

FORM NO. 4  
(See Rule 42)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
ORDER SHEET

1. ORIGINAL APPLICATION No. : -----/2012
2. Transfer Application No. : -----/2012 in O.A. No.-----
3. Misc. Petition No. : -----/2012 in O.A. No.-----
4. Contempt Petition No. : -----/2012 in O.A. No.-----
5. Review Application No. : -----/2012 in O.A. No.-----
6. Execution Petition No. 24 /2012 in O.A. No. 125/2009

Applicant (S) : Smt B. C. Das

Respondent (S) : Union of India & Ors

Advocate for the : Mr. R. J. Das

Advocate for the : Chak, G.A. AP.

Advocate for the : Chak, G.A. AP.

Advocate for the : Chak, G.A. AP.

Advocate for the : Chak, G.A. AP.

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Advocate for the : Chak, G.A. AP.

This E.P. is filed by the applicant, through Mr. R.J. Das, Advocate, praying for implementation of order dated 30.05.2009 passed by O.A. 125/2009.

Laid before the Hon'ble court for favour of order.

10-12-12  
Section Officer

Order of the Tribunal

By this E.P petitioner makes a prayer under Rule 24 of the Central Administrative Tribunal (Procedure) Rules 1987 for implementation of the order dated 30.06.2009 passed in O.A.125/2009. Mr R.J.Das, learned counsel for the petitioner appeared before us. It was submitted by the learned counsel that Tribunal had issued categorical direction to act promptly and to consider the case of the applicant for his appointment to IFS from the dates his juniors had been promoted to IFS by detailing a Review Committee headed by UPSC and to grant him necessary relief, as due and admissible under the rules within 120 days from the date of receipt of copy of the order. The Writ filed against the said order was dismissed by the Hon'ble High Court vide order dated 14.02.2012 but this order has not been executed till date.

Contd.

E.P. 24/2012

Contd..

12.12.2012

Issue notice on respondents No.1 & 2 under Rule 11(1) (i) of the C.A.T. (Procedure) Rules, 1987, returnable within four weeks. Mr R.K.Debchoudhury, learned counsel accepts notice on behalf of respondents No.3 & 4.

List on 17.01.2013.

(Manjula Das)  
Member(J)

(M.K.Chaturvedi)  
Member (A)

Received Copy for  
Respondents 3 & 4.

19/12/12

16-1-2013

/pg/

- 1) Postal cost not deposited by the applicant, Hence which could not sent under rules, 11(1)(i) of CAT (Procedure) Rules 1987 to R.No-182.
- 2) Service completed on R.No-3 & 4.

17.01.2013

Mr.R.J.Das, learned counsel for the applicant appeared and submitted that inadvertently the postal cost had not been deposited. The same will be deposited today itself. He is allowed to deposit the postal cost for service on Respondent Nos. 1 & 2. Mr. R.K.Debchoudhury, learned counsel for Respondent No. 3 & 4 prays for four weeks time to file reply. Prayer is allowed.

List the matter on 15.2.2013.

(Manjula Das)  
Member (J)

21-1-2013

Notice issued to under  
11(1)(i) CAT procedure  
Rule 1987 to R.No-182.  
Issued vide NO-228,229,  
dt-21-1-2013

14-2-2013

- 1) Service report available on R.No-182.
- 2) No reply from R.No-3 & 4.

/lm/

17.01.2013

Mr.R.J.Das, learned

counsel for the

E.P. 24/2012

15.02.2013

Mr.R.J.Das, learned counsel for the applicant is present. Ms L.Devi, proxy counsel for Mr R.K.Deb Choudhury appearing for respondents No.3 & 4 and prays for three weeks time to file the reply to the E.P.

List the matter on 08.03.2013.

*V. M. Gaur*  
(V.M.Gaur)  
Member (A)

*(Manjula Das)*  
Member (J)

/pg/

08.03.2013

Mr. R.K. Debchoudhury, learned counsel appeared on behalf of respondent Nos. 3 & 4. It was submitted by Mr. Debchoudhury that the reply on behalf of respondent Nos. 3 & 4 has already been filed with copy to the counsel for the petitioner. No reply has been filed by respondent Nos. 1 & 2 and none appeared on behalf of the said respondents i.e. 1 & 2.

Mr. H.K. Das, proxy counsel for Mr. R.J. Das, learned counsel for the petitioner appeared and submitted that due to some personal difficulty, Mr. R.J. Das is not in a position to attend the court today.

List the matter on 08.04.2013.

*Virendra Narayan Gaur*  
(Virendra Narayan Gaur)  
Administrative Member

PB

7-3-2013

- 1) Service report awaited on R. No. 152
- 2) No reply filed by the respondents,

11-3-2013

Affidavit filed by

R. No. 3 & 4

5-4-2013

No reply from  
R. No. 152

4-  
EP.24 of 2012

08.04.2013

Mr.R.K.Devchoudhury, learned counsel for the respondents 3 & 4 submits that reply of said respondents have already been filed. None appears for the respondent nos. 1 & 2. From the note of the Registry dated 21.01.2013 it appears that notices were sent to the respondent nos. 1 & 2 by registered A/D on 21.01.2013. Registry is directed to give a note under CAT (Procedure Rules) for deem service.

List the matter on 08.05.2013.

  
(Manjula Das)  
Judicial Member

08.05.2013

Mr R.J. Das, learned counsel for the petitioner is present. Mr R.K.Deb Choudhury, learned Govt. Advocate, Arunachal Pradesh appearing for respondents No.3 & 4 prays for four weeks time to obtain instruction.

List the matter on 25.06.2013.

  
(Manjula Das)  
Member (J)


25.06.2013

Ms.M.Talukdar, proxy counsel for Mr.R.J.Das, learned counsel for the petitioners prays for adjournment. Adjourned to 31.07.2013.

  
(Manjula Das)  
Judicial Member

/bb/

2-5-2013  
Notices were sent by  
Regd Post with A/D R.No.182  
on 21-1-2013. Y.M. D. No.  
2288, 229, But no A/D  
received till to day. Hence  
notice deemed served as per  
Rule 25(1) CAT Procedure  
Rules 1993.

  
S.O. 07/5/13

/bb/

24.5.2013  
Affidavit filed  
on behalf of R.No.  
3 & 4.

/pg/

25.06.2013  
Affidavit filed  
by R.No. 3 & 4.

30.7.2013  
Affidavit filed

E.P. No. 24 of 2012 in O.A. 125 of 2009

31.07.2013

Ms. M. Talukdar, proxy counsel for Mr. R.J. Das, learned counsel for the applicant appeared and submits that due to personal difficulty, Mr. Das is not in a position to attend the court today. Mr. R.K. Debchoudhury, learned counsel for respondent Nos. 3 & 4 appeared. Service reports are awaited upon respondent Nos. 1 & 2.

List the matter on 05.09.2013.

4.9.13

Service report of R-1 & 2 not received.

No reply has been filed.

(Virendra Narayan Gaur)  
Administrative Member

(Manjula Das)  
Judicial Member

PB

05.09.2013

Ms.M.Talukdar, proxy counsel for Mr.R.J.Das, learned counsel for the petitioner submits that Mr. Das is in bereavement because of demise of his mother-in-law, as such, he could not be present today. None appears for the respondents.

List the matter on 30.10.2013.

30/10/13

29.10.13

- 1) Affidavit filed by R-3 & 4
- 2) Service report of R-1 & 2 not received.
- 3) No reply filed by R-1 & 2.

/bb/

(Manjula Das)  
Judicial Member

30.10.2013

Mr.R.J.Das, learned counsel for the petitioner is present. Mrs.Lovely Devi, proxy counsel for Mr.R.K.Debchoudhury, learned counsel for the respondent nos. 3 & 4 prays for adjournment of the matter.

List on 31.10.2013.

(Mohd. Haleem Khan)  
Administrative Member

(Manjula Das)  
Judicial Member


/bb/

31.10.2013

Mr. R.J. Das, learned counsel for the petitioner appeared and submitted that vide order dated 2<sup>nd</sup> July 2013, petitioner Sri B.C. Das was promoted to Senior Time Scale in the pre-revised Pay Scale of Rs. 2200-75-2800-100-4000/- w.e.f. 01.01.1994 and in Junior Administrative Grade in the pre-revised Pay Scale of Rs. 12000-375-16500/- w.e.f. 01.01.1999. He is further promoted to the Selection Grade in the pre-revised Pay Scale of Rs. 14300-400-18300/- w.e.f. 01.01.2003. According to learned counsel, although order was passed on 2<sup>nd</sup> July 2013, financial benefit has not been released.

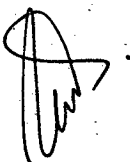
Mr. R.K. Debchoudhury, learned counsel representing the respondent Nos. 3 & 4 however, submits that only today, he could come to know the order dated 2<sup>nd</sup> July 2013 of the Government of India. Accordingly, learned counsel prays for six weeks time to take instruction from the department.

List the matter on 12.12.2013.



(Mohammad Haleem Khan)  
Administrative Member

PB



(Manjula Das)  
Judicial Member

12.12.2013

As both parties agreed matter is listed on 10.02.2014.



(Manjula Das)  
Judicial Member

07/02/14  
no rejoinder filed  
b

(1) Reply filed by -  
R no - 3 & 4  
(2) Service awaited  
R no - 1 & 2  
(3) No reply filed  
R no - 1 & 2

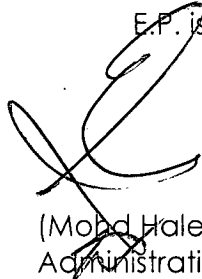
11/12/13

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E.P. 24/2012 (O.A. 125/2009)

10.02.2014

Mr R.J.Das, learned counsel for the petitioner is present. Mr R.K.Deb Choudhury, learned counsel for respondents No.3 & 4 submits that the respondents has already complied with the Tribunal's order dated 30.06.2009 passed in O.A.125/2009. To that effect learned counsel has produced a sanction order dated 30.01.2014 and order dated 03.02.2014. As the applicant has already got the relief, there is nothing remains. The matter is closed. The sanction order shall be kept in record.

E.P. is accordingly disposed of.



(Mohd Haleem Khan )  
Administrative Member



(Manjula Das)  
Judicial Member

/pg/

Order communicated  
vide M/No-254/258  
dt-26-2-14

5/3/14

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**GUWAHATI BENCH :: GUWAHATI**

**E.P. No. 24 of 2012**

**In O.A. No. 125 of 2009**

**(B.C.Das - Vs - Union of India & others)**

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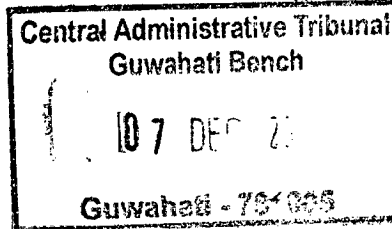
**Filed by:**

*Rupam Jyoti Das*

**Rupam Jyoti Das**

**Advocate**





Filed by the  
applicant  
through to  
Super Registrar  
Assam  
5/12/12

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## GUWAHATI BENCH :: GUWAHATI

Execution Petition No. /2012

In O.A. No. 125 of 2009

Shri Brajesh Chandra Das, Son of late  
Ram Gopal Das, Geruapar, P.O. Sarupeta,  
District: Barpeta, Assam-781318

**APPLICANT**

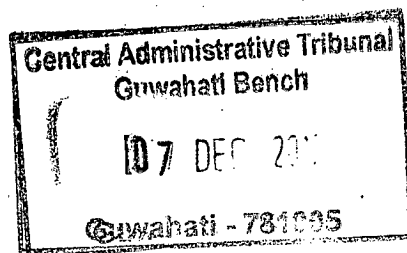
**-Versus-**

1. The Union of India, Represented  
by its Secretary to the Government  
of India, Ministry of Environment  
and Forest, Paryavaran Bhavan, CGO  
Complex, Lodhi Road, New Delhi- 3.

