

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN.NO. 216 OF 1995  
 TRANSFER APPLN.NO. OF 1995  
 CONTEMPT APPLN.NO. OF 1995 (IN NO.)  
 REVIEW APPLN.NO. OF 1995 (IN NO.)  
 MISC.PETITION NO. OF 1995 (IN NO.)

..... C. M. Sarma ..... APPLICANT(S)

-VS-

..... B. K. Sharma ..... RESPONDENT(S)

For the Applicant(s)

... Mr. B. K. Sharma

Mr.

Mr.

Mr.

For the Respondent(s)

Mr. A. Sarma, Addl. C.G.S.C

OFFICE NOTE	DATE	ORDER
<p>This application is in form and within time                      C. F. of Rs. 50/-                      deposited vide                      IPO/BD No. 327440                      Dated - 18-9-95</p> <p>R.P. 21/9                      PR</p>	21.9.95	<p>Mr B.K.Sharma mentions for appli for urgent relief.</p> <p>Mr G.Sarma, Addl.C.G.S.C appears f respondents.</p> <p>Complex questions of law have bee raised in this application. One of the questions being whether an IFS cadre officer can be transferred to a non ca post. It is the grievance of the appli that he is an IFS officer and by the impugned order dated 5.9.95 he has bee transferred and posted in a non cadre post. The applicant prays for stay of operation of the said order. We find i difficult to grant stay ex-parte and without examining the questions involv more closely which doubtless appear le and substantial justifying stay. At th same time we feel that the respondents will consider staying the operation of the order of transfer until this Tribu is able to apply its mind to the quest involved and decide upon interim relie Since the Division Bench will not be available from tomorrow till 16.10.95</p>

2

O.A. 216/95

QA/TA/CP/RA/MP No. of 19

OFFICE NOTE

DATE

ORDER

21.9.95

the prayer for interim relief will be considered on 16.10.95. It is desirable that the Commissioner and Secretary to the Government of Assam, Forest Department Dispur considers the prayer of the applicant for stay of transfer made in his representation dated 14.9.95, a copy of which is at Annexure-4. We hope that the said authority will take into account the circumstance that the O.A. has been filed in this Tribunal and is pending and the prayer for interim relief is pending consideration by the Tribunal on 16.10.

The O.A. is admitted. Issue notice to the respondents. Written statement within 8 weeks.

Issue notice to the respondents separately to show cause as to why interim relief as prayed should not be granted pending the hearing and final disposal of the O.A. Returnable on 16.10.95. Although the O.A. is pending we give liberty to the respondent No.2 to consider the prayer of the applicant for stay in the light of his representation and the representation of the IFS Association (Annexure-2) without prejudice to the rights and contentions of both the parties at the further hearing. The applicant to take steps immediately to serve the notice for interim relief.

Copy of the order may be furnished to Mr B.K.Sharma and Mr G.Sarma.

O.A. to be listed for interim relief on 16.10.95 and for orders on the O.A. 20.11.1995.

Member 21/9

Vice-Chairman

Order 2, 21.9.95, sent.

Requisites are sent  
sent on 4.10.95  
4.10.95

3

3

O.A.No.216/95

OFFICE NOTE	DATE	COURT'S ORDER
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16.10.95

Mr B.K. Sharma/Mr G. Sarma/  
Dr Y.K. Phukan.  
Adjourned to 26.10.95.

*[Signature]*  
Vice-Chairman  
*[Signature]*  
Member

nkm

26.10.95

The respondents 2 and 3 have filed written statement and show cause reply. Respondent No.4 has a filed show cause reply. It will be desirable that the matter is heard on the question of interim relief the presence of counsel for the applicant Mr B.K.Sharma who is on leave as certain contentions raised in the show cause reply/written statement need applicant to explain those aspects.

Adjourned for hearing on interim relief to 2.11.95.

*[Signature]*  
Member  
*[Signature]*  
Vice-Chairman

Pg

26/10

Memorandum No. F&E.23/91/214-A2.11.95  
dated 11.10.95 received from the Commissioner & Secy. Govt of Assam, Forest dept. placed at file 'A'.

30/10

None for applicant. Leave not filed Mr. G. Sarma. Dr. Phukan is present for the State of Assam. A Large rejoinder has filed by the applicant. Dr. Phukan won to some introduction. Agave

OFFICE NOTE

LATE

COURT'S ORDER

2.11.95

Rejoinder to the W/S filed  
on behalf of Respondent 2 & 3.

10.11.95

*[Signature]*

Mr B.K.Sharma for the applicant  
Mrs M.Das for respondents Nos.  
2 and 3.

Mr B.K.Sharma seeks liberty  
to withdraw the O.A. and to file a fresh  
O.A. Prayer allowed.

O.A. is accordingly disposed of  
in terms of the order.

9.6.96

Copy of final order  
issued to the parties  
vide D.No. 1754 to 1758

dia on 27-6-96.

*[Signature]*  
19/6

pg

*[Signature]*  
20/6

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::: GUWAHATI-5.

O.A. NO. 216 of 1995.  
T.A. NO.

DATE OF DECISION 10.11.

Shri Chandra Mohan Sarma

(PETITIONER(S))

Shri B.K.Sharma.

ADVOCATE FOR THE  
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (S)

Mr G.Sarma, Addl.C.G.S.C., Dr Y.K.Phukan  
& Mrs M.Das, G.A., Assam.

ADVOCATE FOR THE  
RESPONDENT (S)

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI, VICE-CHAIRMAN.

THE HON'BLE SHRI G.L.SANGLYINE, MEMBER (ADMN.).

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches. ?

Judgment delivered by Hon'ble Vice-Chairman. *Will Chaudhary*

A

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 216 of 1995.

Date of Order : This the 10th Day of November, 19

Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman.

Hon'ble Shri G.L. Sanglyine, Member (Administrative)

Shri Chandra Mohan Sarma,  
presently posted as Divisional Forest Officer,  
Karimgang Division, Karimgang. . . . Ap

By Advocate Shri B.K. Sharma.

- Versus -

1. Union of India represented by  
the Secretary to the Govt. of India,  
Ministry of Environment & Forests,  
C.G.O. Complex, Lodhi Road,  
New Delhi-110 003.
2. The State of Assam  
represented by the Secretary to  
the Govt. of Assam,  
Department of Forests,  
Dispur, Guwahati-781006.
3. The Principal Conservator of Forests,  
Assam, Rehabari, Guwahati-8.
4. Shri Abhijit Rava, IFS  
Deputy Field Director,  
Project Tiger,  
Barpeta Road. . . . Responden

By Advocate Mrs M. Das for respondents No. 2 & 3.

O R D E R

CHAUDHARI J. (V.C)

The subject matter of challenge in the O.A.  
the Notification dated 5.9.95 issued by the Government  
Assam whereunder in the interest of public service the  
applicant was transferred and posted to a non cadre post.  
Pursuant to our interim direction dated 21.9.95 although  
the respondent No. 2 has considered the representation of  
the applicant but has rejected the same on 11.10.95,  
nevertheless it is stated in the order that the Government  
will not insist upon the applicant handing over charge.

till 16.10.95 in view of the pendency of the O.A. before this Tribunal. As a result thereof the order dated 5.9.95 did not take effect and applicant continued to remain in the post from where he was transferred.

2. The Government of Assam issued a Notification on 2.11.95 which is annexed to the Misc. Petition and now passed an order of transfer and posting of the applicant to a cadre post and that has been done in partial modification of the order dated 5.9.95. In view although it is stated that the Notification is partial modification of the previous order the effect of the fresh Notification is to replace the order of transfer under the order dated 5.9.95 by the order dated 2.11.95 and what would survive from the earlier order is only the statement that the transfers were ordered in the interest of public service and the new Notification does not effect that order relating to another officer namely, Abhijit Rabha, respondent No.4. Thus nothing survives in the original application, particularly as regards the grievance that the order was bad because applicant who is a cadre officer had been purported to be transferred to a non-cadre post. The relief sought by the applicant being only that the order dated 5.9.95 relating to his transfer may be quashed. That thus no longer requires to be considered.

3. Mr B.K.Sharma, the learned counsel for the applicant however, submitted that the applicant also sought to challenge the fresh Notification dated 2.11.95 on several grounds which according to the applicant vitiate this order. He submits in that context that the content



raised by the applicant in the instant application and the various denials and contentions made by him to refute many controversial statements made by the respondents in the written statement and the show cause reply will be necessary to be urged and it be left open to the applicant to do so if he is advised to file a fresh O.A. challenging the Notification dated 2.11.95. Consistently with the submission ~~of~~ the learned counsel seeks liberty to withdraw the O.A. without prejudice to rely upon the contentions urged in the O.A. in the fresh O.A. We think the submission to be justified. Hence following order :

The O.A. is allowed to be withdrawn with liberty to file a fresh O.A. if so advised to challenge the Notification dated 2.11.95 with further liberty to the applicant to rely upon the proceedings of the O.A. and contentions urged in the O.A. as well as in the rejoinder and the Misc.Petition. The respondents will also be at liberty to rely upon the contentions urged in the written statement and the show cause reply in answer to the fresh O.A. It is made clear that it will be open to the applicant to urge all the relevant grounds raised for challenging the order dated 5.9.95 in support, if necessary.

The application is disposed of with the above directions and observations. No order as to costs.

  
( G.L.SANGLYINE )  
MEMBER (A)

  
( M.G.CHAUDHARY )  
VICE-CHAIRMAN

21 SEP 1995

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

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

Title of the case : D.A. No. 216 of 1995

Shri Chandra Mohan Sharma .... Applicant

- Versus -

The Union of India & Ors. .... Respondents

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For use in Tribunal's Office :

Date of filing :

Registration No.:

REGISTRAR

Re → Copy given to  
4061/1995  
21.9.95

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI

O.A. No. \_\_\_\_\_ of \_\_\_\_\_

BETWEEN

Shri Chandra Mohan Sharma,  
Son of Shri Raghubir Singh,  
presently posted as Divisional Forest Officer,  
Karimganj Division, Karimganj

... Applicant

AND

1. Union of India, represented by  
the Secretary to the  
Government of India,  
Ministry of ~~Forests~~ & Environment & Forests,  
D.G.O. Complex, Lodhi Road,  
New Delhi-110 003.
2. The State of Assam, represented by  
the Secretary to the  
Government of Assam,  
Department of Forests,  
Dispur, Guwahati-781006.
3. The Principal Conservator of Forests,  
Assam, Rehabari, Guwahati-781008.
4. Shri Abhijit Rava, I.F.S.  
Deputy Field Director,  
Project Tiger,  
Barpeta Road.

.... Respondents

DETAILS OF APPLICATION

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

The application is directed against the order vi  
Memo No.FRE.23/91/205-B dated Dispur the 5th September  
issued by the Commissioner-cum-Secretary, Government o  
Assam, Forest Department transferring the applicant f

the cadre post of Divisional Forest Officer, Karimganj Division, Karimganj to the non-cadre post of Deputy Field Director, Project Tiger, Barpeta Road vice Shri Abhijit Rava, I.F.S. presently working as Deputy Field Director, Project Tiger, Barpeta Road.

2. JURISDICTION OF THE TRIBUNAL :

That the applicant declares that the subject matter of the application for which he wants redressal is well within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

That the applicant further declares that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicant in the instant case is aggrieved by the impugned order of his transfer issued vide Memo No. FRE.23/91/205-B dated 5.9.95 pursuant to which he is transferred from the cadre post of Divisional Forest Officer, Karimganj Division, Karimganj to the non-cadre post of Deputy Field Director, Project Tiger, Barpeta Road. As the impugned order has the effect of transferring a cadre officer from a cadre post to

a non-cadre post which also violates the provisions of Indian Forest Service Cadre Rules, 1966, the applicant is highly aggrieved by the same and he has come before the Hon'ble Tribunal for ends of justice.

The aforesaid in brief is the crux of the subject matter of the case. Now the applicant begs to state the facts of the case in seriatim.

4.3 That the applicant is an I.F.S. Officer who belonged to 1984 I.F.S. Batch of Assam Meghalaya Cadre. The applicant is presently working as the Divisional Forest Officer, Karimganj Division, Karimganj.

