter quoted under reference and to say that the Govt. has proposed for a partial reviewed proposal for Review-cum-Restructuring of Assam Wing of Assam Meghalaya Joint Cadre, Indian Forest Services as following which was shown in Annexure-I.

Earlier proposal

Reviewed proposal

CCF (Territorial) 1

CCF (Territorial) 2

CCF & Nodal Officer, FC Act. 1

CCF & Nodal Officer FC Act. 1

CCF (Monitoring of Env.) 1

In view of the above, you are requested to process the review –cum-restructuring of Assam Meghalaya Joint Cadre, Assam Wing, Indian Forest Services accodrdingly.

Yours faithfully

Sd/-

Commissioner & Secretary to the Govt. of Assam,
Environment and Forests Department.

Certified to be true copy

Neelam

Adm 11/6

24

Memo No.FRE.104/99/144-A

Dated Dispur, 1 or 5th September,07.

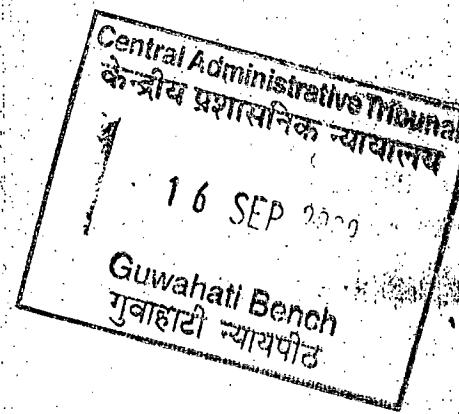
Copy to:

1. The Commissioner & Secretary to the Govt. of Meghalaya, Environment & Forests Deptt. for information.
2. The Principal Chief Conservator of Forests, Assam, Nehabari, Guwahati.
3. The Principal Chief Conservator of Forests, Meghalaya, Shillong – 793001.
4. The Joint Secretary to the Govt. of Assam, Personnel (A) Deptt. Dispur, Guwahati – 6.
5. The Under Secretary to the Govt. of Assam, Finance(TC-I) Deptt. Dispur.

By orders etc.

Sd/-

Commissioner & Secretary to the Govt. of Assam
Environment and Forests Department, Dispur.



2. BE PROPOSED

Details of seniority duty posts in the cadre

Existing		Proposed		Remarks
Designation	Number	Designation	Number	
a	b	c	d	e
PCCF	1	PCCF	1	
		PCCF (Wildlife)	1	
		Adm. PCCF (Admin. & Vigilance)	1	
		Addl. PCCF (Planning Dev. Monitoring & Evaluation)	1	
CCF (Wildlife)	1	CCF (Wildlife & Biodiversity)	1	
CCF (Social Forestry)	1	CCF (Social Forestry & Nodal Officer, FDA)	1	
CCF (Research, Training & Working Plans)	1	CCF (Research Education, Working Plans)	1	
CCF (Protection)	1	CCF (Territorial)	2	
		CCF & Nodal Officer, FC Act.	1	Central Adminstration
		CCF (Bodoland Territorial Council)	1	
		CCF (Karbi Anglong Autonomous Council)	1	
		CCF (N.C. Hills Autonomous Council)	1	Gumla Bench
CF (Territorial)	6	CF (Territorial)	4	
CF (Development)	1	CF (Working Plan)	1	
CF (Economic Circle)	1	CF (Research & Education)	1	
CF (Head quarter)	1	CF (Head quarter) in the O/o the PCCF Assam	1	
CF (Social Forestry)	3	CF (Social Forestry)	3	
CF (Wildlife)	1	CF (Wildlife) HQ	1	
CF (Border)	1	CF (Border & Protection in the O/o CCF Territorial)	1	
Field Director, Project Tiger, Manas	1	Field Director, Project Tiger, Manas	1	
Director, Kaziranga National Park	1	Director, Kaziranga National Park	1	
Principal, NEF	1	CF (Bodoland)	1	

Rangers College, Jalukbari		Territorial Court (1)	
DCF (Territorial)	22	DCF (Territorial)	22
DCF (Wildlife)	2	DCF (Wildlife)	3
DCF (Assam State Zoo)	1	DCF (Assam State Zoo)	1
Working Plan Officer	3	Working Plan Officer	3
Forest Utilisation officer	1	Forest Utilisation officer	1
Planning Officer	3	Planning Officer	3
Siviculturist	1	Siviculturist	1
Total	55	Total	62

62
Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

16 SEP 2009

Guwahati Bench
গুৱাহাটী ন্যায়পুর

EARLIER PROPOSAL

Details of seniority duty posts in the cadre

Existing		Proposed		Remarks
Designation	Number	Designation	Number	
	b	c	d	e
PCCF	1	PCCF	1	
		PCCF (Wildlife)	1	
		Addl. PCCF (Admin & Vigilance)	1	
		Addl. PCCF (Planning Dev. Monitoring & Evaluation)	1	
CCF (Wildlife)	1	CCF (Wildlife & Biodiversity)	1	
CCF (Social Forestry)	1	CCF (Social Forestry & Nodal Officer, FDA)	1	
CCF (Research, Training & Working Plans)	1	CCF (Research Education, Working Plans)	1	
CCF (Protection)	1	CCF (Territorial)	2	
		CCF & Nodal Officer, FC Act.	1	
		CCF (Monitoring & Evaluation)	1	
		CCF (Bodoland Territorial Council)	1	
		CCF (Karbi Anglong Autonomous Council)	1	

		CCF (N.C. Hills Autonomous Council)	1	
CF (Territorial)	6	CF (Territorial)	4	
CF (Development)	1	CF (Working Plan)	1	
CF (Economic Circle)	1	CF Research & Education	1	
CF (Head quarter)	1	CF (Head quarter) in the 'o the PCCF Assam	1	
CF (Social Forestry)	3	CF (Social Forestry)	3	
CF (Wildlife)	1	CF (Wildlife) HQ	1	
CF (Border)	1	CF (Border & Protection in the 'o CCF Territorial)	1	
Field Director, Project Tiger, Manas	1	Field Director, Project Tiger, Manas	1	
Director, Kaziranga National Park	1	Director, Kaziranga National Park	1	Central Admin. কেন্দ্ৰীয় প্ৰশাসন
Principal, NEF Rangers College, Jalukbari	1	CF (Bodoland Territorial Council)	1	16 SEP 2009 Guwahati R.C. গুৱাহাটী রাজ্যিক কাৰ্যালয়
DCF (Territorial)	22	DCE (Territorial)	22	
DCF (Wildlife)	2	DCF (Wildlife)	3	
DCE (Assam State Zoo)	1	DCE (Assam State Zoo)	1	
Working Plan Officer	3	Working Plan Officer	3	
Forest Utilisation officer	1	Forest Utilisation officer	1	
Planning Officer	3	Planning Officer	3	
Siviculturist	1	Siviculturist	1	
Total	55	Total	62	

THE GAUHATI HIGH COURT AT GUWAHATI

(High Court Of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh)

PRINCIPAL SEAT AT GUWAHATI

Page No. 1

CASE NO : WP(C) 476/2008

Category : 10040 (Other service matters.)

District : Kamrup

1 ASSAM FOREST SERVICE (CLASS--1) ASSOCIATION
AND ANR

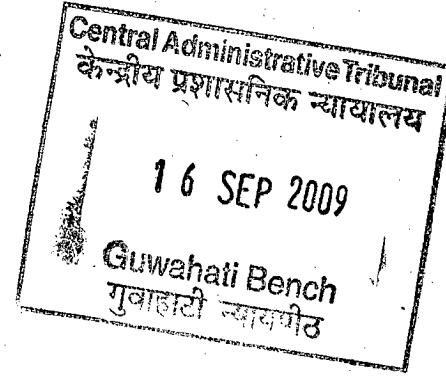
REPRESENTED BY ITS GENERAL SECRETARY VIZ
SHRI NARAYAN MAHANTA
ZOO ROAD , GHY--781021

2 SHRI S U CHOWDHURY
PRESIDENT
ASSAM FOREST SERVICE (CLASS--I)
ASSOCIATION
PERMANENT RESIDENT OF SIJUBARI HATIGAON ,
GHY--781038

Petitioner/appellant/applicant

Versus

1 THE STATE OF ASSAM AND ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE
GOVT OF ASSAM , DISPUR , GHY-781006
2 THE COMMISSIONER AND SECRETARY
TO THE GOVT OF ASSAM
ENVIRONMENT AND FOREST DEPTT.
DISPUR , GHY--781006
3 THE COMMISSIONER AND SECRETARY
TO THE GOVT OF ASSAM
PERSONAL DEPTT. , DISPUR
GHY--781006
4 THE COMMISSIONER AND SECRETARY
TO THE GOVT OF ASSAM
FINANCE DEPTT. , DISPUR
GHY--781006
5 THE UNION OF INDIA ,
REPRESENTED BY THE SECRETARY TO THE GOVT.
OF INDIA
MINISTRY OF ENVIRONMENT AND FORESTS
NEW DELHI



Respondent/Opp. Party

Advocates for Petitioner/appellant

1 D K MISHRA
2 H K MAHANTA
3 B PRASAD

Advocates for Respondents

1 GA, ASSAM
2 SC, F.DEPPT.
3 ASSTT.S.G.I.

Summary Of Case And Prayer In Brief

CERTIFIED COPY OF JUDGEMENT / ORDER

DATE OF FILING APPLICATION	DATE WHEN COPY WAS READY	DATE OF DELIVERY
08/02/2008	08/02/2008	08/02/2008

BEFORE
HON'BLE MR. JUSTICE RANJAN GOGOI.