2. The Director (IFS Division),  
Ministry of Environment and Forest,  
Paryavaran Bhavan, CGO Complex,  
Lodhi Road, New Delhi- 3.

3. The State of Arunachal  
Pradesh, through the Principal  
Secretary to the Government of  
Arunachal Pradesh, Environment and  
Forest Department, Itanagar-791111.

Das  
Brajesh Chandra



4. The Principal Chief Conservator of Forests, Arunachal Pradesh, Itanagar-791111.

**RESPONDENTS**

- AND -

**IN THE MATTER OF:**

An application under Rule 24 of Central Administrative Tribunal (Procedure) Rules' 1987 for implementation of the order dated 30.06.09 passed in O.A. No. 125 of 2009.

- AND -

**IN THE MATTER OF:**

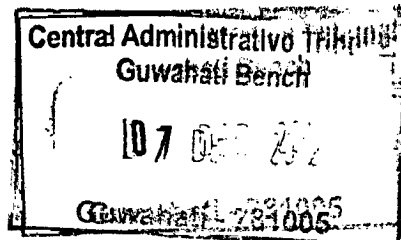
Shri Brajesh Chandra Das, Son of late Ram Gopal Das, Geruapar, P.O. Sarupeta, District: Barpeta, Assam-781318

**APPLICANT**

**-Versus-**

1. The Union of India, Represented by its Secretary to the Government of India, Ministry of Environment

Brajesh Chandra Das



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Das  
Chandra  
Bijayesh

and Forest, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi- 3.

2. The Director (IFS Division), Ministry of Environment and Forest, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi- 3.

3. The State of Arunachal Pradesh, through the Principal Secretary to the Government of Arunachal Pradesh, Environment and Forest Department, Itanagar-791111.

4. The Principal Chief Conservator of Forests, Arunachal Pradesh, Itanagar-791111.

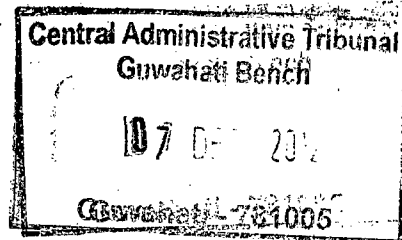
5. Union Public Service Commission, through its secretary, Dholpur House, New Delhi-110069

**RESPONDENTS**

The applicant above named

**MOST RESPECTFULLY SHEWETH:**

1. That the applicant had preferred O.A. No. 125 of 2009 (B.C.Das Vs Union of India & Ors) challenging, inter alia, the inaction of the respondents in considering the case of the applicant for induction/appointment to the Indian Forest



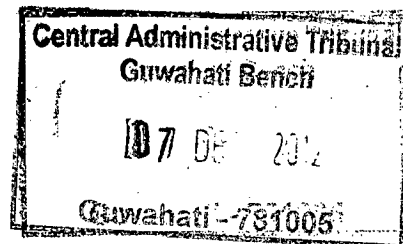
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Brajesh Chandra Das

Service, AGMUT(Arunachal Pradesh, Goa, Mizoram and Union Territories) Cadre with effect from 26.09.10, i.e., the date when his juniors were inducted and also the inaction of the respondents therein in not considering payments of such consequential benefits to the applicant as would be admissible pursuant to his such antedated promotion to IFS.

2. That the Hon'ble Tribunal by order dated 30.06.2009 disposed of the OA No. 125/2008 in favour of the applicant and directed the respondents therein to consider the case of the applicant for promotion to IFS from the date 26.09.96, i.e., the date his juniors in the State Forest Service were promoted to IFS, by conducting a Review Committee headed by UPSC and grant the applicant necessary consequential relief, as due and admissible to him, by way of passing a reasoned order within 120 days from the date of receipt of the copy of the order dated 30.06.2009.

A copy of the order dated 30.06.2009 passed in O.A. No. 125 of 2009 is annexed herewith and marked as ANNEXURE-P/1.

3. That the applicant submitted a representation dated 15.12.09 to the official respondents enclosing therewith the



order dated 30.06.09 passed in OA 125 of 2009 and requested the implementation of the aforementioned order.

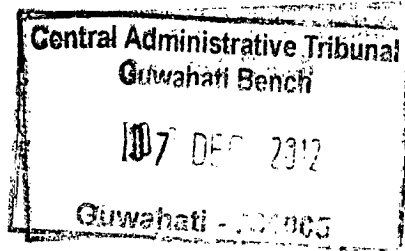
A copy of the representation dated 15.12.09 of the applicant is enclosed herewith and marked as ANNEXURE: P/2.

4. That in the meantime, two persons, viz, Sri Samjam Jongsam and Sri R.K.Deori who were junior to the applicant in the State Forest Officer filed W.P.(C) No. 448(AP)/2009 (Samjam Jongsam & Anr Vs B.C.Das & Ors) assailing the order dated 30.06.2009 passed in OA 125 of 2009. The Hon'ble High Court, Itanagar Permanent Bench vide its order dated 19.11.2009 was pleased to issue notice of motion and also stayed the operation of the order dated 30.06.2009 passed in OA 125 of 2009.

5. That pursuant of the aforementioned stay order dated 19.11.09 passed in W.P.(C) No. 448(AP) /2009 everything went into a state of comatose and all administrative processes were also stalled pertaining to the antedating of the applicant's promotion to the IFS.

6. That in month of February 2012 the aforementioned writ petition was heard on merits and the Hon'ble High Court vide

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Brajesh Chandra Das



its judgment and order dated 14.02.2012 passed in W.P.(C) No.448(AP)/2009 dismissed the writ petition.

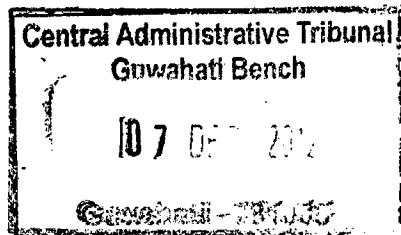
A copy of the judgment and order dated 14.02.2012 passed in W.P.(C) No. 448(AP)/2009 is annexed herewith and marked as ANNEXURE: P/3

7. That thereafter the counsel for the applicant Shri Kamal Saxena, submitted a representation dated 27.02.12 enclosing therewith a copy of the judgment and order dated 14.02.12 to all the official respondents of the W.P.(C) 448(AP)/2009

A copy of the representation dated 27.02.12 is annexed herewith and marked as ANNEXURE: P/4

8. That thereafter the Director, (AGMUT), Ministry of Environment and Forests, Government of India vide Letter no.32012/2/2010-IFS-I-(AGMUT) dated 09.04.2012 wrote to the Chief Secretary, Government of Arunachal Pradesh, Department of Environment and Forests, Itanagar regarding the implementation of CAT Guwahati order dated 30.06.09 in OA 125/2009.

Brageesh Chandan Das

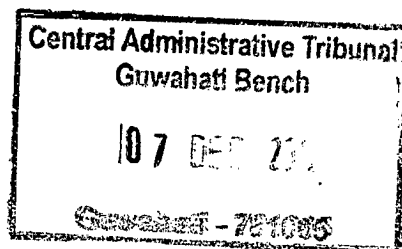


A copy of the letter dated 09.04.12 of the Director, (AGMUT), Ministry of Environment and Forests, Government of India is annexed herewith and marked as

ANNEXURE: P/5

9. That the perusal of the aforementioned letter dated 09.04.12 indicates that the UPSC vide its review Selection Committee Meeting on 01.02.10 had recommended for modification of the select list of 1995-96 wherein the applicant was placed at serial no.1 and the petitioners in W.P. (C) No. 448(AP)/2009 were placed at serial no 2 and 3. It was further mentioned in the letter that after obtaining the approval of the Joint Cadre Authority and the Central Government, the UPSC had approved the select list of 1995-96. It was further stated that the Ministry of Environment and Forests, Government of India and the State of Arunachal Pradesh has to implement the order dated 30.06.09 of the Hon'ble Tribunal. As such for implementation of the order dated 30.06.09, the Ministry of Environment and Forests, Government of India requested the State of Arunachal Pradesh to furnish the former the proposal for the induction/appointment into IFS of the applicant along with copies of the Ministry's earlier orders/notification for induction of the applicant into the IFS, allotment year, and fixation of inter se seniority and also promotion order of

Brayesh Chandra Das 08



JAG/SG/CF/CCF etc, if any urgently to enable the Ministry of Environment and Forests, Government to process the case further.

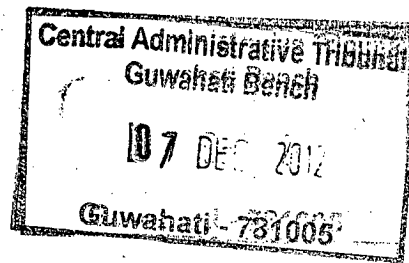
10. That when the aforementioned letter dated 09.04.12 did not yield any response from the State Government of Arunachal Pradesh, the Director, (AGMUT), Ministry of Environment and Forests, Government of India vide letter dated 26.07.2012 wrote to the Principal Secretary (Forest), Department of Environment & Forests, Government of Arunachal Pradesh requesting once again the State of Arunachal Pradesh to furnish to the Ministry of Environment & Forests, Government of India the proposal for the induction/appointment into IFS of the applicant along with copies of the Ministry's earlier orders/notification for induction of the applicant into the IFS, allotment year, and fixation of inter se seniority and also promotion order of JAG/SG/CF/CCF etc.

A copy of the letter dated 26.07.2012 of the Director, (AGMUT), Ministry of Environment and Forests, Government of India is annexed herewith and marked as

ANNEXURE: P/6

Chandra Datta  
B. Rajesh

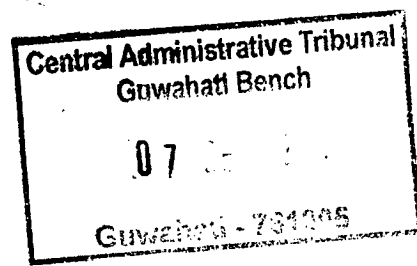




11. That perusal of the aforementioned judgment and order dated 14.02.12 reveals that the Hon'ble High Court while dismissing the writ petition did not alter in any manner whatsoever the directions of the learned tribunal given in the order dated 30.06.09 passed in OA 125 of 2009. Hence, the official respondents therein is duty bound to give effect to the aforementioned order dated 30.06.09 and consequently the official respondents ought to have antedated the promotion of the applicant to the IFS to 26.09.96, i.e., the date on which the immediate juniors of the applicant were given such promotion and also grant the applicant necessary consequential relief, as due and admissible to the applicant by such antedating.

12. That perusal of the aforementioned letters dated 09.04.2012 and 26.07.2012 of the Director, (AGMUT), Ministry of Environment and Forests, Government of India clearly demonstrates that the whole process of antedating the promotion of the applicant to the IFS to 26.09.96, i.e., the date on which the immediate juniors of the applicant were given such promotion and granting the applicant necessary consequential relief, as due and admissible to him has reached a stalemate due to willful inaction of the contemnor/respondent in this present contempt proceeding.