4.4 That since his joining the Forest Department the applicant has been working at different places and in all those places, he discharged his duties and responsibilities to the fullest satisfaction of the superior authorities. The applicant was posted as Divisional Forest Officer, Karimganj Division vide Government order No.FRE.23/91/151 dated 23.6.94 and consequently, he took over the charge of Karimganj Division as Divisional Forest Officer on 6.7.94. After joining as Divisional Forest Officer in the Karimganj Division, applicant carried out the job of Divisional Forest Officer to the best of his ability. However, due to certain strange and unfortunate reasons, the relationship between the present Deputy Commissioner of Karimganj and this applicant soured. During the continuance of this strange relationship, certain unfortunate development also took place resulting in illegal seizure of validly issued timber by the District Civil Administration. In this ill

seizure of timber, the present Deputy Commissioner, Karimganj played a questionable role. Pursuant to this illegal seizure of timber, series of correspondences ~~leading to~~ took place between this applicant and the Deputy Commissioner Karimganj leading to further strain in the relationship between them. It is stated that the matter in regard to seizure of ~~tax~~ timber is under investigation and this issue involves the image of both this applicant as well as of the Deputy Commissioner.

4.5 That when the investigation in the above mentioned matter involving illegal seizure of timber by the District Civil Administration was on, at that point of time, the Deputy Commissioner addressed certain letters to the Commissioner & Secretary to the Government of Assam, Forest Department. The applicant has come to know that in those letters written by the Deputy Commissioner, Karimganj request was made to the Commissioner & Secretary that this applicant should be transferred from his present place of posting as Divisional Forest Officer, Karimganj to some other place.

4.6 That it is due to this pressure exerted by the Deputy Commissioner, Karimganj on the Commissioner-cum-Secretary to the Government of Assam, Forest Department, that the impugned order of transfer was passed. It was vide No.FRE.23/91/205-B dated Dispur the 5th September 1995 that the Commissioner-cum-Secretary to the Govt. of Assam transferred the applicant ostensibly in the interest of public service from his present place of posting as Divisional Forest Officer, Karimganj to the Deputy Field

Director, Project Tiger, Barpeta Road vice Shri Abhijit Rava, I.F.S. who is presently holding the post of Deputy Field Director, Project Tiger, Barpeta Road.

Copy of the impugned order of transfer dated 5.9.95 is annex hereto and marked as ANNEXURE-1.

4.7 That the annexure-1 impugned order of applicant's transfer led to wide spread resentment amongst the Indian Forest Service officials of Assam Unit. It was widely felt by the members of the Indian Forest Service Association, Assam Unit that the transfer of the applicant is punitive in nature and the same has been carried out at the behest of the Deputy Commissioner, Karimganj. It was also felt by the Indian Forest Service Association, Assam Unit that in order to obstruct smooth investigation ~~of the~~ into the illegal seizure of timber by the District Civil Administration this transfer of the applicant has been carried out and the same is a result of the pressure exerted by the Deputy Commissioner, Karimganj upon the Commissioner-cum-Secretary, Department of Forests, Govt. of Assam. It has also been felt widely that there is ministerial interference involving in the ~~xxx~~ impugned order of transfer. In view of the aforesaid, the Indian Forest Service Association Assam Unit in its meeting held on 8.9.95 condemned the transfer of applicant specially at a time when the Deputy Commissioner, Karimganj is presenting the distorted picture of investigation which is being carried out into the illegal seizure of timber by the District Civil Administration. The members of the I.F.S. Association in their meeting unanimously urged upon the Principal Conservator of Forests

to take up the matter with the competent authority and to stay the order of transfer of the applicant till completion of investigation relating to the illegal seizure of timber by the District Civil Administration. The I.F.S. Association thus made a general appeal to the Principal Chief Conservator of Forests for taking effective steps for immediate stay on the transfer of the applicant. This appeal was made vide Memo No. IFS/ASSO/Assam/95 dated 12.9.95.

A copy of the memorandum dated 12.9.95 along with the minutes of the meeting of the IFS Association dated 8.9.95 is annexed hereto and marked as ANNEXURE-2.

4.8 That pursuant to the Annexure-2 memorandum submitted by the I.F.S. Association, the Principal Chief Conservator of Forests, Assam vide memo No. PG.283/Con dated 12.9.95 requested the Commissioner-cum-Secretary to the Govt. of Assam, Forest Department for taking favourable view of the resolution passed by the I.F.S. Association. The Principal Conservator of Forests while forwarding the resolution of the I.F.S. Association requested the Commissioner-cum-Secretary to peruse the same and to take appropriate action upon the same.

Copy of the letter of the Principal Chief Conservator of Forests, Assam is annexed hereto and marked as ANNEXURE-3.

4.9 That the applicant also vide letter No. C.M./4/Trans dated 14.9.95 made an appeal to the Commissioner-cum-Secretary to the Govt. of Assam, Forest Department, Dispur



that his impugned order of transfer has been passed at such a juncture when the investigation in the illegal seizure of timber by the District Civil Administration is on. In his representation, applicant made a prayer to the Commissioner-cum-Secretary that in order to ensure that the investigation is carried out properly and the highhandedness and arbitrary action of the District Civil Administration is thoroughly exposed, it is necessary that at this point of time, the applicant's order of transfer is stayed. The applicant in his representation also highlighted the fact that he was transferred to his present place of posting only one year ago and he has not even completed the normal three years posting. Therefore, his transfer at this stage would only cause great problem and difficulties to him and his family and would result in unnecessary hardship. Till now the competent authority has not disposed of the applicant's representation and no order on the same has been passed.

A copy of the applicant's representation dated 14.9.95 is annexed herewith and marked as ANNEXURE-4.

4.10 That in the circular of the Government vide memo No.ABP.246/87/8 dated Dispur the 10th December 1994, it has been viewed with concern that there are cases where the officers are transferred without completing the normal three years of service at one place or station while on the other hand there are cases where officers are allowed to continue for more than 3 years at a stretch at a particular place or station ~~and where any exception~~ In the

circular, it has been laid down that normally an officer must not be transferred before completion of three years in a particular place or station and where<sup>in</sup> any exceptional case, such an order of transfer is made then the reason for such transfer should be recorded in writing. It is stated that in the instant case, applicant has been transferred from the present place of posting as Divisional Forest Officer, Karimganj immediately after completion of one year in his present place of posting. Therefore, the impugned order of application's transfer is in violation of the circular dated 10.12.94.

A copy of the circular dated 10.12.94 is annexed hereto and marked as ANNEXURE-5.

4.11 That the applicant is a cadre officer~~s~~ and his present place of posting as Divisional Forest Officer, Karimganj Division, Karimganj is a cadre post. However, the impugned order of transfer seeks to transfer the applicant from the cadre post to the non-cadre post because the ~~cadre~~ post of Deputy Field Director, Project Tiger, Barpe Road is a non-cadre post. It is stated that ~~he another~~ under I.F.S. Cadre Rules, 1966 posting of cadre officer to non-cadre post is impermissible. Moreover, it has recently been held by this Hon'ble Tribunal in the case of Indian Forest Service Association ~~case~~ that a cadre officer cannot be transferred to a non-cadre post and only cadre officer can hold a cadre post. However, in the instant case, by virtue of the impugned order of transfer, the applicant is being sought to be transferred from the cadre post to a non-cadre post. Therefore, the impugned order of applic

transfer is punitive in nature. The documents of the Govt of Assam showing that the post of Deputy Field Director, Project Tiger is a non-cadre post is annexed herewith and marked as ANNEXURE-6.

4.12 That the instant case is a ~~for~~ case of transfer which is punitive in nature. The fact that the impugned order of transfer is punitive in nature is borne out from the attending circumstances like transferring the applicant even before the completion of normal three years of tenure posting and transferring him from the cadre post. Moreover, the very fact that the applicant is being transferred at a time when the investigation in a serious matter is being carried out only casts serious doubt on the intention and motive of the competent authority.

4.13 That at the time of filing of this application the applicant is still holding the charge of the Divisional Forest Officer, Karimganj Division, Karimganj and he has not handed over the charge to the respondent No. 4. It is further stated that till now even the respondent No. 4 has not approached the applicant for giving him the charge. It is thus stated that at present the applicant is continuing in the post of Divisional Forest Officer, Karimganj Division, Karimganj.

4.14 That the applicant demanded justice but the same has been denied to him. Hence the applicant files this application bonafide to secure the ends of justice.

## 5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS

5.1 For that the impugned order of transfer is punitive in nature and it does not serve any public interest.

public interest. The purpose of the order of transfer is to punish the application without just and sufficient reason.

5.2 For that the impugned order of transfer seeks to transfer a cadre officer holding a cadre post to ~~an~~ a non-cadre post and therefore it is in violation of the provisions of the Indian Forest Service Cadre Rules, 1966

5.3 For that the impugned order of transfer is in contravention of the Government circular which is specifically laid down that an officer should not normally be disturbed before three years of tenure posting and if any exceptional case such an order of transfer is made prior to the completion of three years tenure posting then in such reasons must be recorded in writing and as the impugned order of transfer does not record any reasons for the transfer of the application before the completion of three years posting, therefore, the same is bad in law and is liable to be set aside and quashed.

5.4 For that the impugned order of transfer has been passed in malafide exercise of power and is arbitrary in nature.

5.5 For that the impugned order of transfer is in violation of the principles of service jurisprudence and is thus liable to be set aside.

#### 6. DETAILS OF REMEDIES EXHAUSTED :

The applicant declares that there is no other alternative and/or efficacious remedy than to come under the protective hands of this Hon'ble Court.

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

The applicant further declares that ~~the~~ he has not filed any application, writ petition, or suit in respect of the subject matter for which he has filed this application before any Court of law and/or any other authority and/or any other Bench of this Hon'ble <sup>Tribunal</sup> ~~Court~~ nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT :

Upon facts and circumstances the applicant prays for the following reliefs :

8.1 Set aside and quash the order of transfer vide memo No. FRE.23/91/205-B dated Dispur the 5th September 1995 (Annexure-1)

8.2 Pass any other order or orders which may be deemed fit and proper under the facts and circumstances of the case.

8.3 Cost of the application.

9. INTERIM ORDER PRAYED FOR :

Pending disposal of this application, Your Lordships may further be pleased to stay the operation of the impugned order of transfer vide No.FRE.23/91/205-B dated 5.9.95 (Annexure-1).

10. ....

The application is filed through Advocate.

12. PARTICULARS OF THE I.P.O. :

(i) I.P.O. No. : 8.09.327440  
(ii) Date : 19.9.95.  
(iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

V E R I F I C A T I O N

I, Shri Chandra Mohan Sharma, son of Shri Raghubir Singh, aged about 39 years, ~~the~~ at present working as the Divisional Forest Officer, Karimganj the applicatt do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and ~~th~~ I have not suppressed any material facts.

And I sign this verification on this the 21st day of September 1995 at Guwahati.

*Chandra Mohan Sharma*

GOVERNMENT OF ASSAM  
FOREST DEPARTMENT ::::: DISPUR

ORDERS BY THE GOVERNOR  
- NOTIFICATION -

Dated Dispur, the 5th Sept/95.

NO.FRE.23/91/205 : In the interest of public service, Shri Abhijit Rabha, IFS, Deputy Director, Project Tiger, Barpeta Road, is transferred and posted as Divisional Forest Officer, Karimganj Division, Karimganj, with effect from the date he takes over charges, vice Shri Chandra Mohan, IFS, transferred.

NO.FRE.23/91/205-A: On relief, Shri Chandra Mohan, IFS, Divisional Forest Officer, Karimganj Division, Karimganj is in the interest of public service, transferred and posted as Deputy Director, Project Tiger, Barpeta Road, with effect from the date he assumes charges, vice Shri Abhijit Rabha, IFS, transferred.