DATE OF ORDER : 08/02/2008

Heard Mr. D. K. Mishra, learned senior counsel appearing for the petitioners.

Certified to be true copy

Multana

Advocate

Issue returnable in three months.

- 58 -

1. R. K. Bora, learned Govt. Advocate, Assam, accepts notice on behalf of respondent Nos.1,2 and 3; Mr. D. Saikia, learned Standing Counsel, Finance Department, accepts notice on behalf of respondent No.4 and Mr. N. Deka, learned Central Govt. Counsel, accepts notice on behalf of respondent No.5. Extra copies of the writ petition be furnished to the respective counsels within three days.

Issue notice on the prayer for interim relief returnable in four weeks.

In the meantime and until further orders the cadre review in respect of the Assam-Meghalaya joint cadre of the Indian Forest Services will not be finalized without leave of the Court.

P. J. D. 2009

SAC. - B. M. J. 2009

File No. 1

PL 2009-6

CERTIFIED TO BE TRUE COPY

DAN KES *SCC*

Date 8/2/09 (C)

Superintendent (Copying Section)
Gauhati High Court.
Authorised U/S 76, Act 1, 1872

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

16 SEP 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

30

प्रतिलिपि के लिए आवेदन की तारीख Date of application for copy	स्टाम्प और फोलिओ की अपेक्षित दिन्या नुम्बर करने की तिथि Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	देने की तारीख Date of making over the copy to the applicant.
21-4-08	21-4-08	21-4-08	22-4-08	22-4-08

IN THE GAUHATI HIGH COURT

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

CIVIL APPELLATE SIDE

Appeal from
Civil Rule.

W.P.(C)

No. 1525 of 2008

JOY Singh Bey & Ors

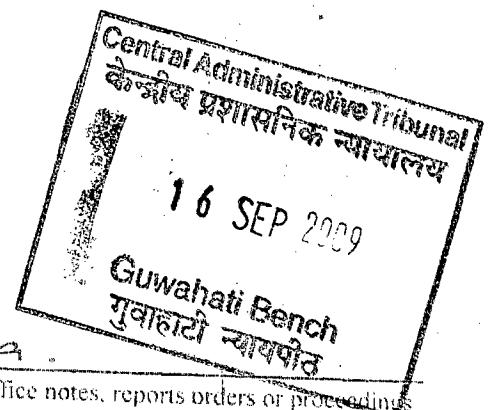
Appellant
Petitioner

Versus

State of Assam & Ors

Respondent
Opposite Party

M. N. Dutta
 Appellant
 For
 Petitioner
M. D. K. DAS
M. P. K. Tiwari
Mrs. Lopa Ygor Ahmed,
M. L. Tenzing,
 Respondent
 For
 Opposite Party
Ass. S. G. I.
C. A. Assam,
C. A. Meghalaya



Noting by Officer or Advocate	Serial No.	Date	Office notes, reports orders or proceedings with signature
1	2	3	4

Certified to be true copy

Nultana

Advocate

IN THE MATTER OF:

1. Joy Singh Bey,

Divisional Forest Officer, Norkew
Afforestation Division, Karbi
Anglong, Diphu.

2. Rajiv Kumar Das,

Divisional Forest Officer, Jorhat
Forest Division, Department of
Forest, Government of Assam,
Jorhat.

3. Jibananda Hazarika,

Divisional Forest Officer, Karbi
Anglong East Division, Department
of Forest, Government
Diphu.

4. Hiranya Kumar Sharma,

Divisional Forest Officer, Dhubri
Territorial Division, Department
of Forest, Government of Assam,
Dhubri.

5. Raghunath Boro,

Divisional Forest Officer (I/C),
Kachugaon Division, Gosaigaon.

PETITIONERS-Versus-

1. The State of Assam, represented
by the Chief Secretary to the
Government of Assam, Dispur,
Guwahati-6.

- 3 -

2. The Commissioner and Secretary, Department of Environment and Forest, Government of Assam, Dispur, Guwahati-6.

3. The Commissioner and Secretary, Department of Personnel, Government of Assam, Dispur, Guwahati-6.

4. The Commissioner and Secretary, Department of Finance, Government of Assam, Dispur, Guwahati-6.

5. The Union of India, represented by the Secretary, Ministry of Environment and Forest, Government of India, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi-110003.

6. The Secretary, Ministry of Personnel, Public Grievance & Pension (Department of Personnel & Training), Government of India, New Delhi.

7. Union Public Service Commission, through the Secretary UPSC, Dholpur House, New Delhi.

8. The State of Meghalaya, through the Chief Secretary, Government of Meghalaya, Shillong.

RESPONDENTS

W

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	<u>W.P.(C) No. 1525 of 2008</u>
			<p>BEFORE THE HON'BLE MR. JUSTICE RANJAN GOGOI</p> <p><u>21.04.2008</u></p> <p>Heard Mr. N. Dutta, learned senior counsel for the petitioners.</p> <p>Issue Rule.</p> <p>Mr. B. J. Ghosh, learned Govt. Advocate, Assam, accepts notice on behalf of respondent Nos. 1 to 4; Mr. H. Rahman, learned Asstt. Solicitor General of India, accepts notice on behalf of respondent Nos. 5 and 6 and Mr. R. Goswami, learned Senior Govt. Advocate, Meghalaya, accepts notice on behalf of respondent No. 8. Extra copies of the writ petition be furnished to the respective counsels within three days.</p> <p>Respondent No. 7 be served by registered post. Steps also within three days.</p> <p>List along with WP(C) No. 476 of 2008.</p>

Sd/- Ranjan Gogoi

Judge

SL 94899
dt 21.4.08
R

CERTIFIED TO BE TRUE COPY

Nrihsan Pathak

Date 22/4/08

Superintendent (Copying Section)
Gauhati High Court
Authorised U/s 76, Act 1, 1872

Dutta
22/4/08

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

16 SEP 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

KARBI ANGLONG AUTONOMOUS COUNCIL
OFFICE OF THE CONSERVATOR OF FORESTS: KARBI ANGLONG DIPHU

Letter No.CF/KA/ESH/PE/178

Dt: 29.8.2009

To

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

Central Administrative Tribunal
केन्द्रीय प्रशासनिक आयालय

16 SEP 2009

Sub:- Promotion to the rank of Chief Conservator of Forests.

Sir,

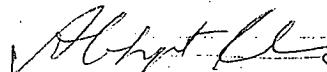
I have the honour to bring your kind notice following points for your sympathetic consideration and taking necessary steps—

1. I belong to 1984 batch of IFS belonging to Assam-Meghalaya Cadre and presently posted as Conservator of Forests, Karbi Anglong, Diphu.
2. My promotion to the rank of Chief Conservator of Forests is due since the year 2002 as IFS officers are eligible for promotion to the rank of Chief Conservator of forests after completion of 18 years of service.
3. It is learnt that Govt. of Assam is actively considering the promotion of some of Conservator of Forests by upgrading the posts of Conservator of Forests and of bifurcation of circle etc. If some of the Conservator of Forests are promoted selectively by the creation of ex-cadre posts, it will cause irreparable loss and mental agony to the similarly situated officers of the same batch. I shall be put under humiliation, if my prayer is not considered as my promotion is already due since the year 2002.
4. It is to be mentioned that recently, Government of Assam has promoted Dy. Inspector General Police belonging to 1991 batch to the rank of Inspector General of Police by making In-charge of circle/zone which was being held by them as Dy. Inspector General of Police. The post of Inspector General of Police are equivalent to the post of Chief Conservator of Forests in respect of rank as well as pay-scale. Like wise the post of Dy. Inspector General of Police are equivalent to that the Conservator of Forests in the rank of scale.