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Chandra Das  
Brajesh



13. That it was incumbent on the part of the respondent herein to provide to the Director, (AGMUT), Ministry of Environment and Forests, Government of India the proposal for the induction/appointment into IFS of the applicant along with copies of the Ministry's earlier orders/notification for induction of the applicant into the IFS, allotment year, and fixation of inter se seniority and also promotion order of JAG/SG/CF/CCF etc. However, the respondent has not issued any direction and/or order initiating the process to provide the proposal for the induction/appointment into IFS of the applicant along with copies of the Ministry's earlier orders/notification for induction of the applicant into the IFS, allotment year, and fixation of inter se seniority and also promotion order of JAG/SG/CF/CCF etc to the Director, (AGMUT), Ministry of Environment and Forests, Government of India. Thus the sole respondent has willfully violated the order of the Hon'ble Tribunal dated 30.06.2009 and as such deliberately committed civil contempt within the meaning of section 2(b) of the Contempt of Courts Act, 1971.

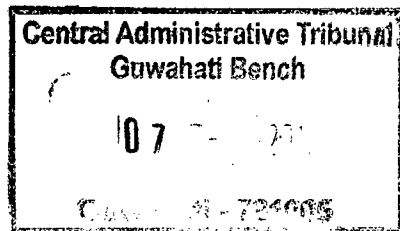
R.D. 14. That the applicant begs to state that the respondents have not yet preferred any appeal against the order dated 30.06.09 and as such same has attained its finality. It is therefore, incumbent on the part of the respondents, more particularly respondent no 3 and 4 to follow the said order

dated 30.06.09 passed by this Hon'ble Tribunal in its true spirit.

R.D 15. That the respondents' non implementation of the directions given by this Hon'ble Tribunal of which they had full and specific knowledge have the effect of diminishing the authority and prestige of the this Hon'ble Tribunal in the minds of the public and is likely to disturb the confidence of the public in the unquestioned effectiveness of the order of the Hon'ble Tribunal. As such, the respondents are duty bound to implement the Hon'ble Tribunal's order dated 30.06.09 passed in O.A. No. 125 of 2009. It is stated that the attempt made by the respondents to frustrate the claim of the applicant by not implementing the directions of the Hon'ble Tribunal is highly deprecated.

R.D 16. has made out a prima facie case for passing appropriate direction to the official respondents to release the consequential benefits pursuant to the antedating of the date of induction of the applicant to IFS with effect from 26.09.96, i.e., the date on which the immediate juniors of the applicant were given such promotion along with interest @18% accrued thereon. It is further stated that there is no delay because it is a continuing cause of action and the order dated 30.06.09 attained its finality when the Hon'ble

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Brajesh Chandra Das



High Court by judgment and order dated 14.02.12 dismissed the W.P.(C) 448(AP)/2009.

R.D. 17. That this petition has been filed bonafide and for securing ends of justice.

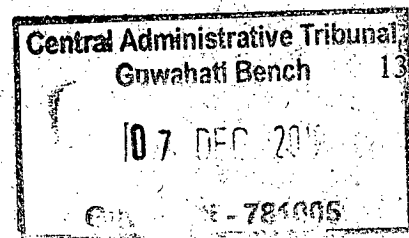
**P R A Y E R**

In the premises aforesaid, it is most respectfully prayed that Your Lordships may be pleased to:

I. Pass appropriate direction to the official respondents to release the consequential benefits pursuant to the antedating of the date of induction of the applicant to IFS with effect from 26.09.96, i.e., the date on which the immediate juniors of the applicant were given such promotion along with an interest @18% accrued thereon till the date of actual receipt

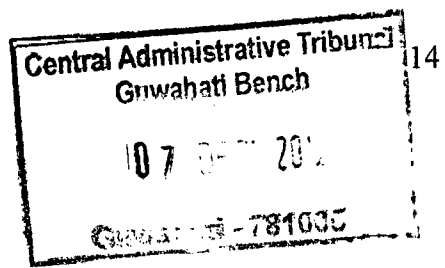
II. Pass such other order/orders as may be deemed fit and proper in the facts and circumstances of the case.

*Barajesh chandra Das*



And for this act of kindness the applicant as in  
duty bound shall ever pray.

Brageesh Chandra Das 72



VERIFICATION

I, Brajesh Chandra Das, son of Late Ram Gopal Das, aged about 66 years, resident of Geruapar, P.O. Sarupeta, District Barpeta, Assam-781318, do hereby solemnly affirm and verify that the statements made in the accompanying application in paragraphs 1, 3 to 5, 7, 11 to 16 are true to my knowledge, those made in paragraphs 2, 6, 8, 9, 10, 11 (PARTLY) being matters of records are true to my information derived there from and the grounds urged are as per legal advice. I have not suppressed any material fact.

And I sign this verification on this the 5th day of ~~December~~ November, 2012 at Guwahati.

*Brajesh Chandra Das*

APPLICANT

-15-

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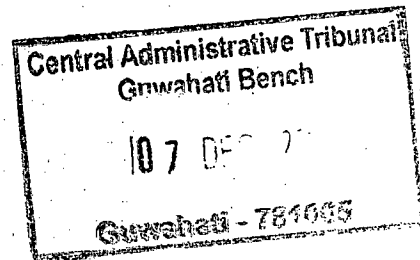
**ANNEXURE: P/L**

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:: GUWAHATI

Original Application No.125 of 2009

Date of Order: This, the 30<sup>th</sup> day of June, 2009:

HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN



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

.....Applicant

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

-Versus-

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

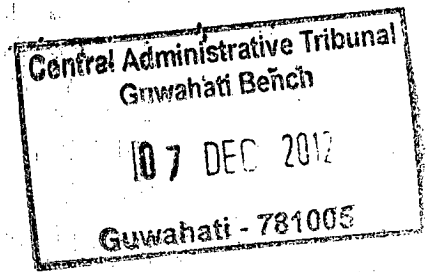
.....Respondents

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

\*\*\*\*\*

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Advocate

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




MANORANJAN MOHANTY, (VICE-CHAIRMAN):-

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

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

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 Advocate



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

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

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

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Advocate

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

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

- "8.1 That the Hon'ble Tribunal be pleased to direct the respondents to hold review DPC so as to consider induction/appointment of the applicant to the IFS (AGMUT Cadre) with effect from 26.09.1996 i.e., the date when his junior Sri S J Jongsam was inducted/appointed to the said cadre.
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to consider grant of the benefit of Junior Administrative Grade and Selection Grade with effect from the year 2001 and 2005 respectively, or the dates when Sri S J Jongsam, the immediate junior of the applicant was granted the said benefits.
- 8.3 That the Communiqué dated 10.10.2008 be set aside and quashed.
- 8.4 Costs of the application.
- 8.5 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper."

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

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Advocate

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

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

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

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

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

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

sa/-  
MANORANJAN MCHANTY  
VICE CHAIRMAN.

TRUE COPY  
[Signature]

Central to go to the court  
[Signature]  
Advocate

21-  
ANNEXURE: P/2

14  
TYPE COPY OF THE REPRESENTATION DATED 15.12.09

Central Administrative Tribunal  
Guwahati Bench

07 DEC 2009

Guwahati Bench

To

Regd. A/D

The Secretary  
Govt. of India  
Ministry of Environment and Forest  
Paryavaran Bhawan, CGO Complex  
Lodhi Road, New Delhi 110003.

Sub:- Implementation of CAT Guwahati Bench's O.A. 125  
of 2009.

Sir,

Please refer to the CAT Guwahati Bench's O.A. No 125  
of 2009 issued under Memo No 3867 dt 22.7.09 and implement  
the order as per directive of clause 9 of the said O.A.  
within the stipulated days else I shall approach the CAT  
Guwahati Bench for further action. Please treat this as  
most urgent.


Yours Faithfully

Sd/-

15.12.09

(Brajesh Chandra Das)

Copy to:- The Principal Secretary, Govt. Of  
Arunachal Pradesh, Environment and Forest  
Department, Itanagar for similar necessary  
action.

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Advocate



-22-  
ANNEXURE: P/3

## THE GAUHATI HIGH COURT AT ITANAGAR

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

ITANAGAR BENCH

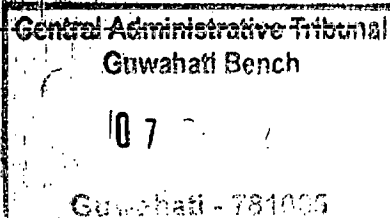
Page No. 1

SL. NO. 242

CASE NO : WP(C) 448/2009

District : Papum Pare

Category : 10057 (Order of the Appellate or Revisional authority. )



- 1 Shri Samjan Jongsam  
Son of Lt. T. Jongsam, Deputy Conservator of Forest,  
office of the Principal Chief Conservator of Forest, AP,  
Itanagar
- 2 Sri R K. Deori,  
son of Lt. K.R. Deori, Deputy Conservator of Forest,  
office of the Principal Chief conservator of Forest,  
Itanagar

Petitioner/appellant/applicant

Versus

- 1 Shri B.C. Das  
son of Lt. R.G. Das, resident of Geruapar, Dist.  
Barpeta, Assam
- 2 Union of India  
through the Secretary to the Govt. of India, Ministry  
of Environment and Forest, new Delhi,
- 3 Director (IFS Division)  
Ministry of Environment and Forest, New Delhi
- 4 State of Arunachal Praesh  
represented by the Principal Secretary, Environment  
and Forest, Itanagar
- 5 Principal Chief Conservator of Forest,  
AP, Itanagar
- 6 Union Public Servicer Commission,  
Dholpur House, New Delhi

Respondent/Opp. Party

### Advocates for Petitioner/appellant

- 1 Mr U Bhuyan
- 2 Mrs S D Bhuyan
- 3 Mrs K M Talukdar
- 4 Mr A Hazarika
- 5 Mr B Chakraborty
- 6 Mr A Apang
- 7 Ms L Lombi

### Advocates for Respondents

- 1 GA
- 2 CGC
- 3 Mr P K Tiwari
- 4 Mr K Saxena
- 5 MR. L Tenzin
- 6 Mr A K Singh

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true copy.

21/2/11  
Asst. Registrar (Jr)  
Gauhati High Court, Itanagar Bench  
Naharlagun  
Authorised S.78 of Act I of 1872

Summary Of Case And Prayer In Brief  
Dismissed

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Advocate

### CERTIFIED COPY OF JUDGEMENT / ORDER

DATE OF FILING APPLICATION  
21/02/2012

DATE WHEN COPY WAS READY  
21/02/2012

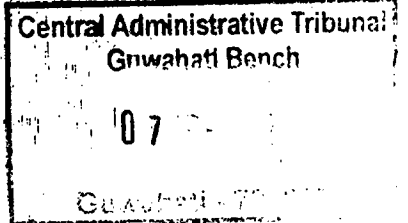
DATE OF DELIVERY  
21/02/2012

**BEFORE**  
**THE HON'BLE MR JUSTICE IA ANSARI**  
**THE HON'BLE MR JUSTICE AC UPADHYAY**

**DATE OF ORDER : 14/02/2012**

**JUDGMENT & ORDER**

**(O R A L)**



{IA Ansari, J}

We have heard Mr. A. Apang, learned counsel, for the petitioners, and Mr. P.K. Tiwari, learned counsel, for the respondent No.1. We have also heard Mr. M. Pertin, learned ASG, for the respondent Nos 2, 3 and 6, and Mr. R.H. Nabam, learned Senior Govt. Advocate, for the respondent Nos.4 and 5.