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

Memo No. FRE.23/91/205-B: Dated Dispur, the 5th Sept/95.  
Copy for information and necessary action to :-

1. The Accountant General (A&F), Assam, Shillong.
2. The Principal Chief Conservator of Forests, Assam, Rababari, Guwahati-8.
3. The Chief Conservator of Forests (Territorial) Assam, Rehabari, Guwahati-8.
4. The Chief Conservator of Forests (WL) Assam, R.G. Baruah Road, Guwahati-24.
5. The Field Director, Project Tiger, Barpeta Road. He is directed to release Shri Abhijit Rabha, IFS, Deputy Director, Project Tiger immediately so as to enable him to join in his new assignment.
6. The Conservator of Forests, Southern Assam Circle, Silchar.
7. Shri Abhijit Rabha, IFS, Deputy Director, Project Tiger, Barpeta Road. He is directed to get release from his present posting and to join in his new assignment immediately.
8. Shri Chandra Mohan, IFS, Divisional Forest Officer, Karimganj Division, Karimganj for necessary action.
9. The Officer - On-Special Duty to the Chief Minister, Assam for favour of information of Chief Minister.
10. P.S. to the Minister of State, Wildlife and Social Forestry, Assam for favour of information of Minister.
11. The Deputy Director, Assam Govt. Press, Bamunimaidan, Guwahati-21 for favour of publication of the above notification in the next issue of the Assam Gazette.
12. Personal file of the officers.

By order etc.,

*H. Sonowal*  
Commissioner & Secy. to the Govt. of Assam,  
Forest Department, Dispur

*Alim*  
*24*  
*Alim*

*4.1*  
*89*

Memo No. IFS/Asso/Assam/95

Dated 12/9/95

To,

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

Sub :- Transfer of Sri C.M. Sharma, IFS, D.F.O.,  
Karimganj.

Sir,

While forwarding herewith a copy of the minutes of the General Meeting of the I.F.S. Association held on 08-09-95, I have the honour to draw your kind attention to Para No.4 of the Minutes and request you kindly to take up the matter with the Govt. at your earliest convenience.

The unanimous views of the members of the Association that while an investigation is going on to ascertain the veracity of an allegation brought about a consignment of timbers through Railway, casting shadows upon the working of the present Divisional Forest Officer, Karimganj, it becomes expedient that the investigation takes place in presence of the Officer concerned. The members have expressed their apprehension that if Sri C.M. Sharma is transferred now from Karimganj then investigation may not proceed on neutral grounds.

Thus, a general appeal has been made by the members that Sri C.M.Sharma's transfer may be deferred till completion of the case under investigation now.

I would, therefore, request you on behalf of the I.F.S. Association to move the Govt. for the stay of this transfer order only for a period necessary to complete this investigation to serve the cause of justice and fair play.

An early action is solicited.

Yours faithfully,

*[Signature]*  
Sol-1 (P.C. 995)  
General Secretary  
I.F.S. Association  
Assam Unit.

*[Handwritten signature]*  
14/9/95



MINUTES OF THE GENERAL MEETING OF INDIAN FOREST SERVICE (IFS) ASSOCIATION, ASSAM UNIT, HELD ON 08-09-98 AT HERBARIUM HALL OF ASSAM STATE ZOO CUM BOTANICAL GARDEN GUWAHATI.

The meeting was called to order by the President of the Association Sri N.C. Chakravarty, IFS.

The General Secretary of the Association had read out the agenda items for discussion. Various members interacted and adopted unanimous decisions on the following issues :-

1. The members of the Association discussed about the promotion of one IFS Officer to super time scale in the Assam Meghalaya joint cadre in the State of Meghalaya ignoring the legitimate claims of as many as 7(seven) senior members serving in Assam. The aggrieved officers have submitted individual representation for the redressal of their grievances. Three senior officers have already been promoted against available vacancies while the other four officers are still languishing as D.C.Fs.

The members unanimously resolved to submit a memorandum to the Govt. for immediate promotion of the officers with retrospective effect from the date of promotion of the junior officer in the state of Meghalaya.

2. Promotional prospects of the IFS officers ~~were~~ ~~discussed~~ vis-a-vis other All India Service (AIS) officers were discussed. Compared to the scope of promotion of the officers in I.A.S. and I.P.S. the promotional prospects of the IFS officers have been found inferior.

Therefore, the members have resolved to submit a memorandum to the Govt. for the promotion of the eligible officers in the super time scale, having 20 or more years of service, to the rank of C.C.F.

3. The issue relating to the move of taking over more than a century old plot of land at Kacharighat (M.G.Road) allotted to and under occupation of the Forest Deptt. was engaging the attention of the members of this association for quite some time. On 22-08-95 a resolution was adopted in the Executive Committee meeting of the association to draft a memorandum to be submitted to the Hon'ble Chief Minister and Minister of Forests seeking his intervention in the matter. The draft memorandum prepared was read out by the General Secy. and the members approved the draft memorandum.

It was unanimously resolved to submit this memorandum to the Hon'ble Chief Minister, Assam.

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4. The members of the Association expressed deep feeling of anguish and anxiety over the recent incidents of vindictive attitude adopted by the Dist. Civil Authorities towards the Dist. Forest Officer. The attitude adopted by the Dy. Commissioners of Kokrajhar and Karimganj Districts resulted in transfer of the D.F.O. Kokrajhar a few months back while the transfer order of the D.F.O. Karimganj was issued on 05-09-95. The unilateral action of the D.C. Karimganj in going to the press and electronic media on the face of the investigation initiated through the Police Department on alleged transportation of illegal timber can be construed as an attempt to project a distorted image ~~through~~ through improper presentation of conclusions arrived at even before completion of the investigation process. It was also being reported that the Dy. Commissioner desired an order of arrest of the forest officials. This has not only created an atmosphere of total demoralisation of the rank and file but also to the officers of the department, especially the D.F.O., Karimganj who has been put to a very embarrassing situation. This has not only tarnished the image of the D.F.O. but also caused irreparable damage to the image of the Department.

The members of the association therefore, resolved that Sri B.B. Dhar, IFS ex. D.F.O. Kokrajhar would submit the details of all the affairs connected with Kokrajhar Dist. which were the cause of disagreement with the Dy. Commissioner ultimately resulting in his transfer from that Dist., so that this matter may be taken up with the appropriate authority seeking protection to the members of this Association.

The members also resolved that Sri C.M. Sharma D.F.O. Karimganj, would submit the chronological development of the case related to Karimganj Dist. to the Executive Committee of the Association.

The members unanimously urged upon the Principal Chief Conservator of Forests, to move the Govt. for staying the order of transfer of Sri C.M. Sharma till completion of the investigation related to the case. The members were apprehensive, that immediate transfer of Sri C.M. Sharma might lead to the results of investigation falling under the shroud of biasness and thereby adversely affecting Sri Sharma.

The members of the Association further resolved that a memorandum be submitted to the Commissioner and Secy. to the Govt. of Assam, Forest Department to the effect that Govt. might not act against any members of the Association on receipt of information/report from any source without taking the views of the Principal Chief Conservator of Forests, Assam.

5. The members expressed their anxiety over the current procedure of release of fund through L.O.C. cause of great damages to plantations and also the Forest would be attributed to this system of fund release. With already existing problems of drawal of fund through treasuries, the latest Govt. circular requiring the cheques to be routed through the D.C.S. when the cheque amount exceeded Rs. 1.00 lakh have brought an added dimension to the problem. The latest circular of the Govt. involving D.C.S. for drawal of fund was not in conformity with the existing Rules and procedures.

The member, therefore, resolved that a memorandum would be submitted from the Association, to the Govt. giving all the details of the working systems and procedures followed by the Forest Deptt. in running its administration and field works. So this memorandum the Govt. would be urged upon to review their circulars and directives related to the release of fund for the Forest Deptt. and withdraw the restrictions in drawal of fund ~~existing~~ facilitating smooth functioning of the Deptt.

The members have urged upon the Principal Chief Conservator of Forests to take up the matter with the Finance Deptt. for withdrawal of D.C.'s intervention in drawal of fund as an immediate measure.

6. The members have gone through the latest circular of the Govt. regarding constitution of District level Central Recruitment Boards which would may selection of man power requirement of the Forest Deptt. in Grade-III and Grade-IV level. The members felt that, like Police Department, selection of man power requirement of the Forest Deptt. should be left to Forest Deptt. in view of very peculiar nature of job requirement of the subordinate staff.

The members resolved that a memorandum be submitted to the Govt. highlighting the points required to be considered while recruiting sub-ordinate staff in the forest deptt. and thus exclude Forest Deptt.'s ~~reqm~~ recruitment in the class III and Class IV level from the proview of the Central Recruitment Board as has been done in case of Police Department.

7. During the recent visit of the Inspector General of Forests the Govt. was informed and intimated with a request to treat him as a state guest. But to the utter surprise of the members of the Association, they could gather that the reaction of G.A.D. in the Govt. of Assam was very casual and the I.G.F. was not given the treatment of a state guest. The members also felt anxious about their identity, in view of the introduction of I.F.S. in the order of precedence under the state Govt.

Attested.  
date.

Contd...4/-

The members, therefore, resolved that a memorandum be submitted to the Govt. seeking revision of the old order of precedence under the state Govt.

8. The members of the Association have expressed their anxiety over non finalisation of the service Rules related to the state Forest ~~xxxx~~ Service Officer, Forest Range officers and the subordinate employees of the Forest Deptt. The draft Service Rules, for the S.F.S.; Rangers and also the subordinate forest employees are ~~w~~ awaiting finalisation for a long time. These cannot be two opinions about the feeling of discontentment and frustration that creep in the minds of serving personnel when their service destiny hangs in uncertainty. Foundation of forest administration, resting on the services rendered by the subordinate staff, would callapse unless the constant apprehensions suffered by the officers are removed through well defined service conditions contained in service Rules.

The members therefore, resolved to urge upon the Govt. for immediate finalisation of the service rules for bringing a healthy working atmosphere in the Forest Deptt.

9. The members of the Association were anxiously waiting for the finalisation of the rules related to Joint Forestry Management (JFM). The draft memorandum relating to JFM was submitted ~~/~~ long back. While most of the states in India have not only adopted this new system but also took long strides in changing the conservation and protection scenario of their Forests, the draft memorandum of JFM continued to remain in the back yard of the priority list in our State.

The members therefore, resolved that a memorandum be submitted to the Govt. for immediate adoption of the resolution related to JFM.

10. The members felt deep concern about the present trend dilution/infringement of powers vested upon departmental officers of various levels. This approach ~~shd~~ would surely bring in weakness in the age old traditional system of administration loosening the fabric of discipline in the Department.

It was therefore, resolved that no member of the Association would resort to any action which might cause disharmony in the administrative climate in the Department.

11. The members of the Association expressed the urgency of developing accomodation facilities for Guwahati based officers of all ranks.

Contd.....5/X

Attes.ed.

Advocate.

Advocate.

It was therefore, resolved that a memorandum be submitted to the Govt. for providing accomodation facilities to Guwahati based officers of the Forest Deptt.

12. The General Secy. expressed that the fund position of the Association was very poor and he urged upon all the members to deposit their annual membership fees at the earliest. The treasurer Sri M.C. Malakar is requested to submit up-to-date accounts of the Association so that the financial position of the Association can be made known to each member.

13. The members resolved that Guwahati based officers viz Sri S. Ray Choudhury, G.S., Sri B.S. Bonal and Sri Hara Prashad, members would make the draft resolutions and circulate amongst the members seeking their approval so that further actions could be initiated by the members of the Executive Committee.

14. The Meeting ended after the vote of thanks from the chair.

General Secretary  
I.F.S. Association  
Assam Unit  
Guwahati.

Attested.

Advocate.

ANNEXURE-3

GOVT. OF ASSAM  
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS  
ASSAM : REHABARI: GUWAHATI.

No.PG.283/Con

Dtd. Guwahati 12.9.95

To

The Commissioner and Secretary,  
Forests Department  
Dispur

Sub P Transfer of Sri Chandra Mohan IFS, D.F.O.  
Karimganj.

Sir,

I am enclosing herewith a copy of letter dated 12.9.95 received from General Secretary, Indian Forest Service Association, Assam Unit in the matter of transfer of Shri Chandra Mohan Sharma, I.F.S. D.F.O. Karimganj along with a copy of item No. 4 of the minutes of meeting held by Association on 8.9.95 for favour of your perusal and needful.

Yours faithfully,

Sd/-

Principal Chief Conservator of Forests  
Guwahati.

Attested.

Advocate.

- 21 -

31

GOVERNMENT OF ASSAM  
OFFICE OF THE DIVISIONAL FOREST OFFICER : KARIMGANJ DIVISION  
K A R I M G A N J

Letter NO.C.M./4/Trans.

Dated : 14-9-95

To,

The Commissioner & Secretary  
to the Govt. of Assam.  
Forest Department, Dispur.

Through proper channel.