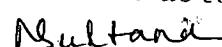
In view of the above, you are respectfully requested to promote Conservator of Forests belong to the same batch to the rank of Chief Conservator of Forests simultaneously if ex-cadre posts are being created for the purpose of promotion of Conservator of Forests to Chief Conservator of Forests.

I shall be thankful for this act of kindness.

Yours faithfully,


(Abhijit Rabha, IFS)
Conservator of Forests,
Karbi Anglong, Diphu,

Certified to be true copy



Advocate

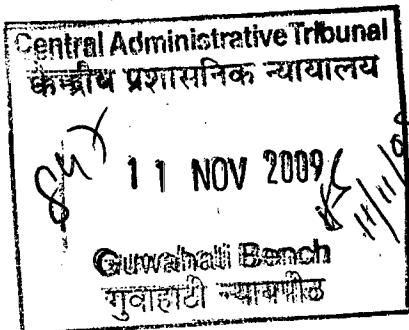
Copy to:-

1. The PCCF, Assam, Rehabari, Guwahati-8 for favour of his kind information and necessary action.
2. P.A. to the Hon'ble Minister, Environment & Forest Department, Assam for kind information and necessary action to the Hon'ble Minister.
3. The Principal Secretary , Karbi Anglong Autonomous Council, Diphu for information and necessary action.

Mr. older
Conservator of Forests ,
Karbi Anglong, Diphu,

Filed by deponent
through L. Yogi Shrestha
Advocate 10/11/09

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH



IN THE MATTER OF

O.A No. 193 / 2009

Abhijit Rabha

-Vs-

Union of India & others

AND

IN THE MATTER OF

An additional affidavit on behalf
of the petitioner to bring on
record certain subsequent facts
which has arisen consequent to
filing the aforesaid original
application.

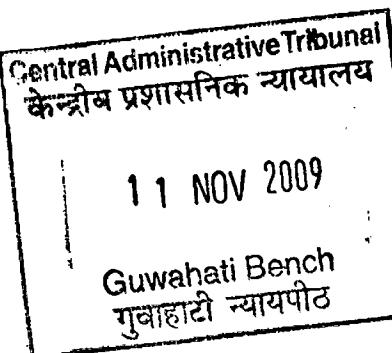
ADDITIONAL AFFIDAVIT

*Received on behalf of Mr. M. Das
S. C. C. S. C.,
CSMorganica
Advocate
11.11.09*

I, Sri Abhijit Rabha, aged about 49 years, son of Late
Bharaniket Rabha, resident of Rajgash Rd- 2nd by Lane
Guwahati, District - Kamrup, Assam, do hereby solemnly
affirm and state as follows :

*Received
Abhijit Rabha
Addl. Encl
11/11/09*

1. That the deponent has preferred an original application being O.A No. 193/2009 before the Central



-2-

27

Administrative Tribunal, Guwahati Bench challenging the action of the respondent authorities to upgrade the post of Conservator of Forest to that of Chief Conservator of Forest in Karbi Anglong in violation of the interim order of the Hon'ble Gauhati High Court relating to Cadre Review cum Restructuring of the Assam Meghalaya Joint Cadre and also non consideration of the petitioner's case for promotion to the higher level i.e. Principal Chief Conservator of Forest.

2. That your deponent states that by order dated 22.10.2009, the Hon'ble Central Administrative Tribunal after hearing the counsel for the petitioner / applicant as well as the counsel for Respondent State of Assam and Union of India directed the said respondents to file their show cause by 09.11.2009 as to whether any proposal for upgradation of the post of Conservator to that of Principal Chief Conservator of Forest with regards to the Autonomous Karbi Anglong District Council has been initiated during the subsistence of interim stay order of the Hon'ble Gauhati High Court with regards to Cadre review restructuring of the Assam - Meghalaya Joint Cadre.

3. That your deponent states that during the pendency of the original application before the Central Administrative Tribunal, the Principal Chief Conservator of Forest vide letter dated 30.10.2009 directed me to show cause regarding the basis for filing my representation dated 29.08.2009

11 NOV 2009

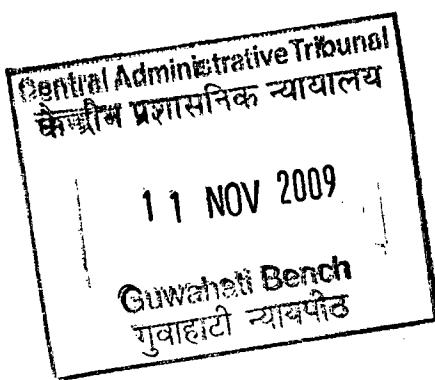
Guwahati Bench
गुवाहाटी न्यायमीठ

with regard to the petitioner's claim for consideration of his case for promotion to the rank of Chief Conservator of Forest.

It may be pertinent to mention herein that the Principal Chief Conservator of Forest as head of the Forest Force in Assam is no way connected to the O.A No. 193/2009 since he has not been made a party in the aforesaid O.A No. 193/2009 pending before the Hon'ble Tribunal. Moreso, since, the representation dated 29.08.2009 on which the Principal Chief Conservator of Forest has issued show cause is a part of judicial accord in O.A No. 193/2009 pending before the Hon'ble Tribunal, his action in calling upon information / clarification has caused interference in the judicial process since the matter is awaiting for adjudication in the Hon'ble Tribunal.

A copy of the letter dated 30.10.2009 is annexed herewith and marked as ANNEXURE - A.

4.. That your deponent states that immediately on receipt of the letter dated 30.10.2009, the Principal Secretary, Karbi Anglong Autonomous District Council, Diphu was informed by letter dated 31.10.2009 since the service of the petitioner was placed at the disposal of they District Council vide order dated 04.08.2009.



-4-

39

A copy of the letter dated 31.10.2009
is annexed herewith and marked as
ANNEXURE - B.

5. That this affidavit has been filed for the purpose of bringing on record the facts subsequent to filing of the present original application.

6. That this affidavit has been filed bonafide and in the interest of justice.

7. That the statements made in this affidavit in paragraphs 1, 2, 5, 6 are true to my knowledge those made in paragraphs 3, 4 being matters of records are true to my information 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 6th day of November, 2009 at Guwahati.

Identified by,

Abijit Belter

Advocate

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

No.FE.22/ 11/ Promotion/ IFS/ 06

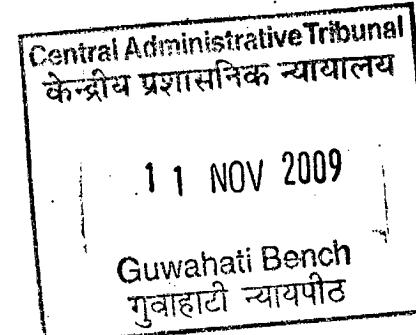
Dated Guwahati, the 30th October, 2009

To

Sri Abhijit Rabha, IFS,
Conservator of Forests,
Karbi-Anglong Circle,
Diphu.

Sub: Promotion to the rank of Chief Conservator of Forests.

Ref: Your letter No.CF/ KA/ ESH/ PF/ 178, dtd.29.08.2009.



In inviting a reference to your letter as above, I am to request you to furnish the following information/ clarification required for finalizing the action on your letter.

1. You have stated that your promotion to the rank of Chief Conservator of Forests is due since the year 2002. You are aware of the fact that on date 9 (nine) IFS officers from Sri B. Brahma to Sri Chandra Mohan (as per Civil list) are senior to you in the rank of Conservator of Forests and there is no vacant post of Chief Conservator of Forests. Please furnish information and clarification as to how you could come to considered conclusion that you are due for promotion since 2002.
2. Please furnish the basis of your conclusion that the Govt. of Assam is actively considering the promotion of some of the Conservators of Forests by upgrading the post of Conservator of Forests.
3. Please explain as to how could you conclude that some Conservators of Forests are to be promoted selectively causing loss and mental agony to you ? The available information shall be enclosed by you with your detailed justifiable explanation. You have cast aspersion on the integrity of the Govt. of Assam in the Department of Environment & Forests by stating that the Govt. of Assam will make only selective promotion. All information available with you to prove your allegation shall be furnished.