2. With the help of this writ application, made under Article 226 of the Constitution of India, the petitioners have put to challenge the order, dated 30.06.2009, passed by the learned Central Administrative Tribunal, Guwahati Bench, Guwahati, in Original Application No.125/2009, whereby the learned Tribunal has directed the State respondents to consider the case of the respondent No.1 herein for his promotion to the Indian Forest Service, with effect from 26.06.1996, by forming a review committee within a period of 120 days from the date of receipt of the copy of the order, dated 30.06.2009, aforementioned.

3. In order to understand the material issues, involved in this writ petition, and, in order to appreciate the reliefs, if any, to which the petitioners are entitled, it is apposite to take note of those facts, which are relevant for the purpose of a correct decision in the writ petition. Put in a nutshell, the material facts are as under:

(i) The respondent No.1 was appointed, as a Forest Ranger, on 01.04.1970, in the erstwhile North East Frontier Agency, which has presently become the State of Arunachal Pradesh. By notification, dated 15.10.1980, while respondent No.1 was promoted retrospectively to the post of Assistant Conservator of Forest (in short, 'ACF') from the post of Forest Ranger with effect from 20.02.1980, the present petitioners were directly recruited to the Arunachal Pradesh State Forest Service as ACF with effect from 01.04.1981 and they were confirmed in the said post with effect from 01.01.1985.

(ii) Thereafter, the petitioner No.1 herein, namely, Shri S. Jongsam, was granted officiating promotion to the post of Deputy Conservator of Forest

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Advocate

Asst. Registrar  
Guwahati High Court, Kamalagar Bench  
Authorised S 78 of Act I of 1972

(in short, 'DCF'). The promotion of petitioner No.1 was followed by an order, dated 28.11.1992, whereby the present petitioners, along with three other State Forest Service officers, were given regular promotion as DCF in the State Forest Service. Thus, the petitioners were regularly promoted to the post of DCF with effect from 28.11.1992.

(iii) Alleging to the effect that he was senior to the present petitioners, because he was promoted to the post of ACF on 20.02.80, whereas the present petitioners were recruited directly to the post of ACF on 01.04.81, respondent No.1 herein filed a writ petition, under Article 226, which gives rise to Civil Rule No.455/93, wherein he contended that the present petitioners were junior to him, he had been wrongly superseded and claimed promotion to the post of DCF. Before the said Civil Rule could come to be decided, three State Forest Service officers, including the present petitioners, whom respondent No.1 had claimed to be junior to him in the said writ petition, were all nominated, on 26.09.1996, to Indian Forest Service. However, upon nomination of the present petitioners to Indian Forest Service, as indicated hereinbefore, Civil Rule No.455/93 was disposed of, on 18.05.98, by this Court, whereby respondent No.1's prayer was allowed and a direction was given to promote him with effect from 28.11.92, i.e., the date on which the present petitioners had been regularly promoted to the post of DCF in the State Forest Service. By judgment and order, dated 18.05.98, aforementioned, passed in Civil Rule No.455/93, it was further directed that respondent No.1 herein shall be given all service benefits including seniority meaning thereby that respondent No.1 herein ought to be treated, in the post of DCF, senior to the present petitioners.

(iv) In compliance with the directions, so issued, in Civil Rule No.455/93, the State Government, on 24.06.99, promoted respondent No.1 to the post of DCF with effect from 28.11.1992, i.e., the date on which the present petitioners too had already been promoted to the post of DCF, though they were, as indicated above, junior to the respondent No.1 herein in the cadre of ACF. The present petitioners, then, put to challenge, by way of writ appeal No.36/2000, the reliefs, which had been granted to respondent No.1 herein and the directions, which had been issued in favour of respondent No.1 herein by a learned Single Judge of this Court in Civil Rule No.455/1993.

(v) On 18.08.2000, respondent No.1 was nominated to Indian Forest Service and, on being so nominated to the Indian Forest Service, respondent No.1 submitted a representation to the authorities concerned to ante date his nomination to Indian Forest Service with effect from 26.09.1996, i.e., the date on which his juniors, more specifically, the

Administrative Tribunal  
Guwahati Bench  
107 D  
Guwahati - 7

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Advocate

11/2/2011  
Asst. Registrar  
Court, Itanagar/Bonga  
Gauhati Hg.  
Authoriser  
178 of Act I of 1872  
true copy



present petitioners, were nominated to Indian Forest Service. While the representation, so made by the respondent No.1 had remained pending before the authorities concerned, respondent No.1 retired, on 31.07.2005, on attaining the age of superannuation. A year after his retirement and, to be precise, on 28.08.2006, writ appeal No.36/2000 was dismissed as infructuous. Thus, the decision in Civil Rule No.455/1993 and the directions issued therein attained finality.

(vi) In further compliance of the directions given in Civil Rule No.455/1993, the State Government issued another order, dated 04.07.2007, placing the respondent No.1 herein above the petitioner No.1 in the seniority list of DCF with effect from 28.11.1992. Even though the order, dated 04.07.2007, aforementioned, making respondent No.1 herein senior to the petitioner No.1, namely, S. Jongsam, was made almost a year after the disposal of the writ appeal, no grievance against the State Government's order, dated 04.07.2007, aforementioned, was expressed by the present petitioners. The order, dated 04.07.2007, too, thus, remain unchallenged.

Central Administrative Tribunal  
Guwahati Bench  
107 D-1  
Guwahati - 781005

(vii) The respondent No.1 herein, then, made representations, on 19.07.2007 and 25.11.2007, to the State and the Central Governments seeking his nomination to the cadre of Indian Forest Service to be given effect from 26.09.1996, i.e., the date on which the present petitioners had been nominated to Indian Forest Service. As the representations, so made by respondent No.1 herein, had not yielded any favourable result to him, he filed an Original Application in the Central Administrative Tribunal, Guwahati Bench, Guwahati, which gave rise to OA No.125/2009, wherein respondent No.1 herein, as applicant, sought for, inter alia, direction to be issued to the State and the Central Governments to grant him nomination to the cadre of Indian Forest Service, with effect from 26.09.1996, when his immediate junior, i.e., petitioner No.1 herein, had been inducted to the Indian Forest Service.

(viii) By order, dated 30.06.2009, OA No.125/2009 has been allowed by the learned Tribunal and directions have been given to the Government of India, Union Public Service Commission and the State of Arunachal Pradesh to properly consider the petitioner's case for his nomination to Indian Forest Service, with effect from 26.09.1996, by forming, as already indicated above, a review committee within 120 days from the date of receipt of the copy of the order, dated 30.06.2009. Aggrieved by the directions, so issued, the present writ petition has been filed.

4. The principal ground of challenge to the impugned decision, dated

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Advocate

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Asst. Secy. to Govt.  
Guwahati High Court

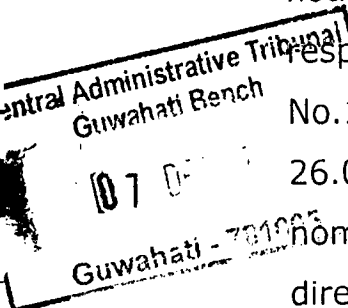
11/11/2011  
Asst. Secy. to Govt.  
Guwahati High Court

30.06.2009, is that the present petitioners were not made parties to the Original Application, and, hence, there was denial of the principles of natural justice and, in consequence thereof, the impugned order, dated 30.06.2009, becomes illegal and cannot be sustained. Suffice it to point out, in this regard, that the order, dated 18.05.98, whereby Civil Rule No.455/93 was disposed of, remained, as already indicated above, unchallenged and attained finality and, in consequence thereof, the petitioners were treated as junior to the respondent No.1 as they cannot, but must be treated to have had been junior to the respondent herein, for all intents and purposes, in the cadre of DCF.

5. As the petitioners had been nominated to the Indian Forest Service on 26.09.1996 and respondent No.1 had claimed his nomination, too, to the Indian Forest Service to be given effect from 26.09.1996, it becomes clear that since the petitioners were junior to the respondent No.1, no prejudice can be said to have been caused to them, when they were not given any notice and directions were issued by the learned Tribunal to the respondents/authorities concerned to consider the case of the respondent No.1 herein for nomination to the Indian Forest Service with effect from 26.09.1996, when his juniors, (i.e., the present petitioners) had been nominated. We do not find any infirmity, legal or factual, with the impugned direction given by the learned Tribunal on 30.06.2009 and we do not see any reason to interfere with the same merely because the petitioners were not made parties to the Original Application No.125/2009. In fact, a pointed query was made by this Court as to what prejudice can be said to have been caused to the petitioners, because of the omission to make them parties in Original Application No.125/2009. No convincing reason could be given, on behalf of the petitioners, except pointing out that they were directly recruited to the post of ACF as against the respondent No.1, who was a promotee to the post of ACF.

6. In view of the fact that it has already been judicially determined and has remained unchallenged that the petitioners were junior to respondent No.1 in the cadre of DCF, the fact, that, they were directly recruited to the post of ACF and the respondent No.1 was a promotee to the post of ACF, can be of no consequence on considering the ultimate direction, which the learned Tribunal has given by its order, dated 30.06.2009, particularly, when the petitioners have been treated as junior to the respondent No.1 even in the cadre of DCF.

7. The directions, given by the learned Tribunal, on 30.06.2009, have also



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Advocate

Authorised by the Tribunal on 18/07/2009

Central High Court, Guwahati Bench

been challenged on the ground that the subject-matter of Original Application No.125/2009 was not tenable. For the reason that we have elaborately discussed above, we do not find that the learned Tribunal was incorrect or acted illegally in either entertaining the Original Application or in issuing the directions, which it has issued.

8. Yet another ground of challenge to the decision reached by the learned Tribunal, on 30.06.2009, is that respondent No.1 had approached the learned Tribunal belatedly. This ground is a ground, which is not open to challenge by the petitioners, when the petitioners were decidedly junior to the respondent No.1 in the cadre of DCF.

9. Though an attempt has been made, on behalf of the petitioners, to show that the directions given by the order, dated 05.01.2010, in Original Application Nos.118 and 172/2006 of the learned Central Administrative Tribunal, Guwahati Bench, Guwahati, have some bearing on the directions, which have been issued in Original Application No.125/2009, we must point out that in Original Application Nos.118 and 172/2006, what has been observed by the learned Tribunal is that in terms of the relevant rules, there ought to have been triennial cadre review and the learned Tribunal has, therefore, directed that necessary review be carried out within the specified period of six months by the Central and the State Governments. The direction, so issued, has really no bearing on the question of seniority of the respondent No.1 vis-a-vis the present petitioners in the cadre of DCF or in the matter of nomination to the Indian Forest Service inasmuch as the petitioners were, and shall always remain, junior to the respondent No.1 in terms of the directions issued in Civil Rule No.455/93, which have attained finality.

10. Because of what have been discussed and pointed out above, we find no substance in this writ petition. This writ petition, therefore, fails and the same shall accordingly stand dismissed.

11. We, however, leave the parties to bear their own costs.

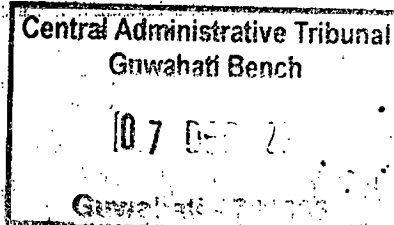
Certified to be true copy

Advocate

Sd/- A.C. UPADHYAY  
JUDGE

Sd/- T.A. ANSARI  
JUDGE

Assst. Secy. (Adm.)  
Gauhati High Court, Itanagar Bench



-28-

ANNEXURE: P/4

Kamal Saxena  
Advocate,  
Gauhati High Court

Chamber:  
House No.1, Government Press  
Road, Bamunimaidam, Guwahati-  
21, Assam, Phone No: 9954300521(M)

Dated:-27.02.2012

To

1. The Secretary to the Government of India,  
Ministry of Environment and Forest,  
Paryabaran Bhawan, CGO Complex, Lodhi  
Road, New Delhi-110003.
2. The Director (IFS Division), Ministry of  
Environment and Forest, Paryabaran Bhawan,  
CGO Complex, Lodhi Road, New Delhi-  
110003.
3. The Principal Secretary to the Government of  
Arunachal Pradesh, Environment and Forest  
Department, Itanagar-791111.
4. The Principal Chief Conservator of Forest,  
Arunachal Pradesh, Itanagar-791111.
5. The Secretary, Union Public Service  
Commission, Dholpur House, Shahjahan Road,  
New Delhi-110069.