Sub : Transfer of Sri Chandra Mohan, IFS

Sir,

With due respect, I beg to state that I joined the Karimganj Forest Division on 6th July/94. After joining, I have been discharging my duty and responsibilities to the all satisfaction of my superior authorities. My action in checking of all sort of illegalities have been appreciated by all.

That Sir, I have been transferred vide Govt. letter No.FRE. 23/91/205-A, dt.05.09.95. I have completed just one year only and my transfer at this juncture will cause great problems and difficulties to me as well as to my family.

Moreover, when the verification in connection with alleged seizure of timber of Mizoram origin is still under process. I am afraid, if I am to move from here at this juncture, there may be a manipulation to divert from the actual fact. In this connection, the report of Conservator of Forests, S.A.C., Silchar vide letter No.FGS.53/Alleg./Kxj, dt.25.08.95 (copy enclosed for ready reference) and letter No.PG.283/Con, dt.12.09.95 from Principal Chief Conservator of Forests, Assam may kindly be referred to.

Under the circumstances mentioned above, your honour<sup>is</sup> requested to kindly stay temporarily my transfer order till the verification is over to meet the natural justice.

For this act of kindness, I will remain grateful to you for ever.

Yours faithfully,

ENCLO : As above.

(CHANDRA MOHAN)  
DIVISIONAL FOREST OFFICER  
KARIMGANJ DIVISION  
KARIMGANJ

Attested.

Advocate.

ADVANCED COPY TO :

1. The Commissioner and Secretary, Forest Department Dispur for kind perusal and necessary action.
2. The Principal Chief Conservator of Forests, for favour of his kind information and necessary action.
3. The Chief Conservator of Forests, (T), for favour of his kind perusal and necessary action.

(CHANDRA MOHAN)  
DIVISIONAL FOREST OFFICER  
KARIMGAJ DIVISION  
KARIMGANJ

Attested.

4  
Advocate.



Annexure- VII.

GOVERNMENT OF ASSAM.

DEPARTMENT OF PERSONNEL: PERSONNEL(B) DISPUR GUWAHATI

Memo No. ABP.246/87/8 dtd. Dispur the 10th Dec 1984.

OFFICE MEMORANDUM.

The Government have viewed with concern for quite sometime past the practice of retaining officers and staff in various Department of the Secretariat, Heads of Depts. and District/Sub-Divisional/ and other subordinate offices in the same Station/ table beyond the normal tenure of 3 years and in many cases for a period exceeding 5 years at a stretch in contravention of Government instructions issued in the matter at from time to time. Such practice of retaining officers and staff in same station/table gives rise to vested interest and is against the interest of public service.

2. After careful consideration the following instructions are laid down in supersession of the earlier ones.

1. Officers/ members of staff should be transferred upon completion of 3 years of service at one place/table.

2. In any exceptional case where transfer order is made before completion of 3 years, reasons for such transfer should be recorded in writing. Similarly if an officer/ member of the staff is kept beyond 3 years in a particular station/ table, reasons for allowing such continuance should also be recorded in writing.

3. Transfer should on normal occasions, be effected in such manner that the academic session of the children of the transferred employee is not wasted.

Attested.

Advocate.

4. For purpose of calculating the above period of 3 years, service rendered in all posts at a station Deptt. /Branch/Cell even if in different grades should be taken together.

5. Transfer orders issued on the principles indicated above should be implemented within the specified time.

3. Government would like to emphasize the absolute necessity of implementing the above instructions any violation will be seriously viewed by Government.

SG/- L.P. Palit,  
Chief Secretary to the Govt of Assam,  
Dispur, Guwahati- 6.

Altered.

Advocate..



GOVERNMENT OF ASSAM

FINANCE DEPARTMENT

Resolution on the Report of  
The Assam Pay Commission, 1988  
and  
The Assam Services (Revision of Pay) Rules, 1990  
with Schedule

(PUBLISHED IN THE EXTRAORDINARY ISSUE OF  
THE ASSAM GAZETTE, DATED 11th DEC., 1990)

4

Name of the Service or post	Existing Scale	Revised Scale	Remarks
(1)	(2)	(3)	(4)

## FOREST DEPARTMENT

## CHIEF CONSERVATOR OF FOREST

Chief Conservator of Forest.	Borne in Indian Forest Service	Borne in Indian Forest Service	
Addl Chief Conservator of Forest.	Borne in Indian Forest Service.	Borne in Indian Forest Service.	
Conservator of Forest.	Borne in Indian Forest Service.	Borne in Indian Forest Service.	
Field Director Tiger Project (in the rank of Conservator of Forest).	Borne in Indian Forest Service.	Borne in Indian Forest Service.	
Director Kaziranga National Park (in the rank of Conservator of Forest).	Borne in Indian Forest Service.	Borne in Indian Forest Service.	
Planning Officer.	Borne in Indian Forest Service.	Borne in Indian Forest Service.	
Principal, North Eastern Forest Ranger's College.	Borne in Indian Forest Service.	Borne in Indian Forest Service.	
Instructor, North Eastern Forest Ranger's College.	Borne of Indian Forest Service.	Borne in Indian Forest Service.	
Deputy Conservator of Forest (Divisional Forest Officer)/ Director of Forest School.	1500-60-1800-EB-60-1980-65-2175.	2975-100-3575-125-3825-EB-125-4450-150-4750.	
Deputy Field Director, Tiger Project, (in the rank of Deputy Conservator of Forest.)	1500-60-1800-EB-60-1980-65-2175.	2975-100-3575-125-3825-EB-125-4450-150-4750. ✓	
Senior Wild Life Warden in the rank of Deputy Conservator of Forest.)	1500-60-1800-EB-60-1980-65-2175.	2975-100-3575-125-3825-EB-125-4450-150-4750.	
Asstt. Conservator of Forest.	850-40-1050-EB-40-1250-EB-45-1475-50-1775.	1785-50-2035-60-2395-80-2475-EB-80-2875-100-3575-125-4200.	
Wild Life Warden (in the rank of Asstt. Conservator of Forest.)	850-40-1050-EB-40-1250-EB-45-1475-50-1775.	1785-50-2035-60-2395-80-2475-EB-80-2875-100-3575-125-4200.	
Botanist.	850-40-1050-EB-40-1250-EB-45-1475-50-1775.	1785-50-2035-60-2395-80-2475-EB-80-2875-100-3575-125-4200.	
Asstt. Engineer.	875-40-1075-EB-40-1275-EB-45-1500-50-1850.	35-50-2035-60-2395-2555-EB-80-2875-3575-125-4325.	
Veterinary Officer.	Grade pay of Veterinary Officer:	Grade pay of Veterinary Officer.	

Attested.

4.

45  
on 26/10/95  
State : Assam

Before the Central Administrative Tribunal:

Guwahati Bench at Guwahati

Original Application No. 216 of 1995

Shri Chandra Mohan, I.F.S.

-VS-

Union of India and others.

The Written Statement on behalf of the Respondent No.2 ( the State of Assam ) and the Respondent No.3 ( the Principal Chief Conservator of Forests, Assam ) is as follows -

I, Shri Harish Sonowal at present working as Commissioner and Secretary to the Government of Assam, Department of Forest, at Dispur, do hereby solemnly declare and state as follows-

1. That I am the Commissioner & Secretary to the Government of Assam in the Forest Department. A copy of the aforesaid original application is served on the Respondents No.2 and 3. I perused the same and understood the contents thereof. I do not admit any of the allegations/averments not borne out by record. All allegations/averments which are not specifically admitted hereinafter are to be deemed as denied.
2. That in regard to the statements made in paras 4.1, 4.3 of the application, the answering respondents have no comment to make. However, anything not borne out by records is not admitted.

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Harish Sonowal 37  
bharanuf  
File by

4. The members of the Association expressed deep feeling of anguish and anxiety over the recent incidents of vindictive attitude adopted by the Dist. Civil Authorities towards the Dist. Forest Officer. The attitude adopted by the Dy. Commissioners of Kokrajhar and Karimganj Districts resulted in transfer of the D.F.O. Kokrajhar a few months back while the transfer order of the D.F.O. Karimganj was issued on 05-09-95. The unilateral action of the D.C. Karimganj in going to the press and electronic media on the face of the investigation initiated through the Police Department on alleged transportation of illegal timber can be construed as an attempt to project a distorted image ~~through~~ through improper presentation of conclusions arrived at even before completion of the investigation process. It was also being reported that the Dy. Commissioner desired an order of arrest of the forest officials. This has not only created an atmosphere of total demoralisation of the rank and file but also to the officers of the department, especially the D.F.O., Karimganj who has been put to a very embarrassing situation. This has not only tarnished the image of the D.F.O. but also caused irreparable damage to the image of the Department.

The members of the association therefore, resolved that Sri B.B. Dhar, IFS ex. D.F.O. Kokrajhar would submit the details of all the affairs connected with Kokrajhar Dist. which were the cause of disagreement with the Dy. Commissioner ultimately resulting in his transfer from that Dist., so that this matter may be taken up with the appropriate authority seeking protection to the members of this Association.

The members also resolved that Sri C.M. Sharma D.F.O. Karimganj, would submit the chronological development of the case related to Karimganj Dist. to the Executive Committee of the Association.

The members unanimously urged upon the Principal Chief Conservator of Forests, to move the Govt. for staying the order of transfer of Sri C.M. Sharma till completion of the investigation related to the case. The members were apprehensive, that immediate transfer of Sri C.M. Sharma might lead to the results of investigation falling under the shroud of biasness and thereby adversely affecting Sri Sharma.

The members of the Association further resolved that a memorandum be submitted to the Commissioner and Secy. to the Govt. of Assam, Forest Department to the effect that Govt. might not act against any members of the Association on receipt of information/report from any source without taking the views of the Principal Chief Conservator of Forests, Assam.

45  
on 26/10/95  
State : Assam

Before the Central Administrative Tribunal:

Guwahati Bench at Guwahati

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I, Shri Harish Sonowal at present working as Commissioner and Secretary to the Government of Assam, Department of Forest, at Dispur, do hereby solemnly declare and state as follows-

1. That I am the Commissioner & Secretary to the Government of Assam in the Forest Department. A copy of the aforesaid original application is served on the Respondents No.2 and 3. I perused the same and understood the contents thereof. I do not admit any of the allegations/averments not borne out by record. All allegations/averments which are not specifically admitted hereinafter are to be deemed as denied.
2. That in regard to the statements made in paras 4.1, 4.3 of the application, the answering respondents have no comment to make. However, anything not borne out by records is not admitted.

Contd...2...

Harish Sonowal 37  
bharanuf  
File by

3. That in regard to the statements made in para 4.2 of the application, it is stated that the applicant cannot have any grievance against the impugned order dated 5.9.95 by which he was transferred from the post of Divisional Forest Officer, Karimganj Division to the post of Deputy Field Director, Tiger Project, Barpeta Road. Though the post of Deputy Field Director, Tiger Project is yet to be declared as a cadre post by the Government of India through Triennial Cadre Review Committee yet this post has been held by a Cadre officer of the same batch of the applicant without any objection from any quarter. Due to some administrative difficulties it is not possible to post cadre officers to cadre-posts only and noncadre officers to non-cadre posts only. The I.F.S. Cadre Rules, 1966, however, does not restrict the posting of a cadre officer to a non-cadre post. A cadre officer when posted to a non-cadre post, gets the same emoluments and benefits. Many of the cadre officers including the Chief Conservator of Forests (Territorial) are holding ex-cadre posts which are yet to be encadre. Before transferring the applicant to the post of Divisional Forest Officer, Karimganj, the applicant served for a long period in non-cadre posts of Divisional Forest Officer, Dhubri Social Forestry Division, Gauripur and Divisional Forest Officer, Hamren Division, Hamren. The applicant made no such complaint whatsoever for such posting. Other I.F.S. Officers like Bishen Singh Bonal and Mr. Santosh Pal Singh were also posted as Deputy Field Director, Tiger Project at different times. But the applicant took the shelter of this Hon'ble Tribunal in order to circumvent the present order of transfer. The applicant previously had tried and managed to get the order of



3. That in regard to the statements made in para 4.2 of the application, it is stated that the applicant cannot have any grievance against the impugned order dated 5.9.95 by which he was transferred from the post of Divisional Forest Officer, Karimganj Division to the post of Deputy Field Director, Tiger Project, Barpeta Road. Though the post of Deputy Field Director, Tiger Project is yet to be declared as a cadre post by the Government of India through Triennial Cadre Review Committee yet this post has been held by a Cadre officer of the same batch of the applicant without any objection from any quarter. Due to some administrative difficulties it is not possible to post cadre officers to cadre-posts only and noncadre officers to non-cadre posts only. The I.F.S. Cadre Rules, 1966, however, does not restrict the posting of a cadre officer to a non-cadre post. A cadre officer when posted to a non-cadre post, gets the same emoluments and benefits. Many of the cadre officers including the Chief Conservator of Forests (Territorial) are holding ex-cadre posts which are yet to be encadre. Before transferring the applicant to the post of Divisional Forest Officer, Karimganj, the applicant served for a long period in non-cadre posts of Divisional Forest Officer, Dhubri Social Forestry Division, Gauripur and Divisional Forest Officer, Hamren Division, Hamren. The applicant made no such complaint whatsoever for such posting. Other I.F.S. Officers like Bishen Singh Bonal and Mr. Santosh Pal Singh were also posted as Deputy Field Director, Tiger Project at different times. But the applicant took the shelter of this Hon'ble Tribunal in order to circumvent the present order of transfer. The applicant previously had tried and managed to get the order of

of his transfer stayed for few months when he was transferred from the post of Divisional Forest Officer, Bhubri Social Forestry Division. The present order of transfer was passed when he showed unbecoming behaviour in the border meeting held between the Deputy Commissioner and the Divisional Forest Officers of Karimganj and Aizawal on 23.5.95 at Kolasib. When an order of transfer is made, the Administration takes all aspects into consideration.