- 6 -

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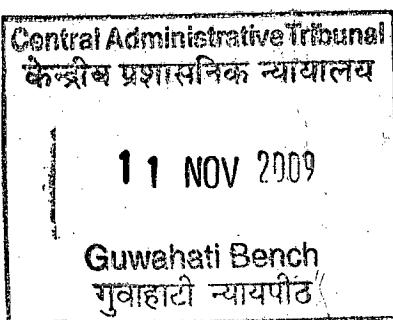
4. Please furnish the basis of your statement supported by documentary evidence in support of your statement that Govt. of Assam is creating some ex-cadre posts for promotion of Conservators of Forests.

5. Please cite the authority under which you have submitted your letter as above under reference for redressal of your grievance relating to your service conditions directly to the Govt. of Assam in the Department of Environment & Forests without routing it through proper channel.

You are requested to furnish your reply at the earliest and the same shall be in complete detail supported by all evidences including documentary evidence on which you have relied while communicating directly with the Govt. vide your letter under reference.

Chand
30.X.2009

Principal Chief Conservator of Forests and
Head of Forest Force, Assam.



Alka
AK

KARBI ANGLONG AUTONOMOUS COUNCIL
OFFICE OF THE CONSERVATOR OF FORESTS: KARBI ANGLONG
D I P H U.

Letter No. CF/KA/Esstt/PF/AR/2009-10/2085

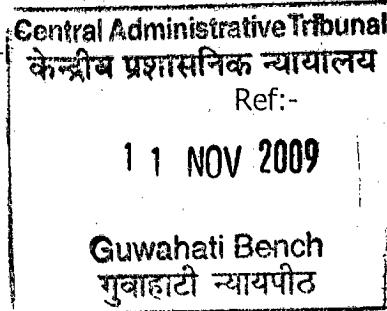
Dated 31/10/2009.

To

The Principal Secretary
Karbi Anglong Autonomous Council, Diphu

Sub:-

Interference in the matters of my said functioning by Principal Chief Conservator of Forests Head of Forest Force Assam and in the judicial process.



- 1) Letter No.FE.22/11/Promotion/IFS/06, Dated Guwahati the 30th Oct'09
- 2) Letter No.OA/193 of 09 pending disposal before Hon'ble Central Administrative Tribunal Guwahati Branch in a matter of service were show cause notice has been serve to show cause to the State Govt. as well as Central Govt. in violation of interim orders of Hon'ble Guwahati High Court in W.P.C. 476/2008 and W.P.C. 1525/08 presently pending before Division beach of Hon'ble Guwahati High Court.

Sir;

Alf
WY

With reference to the above, I have the honour to submit that the undersigned had approached the Hon'ble Central Administrative Tribunal, Guwahati Bench in the matter of service and file the O.A./193 relating to his service condition. The Hon'ble Central Administrative Tribunal by order dated 22/10/2009 directed the state as well as the Central Govt. to show cause as to whether the state Government has made any proposal for the up-gradation of the post of Conservator of Forests to Chief Conservator of Forests and fixed the matter for hearing on 07-11-2009. During the pendency of the said proceeding the Principal Chief Conservator of Forests and head of forest force Assam vide his letter No FE.22/11/Promotion/IFS/06, Dated Guwahati the 30th Oct'09 directed me to show cause.

However, the Principal Chief Conservator of Forests and head of forest force in Assam is no way connected to the O.A.193/09 since he was not made a party in the said proceeding before the Hon'ble Central Administrative Tribunal.

He has no role to directing me to show cause my action to approach the Hon'ble Central Administrative Tribunal for redressal relating to my service condition.

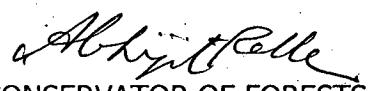
Thereby from above, it is seen he has caused un due interference in my functioning as Conservator of Forests, Karbi Anglong, Diphu were my service was placed at the disposal of the Council vide order FRE.36/96/186, Dtd.04-08-2009.

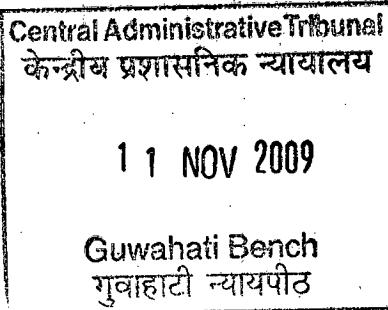
also

He has caused interference in the judicial process since the matter is awaiting for adjudication in the Hon'ble Central Administrative Tribunal guard.

The representation dated 29-08-2009 on which the Principal Chief Conservator of Forests and Head of the Forest Force has issued show cause is a part of judicial record in O.A.193/2009 pending before the Hon'ble Tribunal. Therefore this matter is to be taken up by the Council with the state Government to take consequent steps to withdraw the letter dated 30-10-2009 for Principal Chief Conservator of Forests (Assam).

Yours faithfully,


CONSERVATOR OF FORESTS
KARBI ANGLONG:::::DIPHU.



16 NOV 2009

Guwahati Bench

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

IN THE MATTER OF:

O.A NO.193/09

SRI ABHIJIT RABHA

...APPLICANT

-VS-

UNION OF INDIA AND ORS.

...RESPONDENTS

-AND-

IN THE MATTER OF:

Written statement on behalf of

(WRITTEN STATEMENT ON BEHALF OF RESPONDENT NOS. 3 AND 4)

I, Smt. Sajida J. Rashid, Acs, D/o Late M. M. Islam, aged about 49 years, presently working as the Deputy Secretary to the Govt. of Assam, Department of Environment and Forests, Govt. of Assam, Dispur, Guwahati-6, do hereby solemnly affirm and state as follows:-

1. That I am the Deputy Secretary to the Govt. of Assam, Department of Environment and Forests, Govt. of Assam, Dispur, Guwahati-6 and as such I am acquainted with the facts and circumstances of the case. I have gone through the Original Application of the instant case and have understood the contents thereof. I am competent to file this Written Statement and I have been duly authorized to do so on behalf of the Respondent Nos. 3 and 4.
2. That I do not admit any of the averments except which are specifically admitted hereinafter and the same are deemed as denied.
3. That before traversing various paragraphs of the present Original Application, the answering Respondent would like to place the brief facts of the case.

Gauhati 18-10-2009

BRIEF FACTS:

3.1 The Applicant belongs to the 1984 batch of Indian Forest Service ('IFS' in short) and belongs to the Assam Meghalaya Joint Cadre. He was promoted to the ex-cadre post of Conservator of Forest ('CF' in short) in the year of 1997.

3.2 That vide letter dated 05.09.07, the Respondent No.4 forwarded a letter to the Secretary to The Government Of India, Ministry of Environment and Forest, Pariyavaran Bhawan, New Delhi on the subject of proposal for cadre review-cum-restructuring of IFS Assam-Meghalaya Cadre, Assam Wing and requested to process the review-cum-restructuring of Assam-Meghalaya Joint Cadre, Assam Wing, IFS accordingly. In the said letter, it was mentioned that the Government has proposed for a partial review for review-cum-restructuring of Assam wing of Assam-Meghalaya Joint Cadre, IFS.

3.3 That against the said letter dated 05.09.07, the Assam Forest Service Association approached before the Hon'ble Gauhati High Court by filing WP (C) No. 476/08. The Hon'ble Court after hearing was pleased to pass an interim order dated 08.02.08 as follows:

"In the meantime and until further orders, the cadre review in respect of the Assam Meghalaya Joint Cadre of the Indian Forest Service will not be finalized without leave of the Court."

Further, another writ petition, WP (C) No. 1515/08 was filed by five Divisional Forest Officers ('DFO's in short) against the said letter dated 05.09.07 and the Hon'ble High Court in the said case was pleased to issue rule. Further ordered to list the said case alongwith WP (C) No. 476/08.

3.4 That in compliance with the Hon'ble High Court's order dated 08.02.08 the Govt. of Assam as well the Govt. of India have not taken any action for finalization of cadre review or cadre restructuring.

3.5 That the proposal for cadre review could not be finalized as the matter is sub judice before the Hon'ble Gauhati High Court. Further there is no definite proposal of the Government of Assam for upgradation of the post of CF in Karbi Anglong Autonomous Council ('KAAC' in short) to the post of Chief Conservator of Forest ('CCF' in short).

4. REPLY TO THE FACTS OF THE CASE:

4.1 That with regard to the statements made in paragraph 4.1 of the application, the humble answering Respondent begs to offer no comment on it.