In re: *W.P.(C) No.448/2009 (Samjan Jongsam & Anr -Vs- Sri Brajesh Chandra Das & Ors)*

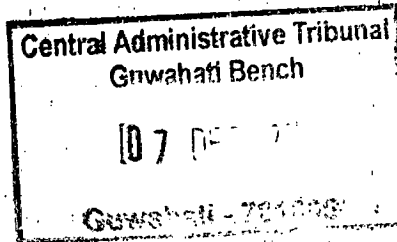
Sub : Order of the Hon'ble Gauhati High Court dated 14.02.2012.

Sir,

My client Sri Brijesh Chandra Das had preferred O.A. No.125/2009, before the Gauhati Bench of Central Administrative Tribunal for antedating his promotion to IFS w.e.f. 26.09.1996 i.e. the date on which his immediate junior Sri Samjan Jongsam was

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Advocate



-29-

given such promotion. The aforementioned OA was allowed by the Tribunal by its order dated 30.06.2009 directing the Government of India, UPSC & State Government of Arunachal Pradesh to act promptly to consider the case of the applicant for his promotion to IFS from 26.09.1996 by detailing a review committee within 120 days from the date of receipt of the copy of the order.

Against the aforementioned order of the Tribunal the private opposite parties Sri Samjan Jongsam and Rama Kanta Deori preferred W.P.(C) No.448/2009 before the Itanagar Bench of the Gauhati High Court wherein by an interim order dated 19.11.2009 the High Court suspended the order of the Tribunal. However, by order dated 14.02.2012 the Division Bench of the High Court dismissed the aforementioned writ petition(copy enclosed).

In view of the dismissal of the writ petition, the order of the Guwahati Bench of Central Administrative Tribunal is now required to be complied with. Kindly take appropriate administrative measures towards compliance of the order of the Guwahati Bench of Central Administrative Tribunal without further delay failing which my client would be left with no other alternative but to pursue an action for contempt. This is for your information.

Thanking you.

Yours faithfully,


  
(Kamal Saxena)

Advocate

Enclosed:

1. Copy of the order of the CAT dated 30.06.09 passed in O.A. No.125/2009.
2. Copy of the order dated 15.02.2012 of the Hon'ble High Court Passed in W.P.(C) No.448/2009.

Certified to be true copy

  
15/02/2012

No.32012/2/2010-IFS-I (AGMUT)  
Government of India  
Ministry of Environment and Forests

सीड फाइल / STED FOOT

Paryavaran Bhawan,  
CGO Complex Lpdhi Road,  
New Delhi-110003.  
Dated: April 09, 2012.

To,  
The Chief Secretary,  
Government of Arunachal Pradesh,  
Department of Environment and Forests,  
Itanagar.

**Subject: - Implementation of CAT Guwahati order dated 30.6.2009 in  
OA No. 125/2009 filed by Sh. B.C. Das Vs UOI & Others.**

Sir,

I am directed to refer to Govt. of Arunachal Pradesh (Department of Environment & Forests) letter No.FOR.294/EA/2006/412 dated 28.12.2011 and to say that Hon'ble Guwahati High Court at Itanagar Bench vide its order dated 14.2.2012 (copy enclosed) has dismissed the WP(C) 448/2009 filed by S. Jongsam and Shri R.K Deori requesting not to implement the order dated 30.6.2009 of the Hon'ble Central Administrative Tribunal, Guwahati directing the Respondents (Govt. of India, UPSC and State Government of Arunachal Pradesh) to consider the case of Shri B.C Das for his promotion to IFS by convening a Review Selection Committee Meeting.

2. It is informed that UPSC has already taken action in the matter by holding Review Selection Committee Meeting on 1.2.2010 in UPSC which has recommended for modification of the Select List of 1995-96 as under:-

S. No.	Name of Officer (S/Shri)	Date of Birth
1*	R Modi (ST)	01.03.1947
1	Brajesh Chandra Das	01.08.1945
2	S.J. Jongsom (ST)	03.01.1955
3	R.K Deori (ST)	01.03.1959
4	S. Thirunavukarasu	04.02.1954
5	S. Choudhury	01.04.1940
6	M.C Baruah	31.10.1941

\* Shri R. Modi stands included in the Select List of 1985, on the recommendation of the Review SCM held on 9.6.2008.

Certified to be true  
[Signature]

3. After obtaining approval of JCA and central Govt., the UPSC has finally approved the above Select List of 1995-96. In view of this, the Ministry of Environment & Forests and State Govt. of Arunachal Pradesh has to implement the above order dated 30.6.2009 of Hon'ble CAT, Guwahati, by issuing revised orders for induction/appointment of Shri B.C Das into IFS. The Ministry has also to issue orders for his revised Allotment year and fixation of inter se seniority and also issue his revised promotion orders of JAG/SG/CF/CCF etc. if any due to him based on the revised proposal to be submitted by the State Government of Arunachal Pradesh. Since this is a very old matter, the records in the Ministry are not readily traceable. However, a copy of Notification No. 32012/1/93-IFS-I dated 23.11.2000 issued by the Ministry for appointing Shri B.C Das into IFS w.e.f. 18.8.2008 and allocating him Arunachal Pradesh segment of AGMUT Joint Cadre is enclosed.

4. In order to implement the above said CAT Guwahati order dated 30.6.2009, in letter spirit, the State Govt. of Arunachal Pradesh is requested to kindly furnish the proposal for his induction/appointment into IFS along with copies of this Ministry's earlier orders/notifications etc. for his induction into IFS, allotment year and fixation of inter se seniority and also promotion order of JAG/SG/CF/CCF etc. if any urgently to enable this Ministry to process the case further.

Yours faithfully,

*[Signature]*

(Vivek Saxena)  
Director (AGMUT)  
Telefax: 24362065

Encl. as above

Copy to:-

1. The PCCF Arunachal Pradesh, Itanagar for information and similar necessary action. It is requested that a copies of above documents in respect of Shri B.C. Das may kindly be furnished to this Ministry urgently.
2. Shri B.C Das, S/o Late Shri Ram Gopal Das, Geruapar, P.O. Sarupeta, District: Barpeta, Assam, Pin-781318 for information. It is requested that a copies of above documents may kindly be furnished to this Ministry urgently.
3. The Secretary, UPSC, Dholpur House, Shahjahan Road, New Delhi-110069 w.r.t their letter No. 10/22(1)/2009-AIS dated 23.6.2011 for information.

Certified to be true copy  
*[Signature]*  
Advocate

*[Signature]*

(Vivek Saxena)  
Director (AGMUT)



GOVERNMENT OF INDIA  
Ministry of Environment and Forests

ANNEXURE: P/6

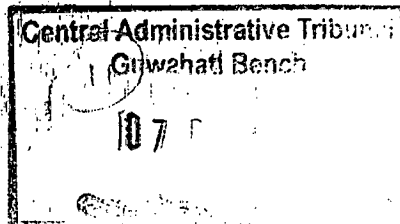
Received on 6/8/12

Paryavaran Bhawan, CGO Complex,  
Lodhi Road, New Delhi-110003.

Dated: July 26, 2012.

To,

The Principal Secretary (Forest),  
Government of Arunachal Pradesh,  
Department of Environment and Forests,  
Itanagar.



**Subject: - Implementation of CAT Guwahati order dated 30.6.2009 in  
OA No. 125/2009 filed by Sh. B.C. Das Vs UOI & Others.**

Sir,

I am directed to invite a reference to this Ministry's letter of even No. dated 9.4.2012 (copy enclosed for ready reference) on the subject mentioned above and to say that no reply has so far been received from the Govt. of Arunachal Pradesh in the matter.

2. As the matter pertains to implementation of CAT Guwahati order dated 30.6.2009, in letter and spirit, State Govt. of Arunachal Pradesh is once again requested that the proposal for induction/appointment of Sh. B.C. Das into IFS along with copies of this Ministry's earlier orders/notifications etc. for induction into IFS, allotment year and fixation of inter se seniority of the officers included in the Select List of 1995-96 and also copies of their promotion orders of JAG/SG/CF/CCF etc. may kindly be furnished urgently to enable this Ministry to process the case further.

Yours faithfully,

(S. S. Badhawan)  
Director (IFS)

Telefax: 011-24367077

Encl. as above

Copy to:-

1. Chief Secretary Government of Arunachal Pradesh, Itanagar for information and similar necessary action. It is requested that a copies of above documents in respect of Shri B.C Das and other officers of 1995-96 Select List may kindly be furnished to this Ministry urgently.
2. The PCCF Arunachal Pradesh, Itanagar for information and similar necessary action. It is requested that a copies of above documents in respect of Shri B.C Das and other officers of 1995-96 Select List may kindly be furnished to this Ministry urgently.
3. Shri B.C Das, S/o Late Shri Ram Gopal Das, Geruapar, P.O. Sarupeta, District: Barpeta, Assam, Pin-781318 for information. It is requested that a copies of above documents may kindly be furnished to this Ministry urgently.
4. The Secretary, UPSC, Dhoolpur House, Shantivan Road, New Delhi-110069 w.r.t their letter No. 10/22(1)/2009-AIS dated 23.6.2011 for information.

Certified to be true copy

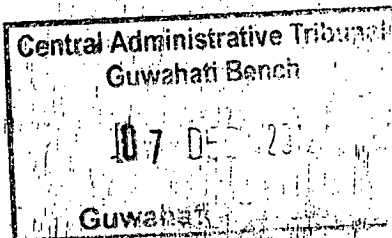
Advocate




- 33 - 92


स्पीड पोस्ट / SPEED POST

No.32012/2/2010-IFS-I (AGMUT)  
Government of India  
Ministry of Environment and Forests



Paryavaran Bhawan,  
CGO Complex Lodhi Road,  
New Delhi-110003.  
Dated: April 09, 2012.

To,   
The Chief Secretary,  
Government of Arunachal Pradesh,  
Department of Environment and Forests,  
Itanagar.



**Subject: Implementation of CAT Guwahati order dated 30.6.2009 in  
OA No. 125/2009 filed by Sh. B.C. Das Vs UOI & Others.**

Sir,

I am directed to refer to Govt. of Arunachal Pradesh (Department of Environment & Forests) letter No.FOR.294/EA/2006/412 dated 28.12.2011 and to say that Hon'ble Guwahati High Court at Itanagar Bench vide its order dated 14.2.2012 (copy enclosed) has dismissed the WP(C) 448/2009 filed by S. Jongsam and Shri R.K Deori requesting not to implement the order dated 30.6.2009 of the Hon'ble Central Administrative Tribunal, Guwahati directing the Respondents (Govt. of India, UPSC and State Government of Arunachal Pradesh) to consider the case of Shri B.C Das for his promotion to IFS by convening a Review Selection Committee Meeting.