4. That in regard to the statements made in para 4.4 of the application, it is stated that the applicant has not impleaded the present Deputy Commissioner of Karimganj and he has not annexed the correspondence attended to in this paragraph. As such what transpired between them, the answering respondents are not aware and no comments can be passed thereon.

The applicant took charge in the afternoon of 6.7.94. The applicant has not discharged his duties to the full satisfaction of all concerned. Due to his unbecoming behaviour, insubordination and misconduct and frequent unauthorised absence, the Administration, in its wisdom, deemed it fit to transfer the applicant from his present post. For certain allegations, he has been charge sheeted vide letter No. FRE.184/96 dated 17.10.95.

5. That in regard to the statements made in para 4.5 of the application, it is stated that the Deputy Commissioner Karimganj had reported to the Government about the unbecoming behaviour showed by the applicant in the meeting held between the Deputy Commissioners of Karimganj and Aizawal and other forest officials of both the States to discuss border problems at Kolasib on 23.5.95.

Thereafter, the Administration decided to transfer him. It may be stated that subsequently complaints were received about illegal booking of timbers to places outside the State of Assam through Railway and illegal felling of trees in Karinganji Division under the control of the applicant. The Deputy Commissioner, Karinganji never requested to the Commissioner and Secretary, Forests to transfer the applicant at any point of time.

6. That in regard to the statements made in para 4.6 of the application, it is stated that the allegations made therein are baseless. It is beyond the power of the Deputy Commissioner to put pressure on the State Administration. The applicant has not mentioned in his application the reasons which led to his strained relationship with the Deputy Commissioner, Karinganji. However, the Deputy Commissioner as the Head of the District Administration has to keep abreast the State Administration of important incidents relating to administration.

Due to inaction and failure on the part of the applicant to stop the illegal movement of timbers and also reckless and illegal felling of trees within his jurisdiction, the unruly behavior shown by the applicant in the border meeting held between the Civil Administration of Karinganji and Government of Mizoram alongwith the forest officials of both the States on 23.5.95 at Kolasib, the Government had contemplated to place the applicant under suspension. However, instead of placing him under suspension, he was transferred out of Karinganji Division. In paragraph 4.2 of the application, the applicant stated that his allegation is that he

Contd....5...

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Havish Sonowal

he was transferred from a cadre post to a non-cadre post. Mr. Rabha, the Respondent No.4 is also an I.F.S. officer. When the applicant is transferred, he will get his salary and status to which he is entitled.

7. That in regard to the statements made in para 4.7 of the application, it is stated that the transfer of the applicant was made in the interest of the public service and there was no wide spread resentment of the I.F.S. Association of the Assam Unit on the question of transfer of the applicant. The minutes of the general meeting of the association (as annexed to the application) reveal that the association is not fully seized of the matter relating to the applicant. The Association, therefore, resolved that the applicant would submit the chronological development of the case related to Karimganj District to the Executive Committee of the Association.

On receipt of the minutes of the Association, the Government gave it due consideration and intimated the Association through the Principal Chief Conservator of Forests by letter No. FRE. 73/90 223 dated 29.9.95 not to interfere in the Administrative decision of the Government but to remain confined to the steps on redressing their grievances on service condition, if any. The Association has not pursued further in this regard.

The applicant's allegation that the Deputy Commissioner, Karimganj had illegally made the seizure is not correct. The Divisional Forest Officer, Karimganj, had ordered for booking of 4 Wagons of timber at Chandkhira Railway Station

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Harish Sonowal

and it was observed that the transaction was between two fictitious name of persons i.e. consigner and consignee. The full addresses of the consigner and the consignee are not there. It has also been suspected that the timbers in question are not of Mizoram origin as claimed by the applicant. Under the circumstances, the Government has decided to get it investigated by the Bureau of Investigation (Economic offences), an independent agency of Government of Assam which is constitutes for finding out economic offences committed by Government officials. Since the investigation will be made by the aforesaid Bureau, the apprehension of the applicant that in his absence on transfer the investigation might suffer is entirely baseless. His fear and doubt for manipulation of records in his absence in the joint verification is also baseless. It is denied that the transfer order in question is sequel to the alleged pressure of the Deputy Commissioner.

A copy of the letter No. FRE.73/90/223 dated 29.9.95 and <sup>Ann-1</sup> a copy of the letter dated 29.9.95 (are annexed hereto and marked as Annexure-1 and Annexure-2.

8. That in regard to the statements made in para 4.8 of the application, it is stated that the Principal Chief Conservator of Forests, Assam had simply forwarded the copy of the

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Harish Sonowal

resolution, but he did not make any observation on the resolution. It appears that the applicant has a high power of imagination; he has found more words and discovered hidden meanings in the copy of the letter of the Principal Chief Conservator of Forests, Assam which, in fact, are not there. A reply to the resolution was forwarded to the Principal Chief Conservator of Forests, Assam. (vide Annexure-1 to this written statement).

9. That in regard to the statements made in para 4.9 of the application, it is stated that they are tendentious. The applicant used the word "illegal seizure of timber" in this paragraph while in his representation he mentioned about "alleged seizure of timber of Mizoram Origin".

The applicant has not elaborated the highhandedness and arbitrary action of the District Civil Administration in his application but he has not mentioned these words in his representation dated 14.9.95.

The applicant simply represented to the Government praying for a stay of the order of transfer passed against him on the following, among other, grounds;

(1) He is discharging his duties to the full satisfaction of the authorities and he had not completed just one year only,

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Harish Sonowal

- (ii) this transfer will cause great problems and difficulties to him and to his family.
- (iii) to continue till completion of the joint verification of timbers seized allegedly of Mizoram Origin so that there may not be a manipulation to divert from the actual fact.
- (iv) to stay temporarily the order of stay till the verification is over to meet natural justice.

In connection with his representation dated 14.09.95 (Annexure-4 to the application), it is stated that the Commissioner and Secretary to the Government of Assam, Department of Forest, had disposed of the same by his order dated 11-10-95 and held that his prayer for staying the order of transfer could not be considered. The Government did not consider his case in the absence of valid grounds.

The allegation of the applicant that the Deputy Commissioner acted in a high handed manner on the joint verification operation is not correct. The applicant is absolutely silent on what way the Deputy Commissioner had shown high-handedness. Without awaiting the outcome of his representation dated 14.09.95, the applicant had at the same time moved the Hon'ble Tribunal for staying the operation of the order dated 5.9.95 by which the applicant was transferred.

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Harish Sonowal

10. That in regard to the statements made in para 4.10 of the application, it is stated that the circular dated 10.12.94 referred to by the applicant has authorised the Administrative Department to transfer officers under their control on exceptional cases. It is respectfully submitted that the Hon'ble Supreme Court of India held, on such circulars, as follows :-

" Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated by malafides or is made in violation of any statutory provisions, the Court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject. Similarly if a person makes any representation with respect to his transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, husband and wife must be posted at the same place. The said guideline however does not confer upon the Government employee a legally enforceable right" (AIR 1993 S C 2444 para 7 ).

The guidelines quoted by the applicant also not confer upon the applicant a legally enforceable right.



11. That in regard to the statements made in para 4.11 and para 4.12 of the application, it is stated that the Indian Forest Service (Cadre ) Rules, 1966 do not bar the transfer of an I.F.S. Officer from a cadre-post to a non-cadre post. Under Rule 6 of the I.F.S. (Cadre ) Rules, 1966, a cadre officer may be even be deputed to a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by a State Government, a municipal corporation or a local body, by the State Government on whose cadre he is borne. The Rules also provide (vide Rule 12) that if any question arises as to the interpretation of these rules, the same shall be decided by the Central Government.

[[ The applicant took this ploy in order to get an order from this Hon'ble Tribunal in his favour. The post of Deputy Field Director, Tiger Project has been held by a Cadre officer of the same batch of the applicant. The present Respondent No.4 himself is a Cadre officer. Due to some administrative exigencies, it is not possible to post cadre officers to cadre-posts, and non-cadre officers to non-cadre posts. Many of the cadre officers including the Chief Conservator of Forests (Territorial) are holding an ex-cadre posts which are yet to be encdred. The applicant himself served for a long period in non-cadre posts of Divisional Forest Officer,

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Harish conowef

Divisional Forest Officer, Dhubri Social Forestry Division, Gauripur and Divisional Forest Officer, Hamren Division, Hamren against which postings the applicant did not make any complaint of illegality. Only for reasons best known to the applicant, he discovered suddenly that he cannot be transferred to a non-cadre post. In his representation dated 14.09.95 (Annexure-4 to the application) to the Commissioner and Secretary of the Forest Department, he did not mention that he cannot be transferred to a non-cadre post. The applicant has not explained how the order of transfer to a non-cadre post ~~the applicant~~ can be punitive. The applicant is called upon to show the case in which this Hon'ble Tribunal held that a cadre officer cannot be transferred to a non-cadre post.

A Government officer, if posted in a transferrable post, can be transferred at any time due to administrative exigencies. By no stretch of imagination it can be said that a transfer made before the completion of normal three years of tenure posting is punitive. The applicant is silent on the matter which led to an investigation.

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Harish sonowaf

12. That in regard to the statements made in para 4.13 of the application, it is stated that they are not correct. Sri Abhijit Rabha, I.F.S. approached the applicant for taking over charge but the applicant had shown the order of the Hon'ble Tribunal and he refused to handover charge. The Respondent No.4 by his telegram dated 4.10.95 intimated the Government that the applicant did not hand over charge. The applicant submitted his representation on 14.9.95 and immediately thereafter he approached this Hon'ble Tribunal.

13. That in regard to the statements made in para 4.14 of the application, it is stated that no injustice has been caused to the applicant.

14. That it is respectfully submitted that this is not at all a fit case in which this Hon'ble Tribunal should interfere.

Contd...13...

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VERIFICATION

I, Shri HARISH SONOWAL  
at present Commissioner & Secretary to the Government  
of Assam, do hereby State that the Statements made  
above are true to my knowledge, belief and  
information and I have not suppressed any fact.

I have signed this verification on this  
25 th day of October, 1995.

*Sonowal*

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

NO.FRE. 73/90/223.

Dated Dispur, the 29th September/95.

From : Shri H. Sonowal, I.A.S.,  
Commissioner & Secy. to the Govt. of Assam.

To

The Principal Chief Conservator of forests,  
Assam, Rehabari, Guwahati-8.Sub : Resolution of the Indian Forest Service  
Association Assam Unit of their meeting  
held on 8.9.95.

Ref : Your letter No.PG-283/CUN dtd. 12.9.95.