Ajeeba & Ronkis

4.2 That with regard to the statements made in paragraphs 4.2 to 4.9 of the application, the humble answering Respondent has nothing to make comment on it as they are being records of the case. However the humble answering Respondent does not admit any statements which are contrary to records.

4.3 That with regard to the statements made in paragraph 4.10 of the Application, the humble answering Respondent begs to state that the Government of Assam vide its letter dated 05.09.07, forwarded a letter to the Secretary to the Government of India, Ministry of Environment and Forest, Pariyavaran Bhawan, New Delhi on the subject of proposal for cadre review-cum-restructuring of IFS Assam-Meghalaya Cadre, Assam Wing and requested to process the review-cum-restructuring of Assam-Meghalaya Joint Cadre, Assam Wing, IFS accordingly (Annexure F to the O.A.). In the said letter, it was mentioned that the Government has proposed for a partial review for review-cum-restructuring of Assam wing of Assam-Meghalaya Joint Cadre, IFS.

4.4 That with regard to the statements made in paragraph 4.11 of the Application, the humble answering Respondent begs to state that against the said letter dated 05.09.07, the Assam Forest Service Association approached before the Hon'ble Gauhati High Court by filing WP (C) No.476/08. The Hon'ble Court after hearing was pleased to pass an interim order dated 08.02.08 as follows:

"In the meantime and until further orders, the cadre review in respect of the Assam Meghalaya Joint Cadre of the Indian Forest Service will not be finalized without leave of the Court."

Further, another writ petition, WP (C) No. 1515/08 was filed by five Divisional Forest Officers ('DFO's in short) against the said letter dated 05.09.07 and the Hon'ble High Court in the said case was pleased to issue rule. Further ordered to list the said case alongwith WP (C) No. 476/08.

4.5 That with regard to the statements made in paragraph 4.12 of the Application, the humble answering Respondent begs to state that in compliance with the Hon'ble High Court's order dated 08.02.08 the Govt. of Assam as well the Govt. of India have not taken any action for finalization of cadre review or cadre restructuring.

It is absolutely false that the Government of Assam in a most surreptitious manner is considering further upgradation of some posts of CF to the post of CCF in the IFS cadre, particularly in the KAAC despite stay orders passed by the Hon'ble High Court. In this regard, the humble answering Respondent begs to state that the Government of Assam in compliance with the Hon'ble High Court's above order dated 08.02.08 have not taken any action for cadre-review. Further there is no proposal of the Government for upgrading the post of CF in KAAC to the

Sajeeda Rani

post of CCF. It is pertinent to mention here that the post of CF that is being held by the Applicant is itself an ex-cadre post.

The applicant apprehension that the government will not be able to create infrastructure for any up-graded or newly created post of CCF is only under estimation of the power of the Govt. The Govt. create / up-grade post not only to create infrastructure for the officer but to serve various purposes of public interest.

4.6 That with regard to the statements made in paragraph 4.13 of the Application, the humble answering Respondent begs to state that an IFS officer is eligible for promotion to the post of CCF on completion of 18 years of service subject to availability.

Further it is stated that the Applicant is 1984 batch of IFS. He belongs to the Assam-Meghalaya Joint cadre. It is pertinent to mention here that the 1982 batch and 1983 batch of IFS officers who are being eligible for being appointed to the post of CCF are still in queue to get the promotion of CCF. In the IFS Civil List (the 'List' in short), it appears that the name of the Applicant found place at State Sl. No. 0026 whereas there are still 10 IFS officers who are above the Applicant in the said List. Hence, there is no question of prejudice or irreparable loss to the Applicant.

Although there is no move to upgrade the CF post to CCF post, the applicant will not incur any loss by creation of ex-cadre post/upgradation of CF post to the CCF post as he is tenth in seniority and can be considered for promotion only after promotion of the seniors as and when vacancy is available. The position/status of the applicant will remain the same till his seniors are promoted. The admission of the petition will definitely cause irreparable loss to the seniors.

As stated above, there is no such proposal of the Government of Assam for upgrading the post of CF in KAAC to the post of CCF. Hence it is premature to allege against the Government in respect of the consent of the KAAC.

4.7 That the humble answering Respondent begs to state that the Applicant Sri Abhijit Rabha in fact is holding an ex-cadre post in the rank of CF. Hence there is no question of upgradation of an ex-cadre post of CF being held by the Applicant.

4.8 That the humble answering Respondent begs to state that the instant Original Application in fact has been filed by the Applicant on anticipation or apprehension and is a premature one. Hence the instant Original Application is not maintainable.

4.9 That the humble answering Respondent begs to state that the Applicant in the Original Application inter alia sought prayer for a direction to the Respondent authorities not to upgrade the post of CF to CCF/ or create ex-cadre post for accommodating a select few to the prejudice of the Applicant. In this

Abhijit Rabha
S/o
Kajaladee

respect the humble answering Respondent begs to state that there is no such proposal for upgradation of the ex-cadre post of CF to CCF.

Further, the Applicant is 1984 batch of IFS. He belongs to the Assam-Meghalaya Joint cadre. It is pertinent to mention here that the 1982 batch and 1983 batch of IFS officers who are being eligible for being appointed to the post of CCF are still in queue to get the promotion of CCF. In the IFS Civil List (the 'List' in short), it appears that the name of the Applicant found place at State Sl. No. 0026 whereas there are still 10 IFS officers who are above the Applicant in the said List. Hence, there is no question of prejudice to the Applicant.

4.10 That the humble answering Respondent begs to state that the Applicant further prays for a direction to the Respondent authorities not to initiate any action for upgradation and/or creation of ex-cadre in violation of interim orders dated 05.09.07 passed by the Hon'ble High Court in WP(C) No. 1525/08, during the pendency of the said cases.

It is respectfully submitted that the Government of Assam as well as the Government of India in compliance with the Hon'ble High Court's order dated 05.09.07 have not taken any action for finalization of cadre review.

4.11 That the humble answering Respondent begs to state that the Applicant further prayed for a direction to the Respondent authorities not to upgrade the post of CF under the KAAC to the CCF, without the prior approval of the KAAC and without disposing of his representation dated 28.09.09.

The humble answering Respondent respectfully begs to state that the post of CF under KAAC is itself an ex-cadre post and there is no such proposal for upgrading the post of CF in KAAC to the post of CCF.

4.12 That the humble answering Respondent begs to state that the State Govt. is competent to create / upgrade any post in cadre with due approval of Govt. of India. The Hon'ble Court and the govt. has acted in pursuance of the court till date and even after one and half year the Cadre review has not been finalized although.

4.13 That the humble answering Respondent begs to state that the instant original application is made on imaginary and in anticipation having no legal force and is liable to be dismissed.

Rejected & Replied

VERIFICATION

I, Smt. Sejeeda J. Rashid, D/o H. M. M. Islam

aged about 49 years presently working as the Deputy Secretary to the Govt. of Assam, Department of Environment and Forests, Govt. of Assam, Dispur, Guwahati-6, do hereby verify as follows:-

That the statements made in paragraphs 1, 2, 3, 5, 4.1, 4.5, 4.6, ^{4.8 and 4.10 to 4.12} are true to my knowledge and belief, those made in paragraphs 3.1 to 3.4, 4.2 to 4.4, 4.7 and 4.9 being matters of record are true to my information derived therefrom and rests are my humble submission before the Hon'ble Tribunal. I have not suppressed any material fact before the Hon'ble Tribunal,

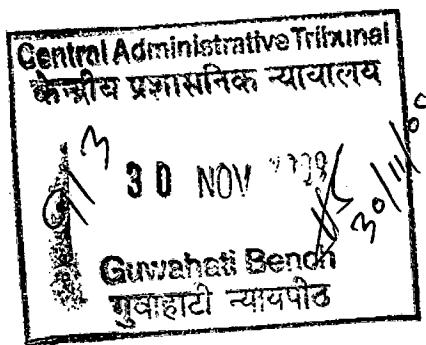
And I sign this verification on the 16th day of November 2009 at Guwahati.



SIGNATURE

Sejeeda & Rashid

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH



Filed by
Applicant, K. G. Ahmed

through Ms L.G. Ahmed
Advocate / Date: 26/11/09
Guahati High Court

IN THE MATTER OF :

O.A No. 193 / 2009

Sri Abhijit Rabha

..... Applicant

-Versus-

Union of India & others

..... Respondents

AND

IN THE MATTER OF :

A Rejoinder filed on behalf of the applicant against the written statement filed by the Respondent No. 3 and 4, Department of Environment & Forest, Government of Assam, Dispur, Guwahati - 6.