2. It is informed that UPSC has already taken action in the matter by holding Review Selection Committee Meeting on 1.2.2010 in UPSC which has recommended for modification of the Select List of 1995-96 as under:-

S. No.	Name of Officer (S/Shri)	Date of Birth
1*	R Modi (ST)	01.03.1947
1	Brajesh Chandra Das	01.08.1945
2	S.J. Jongsom (ST)	03.01.1955
3	R.K Deori (ST)	01.03.1959
4	S. Thirunavukarasu	04.02.1954
5	S. Choudhury	01.04.1940
6	M.C Baruah	31.10.1941

\* Shri R. Modi stands included in the Select List of 1985 on the recommendation of the Review SCM held on 9.6.2008.

Certified to be true copy.

  
Advocate

Copy  
Assd  
20/4/12

34-93

After obtaining approval of JCA and central govt. approved the above Select List of 1995-96. In view of this, the Ministry of Environment & Forests and State Govt. of Arunachal Pradesh has to implement the above order dated 30.6.2009 of Hon'ble CAT, Guwahati, by issuing revised orders for induction/appointment of Shri B.C Das into IFS. The Ministry has also to issue orders for his revised Allotment year and fixation of inter se seniority and also issue his revised promotion orders of JAG/SG/CF/CCF etc. if any due to him based on the revised proposal to be submitted by the State Government of Arunachal Pradesh. Since this is a very old matter, the records in the Ministry are not readily traceable. However, a copy of Notification No. 32012/1/93-IFS-I dated 23.11.2000 issued by the Ministry for appointing Shri B.C Das into IFS w.e.f. 18.8.2008 and allocating him Arunachal Pradesh segment of AGMUT Joint Cadre is enclosed.

4. In order to implement the above said CAT Guwahati order dated 30.6.2009, in letter spirit, the State Govt. of Arunachal Pradesh is requested to kindly furnish the proposal for his induction/appointment into IFS along with copies of this Ministry's earlier orders/notifications etc. for his induction into IFS, allotment year and fixation of inter se seniority and also promotion order of JAG/SG/CF/CCF etc. if any urgently to enable this Ministry to process the case further.

Yours faithfully,

*Jaxu*  
(Vivek Saxena)  
Director (AGMUT)  
Telefax: 24362065

Encl. as above

Copy to:-

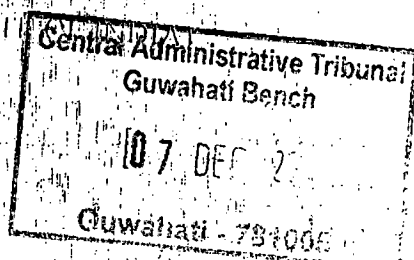
1. The PCCF Arunachal Pradesh, Itanagar for information and similar necessary action. It is requested that a copies of above documents in respect of Shri B.C Das may kindly be furnished to this Ministry urgently.
2. Shri B.C Das, S/o Late Shri Ram Gopal Das, Geruapar, P.O. Sarupeta, District Barpeta, Assam, Pin-781318 for information. It is requested that a copies of above documents may kindly be furnished to this Ministry urgently.
3. The Secretary, UPSC, Dholpur House, Shahjahan Road, New Delhi-11006 w.r.t their letter No. 10/22(1)/2009-AIS dated 23.6.2011 for information.

*Jaxu*  
(Vivek Saxer)

Certified to be true copy  
*A*  
Advocate

TO BE PUBLISHED IN PART I, SECTION (i) OF THE GAZETTE

No A 32012/1/93-IFS-1  
Government of India  
Ministry of Environment and Forests



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

Dated the 23rd November, 2000

### NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 8 of the Indian Forest Service (Recruitment) Rules, 1966 read with sub-regulation (1) of Regulation 9 of the Indian Forest Service (Appointment by Promotion) Regulations, 1966, the President is pleased to appoint with effect from 18.08.2000 the undermentioned two officers of the Indian Forest Service of Arunachal Pradesh to the Indian Forest Service against existing vacancies and to allocate them to the Arunachal Pradesh segment of AGMUT joint cadre under sub-rule (1) of Rule 5 of the Indian Forest Service (Cadre) Rules, 1966.

S.No.	Name of the officer	Date of Birth
01.	Shri M.K. Palit	28.02.1955
02.	Shri B.C. Das	01.08.1945

The appointment of Shri B.C. Das to IFS is subject to outcome of (i) W.A. No. 86/2000 in Civil Rule No. 455/93 and (ii) W.P. (c) No. 2112/2000 in Guwahati High Court.

(Sd/-) P. K. Halder  
Under Secretary to Government

General Manager,  
Government of India Press,  
Faridabad (Haryana) (with Hindi version)

Certified to be true copy  
Advocate

Central Administrative Tribunal  
Guwahati Bench

1070

Guwahati - 781001

36

Copy to:

1. The Chief Secretary, Andaman & Nicobar Islands Administration, Port Blair
2. The Chief Secretary, Government of Arunachal Pradesh, Itanagar
3. The Chief Secretary, Government of Goa, Panaji
4. The Chief Secretary, Government of Mizoram, Aizawl
5. The Chief Secretary, NCT of Delhi, Delhi
6. The Chief Secretary, Government of Daman Diu and Dadra and Nagar Haveli, Silvassa - 396 230
7. The Principal Chief Conservator of Forests and Secretary Forests, Andaman and Nicobar Islands Administration, Port Blair
8. The Principal Chief Conservator of Forests and Secretary Forests, Government of Arunachal Pradesh, Itanagar
9. Conservator of Forests, Government of Goa, Panaji
10. The Deputy Accountant General, Andaman and Nicobar Islands, Port Blair
11. The Pay and Accounts Officer, New Delhi Administration, Air Hazrat, Delhi
12. The Secretary, Union Public Service Commission, Dholpur House, Shaheedpath, New Delhi - 110 011
13. Officer concerned
14. Personal file of the officers
15. Guard file/Spare copies - 10

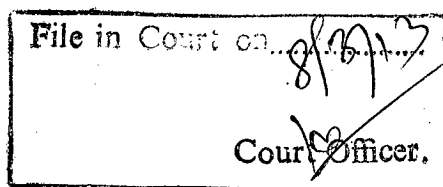
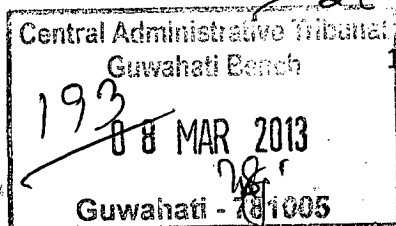
Issued by post

8  
23/11

Under Secretary to the Govt.

Certified to be true copy

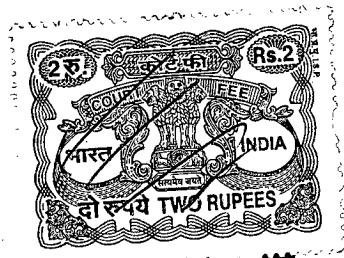
Advocate



Perween Kumar Roy. 96  
Filed by the Respondent No. 2 & 3  
through Ranjit Kumar Per Choudhury  
Advocate  
8/3/2013

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

**EXECUTION PETITION NO.24 OF 2012  
In O.A. No.125 of 2009**



**IN THE MATTER OF:**

**Sri Brajesh Chandra Das**

**... Applicant**

**-Vs-**

**Union of India & Ors.**

**... Respondents**

**-AND-**

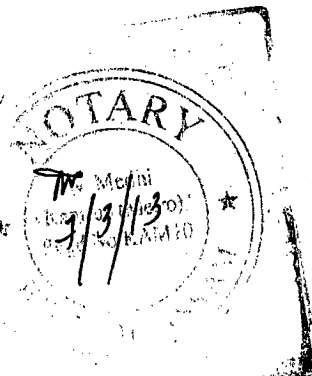
**IN THE MATTER OF:**

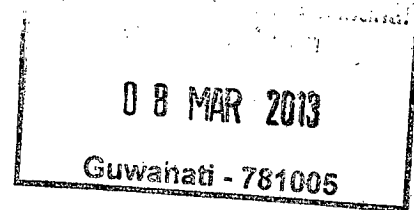
**An affidavit filed on behalf of the  
respondent Nos. 3 and 4.**

**AFFIDAVIT**

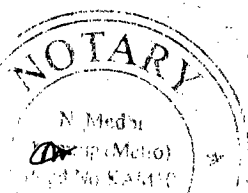
I, Sri Perween Kumar Roy, Son of Sri Siyaram Roy, aged about 40 years, presently residing at 'P'Sector, Dist. Papumpare, Itanagar, Arunachal Pradesh, and presently posted as Range Forest Officer, Office of the Additional Principal Chief Conservator of Forest (Working Plan) Itanagar do hereby solemnly affirm and state as follows :

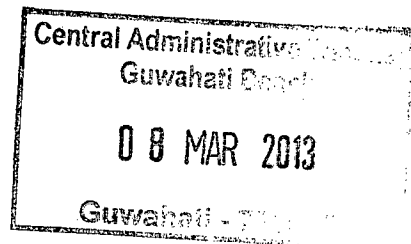
Received by  
H. 128  
8/3/13  
for Mr. R.J. Das.





1. That I have gone through a copy of the Execution Petition No.24 of 2012 and understood the contents thereof.
2. That I have been duly authorized by the respondent Nos.3 and 4 to swear this affidavit, and as such, I am competent to swear this affidavit.
3. That the deponent does not admit anything which is not borne by records and the petitioner is put to strict proof of the averments made in the execution petition.
4. That with reference to paragraph Nos.1 and 2, the deponent has no comment to offer as the same are matters of record.
5. That with reference to paragraph No.3, it is admitted that the petitioner submitted representation dated 15.12.2009 addressed to the Secretary, Government of India, ministry of Environment and Forests for implementation of the order dated 30.06.2009 passed by this Hon'ble Tribunal in O.A. No.125 of 2009.
6. That with reference to paragraph No.4, the deponent has no comment to offer as the same are matters of record.
7. That with reference to paragraph No.5, it is submitted that prior to the order dated 19.11.2009 passed in W.P. (C) No.448(AP) / 2009, the Government of Arunachal Pradesh had sent a proposal to the Union Public Service Commission on 22.09.2009 to convene the meeting of the Selection Committee to review the case of the applicant for the select list of 1995-96. Thereafter, the





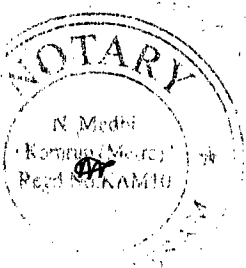
UPSC held a Review Selection Committee Meeting on 01.02.2010 wherein the Principal Chief Conservator of Forests, Government of Arunachal Pradesh was also present. The said Review Selection Committee recommended the inclusion of the name of the applicant at Sl. No.1 of the select List of 1995-96 above Sri S.J. Jongsam at Sl. No.2 for promotion to IFS of Joint AGMUT Cadre (Arunachal Pradesh segment).

8. That with reference to paragraph Nos.6 and 7, the deponent has no comment to offer as the same are matters of record.

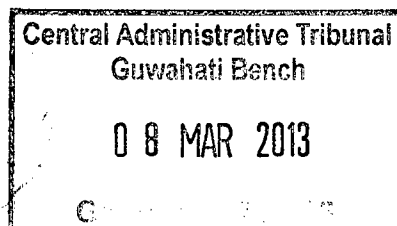
9. That with reference with paragraph No.8, it is stated that the Ministry of Environment & Forest, Govt. of India by his letter dated 09.04.2012 had requested the State Govt. to furnish the proposal for induction of the petitioner into IFS alongwith copies of Ministries earlier orders/notifications etc.