Sir,

I am directed to refer to your letter mentioned above, and to inform you that Govt. could not appreciate the resolution adopted by the Assam Unit of the I.F.S. Association on 8.9.95 in the matter of administrative decision of the Govt. as such will adversely affect the functioning of the administration. It would be appropriate if the Association fight to redress their grievances if any in connection with their service conditions and etc. instead of taking resolution for staying of transfer of a few members of the Association against whom the following lapses were brought to the notice of the Govt.

Shri B.B. Dhar, IFS while he was holding the post of D.F.O., Hailuagon Division, Kokrajhar, had gone to such an extent that he filed a suit against a Senior Civil Service Officer of the District Administration without even taking any permission from Govt. as required which tantamounts to insubordination and unbecoming behaviour of an officer of his status to which he belongs.

As regards the transfer of Shri Chandra Mohan, IFS the Divisional Forest Officer of Kokrajhar, Govt. had taken a suitable and timely steps to transfer him from Karimganj instead of taking disciplinary actions against him for his unruly behaviour shown by him to the Deputy Commissioner, Karimganj in presence of his counterpart and other Senior Officer of Mizoram at Kolassib, Mizoram on 23.05.95. &c. Further, the District Administration has tried to combat the illegalities that are now occurring at Karimganj where the

Contd...2/-

- 2 -

Divisional Forest Officer has shown complete non-Cooperation with the District Administration of Karimganj resulting more smuggling of tigers and unabated illegal felling of trees in reserve forests of Karimganj.

You are therefore, requested to instruct the officers to comply with Govt. orders forthwith and to intimate the action taken thereon.

Yours faithfully,

*Sub: 29/9*  
 Commissioner & Secy. to the Govt. of Assam,  
 Forest Deptt., Dispur.

Memo No. FRE. 73/90/223-A, Dated Dispur, the 29th September/95

Copy to:-

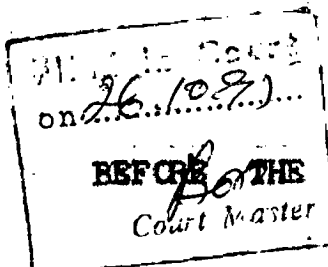
1. Shri H. C. Chakraborty, IFS, President, Assam Unit of I.F.S. Association, Office of the Principal Chief Conservator of Forests, Social Forestry, Assam, Zoo Narengi Road, Guwahati-24.
2. Shri S. Roy Choudhury, IFS, Central Secretary, Assam Unit of I.F.S. Association, Office of the Principal, North East Forest Rangers' College, Jalukbari, Guwahati-14.

By order etc.,

*Sub: 29/9*  
 Commissioner & Secy. to the Govt. of Assam,  
 Forest Deptt., Dispur.

....

E/c



(27)

Harish singwal  
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filed by  
Kanta  
singwal

CENTRAL ADMINISTRATIVE TRIBUNAL :  
GUWAHATI BENCH.

O.A. NO. 216 of 1995

Shri Chandra Mohan

-VS-

Union of India and others.

The show cause on behalf of the Respondent  
No.2 and 3 is as follows -

- 1- That this Hon'ble Tribunal by its order dated 21.9.95 passed in O.A.No.216 of 1995 asked to show cause why the interim relief prayed for may not be granted. The Hon'ble Tribunal also directed the Respondents to dispose of the representation dated 14.09.95 submitted by the applicant
- 2- That the Respondents No.2 and 3 filed the Written Statement where the reasons for his transfer has been given. The Hon'ble Tribunal may be pleased to look into those facts while considering the interim prayer.
- 3- That the Respondent No.2 has disposed of the representation dated 14.09.95 and rejected his prayer for staying the operation of the order dated 5.09.95 by which he is transferred.

A copy of the order dated 11.10.1995 by which the representation is rejected is annexed hereto and marked as Annexure-1.

- 4- That it is respectfully submitted that no interim order may be passed granting stay of the order dated 05.09.95 in the facts and circumstances mentioned in the Written Statement.

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VERIFICATION

I, Shri HARISH SONOWAL,

Commissioner & Secretary to the Government of Assam,  
Department of Forest, do hereby state that the  
Statements made above are true to my knowledge and  
belief and there is no suppression of facts.

This verification is signed on th 25<sup>th</sup>  
day of October, 1995.

*H Sonowal*



FOREST

GOVERNMENT OF ASSAM

DEPARTMENT ::::: DISPUR

ANNEXURE - I (29)

Dated Dispur, the 11th October, 1995.

Perused the representation No.C.M/4/Trans dated 14.9.95 submitted by Shri Chandra Mohan, I.F.S. Divisional Forest Officer, Karimganj Division for stay of his transfer order. In his representation Shri Chandra Mohan has claimed that he has been discharging his duties and responsibilities to "all satisfaction of his superior authorities". He has also claimed that "his action in checking all sorts of illegalities have been appreciated by all".

However, from records available, it appears that lots of illegalities are taking place in his jurisdiction at Karimganj Division and he has failed to check the illegalities within his jurisdiction. Presently it is the District Administration, who are active in curbing the illegalities and Shri Chandra Mohan, Divisional Forest Officer who could have taken full advantage of endeavour of the District Administration in curbing illegalities if he would have extended full co-operation to the District Administration. But his in action and complete non co-operation with the District Administration to curb the illegalities that are taking place in Karimganj Division prove his involvement and connivance of such illegalities with the timber smugglers. The State Govt. is within the knowledge of seizure of illegal timbers by the District Administration of Karimganj on suspicion of movement of timber in the fictitious names of the consignees without their full addresses. A senior Officer from State Headquarter Shri K.C. Pator, IFS, Conservator of Forests, was deputed to investigate the matter of timbers seized by the D.C. from Chandkhira Rly. Station had observed as follows :-

"it would not be out of place to mention here that the initiative taken by the D.C., Karimganj in curbing illegalities in Karimganj Forest Division is very much appreciated. As for an instance, on 4.9.95 (night) the D.C. detected 61 pieces of illegal Teak Timbers within Lawaipowa Range and got the timber seized by the Range Officer, Lawaipowa".

Contd...2...

Secondly, there has been continuous report of seizure of timbers by the District Administration and report of catching persons red-handed at the time of illegal felling of trees. Though it is the duty of the D.F.O. concerned there is not a single report from Shri Chandra Mohan, D.F.O. about such action from his end. It is observed that he does not stay in H.Q. and most of the time he passed at Guwahati. He had gone to such extent that he by remaining away from his H.Q. had un-necessary delayed and avoided to carry out the joint verification of the origin of the seized timbers in Chandkhira Rly. Station by the District Administration. It has therefore been entrusted to the D.I.(F.O.) to investigate the inquiry. So his claim that he has been discharging his duties to the full satisfaction of the superior authority as well as his claim that his action in checking all sorts of illegalities in his jurisdiction have been appreciated by all is not based on facts.

Shri Chandra Mohan, D.F.O. has submitted to Govt. that his transfer order will cause great problem and difficulties to him as well as to his family. Transfer and posting is made in the interest of public service and any Govt. servant is liable to comply with such transfer order. All sorts of problems of the officers as well as of the family considered only when a genuine problem is put forward to Govt. In his representation Shri Chandra Mohan, D.F.O. has not indicated such problem and hence there is no ground for consideration of his stay at Karimganj, and his continuance in Karimganj Division is very much detrimental to the State Govt. and there is every possibilities of facing public litigation cases by Government.

In connection with alleged seizure of timbers by the D.C., Karimganj, Shri Chandra Mohan has submitted that verification of seized timber of Mazoram origin is still under process and he has expressed fear that there may be manipulation of actual fact if he is transferred from that place. Since it is a joint verification and a senior officer of the rank of Conservator of Forests has been asked to remain present in such joint verification there is no reason about his fear of manipulation of documents in his absence.

(31)

It appears that the D.F.O. purposefully wants to delay the verification by remaining absent from the headquarter unauthorisedly and by not extending co-operation to the D.C. with an ulterior motive. It is learnt that his substitute Shri Abhijit Rava, IFS who has been released and likely to join at Karimganj Division and therefore the prayer petition dtd. 14.9.95 submitted by Shri Chandra Mohan, D.F.O. could not be considered and the matter is disposed of accordingly. Inform all concerned.

The office has pointed out that Shri Chandra Mohan, D.F.O. has gone to the Court against the transfer order. It is surprising that he simultaneously moved the Hon'ble C.A.T. challenging the transfer order that has been posted to a non-cadre post and also submitted prayer petition to Govt. showing different problems. However, without seeing the writ petition it is difficult to make comment on the prayer petition submitted by him.

The Hon'ble C.A.T. while passing order has given the liberty to the State Govt. to consider the prayer during the pendency of the O.A. The Respondent No.2 i.e. Commissioner of the Department has been given the liberty to consider the prayer petition of the applicant during the pendency of O.A. in the Hon'ble Court, taking liberty given by the Hon'ble C.A.T. I disposed of the prayer petition as stated above.

However Govt. will not insist upon Sri Chandra Mohan's handing over charge till 16.10.95 on which date court has decided to give hearing to both the parties.

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

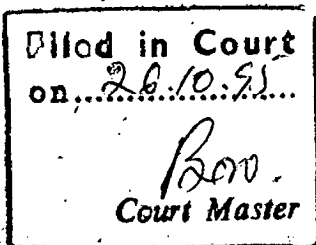
Memo No. FRE.23/91/214-A. Dated Dispur, the 11th Oct '95  
Copy forwarded to the :-

1. The Principal Chief Conservator of Forests, Assam, Rehbari, Guwahati-8.
2. The Chief Conservator of Forests (T), Assam, Guwahati-8.
3. The Conservator of Forests, Southern Assam Circle, Silchar.
4. The Deputy Registrar, Central Administrative Tribunal, Guwahati Bench, Rajgarh Road, Guwahati-5.
5. Shri Chandra Mohan, IFS, Divisional Forest Officer, Karimganj Division, Karimganj.

By order etc.,

Addl. Secretary to the Govt. of Assam,  
Forest Deptt., Dispur.

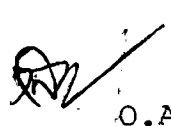
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Filed by  
Abhijit Rabha

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



O.A. No. 216 of 1995

Sri Chandra Mohan Sarma

-Versus-

Union of India & others

The show cause of the Respondent No. 4, Sri Abhijit Rabha, IFS, is as follows :

I, Shri Abhijit Rabha, IFS., son of Sri Dharani Kanta Rabha, resident of Rajgarh Road, Link Road No. 2, P.S.

Chandmari, Guwahati, District: Kamrup, by profession serviceholder, aged about 34 years, do hereby solemnly declare and state as follows :

1. That I have been impleaded as Respondent No.4 in the above O.A. No.216 of 1995. A copy of the application of the above case had been served on me. I would file <sup>a</sup> separate Written Statement. This Hon'ble Tribunal, by its order dated 21.9.95 passed in O.A. No. 216/95, directed the Respondents to show cause on the interim prayer for staying the operation of Order dated 5.9.95 by which the applicant was transferred from the post of Divisional Forest Officer, Karimganj Division to the post of Deputy Field Director, Tiger Project at Barpeta Road. The answering respondent No.4 accordingly is showing cause why this Hon'ble Tribunal may not grant any interim Order staying the operation of the Order dated 5.9.95.

Contd....2.

2. That this Respondent has been occupying the post of Deputy Field Director since 1991 and according to the Government Circular which the applicant has relied on, this Respondent should have been transferred after the completion of three years.

3. That the Respondent No.4 received the Order dated 5.9.95 on 14.9.95. On receipt of this Order, this Respondent had sent on 15.9.95 a wireless message to the applicant, Mr Chandra Mohan Sarma, to the effect that the Respondent is proceeding to Karimganj and Mr Sarma should be ready to hand over charge on 27<sup>th</sup> September, 1995.

A copy of the W.T. message dated 15.9.95 is annexed hereto and marked as Annexure -A.

4. That on 15.9.95 this answering Respondent contacted the applicant over telephone and the applicant requested this Respondent to wait for five more days as he had stated that he was to complete some inquiry at Karimganj. The Respondent accordingly, complied with the request of his colleague and got released in the afternoon of 21.9.95. This Respondent is completely unaware of the fact that the applicant had moved a petition in this Hon'ble Tribunal on 21.9.95 itself.