Received
Usha Das
Add CUSC
30/11/09

REJOINDER / AFFIDAVIT-IN-REPLY

I, Shri Abhijit Rabha, aged about 49 years, son of Late Dharani Kanta Rabha, resident of Rajgarh Road, 2nd Bye Lane, Guwahati, District - Kamrup, Assam, do hereby solemnly affirm and state as follows :

30 NOV 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

1. That I am the applicant in the instant case and as such I am fully acquainted and well conversant with the facts and circumstances of the instant case.

2. That a copy of the written statement filed on behalf of the respondent No.3 and 4 in the aforesaid original application has been duly served upon me through my counsel. I have gone through the same and understood the contents thereof. The statements and averments made in the written statement, which have not been specifically admitted herein below, shall be deemed to have been denied by the deponent / applicant.

3. That with regard to the statements made in paragraphs 3 to 3.5 of the written statement, the deponent has no comments to make but does not admit anything which is contrary to and inconsistent with the records of the case.

4. That with regard to the statements made in paragraph 4.1 to 4.4 of the written statement, your deponent has no comments to make being matters of record but does not admit anything which is contrary to and inconsistent with the records of the case. Further, the

30 NOV 2009

Guwahati Bench
গুৱাহাটী ন্যায়পৌঁজ

deponent reiterates and reaffirms the statements made in the original application.

5. That the statements made in paragraph 4.5 of the written statement is not correct and is denied by the deponent. Further, your deponent reiterates and reaffirms the statements made in paragraph 4.12 of the Original Application that the Government of Assam in a most surreptitious manner, is considering further upgradation of some posts of Conservator of Forests to the post of Chief Conservator of Forests in the IFS Cadre, particularly in the Karbi Anglong District despite stay orders in this regard with the sole purpose of accommodating certain blue eyed persons. It is, reliably learnt that the post in question which is being considered for upgradation is the post being held by the applicant. That the respondent authority has surreptitiously moved a File for upgradation of the post of Conservator of Forests to that of Chief Conservator of Forests in Karbi Anglong can be verified by calling for the File No. FRE 31/2002 Part now pending and as such the contention that the original application has been filed on imaginary and on anticipation is strongly rebutted. The respondents have further not placed full facts before the Hon'ble Tribunal.

6. That with regard to the statements made in paragraph 4.6 of the written statement, your deponent

30 NOV 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

reiterates the contention made in the original application. Since the mandatory period for considering the applicant's case for promotion to the post of Chief Conservator of Forests under the rules is completed, there is no ground to deny him the said benefits and confer the same only to a selected few on extraneous consideration ignoring the applicant's claim for the said post along with similarly situated officers. The respondents on one hand have stated there is no move to upgrade the CF post to CCF post and on the other hand has stated that the applicant will not incur any loss by creating ex-cadre post / upgradation of CF post to that of CCF and that clearly speaks of the discriminatory and arbitrary action of the respondents.

7. That with regard to the statements made in paragraph 4.7 of the written statement, your deponent has no comments to make. The deponent further reiterates and reaffirms the statements made in the original application. Further the issue is with regard to the move of the respondent authority to upgrade the post of Conservator of Forests to Chief Conservator of Forests during the stay order of the Hon'ble High Court and as such has got no relation with the question of whether the post of Conservator of Forest is a cadre post or not.

8. That the statements made in paragraph 4.8 of the written statement is not correct and hence is denied by

30 NOV 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

your deponent and states the fact that a file No. FRE 31/2002 Part has already been initiated by the Respondent Government in violation of the Hon'ble High Court's interim order, clearly speaks of the malafide intention of the Respondent Government.

9. That with regard to the statements made in paragraphs 4.9 of the written statement, your deponent reiterates and reaffirms the statements made in paragraph 6 of the rejoinder / affidavit-in-reply.

10. That with regard to the statements made in paragraphs 4.10 to 4.12 of the written statement, your deponent has no comments to make but does not admit anything which is contrary to and inconsistent with the records of the case.

11. That the statements made in paragraph 4.13 of the written statement it is not correct and hence the same is denied by your deponent. The fact that a proposal under file No. FRE 31/2002 Part has already been initiated by the Respondent Government and not disclosed in the written statement filed by the Respondent No.3 and 4, clearly establishes the fact that the present application is not based on imagination and anticipation.

30 NOV 2009

6

Guwahati Bench
गुवाहाटी न्यायपीठ

12. That the statements made in this paragraph and in paragraphs 1 to 11 are true to my knowledge and those made in paragraphs _____ being matters of record are true to my information derived therefrom, which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this affidavit on this the 26th day of November, 2009 at Guwahati.

Identified by,

Ahmed

Advocate

Abhijit Raha

DISTRICT: KARBI ANGLONG



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

CAVEAT APPLICATION NO.....4/2009

CODE NO:

CATEGORY:

IN THE MATTER OF :

An application under section 148-A of the Code of Civil
Procedure, 1908.

-AND-

IN THE MATTER OF :

Shri Abhijit Rabha, IFS
S/o Late Dharani Kanta Rabha
Rajgarh Road
House No.21, bye Lane No.2,
P.O. Silpukhuri,
Guwahati-3
Dist- Kamrup (Assam)

.....CAVEATOR

-VERSUS-

Contd.....P/2

Filed copy - Caveator
through, Kashinari Baruah, Advocate
dated 10.8.09

10 AUG 2009

गुवाहाटी न्यायालय
Guwahati Bench

(2)

IN THE MATTER OF :

Shri Suri Srinivass Rao, IFS

Conservator of Forest,

Forest Colony, Diphu

Dist- Karbi Anglong (Assam)

.....Respondent/

Proposed petitioner

The humble Caveat application on behalf of the

Caveator above named;

MOST RESPECTFULLY SHEWETH:-

1. That the Caveator is a citizen of India and a permanent resident of Rajgarh Road House No.21, bye Lane No.2, P.O. Silpukhuri, P.S. Chandmari, Guwahati-3 in the district of Dist- Kamrup (Assam), as such he is entitled to all rights and privileges guaranteed under Part-III of the Constitution of India and other legal rights granted under different relevant laws of the land.
2. That the present caveator is a conservator of forest, department of Forest, Government of Assam by notification No. FRE.36/96/186-A dated 4.8.09 has transferred the Caveator from office of the Principal Chief Conservator of Forest (wild life), Rehabari, Guwahati to Karbi Anglong, Diphu as Conservator of forest, Karbi Anglong, Diphu vice Sri S.S. Rao, Conservator of Forest.
3. That the present Caveator apprehends that the respondent/proposed applicant may try to obtain an order from this Hon'ble Tribunal for suspending/quashing of the Government notification No. FRE 36/96/186-A and thereby staying the transfer of the present Caveator to Karbi Anglong Diphu vice-versa also staying his own transfer from Karbi Anglong, Diphu. It may be stated here that the caveator has already been relieved on 5.8.09.

Contd.....P/3

10 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

(3)

4. That the present Caveator pray that the Hon'ble Tribunal may not pass any order/orders against the Notification No. FRE.36/96/186 dated 4.8.09 transferring him as Conservator of Forest, Karbi Anglong, Diphu vice Shri S.S. Rao Conservator of Forest. As such order has been passed in public interest and this will result in injustice to the caveator.

5. That this Caveat application is filed bonafide and for the ends of justice.

In the premises aforesaid it is prayed that Your Lordship may be pleased to admit this caveat application and in the event of any application filed by the Respondents/proposed applicant in the matter of Order No.FRE.36/96/186 dated 4.8.2009 transferring the Caveator as Conservator of Forest, Karbi Anglong, Diphu, vice Sri S.S. Rao, Conservator of Forest no ex parte order may be passed against the present caveator and or pass any other order or orders as Your Lordships may deem fit and proper

And for this act of Your Kindness the Caveator/petitioner as in duty bound shall ever pray.

Particulars.....P/4

10 AUG 2009

(4)

गुवाहाटी न्यायपीठ
Guwahati Bench

PARTICULARS

1. Name & Address of the Caveator: Shri Abhijit Rabha, IFS
S/o Late Dharani Kanta Rabha
Rajgarh Road
House No.21, bye Lane No.2,
P.O. Silpukhuri,
Guwahati-3
Dist- Kamrup (Assam)

2. Name & Address of the Respondent : Shri Suri Srinivass Rao, IFS
/proposed applicant Conservator of Forest,
Forest Colony, Diphu
Dist- Karbi Anglong (Assam)

3. Order against which the : Notification No.FRE.36/96/186
application may be filed dated 4.8.2009 passed by
Deputy Secy. to the Govt. of Assam,
Environment and Forests Department.