10. That with reference to paragraph No.9, the contents of the paragraph are admitted to the extent borne by records.

11. That with reference to paragraph No.10, it is submitted that in pursuance to the letter dated 26.07.2012 issued by the Government of India, Ministry of Environment and Forests, the PCCF & Principal Secretary to the Government of Arunachal Pradesh, Department of Environment and Forests vide his letter dated 10.10.2012 requested the Joint Secretary (BMS), Government of India, Ministry of Environment and Forests, to re-examine the matter as per provisions of the IFS (Appointment by Promotion) Regulations, 1966. The Government of India, Ministry of Environment and Forests also in turn vide its letter dated 17.12.2012 requested the UPSC to furnish its views in the matter.







*Handwritten signature/initials, possibly "Dendun" or similar, written vertically on the right margin.*

Annexure-1 is a copy of the above letter dated 10.10.2012.

Annexure - 2 is a copy of the above letter dated 17.12.12.

12. That with reference to paragraph No.11, it is submitted that the State of Arunachal Pradesh has taken all necessary steps in the matter from time to time.

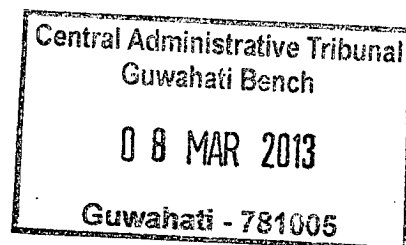
13. That with reference to paragraph Nos.12, 13, 14 and 15, it is denied that there has been willful inaction on the part of the State of Arunachal Pradesh. It is submitted that the State of Arunachal Pradesh has already forwarded all documents sought by the Government of India, Ministry of Environment and Forests vide letter dated 07.02.2013. It is stated that after obtaining approval of the Joint Cadre Authority, the Government of India, Ministry of Environment and Forests has issued notification dated 07.02.2013 under sub- rule (1) of rule 5 of the Indian Forest Service Rule (cadre) Rules, 1966 inducting the applicant into the Indian Forest Service for the select list for 1995-96 and has allocated him in Arunachal Pradesh segment of AGMUT joint cadre. Consequent upon issuance of the above Notification dated 07.02.2013, the Government of India, Ministry of Environment and Forests is required to issue revised Order for fixation of inter-se seniority and also promotion orders in the grades of JAG/SG/CF/CCF etc due to the applicant. The State of Arunachal Pradesh shall release the applicant's pay and allowances after getting the revised Orders from the Govt. of India, Ministry of Environment & Forests.

Annexure-3 is a copy of the above letter dated 07.02.2013.

Annexure-4 is the copy of the above Notification dated 07.02.2013.







14. That in view of facts and circumstances stated above there has been no laches on the part of the State of Arunachal Pradesh in considering the case of the applicant.

15. That the statements made in this affidavit in paragraphs No 4, 5, 6, 7, 8 & 9 are true to my knowledge; those made in paragraphs 11 & 13 being matters of records are true to my information derived there from and the rest of my humble submissions before this Hon'ble Tribunal which I believe to be true.

That I swear that this declaration is true, that it conceals nothing and that no part of it is false, so help me God.

And I sign this affidavit on this 7<sup>th</sup> day of March, 2013 at Guwahati.

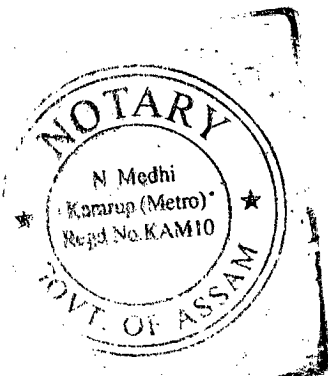
Identified by :

Ranjit Kumar Das Chowdhury  
Advocate  
7/3/2013

*Birendra Kumar Roy*

DEPONENT

Solemnly affirmed before me this day, I certify that I read over and explained the contents to the declarant and that the declarant seemed perfectly to understand them.



*AT*  
7/3/13  
N MEDHI  
Advocate / Notary

-6- 42

Annexure- 1

101

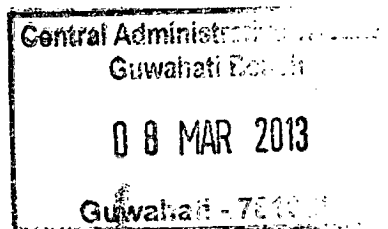
GOVERNMENT OF ARUNACHAL PRADESH  
DEPARTMENT OF ENVIRONMENT & FORESTS  
ITANAGAR

No. FOR.264/EA/2009/ 18, 808

Dated: Itanagar 10/10 Oct./2012

To

The Joint Secretary, (BMS)  
Ministry of Env & Forests,  
Govt. of India,  
Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi - 110 003



**Sub: Implementation of CAT Guwahati, Order dated 30.06.2009 in O.A No. 125/2009 filed by Shri Brijesh Chandra Das -vs.- Union of India and others.**

**Ref: Your letter No. 32012/2/2010 - IFS-I (AGMUT) Dated: 4<sup>th</sup> August 2011.**

Sir,

In response to your letter No. under reference, it is to inform that the judgment order of Hon'ble CAT, Guwahati High Court dated. 30.06.2009 has been examined by the Govt. of Arunachal Pradesh in consultation with the Senior Standing Council, Govt. of Arunachal Pradesh for Supreme Court and following observations have been made:

1. The Hon'ble CAT vide its judgment dated. 30.06.2009 had directed the respondents i.e. the Govt. of India, State Govt. and Union Public Service Commission etc, to consider the case of the applicant for promoting him to IFS from the date (starting from 26.09.1996) his junior (**in the State Government Service**) received promotion to IFS by detailing a review committee headed by the UPSC and to grant him necessary relief as due and **admissible under the Rules**. This order is not an order causing grievances to anybody, since all that the Tribunal had directed was that the concerned authority should only consider the case of Shri B.C. Das as **admissible under the Rules**. There was no direction compelling the authority to promote Shri B.C Das to the IFS with retrospective effect ignoring the IFS (Appointment by Promotion) Regulation, 1966. The concerned authority after considering the case of Shri B.C Das for retrospective effect promotion could as well have rejected his case, if found to be in contravention of IFS (appointment by promotion).
2. As per the IFS (Appointment by Promotion) Regulation 1966 two years training period in case of direct recruited ACF should be counted towards seniority. In SFS Recruitment Rule, 1999(copy enclosed for ready reference -A ), this provision of the counting of two years training period toward seniority in case of direct recruited ACF, is not clearly mentioned. So the Recruitment Rule of SFS (State Forests Service) and Recruitment Rule of Indian Forests Service (Appointment by Promotion) Regulation, 1966, are quite different. Seniority of an officer in DCF grade State Forests Service is not counted while preparing seniority list of SFS officers at the time of submission of the proposal for induction of SFS officers to IFS. On the contrary, Proposal is submitted as per seniority in ACF entry grade

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-7-

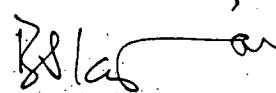
Central Administrative Tribunal  
Guwahati Bench  
08 MAR 2013  
Guwahati - 781005

which includes two years training period as per provision of Indian Forests Service (appointment by promotion) Regulation, 1966.

- 3 The main issue related to Shri BC Das IFS (Retd)'s case in OA No 124/2009 is whether the two years training period in case of direct recruited ACFs should be counted toward seniority/eight years continuous service and other service related matters, including fixation of year of allotment in IFS as per Indian Forests Service (Appointment by promotion) Regulation, 1966 **or not.**
4. Shri B.C. Das has already <sup>been</sup> informed vide letter No.FOR - 236/E-2/93/Pt//2763-31 dated 10.10.2008 ( copy endorsed to MoEF) that his grievances can be considered in accordance with IFS (Appointment by promotion) Regulation, 1966, only by MoEF (copy enclosed for ready reference as annexure -B).
5. Two years training period is also counted for determining the year of allotment of promotee officers.
6. The Union Public Service Commission also issues necessary instruction regularly to all States/UT government to count two years training period toward seniority and eight years continuous service in case of direct recruited SFS officers while submitting the proposal for induction of SFS officers to IFS (copy enclosed for ready reference as annexure -C )
7. If the Indian Forests Service (Appointment by promotion) Regulation, 1966, is ignored in the process of giving retrospective promotional benefit to Shri B.C. Das by making him senior to Shri S.J. Jongsam in IFS cadre, there will be serious administrative problems, which may invite many court cases not only in Arunachal Pradesh but also in other States/UTs.

It is therefore requested that the matter may kindly be got re- examined in the Government of India and appropriate action taken to pre empt any horrible litigation in future.

Yours faithfully,

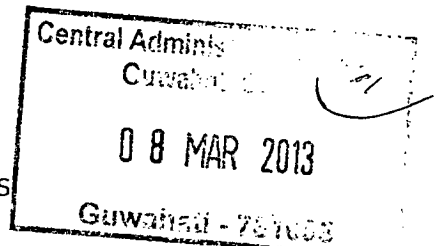
  
(B. S. Sajwan) IFS  
PCCF & Pr. Secy (Env. & Forests)

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Annexure - 2 103

No.32012/2/2010-IFS-1 (AGMUI)  
Government of India  
Ministry of Environment and Forests



CGO Complex, Paryavaran Bhawan,  
Lodhi Road, New Delhi-110003.  
Dated: December 17, 2012.

To,  
The Secretary,  
Union Public Service Commisison,  
Dholpur House, Shahjahan Road,  
New Delhi-110069.

**Subject:- IFS Review Selection Committee Meeting to consider the case of Shri Brajesh Chandra Das for the Select List of 1995-96 in compliance with the Order dated 30.06.2009 of the Hon'ble CAT, Guwahati Bench on OA No.125/2009 Shri Brajesh Chandra Das Vs. UOI & Others – reg.**

PCCF

Sir,

I am directed to refer to your letter no. 10/22/(1)/2009-AIS dated 9.2.2010 and 11/97/2010-AIS dated 13.6.2012 on the subject mentioned above and to say that the matter was taken up with Government of Arunachal Pradesh for implementation of the CAT Guwahati order dated 30.6.2009 in OA No.125/2009. The State Government of Arunachal Pradesh vide their letter No.FOR264/EA/2009/19808 dated 10.10.2012 has informed that in the instant case the CAT has given its judgment dated 30.6.2009 directing that the respondents to consider the applicant for promotion to IFS from the date (starting from 26.9.1996) his junior (in the State Government Service) received promotion to IFS by detailing a review committee headed by UPSC and to grant him necessary relief as due and **admissible under Rules**. This order is not an order causing grievances to anybody, since all that the Tribunal had directed was that the concerned authority should only consider the case of Shri B. C. Das as **admissible under the Rules**. There was no direction compelling the authority to promote Sh. B.C. Das to the IFS with retrospective effect ignoring the IFS (Appointment by promotion) Regulation, 1966. The concerned authority after considering the case of Sh. Das for retrospective effect promotion could as well have rejected his case, if found to be in contravention of IFS (appointment by promotion).

2. As per IFS (Appointment by Promotion) Regulation 1966 two years training period in case of direct recruited ACF should be counted towards seniority. In SFS Recruitment Rule, 1999, this provision of the counting of two years training period towards seniority in case of direct recruited ACF, is not clearly mentioned. So the Recruitment Rules of SFS and Recruitment Rules of IFS (Appointment by Promotion) Regulation, 1966 are quite different. Seniority of an officer in DCF grade Stage Forests Service is not counted while preparing seniority list of SFS officers at the time of submission of the proposal for induction of SFS officer to IFS. On the contrary, proposal is submitted as per seniority in ACF entry grade which includes two years training period as per provision of IFS (Appointment by promotion) Regulation, 1966.