5. That the Respondent could not arrive on 27.9.95 at Karimganj to take charge from the applicant. In the mean time, the Puja Holidays ensued and the Respondent sent an express telegram on 29.9.95 to the applicant stating that the Respondent would be taking his charges from the applicant on October 4, 1995. The Respondent accordingly arrived at

Karimganj on 3.10.95 and met the applicant in the evening of 3.10.95. The applicant, however, remained silent. The Respondent again went to the office of the applicant on 4.10.95 at 10 O'clock in the morning but found the applicant absent. The Respondent, therefore, asked an office peon to intimate the applicant that the Respondent had arrived at the office to take <sup>over</sup> charge. The applicant arrived at the office at about 11.00 am and left the office in a huff stating that he was unwell and he did not hand over charge. And he also mentioned about a pending court case in a vague manner.

A copy of the telegram dated 29.9.95 is annexed hereto and marked as Annexure

6. That the Respondent thereafter, sent an urgent telegram and also a Fax message to the Commissioner and Secretary to the Government of Assam, Forest Department, Dispur on 4.10.95. On 6.10.95 the Respondent wrote a letter to the applicant requesting him to hand over charge to this <sup>Respondent</sup> ~~applicant~~ and it was received by the Accountant of the office on 7.10.95. Even then, charges were not handed over to the Respondent and he sent a Fax message on 9.10.95 to the Conservator of Forests, Southern Assam Circle, Silchar. The Respondent also intimated the Deputy Commissioner, Karimganj, on 9.10.95 about the adamant attitude shown by the applicant in not handing over charges. The Respondent also had a telephonic talk with the Conservator of Forests, Southern Assam Circle on 9.10.95 who advised the Respondent to wait till 16.10.95. Finding no way out, the Respondent returned from Karimganj on 14.10.95.

Copies of the Fax message dated 4.10.95 letter dated 6.10.95, Fax message dated 9.10.95 and letter dated 9.10.95 are annexed ~~herewith~~ hereto

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( 4 )

and marked as Annexures-C,D,E and F  
respectively

7. That the Field Director, Tiger Project at Barpeta Road by his letter No. FE/PP/2/1/3162-67 dated 21.9.95 intimated the Commissioner and Secretary to the Government of Assam, Forest Department, that the Respondent had already handed over his charge and had been relieved on 21.9.95.

A copy of the said letter dated  
21.9.95 is annexed hereto and marked as  
Annexure -G

8. The the Respondent states that he is now hanging in the sphere of uncertainty. This Hon'ble Tribunal by Order dated 21.9.95 did not, as such, stay the operation of the Order dated 5.9.95. This Hon'ble Tribunal further directed the Respondents No.2 and 3 to dispose of the representation dated 14.9.95 submitted by the applicant praying for staying temporarily the order of his transfer. It is learnt that the Respondent No.2 by his order dated 11.10.95 rejected the prayer contained in the said representation.

9. That under such circumstances, this Respondent earnestly prays before this Hon'ble Tribunal may be pleased not to pass any order granting stay of the operation of the order dated 5.9.95.

10. That it may be mentioned here that the this Respondent is a direct recruit to the I.F.S. in 1984, the year in which the applicant was also recruited to the I.F.S. by the U.P.S.

Contd.....

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V E R I F I C A T I O N

I, Shri Abhijit Rabha, IFS, the Respondent No.4 in O.A. 216 of 1995, do hereby solemnly declare and state that the statements made in this show cause are true to my knowledge, information and belief and I have not suppressed any fact.

I sign this verification on this .....<sup>25<sup>th</sup></sup>..... day of October, 1995.

✓ Abhijit Rabha  
25-10-1995



NO. AK/95/MSG-1

Dtd 15th SEPTEMBER

(37)

To,

CHANDRA MOHAN SHARMA, IES.  
 DIVISIONAL FOREST OFFICER  
 KARIMGANJ TERRITORIAL DIVISION  
 KARIMGANJ

INFO :- 1) COMMISSIONER AND SECY TO THE  
 GOVT. OF ASSAM, FOREST DEPT., DISPUR.  
 2) P.C.C.F. ASSAM, REHABARI, GAUhati,  
 3) C.C.F (T) ASSAM REHABARI GAUhati,  
 4) CONSERVATOR OF FORESTS, SOUTHERN  
 ASSAM CIRCLE, SILCHAR.

FROM :- ABHIJIT RABHA, IES. Dy Director, Tiger  
 Project BARPETA ROAD.

WITH REF TO GOVT. NOTIFICATION  
 NO.S. FRE 23/91/205 AND FRE. ~~23/91~~  
 23/91/205-A AND MEMO NO FRE 23/91/  
 205-B, Dtd DISPUR @ FIFTH SEPT/95  
 PLEASE BE READY TO HAND OVER  
 CHARGE ON TWENTY SEVENTH SEPTEMBER  
 SELF REACHING ~~ON~~ ~~ABOUT~~ PRIOR TO  
 THAT DAY @

1/c VHF Barpeta Road PS.  
 for immediate Tx Please U

Recd

18/9

Abhijit Rabha  
 15.09.1995

15-09-95



TO, THE COMMISSIONER & SECY TO GOVT OF ASSAM  
FOREST DEPTT. DISPUR.

FROM :- ABHIJIT RABHA, I.F.S.,  
DEPUTY CONSERVATOR OF FORESTS  
CAMP KARIMGANJ.

DATE :- 04-10-1995

TELECOM CENTRE  
D.C. Office Complex  
Karimganj.

Sir,

With reference to GOVT. Notification  
dtd Dispur 5th Sept/1995  
No. FRE 23/91/205 & FRE 23/91/205-A,  
I have the honour to report that  
Sri Chandra Mohan, I.F.S.; D.F.O, Karimganj  
Division has flatly refused to  
hand over charge to the undersigned  
~~the~~ kindly advise.

Yours faithfully,

Abhijit Rabha  
04-10-1995

(ABHIJIT RABHA, I.F.S.)  
D. C. F.

Camp Karimganj circuit  
House.

Forwarded  
on 5-10-95

# MESSAGE CONFIRMATION REPORT

REMOTE ID.	:	0361561497	TELECOM CENTRE
PAGES	:	01	D.C. Office Complex
ELAPSED TIME	:	01'01"	Karimganj.
MODE	:	4800/STANDARD	
RESULTS	:	-OK	

एम/आर-48 भारतीय डाक-तार 3440  
M/R-48 INDIAN POSTS AND TELEGRAPHS  
पुस्तक सं./Book No. TELECOM CENTRE क्रम सं./Serial No.  
अन्तर्देशीय तार सं. (गन्तव्य तार सं.) के पुस्तक सं. के पुस्तक सं. के पुस्तक सं.  
अन्तर्देशीय तार सं. के पुस्तक सं. के पुस्तक सं. के पुस्तक सं.  
Received Rupees.....  
being the cost of Inland Telegram No.....  
closed to.....  
to.....  
A FAX 361-561497  
Karimganj  
P.T.M. 5/10/95  
Telcom Centre  
D.C. Office Complex  
Karimganj.

65 (40)

To,

Chandra Mohan, I.F.S.  
Divisional Forest Officer  
Karimganj Division, Karimganj.

Sub:- Handing over charge of Karimganj  
D.F.O. to the undersigned as  
per government notifications.

Sir,

I ~~am~~ had approached you ~~to~~ personally, so that you  
hand over charge [on 03-10-1995 (evening)]  
I had sent prior information with  
a telegram to be in readiness. For the  
reasons not expressed explicitly and  
best known to you you did not even  
respond; even on the face of government  
notifications. On 04-10-1995 you left  
yourself confined to your residence though  
the office hours began on 10:00 AM. However,  
still I managed to contact you and  
found that your excuse for not attending  
the office was just to avoid me which  
is humiliating and not expected ~~from~~ from a  
fellow batchmate who is also an officer  
and gentleman ~~and~~ stepped in the  
traditions of Indian Forest Service. In the following  
two days, I again approached you and  
you took evasive tactics. This only shows  
and explicitly displays your adamant  
attitude of not handing over charge. I have  
reasons to believe that your ~~are~~ adamancy  
is to buy time to ~~to~~ put your reliever  
and batchmate in trouble. Yes I have already  
exhausted my joining time. I wish you had  
been more cooperative in the simple act of  
handing over charge to me. Hoping that you  
will forthrightly cooperate this time by handing  
over charge immediately.

I remain,

Abhijit Balla  
05-10-1995  
District Forest Officer of Karimganj

Received  
Cm's Act-  
07/10/95

FAX MESSAGE

NO. 22942

NO.AR/1995/KXJ-2

Dated, Karimganj 09-10-1995

TO

The Conseravator of Forests,  
Southern Assam Circle,  
Silchar.

Sub :- Taking over charge from Chandra Mohan, IFS  
Divisional Forest Officer, Karimganj Division

Sir,

With reference to the subject mentioned above;  
I have the honour to state that in compliance to the Govt.  
notification No. FRE.23/91/205 Dated Dispur, the 5th September,  
1995 ; I approached Sri Chandra Mohan for taking over charge  
on 4-10-95, with prior intimation.

However, he has stubbornly refused to hand over  
charge day after day. As a result, my joining time has been  
exhausted.

Hence, in the light of the above facts, I would  
like to request you to advise the undersigned as non-compliance  
of Govt. notification by Sri Chandra Mohan, IFS has created  
an awkward situation.

Yours faithfully,

*Abhijit Rabha*  
09-10-1995

( Abhijit Rabha, IFS )  
Deputy Conservator of Forests,  
Camp- Social Forestry Forest IB  
Batarashi, Karimganj - 788712

## MESSAGE CONFIRMATION REPORT

REMOTE ID. : 0384222942  
PAGES : 01  
ELAPSED TIME : 01'32"  
MODE : 4800/STANDARD  
RESULTS : OK

मम० आर०-४८ भारतीय डाक-तार  
M. R. 48 INDIAN POSTS AND TELEGRAPHS 3444  
पुस्तक सं०/Book No. Office Use Only  
अन्तर्देशीय तार (भारत के तार) को भेजने के लिए तैयार  
Received Receipt being the cost of Indian Telegram No. 30.00  
elapsed booked at Office of destination  
तारघर की तारीख 09 OCT 1995  
बुकिंग क्लर्क की हस्ताक्षर  
Signature of Booking Clerk

To: The Deputy Commissioner  
Kalinganj.

sub - Taking over charge of the office  
of Divisional forest officer, Karimganj

With reference to the subject quoted above, I have the honour to state that I was posted as Divisional Forest Officer, Karingany Division, vide govt. notification no. FPE 23/91/205 dated 5th September 1995.

I was released on 21-9-95 to enable me to take over charge from Chandan Mohan, the current D.O. of Kaironganj division (Rerolined vide govt. notification 53/91/205-A). I arrived at Kaironganj on 03-10-95 and approached Shri Chandan Mohan for ~~taking~~ taking over charge on 04-10-1995. He bluntly refused to hand over charge on that day. Despite repeated approaches, Shri Chandan Mohan kept on refusing to hand over charge. As a result, I have exhausted the joining time. I have a feeling that he is hell bent on not handing over charge.

During 4th, 5th & 6th of this month, Sir Woodruffe  
kept on playing diabolical tricks on me so that  
I do not insist on taking over charge.

So, I would like to pray before your Honor to help me out of this situation so that I may be able to take over charge of the D.T.O. Kangra either in absence or presence of Mr. Chandra Mohan, I.P.S. the present D.T.O. of Kangra Division. For this act of kindness, I will remain ever grateful to you.

Yours truly,

Alvin Karpis  
09-10-1935

Intel.  
copies of govt. correspondence

2) Growth of waste

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GOVERNMENT OF ASSAM  
OFFICE OF THE FIELD DIRECTOR, TIGER PROJECT, ASSAM  
BARPETA ROAD

No. PF/T/22/1/3162-67 Dated Barpeta Road,  
the 2<sup>nd</sup> Sept./1995.

To,

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

Sub : Transfer and posting of the Deputy Director  
attached to the Field Director, Tiger Project,  
Assam, Barpeta Road.

Ref : Govt. notification No. FRR.23/91/203 dt. 9-9-95.

Sir,

With reference to your notification No. quoted above

I am to inform you that Shri Abhijit Babha, I.F.S., Deputy Director  
attached to the undersigned has been relieved from this office on  
transfer to Koringanj Division on the afternoon of 21st Septem-  
ber, 1995. A copy of certified of transfer of charge is enclosed  
herewith for your kind information and necessary action.