4. Name of the Advocate for the : i) Dipika Borgohain,
Advocate,
Ph. No. 98640-62180
ii) Kashmiri Boruah
Advocate
Ph. No.98645-75381

5. Postal Receipt No. RL B 889 dated 10/08/09 at 11.59 am.

GOVERNMENT OF ASSAM
ENVIRONMENT AND FORESTS DEPARTMENT

10 AUG 2009

ORDERS BY THE GOVERNOR
NOTIFICATION

गुवाहाटी न्यायपीठ
Guwahati Bench

Dated Dispur, the 4th August 2009.

No.FRE.36/96/186 : In the interest of Public Service Shri Abhijit Rabha, IFS, attached to Principal Chief Conservator of Forest (Wild life) is hereby transferred and posted as Conservator of Forest Karbi Anglong, Diphu with immediate effect and until further orders vice Shri S. S. Rao, Conservator of Forest transferred.

No.FRE.36/96/186-A : In the interest of Public Service Shri S. S. Rao, Conservator of Forest, Karbi Anglong, Diphu is hereby transferred and posted as Conservator of Forest attached to the Principal Chief Conservator of Forest(Wild-life) in place of Shri Abhijit Rabha, IFS, Conservator of Forest transferred with immediate effect and until further orders.

No.FRE.36/96/186-B : In the interest of Public Service Shri G.N. Adhikari, Divisional Forest Officer, Logging Division, Tinsukia is hereby transferred and posted as Divisional Forest Officer Karbi Anglong West Division vice Shri S.K. Daila, IFS, Divisional Forest Officer transferred.

No.FRE.36/96/186-C : In the interest of Public Service Shri S.K. Daila, IFS, Divisional Forest Officer, Karbi Anglong West Division is hereby transferred and posted as Divisional Forest Officer, Logging Division, Tinsukia in place of Shri G.N. Adhikari, Divisional Forest Officer transferred with immediate effect and until further orders.

Shri Abhijit Rabha, IFS, Conservator of Forest and Shri G.N. Adhikari, Divisional Forest Officer, Logging, Division, Tinsukia will move first.

sd/- S. I. Rashid

Deputy Secy. to the Govt. of Assam,
Environment & Forests Department,

Memo.No.36/96/186-D Dated Dispur, the 4th August 2009

Copy to:-

1. The Chief Executive Member, Karbi Anglong Autonomous Council, Diphu with reference to letter No. D.O.KAAC/CEM/08-09/102 Dated 15.6.09.
2. The Accountant General (A&E) Assam, Maidamgaon, Guwahati-29
3. The Principal Chief Conservator of Forest, Assam, Rehbari, Guwahati-8.
4. The Principal Chief Conservator of Forest (Wild life) Assam, Basistha, Guwahati-29.
5. Person concerned.
6. The Deputy Director Govt. Press Bamunimaidam Guwahati-21 for publication of above notification in the next issue of Assam Gazette.

By order etc.,

Deputy Secy. to the Govt. of Assam,
Environment and Forests Department,

10/8/09
A/18/09

**OFFICE OF THE
KARBI ANGLONG AUTONOMOUS COUNCIL: SECRETARIAT
DIPHU**

No.KAAC/Estt-158/P (B)/2001/

Dtd.

O-R-D-E-R

In pursuance to Govt. notification No. FRE. 36/96/186-A and No. FRE 36/96/186-C Dtd.04/08/2009 the authority of KAAC is pleased to release the following officers of Forest Department from the disposal of Karbi Anglong Autonomous Council with immediate effect to enable them to join at their new places of posting.

1. Shri S.S.Rao, Conservator of Forest, Karbi Anglong, Diphu.
2. Shri S.K.Daila, IFS, Karbi Anglong, West Division, Diphu.

No.KAAC/Estt-158/P(B)/2001/ *3705(A) 4.7.8* : In pursuance to Govt. notification No.FRE.36/96/186 and No.FRE.36/186-B Dtd.04/08/2009 the authority of Karbi Anglong Autonomous Council is pleased to accept the services of the following Forest Officers in the posts as shown against their names respectively with effect from the date of taking over charge.

1. Shri Abhijit Rabha, IFS – As Conservator of Forest, Karbi Anglong, Diphu vice Shri S.S.Rao, Conservator of Forest transferred.
2. Shri G.N.Adhikari – As DFO, Karbi Anglong, West Division, Diphu vice Shri S.K.Daila, DFO transferred.

S/aff

**Principal Secretary,
Karbi Anglong Autonomous Council
Diphu**

Memo No.KAAC/Estt-158/P (B)/2001/
Copy to:-

3705(B)

Dtd. *7/8/09*

1. P.A. Hon'ble Chief Executive Member, KAAC, Diphu.
2. PA to Hon'ble Executive Member, i/c Forests, KAAC, Diphu.
3. The Deputy Secretary to the Govt. of Assam, Environment & Forests Department, Dispur, Guwahati-6.
4. The AG(A&E), Assam, Maidangaon, Guwahati-29.
5. The PCCF, Assam, Rehabari, Guwahati-8.
6. The Conservator of Forests, Karbi Anglong, Diphu.
7. The Division Forest Officer, West Division, Diphu.
8. Shri S.S.Rao, CF, Karbi Anglong, Diphu for information & necessary action.
9. Shri S.K.Daila, DFO, Karbi Anglong, West Division, Diphu for information and necessary action.
10. Shri Abhijit Rabha, IFS for information and necessary action.
11. Shri G.N.Adhikari, DFO for information and necessary action.
12. The Senior F&AO(T), KAAC, Diphu.
13. The Treasury Officer, Diphu.
14. Office File.

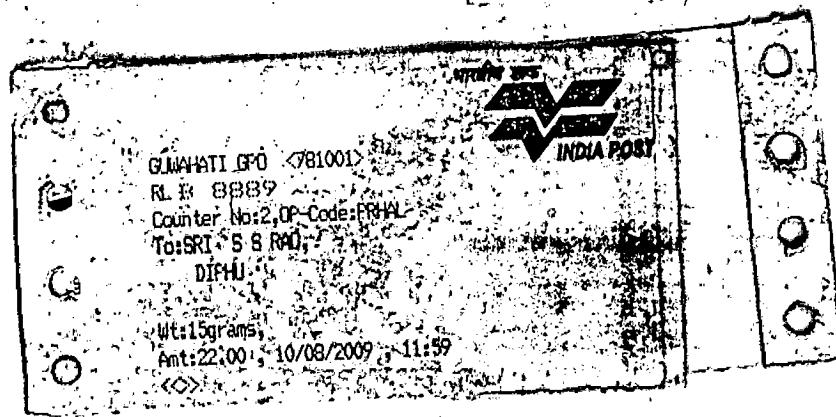
केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribu.

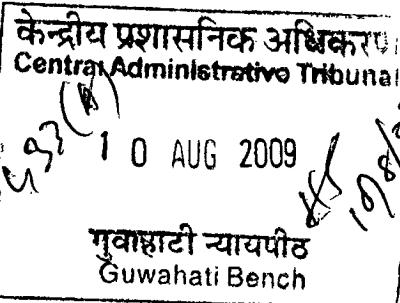
10 AUG 2009

गुवाहाटी न्यायपाठ
Guwahati Bench

Abhijit Rabha
Principal Secretary,

Karbi Anglong Autonomous Council
Diphu





Filed by -
Caveator
through - *Kashinir Banerjee*
Advocate, 10-8-09

DISTRICT: KARBI ANGLONG

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

CAVEAT APPLICATION NO. 4/2009

CODE NO:

CATEGORY:

IN THE MATTER OF:

An application under section 148-A of the Code of Civil
Procedure, 1908.