PCCF

Contd.. page 2/-

3. The State Government has further stated that the main issue related to Shri B.C Das IFS (Retd.)'s case in OA No. 125/2009 is whether the two years training period in case of direct recruited ACFs should be counted toward seniority/eight years continuous service and other service related matters, including fixation of year of allotment in IFS as per Indian Forests Service (Appointment by promotion) Regulation, 1966 or not. Shri B.C Das has already been informed vide letter No.FOR-236/E-2/93/Pt/2763-31 dated 10.10.2008 that his grievances can be considered in accordance with IFS (Appointment by promotion) Regulation, 1966, only by MoEF. Two years training period is also counted for determining the year of allotment of promote officers. The Union Public Service Commission also issues necessary instruction regularly to all States/UT government to Count two years training period toward seniority and eight years continuous service in case of direct recruited SFS officers while submitting the proposal for induction of SFS officers to IFS. If the IFS (Appointment by promotion) Regulation, 1966, is ignored in the process of giving retrospective IFS cadre, there will be serious administrative problems, which may invite many court cases not only in Arunachal Pradesh but also in other States/UTs.

4. The State Government has therefore, requested that the matter may be got- re-examined in the Ministry and appropriate action to pre-empt any horrible litigation in future. A copy of Government of Arunachal Pradesh letter No.FOR264/EA/2009/19808 dated 10.10.2012 along with its enclosures is attached herewith for perusal.

5. In view of above, UPSC, is requested to kindly furnish their views/comments in the matter. A copy of judgment order of dated 30.6.2009 in OA No. 125/2009 may also be furnished to enable this Ministry to process the case further and avoid any future litigation case.

Yours faithfully,

(Ashok Kumar)

Under Secretary to the Govt. of India  
Tel# 011-24363983

Copy to the Chief Secretary, Government of Arunachal Pradesh, Itanagar w.r.t their letter No.FOR264/EA/2009/19808 dated 10.10.2012 for information.

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-10-  
Annexure - 3  
105

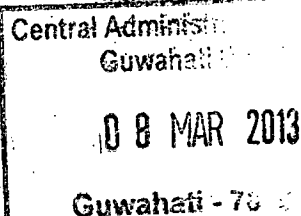
GOVERNMENT OF ARUNACHAL PRADESH  
DEPARTMENT OF ENVIRONMENT AND FORESTS  
ITANAGAR

NO. FOR/236/E-2/95/pt-1/57-80

Itanagar, dated.....7 Feb/2013

To

The Joint Secretary  
Govt. of India  
Ministry of Environment & Forests  
Paryavaran Bhawan  
CGO, Complex, Lodhi Road  
New-Delhi, 03



**Sub:- IFS Review Selection Committee meeting to consider the case of Shri Brajesh Chandra Das for the select list of 1995-96 in compliance with the order dated 31.06.2009 of the Hon'ble CAT Gauhati Bench on OA No. 125/2009 Shri Brajesh Chandra Das Vs UOI & Others-reg.**

**Ref:- Your DO letter No. F.32012/2/2010-IFS-1-(AGMUT) dated 05.10.2012**

Sir,

With reference to your letter cited above this to enclose herewith the following documents in connection with consideration of the case of Shri B.C.Das, IFS (Retired) for inclusion in the select list of 1996 in compliance with direction dated 30.06.2009 of the hon'ble CAT Gauhati Bench in OA No. 125 of 2009 filed by Shri B.C.Das-Vs-Union of India & others.

- 1) Copy of Integrity Certificate issued by the Chief Secretary, Govt. of Arunachal Pradesh on 14.09.2009.
- 2) Copy of Vigilance Clearance Certificate issued by the vigilance department Govt. of Arunachal Pradesh vide No. VIG-54/2009/309 date 15.09.2009.
- 3) Details of penalties imposed on eligible officers during the last 10 years.
- 4) Details of Disciplinary Proceedings pending against eligible officer.
- 5) Details of Criminal Proceedings against eligible officer.
- 6) Statement regarding availability of ACRs of eligible officer.
- 7) Details position of ACRs of eligible officer.
- 8) Certificate regarding communication of adverse remarks in respect of eligible officer.
- 9) Gradation list of Assistant Conservator of Forests as on-01.04.1995 prepared after Hon'ble Gauhati High Court's order dated 04.06.1998 in Civil Rule No. 455 of 1993.

The ACRs of Shri B.C.Das (SFS) for the period from 1980-81 to 17.08.2000 in original are also enclosed herewith.

Further, the copies of the following orders/notifications etc. for his induction into IFS, allotment year and fixation of inter se-seniority and promotion, order of JAG/SG/CF/CCF of Shri S.J.Jongsam (immediate junior of Shri B.C.Das as DCF) are also enclosed herewith.

- 1) Notification No. A-32012/1/93-IFS-1 dated 23.11.2000 appointing Shri B.C.Das into IFS.
- 2) Order No. FOR/149/E-2/81 VOL-1/25094-95 dated 12.09.2001 appointing Shri S.J.Jongsam, IFS into Junior Administrative Grade.
- 3) Order No. 32012/1/93-IFS-1 dated 26.06.2000 issued by the Ministry of Env't. & Forests regarding year of allotment and seniority.

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- 4) Order No. 32011/1/2005-IFS-1 dated 10.02.2006 regarding appointment of IFS Officers Joint AGMUT Cadre to Selection Grade.  
5) Order No. FOR/149/E-2/81/VOL-1/42789-91 dated 07.03.2006 fixing the pay scale of SI S.J.Jongsam, IFS in Selection grade.  
6) Notification No.23018/1/2005-IFS-1 dated 21.05.2008 issued by the Govt. of India fixing the year of allotment of Shri B.C.Das, IFS and Others.  
7) Order No. 46011/3/2009-IFS-1 (AGMUT) (53) dated 09.12.2009 issued by the Govt. of India promoting Shri S.J.Jongsam, IFS as Conservator of Forests

The above documents/informations are furnished in response to your letter under reference for taking necessary action from your end.

Further, it is to mention here that the judgement/order of Hon'ble CAT dated 30.06.2009 was examined by the Govt. of Arunachal Pradesh in consultation with the Senior standing Council Govt. of Arunachal Pradesh for Supreme Court and the observations of the State Govt. was already communicated to you vide this office letter no. FOR.264/E-A/2009/9808 dated 10.10.2012 (copy enclosed) in response to your letter No. 32012/2/2010-IFS-1 (AGMUT) date 04.08.2011 for taking necessary action from your end but no decision has yet been received.

Encl:- As above

Yours faithfully

(N.N.Zhasa)

Principal Chief Conservator of Forests  
Govt. of Arunachal Pradesh  
Itanagar.

Copy to:- Shri R.K.Dev Choudhury, Standing Counsel (CAT), Guwahati for kind information.

(N.N.Zhasa)

Principal Chief Conservator of Forests  
Govt. of Arunachal Pradesh  
Itanagar.



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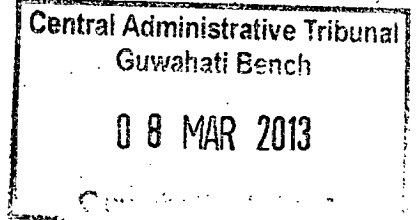
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Wt:970grams

Avr:135.00, 07/02/2013, 13:04

Taxes:Rs.15.00/Track on www.indiapost.gov.in

To be published in Part I Section II of the Gazette of India)

F.No.32012/2/2010-IFS-I (AGMUT)  
Government of India  
Ministry of Environment and Forests  
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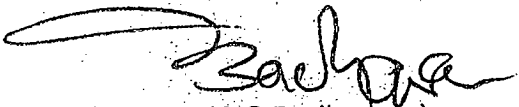


Paryavaran Bhawan, CGO Complex,  
Lodi Road, New Delhi-110003  
Dated: February 07, 2013

**NOTIFICATION**

In supersession of this Ministry's Notification No.32012/1/93-IFS.I dated 23.11.2000 and in exercise of powers conferred by Sub-rule (1) of Rule 8 of Regulation 9 of the Indian Forest Service (Appointment by Promotion) Regulation, 1966, the President is pleased to appoint Shri B.C Das (DOB: 01.08.1945) a State Forest Service officer (SFS) of Arunachal Pradesh segment into Indian Forest Service (IFS) on the basis of recommendations of Review Selection Committee Meeting held on 1.2.2010 for the Select List of 1995-96 and allocate him in Arunachal Pradesh segment of AGMUT joint cadre under sub-rule (1) of Rule 5 of the Indian Forest Service (Cadre) Rules, 1966.

This is issued in compliance of CAT Guwahati order dated 30.6.2009 in OA No.125 of 2009.

  
(S.S. Badhawan)  
Director(IFS)  
Ph: 011-24367077

To

The Manager  
Govt. of India Press  
Faridabad (Haryana)

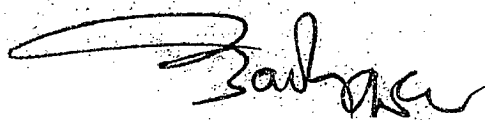
P-20



08 MAR 2013

Copy to:-

1. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi-110069 with reference to their letter No. 10/22(1)/2009-AIS dated 10.06.2010 and 11.4.2011.
2. The Chief Secretary, Government of Arunachal Pradesh, Itanagar with the request to furnish the proposal for year of allotment and fixation of inter-se seniority of Shri B.C Das urgently.
3. The Chief Secretary, Govt. of Mizoram, Aizwal.
4. The Chief Secretary, Andaman & Nicobar Islands Administration, Port Blair.
5. The Chief Secretary, Government of Goa, Panjim.
6. The Chief Secretary, Government of NCT of Delhi, Delhi.
7. The Chief Secretary, Government of Puducherry, Puducherry.
8. The Principal Chief Conservator of Forests, Government of Arunachal Pradesh, Itanagar with the request to furnish the proposal for year of allotment and fixation of inter-se-seniority of Shri B.C Das urgently.
9. The Administrator, Administration of Daman & Diu and Dadra & Nagar Haveli, Daman.
10. The Administrator, Administration of Lakshadweep, Kavaratti.
11. The Administrator, Administration of UT of Chandigarh, Chandigarh.
12. The Additional Principal Chief Conservator of Forests, Government of Goa, Panaji.
13. The Principal Chief Conservator of Forests, Government of Mizoram, Aizwal.
14. The Principal Chief Conservator of Forests, Andaman & Nicobar Islands Administration, Port Blair.
15. The Additional Principal Chief Conservator of Forests, Government of NCT of Delhi, Delhi.
16. The Conservator of Forests, Administration of Daman & Diu and Dadra & Nagar Haveli, Daman.
17. The Conservator of Forests, Pondicherry, Pondicherry.
18. The Conservator of Forests, Administration of Lakshadweep, Kavaratti.
19. The Conservator of Forests, Administration of UT of Chandigarh, Chandigarh.
20. Person concerned/Civil List /(US, IFS-II)
21. NIC Cell (Shri Irshad) – for placing on the Ministry's web site.
22. Guard file/Spare copies.
23. Shri B.C Das, S/o Late Shri Ram Gopal Das, Geruapar, P.O., Sarupeta, Distrit: Barpeta, Assam, Pin-781318 for information.



(S.S. Badhawan)  
Director(IFS)  
Ph: 011-24367077