-AND-

IN THE MATTER OF:

Shri Abhijit Rabha, IFS
S/o Late Dharani Kanta Rabha
Rajgarh Road
House No.21, bye Lane No.2,
P.O. Silpukhuri,
Guwahati-3
Dist- Kamrup (Assam)

.....**CAVEATOR**

-VERSUS-

10 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

(2)

IN THE MATTER OF :

Shri Suri Srinivass Rao, IFS

Conservator of Forest,

Forest Colony, Diphu

Dist- Karbi Anglong (Assam)

.....Respondent/
Proposed petitioner

The humble Caveat application on behalf of the
Caveator above named;

MOST RESPECTFULLY SHEWETH:-

1. That the Caveator is a citizen of India and a permanent resident of Rajgarh Road House No.21, bye Lane No.2, P.O. Silpukhuri, P.S. Chandmari, Guwahati-3 in the district of Dist- Kamrup (Assam), as such he is entitled to all rights and privileges guaranteed under Part-III of the Constitution of India and other legal rights granted under different relevant laws of the land.
2. That the present caveator is a conservator of forest, department of Forest, Government of Assam by notification No. FRE.36/96/186-A dated 4.8.09 has transferred the Caveator from office of the Principal Chief Conservator of Forest (wild life), Rehbari, Guwahati to Karbi Anglong, Diphu as Conservator of forest, Karbi Anglong, Diphu vice Sri S.S. Rao, Conservator of Forest.
3. That the present Caveator apprehends that the respondent/proposed applicant may try to obtain an order from this Hon'ble Tribunal for suspending/quashing of the Government notification No. FRE 36/96/186-A and thereby staying the transfer of the present Caveator to Karbi Anglong Diphu vice-versa also staying his own transfer from Karbi Anglong, Diphu. It may be stated here that the caveator has already being relieved on 5.8.09.

10 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

(3)

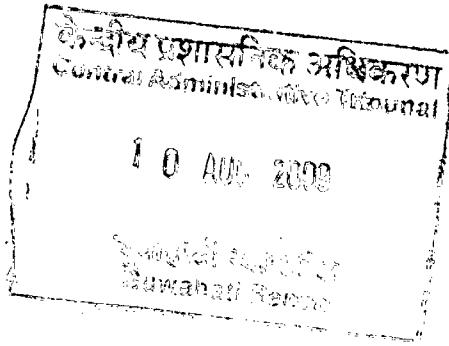
4. That the present Caveator pray that the Hon'ble Tribunal may not pass any order/orders against the Notification No. FRE.36/96/186 dated 4.8.09 transferring him as Conservator of Forest, Karbi Anglong, Diphu vice Shri S.S. Rao Conservator of Forest. As such order has been passed in public interest and this will result in injustice to the caveator.
5. That this Caveat application is filed bonafide and for the ends of justice.

In the premises aforesaid it is prayed that Your Lordship may be pleased to admit this caveat application and in the event of any application filed by the Respondents/proposed applicant in the matter of Order No.FRE.36/96/186 dated 4.8.2009 transferring the Caveator as Conservator of Forest, Karbi Anglong, Diphu, vice Sri S.S.Rao, Conservator of Forest no exparte order may be passed against the present caveator and or pass any other order or orders as Your Lordships may deem fit and proper

And for this act of Your Kindness the Caveator/petitioner as in duty bound shall ever pray.

Particulars.....P/4

(4)



PARTICULARS

1. Name & Address of the Caveator: Shri Abhijit Rabha, IFS
S/o Late Dharani Kanta Rabha
Rajgarh Road
House No.21, bye Lane No.2,
P.O. Silpukhuri,
Guwahati-3
Dist- Kamrup (Assam)

2. Name & Address of the Respondent : Shri Suri Srinivass Rao, IFS
/proposed applicant Conservator of Forest,
Forest Colony, Diphu
Dist- Karbi Anglong (Assam)

3. Order against which the : Notification No.FRE.36/96/186
application may be filed dated 4.8.2009 passed by
Deputy Secy. to the Govt. of Assam,
Environment and Forests Department.

4. Name of the Advocate for the : i) Dipika Borgohain,
Advocate,
Ph. No. 98640-62180
ii) Kashmiri Boruah
Advocate
Ph. No.98645-75381

5. Postal Receipt No. RL B 2889 dated 10/8/09 at 11.59 AM

10 AUG 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

GOVERNMENT OF ASSAM
ENVIRONMENT AND FORESTS DEPARTMENT

ORDERS BY THE GOVERNOR
NOTIFICATION

Dated Dispur, the 4th August 2009.

No.FRE.36/96/186 : In the interest of Public Service Shri Abhijit Rabha, IFS, attached to Principal Chief Conservator of Forest (Wild life) is hereby transferred and posted as Conservator of Forest Karbi Anglong, Diphu with immediate effect and until further orders vice Shri S. S. Rao. Conservator of Forest transferred.

No.FRE.36/96/186-A : In the interest of Public Service Shri S. S. Rao, Conservator of Forest, Karbi Anglong, Diphu is hereby transferred and posted as Conservator of Forest attached to the Principal Chief Conservator of Forest(Wild-life) in place of Shri Abhijit Rabha, IFS, Conservator of Forest transferred with immediate effect and until further orders.

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Shri Abhijit Rabha, IFS, Conservator of Forest, and Shri G.N. Adhikari, Divisional Forest Officer, Logging, Division, Tinsukia will move first.

Sd/- S. I. Rashid

Deputy Secy. to the Govt. of Assam,
Environment & Forests Department,

Memo.No.36/96/186-D Dated Dispur, the 4th August 2009

Copy to:-

1. The Chief Executive Member, Karbi Anglong Autonomus Council, Diphu with reference to letter No. D.O.KAAC/CEM/08-09/102 Dated 15.6.09.
2. The Accountant General (A&E) Assam, Maidamgaon, Guwahati-29
3. The Principal Chief Conservator of Forest, Assam, Rehabari, Guwahati-8.
4. The Principal Chief Conservator of Forest (Wild life) Assam, Basistha, Guwahati-29.
5. Person concerned.
6. The Deputy Director Govt. Press Bamunimaidam Guwahati-21 for publication of above notification in the next issue of Assam Gazette.

By order etc.

Deputy Secy. to the Govt. of Assam,
Environment and Forests Department,

21/8/09

OFFICE OF THE
KARBI ANGLONG AUTONOMOUS COUNCIL: SECRETARIAT
DIPHU

No.KAAC/Estt-158/P (B)/2001/

Dtd.

O-R-D-E-R

In pursuance to Govt. notification No. FRE. 36/96/186-A and No. FRE 36/96/186-C Dtd.04/08/2009 the authority of KAAC is pleased to release the following officers of Forest Department from the disposal of Karbi Anglong Autonomous Council with immediate effect to enable them to join at their new places of posting.

1. Shri S.S.Rao, Conservator of Forest, Karbi Anglong, Diphu.
2. Shri S.K.Daila, IFS, Karbi Anglong, West Division, Diphu.

No.KAAC/Estt-158/P(B)/2001/ २७०५ (A) ४.८ : In pursuance to Govt. notification No.FRE.36/96/186 and No.FRE.36/186-B Dtd.04/08/2009 the authority of Karbi Anglong Autonomous Council is pleased to accept the services of the following Forest Officers in the posts as shown against their names respectively with effect from the date of taking over charge.

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2. Shri G.N.Adhikari – As DFO, Karbi Anglong, West Division, Diphu vice Shri S.K.Daila, DFO transferred.

SD/-

Principal Secretary,
Karbi Anglong Autonomous Council
Diphu

Memo No.KAAC/Estt-158/P (B)/2001/

Copy to:-

२७०५ (B) Dtd. ८/८/०९

1. P.A. Hon'ble Chief Executive Member, KAAC, Diphu.
2. PA to Hon'ble Executive Member, i/c Forests, KAAC, Diphu.
3. The Deputy Secretary to the Govt. of Assam, Environment & Forests Department, Dispur, Guwahati-6.
4. The AG(A&E), Assam, Maidangaon, Guwahati-29.
5. The PCCF, Assam, Rehabari, Guwahati-8.
6. The Conservator of Forests, Karbi Anglong, Diphu.
7. The Division Forest Officer, West Division, Diphu.
8. Shri S.S.Rao, CF, Karbi Anglong, Diphu for information & necessary action.
9. Shri S.K.Daila, DFO, Karbi Anglong, West Division, Diphu for information and necessary action.
10. Shri Abhijit Rabha, IFS for information and necessary action.
11. Shri G.N.Adhikari, DFO for information and necessary action.
12. The Senior F&AO(T), KAAC, Diphu.
13. The Treasury Officer, Diphu.
14. Office File.

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

10 AUG 2009

गुवाहाटी न्यायालय
Guwahati Bench

SD/-
Principal Secretary,
Karbi Anglong Autonomous Council
Diphu