Yours faithfully,

( R. S. Aggarwala )  
Field Director, Tiger Project,  
Assam, Barpeta Road.

Copy together with a copy of certificate of transfer of charge is  
forwarded to :-

(1) The Accountant General Assam and Nagaland, Shillong  
for information and necessary action.

(2) The Principal Chief Conservator of Forests, Assam,  
Rehabari, Guwahati-8 for favour of information and necessary  
action.

(3) The Chief Conservator of Forests, Wildlife, Assam,  
for favour of information and necessary action.

(4) The Director, Project Tiger, Govt. of India, Department  
of Environment and Forests, Wildlife, Shahjahan Road, New Delhi-  
120011 for information.

(5) Shri Abhijit Babha, I.F.S., Deputy Director, Tiger Project,  
Assam, Barpeta Road for information. He should treat himself as relei-  
ved officer with effect from 21-9-95. (A.N.)

( R. S. Aggarwala )  
Deputy Director, Tiger Project,  
Assam, Barpeta Road.

69 (44)

ASSAM SCHEDULE L (PART-I) FORM NO.22.

Forest Department. . . . . Assam; ; ; ;

Certificate of transfer of charge of the office of the . . . . .  
Field Director, Tiger Project, Assam, Barpeta Road. <sup>as Dy. Director</sup> Dated Barpeta Road the

I certify that I handover charge of the office of the Field  
Director, Tiger Project, Assam, Barpeta Road with Head quarters at Barpeta Road  
on the, 21st Sept 1995. (Afternoon) <sup>Dy. Director attached to</sup>

I received the sum of Rupees, . . . . .  
the cash balance as shown by the cash Book on this date. I have examined all  
the office books and found them posted upto date.

I received the needful vouchers belonging to the Accounts of  
the current month and have made myself enquired with all outstanding and  
liabilities of accounts of the Department.

I have examined the live and deed stock, as well as the books,  
map, office records and office furniture at Head quarters, I have examined the  
depot registers, which I have found posted upto date.

I have received. . . . . cheque book No. . . . .  
. . . . . unused, as well as cheque book. . . . .  
. . . . . No. . . . .  
containing cheque Nos. . . . . to . . . . .  
and cheque book No. . . . . containing cheque No. . . . .  
. . . . . to . . . . .

The counterfolls of the previous cheque have been written up.

Countersigned

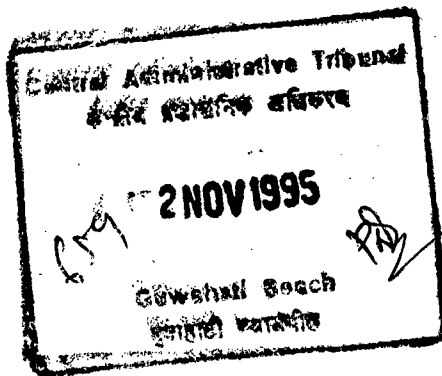
*Abhinav Palke*

Relieved Officer.

Relieving Officer.

*Agarwala*  
*21/9/95*





BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:: GUWAHATI BE

O.A. No. 216 of 1995

Shri C.M. Sharma, I.F.S.

- Versus -

Union of India & Others.

REJOINDER TO THE WRITTEN STATEMENT FILED ON BEHALF OF  
THE ~~OF~~ RESPONDENT NO. 2 AND RESPONDENT NO.3 (PURPORTEL

The applicant begs to state as follows :

1. That the applicant has gone through the copy of the Written Statement and has understood the content thereof. Save and except the statements which are specifically admitted hereinbelow, other statements made in the W.S. are categorically denied. Further the statements which are not borne on records are also denied.
2. That although the W.S. is stated to be filed on behalf of the respondent No. 2 and the respondent No. 3 in absence of any averment to the effect that either in the W.S. or in the verification thereof that the respondent No. 3 - the Principal Chief Conservator of Forests, Assam has authorised the Commissioner & Secretary to the Govt. of Assam, Department of Forests to file the W.S. on his behalf also. The applicant denies that the W.S. has been

Contd. . . P/2.

filed on behalf of the respondent No. 3 as well. The respondent No. 2 is put to the strictest proof thereof. Further in the verification to the W.S., the Commissioner and Secretary has verified the statements made in the W.S. to be based on his knowledge, belief and information without disclosing anything as to on which such knowledge, belief and information are based. On this account, the applicant prays before the Hon'ble Tribunal to invoke his power under Section 22 of the Administrative Tribunals Act, 1985 either to summon the said Commissioner and Secretary who has ~~justified~~ verified the W.S. to disclose the source of information or to produce records based on which the said Commissioner and Secretary has signed the verification. In any case the statement made in the W.S. will reveal that ~~the serious~~ serious allegations have been levelled against the applicant and thus there is necessity to see records pertaining to such allegations to arrive at a just and proper decision. Thus the applicant humbly prays that necessary directions may be issued either for production of the records or for personal ~~know~~ examination of the Commissioner and Secretary so that the source of his knowledge, belief and information is disclosed.

3. That with regard to the statements made in paragraphs 1 and 2 of the Written Statement, the applicant does not admit anything contrary to the relevant records.

4. That with regard to the statements made in paragraph 3 of the W.S., the applicant categorically

denies the contentions made therein and the respondents are put to the strictest proof thereof. The respondents by their own statements have admitted that cadre officers are being posted against non-cadre officers and similarly non-cadre officers are also posted against cadre officers which is contrary to the rules. Admittedly the post of Deputy Field Director, Tiger Project is not a cadre post. Merely because the earlier incumbent did not raise any objection to his posting to a non-cadre post or for that matter merely because there are instances that no objection were raised against the orders of posting of cadre officers to non-cadre posts, the respondents cannot continue with the same as a matter of right in violation of the rules, and also the dicta laid down by this Hon'ble Tribunal. It is pertinent to mention here that many cadre posts are available against which the applicant can be posted. On the other hand, there are many ~~xx~~ non-cadre officers who are holding the cadre post ~~x~~ such as at Golaghat, Digboi, Doomdooma, Dhubri, North Lakhimpur, Haltugaon, Kachugaon, Bokakhat and many other places. In spite of the dicta laid down by this Hon'ble Tribunal holding that non-cadre officers cannot be posted against cadre posts, the respondents are continuing with the same in violation of the orders of this Hon'ble Tribunal.

Citing the instances of holding non-cadre or ex-cadre posts by the cadre officers cannot absolve the respondents from their duties to follow their rules. There cannot be any waiver, estoppel or acquiescence

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against the rule. Further as per relevant rules the State Government is empowered to creat ex-cadre posts to be manned by cadre officers. Thus there is va difference between non-cadre post and ex-cadre post.

As regards the statements made by the respond regarding the services of the applicant as Divisional Forest Officer, Dhubri Social Forestry Division, Gouri (a non-cadre post), the applicant states that he havin not got his promotion to the senior scale, which was d to him on completion of four years of service in the junior scale as per rules, had filed an application alongwith others before this Hon'ble Tribunal praying appropriate relief. The Hon'ble Tribunal by its Judgme directed the Stateof Assam to give promotion to the applicant and others to the senior scale with retrospe effect. It was only after that the applicant got his long overdue promotion to the senior scale and was posted as Divisional Forest Officer, S.F. Division, which was incidentally ~~the~~ a non-cadre post. But the applicant had to accept the same under compelling circumstances inasmuch as for a pretty long time, he was deprived of his promotion to the senior scale and ~~and~~ he had to accept such posting without prejudic to his cost. It will be pertinent to mention here that the State of Assam being not content with the Judgment passed by the Hon'ble Tribunal had preferred appeal before the Hon'ble Supreme Court which was rejected by the Hon'ble Supreme Court. It is categorically denied

- 5 -

that the applicant had tried and managed to get the order of his transfer stayed for few months when he was transferred from the post of Divisional Forest Officer Dhubri S.F. Division. It is emphatically stated that the applicant never tried to get his order of transfer stayed and the respondents are put to the strictest proof thereof.

The respondents have given a definite finding in their written statement that the order of transfer of the applicant has been passed because the applicant allegedly shown unbecoming behaviour in the Border Meeting between the Deputy Commissioners and the Divisional Forest Officers of Karimganj on 23.5.95 at Kolasib. Thus a stigma has already been cast on the applicant without affording him any opportunity of being heard. The order of transfer being founded on such hostile allegations without there being any iota of truth, the same is an order founded on malafide and cannot stand the judicial scrutiny. As regards the allegations of unbecoming behaviour in the Border Meeting on 23.5.95 as has been stated by the respondents, the applicant while denying the same asserts that there was no such behaviour on his part and in this connection the report of the Conservator of Forests, Southern Assam Circle, ~~Silchar~~ Silchar dated 27.7.95 submitted to the Principal Conservator of Forests, Assam may be called for, ~~for~~ which will reveal that there is not even an iota of truth in the allegations. When there is no

Contd...P/6.

denial that administration is bound to take all aspects into consideration while transferring an officer but at the same time a transfer order should not be founded on malafide and colourable exercise of power describing the same to be in the exigencies of service or in the public interest.

5. That with regard to the statements made in paragraph 4 of the W.S., while denying the contentions made therein, the applicant states that the Deputy Commissioner, Karimganj is not a necessary party to the present proceeding, the respondents have stated that they were not aware as to what transpired between the applicant and the Deputy Commissioner and that the answering respondents are not aware of the same but on the other hand through out the W.S. they have made statements pertaining to the same. Thus it is really surprising as to how such statements could have been made in the W.S. verifying the same to be based on personal knowledge, belief and information. It is on this count the applicant has prayed for personal appearance of the Commissioner and Secretary and production of records so that the basis on which the statements have been made in the W.S. can be found out. In this paragraph the respondents have again raised stigma against the applicant by stating that the applicant has not discharged his duties to the full satisfaction of all concerned and due to his unbecoming behaviour ~~and~~ insubordination and misconduct and frequent unauthorised absence

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- 7 -

the administration in its wisdom deemed it fit to transfer the applicant from his present post. Thus there is contradictory statements in the W.S. inasmuch as some time, the respondents have maintained that the applicant has been transferred because of his unbecoming behaviour in the meeting held on 23.5.95 and ~~altogether~~ altogether a different ground has been stated in this paragraph. Thus it is absolutely necessary to see the records to find out the truth behind the order of ~~the~~ transfer of the applicant. It is categorically denied that there is any unbecoming behaviour, insubordination, misconduct or ~~xx~~regular unauthorised absence on the part of the applicant and the respondents are put to the strictest proof thereof to establish the same either by documentary evidence or by oral evidence. The applicant has noted with a heavy heart that through out the written statement, the respondents have hurled abuse against the applicant and have given their finding that the applicant is guilty ~~by~~ of unbecoming behaviour, insubordination, misconduct and ~~xxxxxx~~ irregular, unauthorised absence without any enquiry or show cause notice. Thus the respondents have proceeded in the matter with bias and pre-determined mind. The transfer order being founded on such an attitude of the respondents, it is apparent that the same is not bonafide but founded on malafide on the part of the respondents. The applicant is not aware of any charge-sheet issued against him as stated by the respondents. The applicant apprehends even if any such charge-sheet has been issued, same has

Contd...P/8.

been done with malafide intention.

The applicant from time to time had brought to the notice of the authorities the arbitrariness of the Deputy Commissioner's action and that the same is not based on facts. This was also brought to the notice of the Deputy Commissioner. It may not be out of place to mention here that the Deputy Commissioner, Karimganj was annoyed for the insistence of the applicant to implement the restriction/rules uniformly without any discrimination in connection with loading of bamboo in trucks. The applicant begs to ~~state that~~ annex the relevant documents in support of his above contention and the same are marked as ANNEXURES-7, 8, 9, 10, 11, 12.

6. That with regard to the statements made in paragraph 5 of the W.S., the applicant ~~denies~~ denies the allegations made therein and the respondents are put to the strictest proof thereof. In this connection, the applicant reiterates and reaffirms the statements made hereinabove. The alleged complaints are imaginations of the Deputy Commissioner, Karimganj and he has done the same deliberately to settle his personal vendetta against the applicant. It may not be out of place to mention here that presently two Civil Rules (Writ petitions) are pending before the Hon'ble Gauhati High Court seeking the Mandamus by the parties concerned for the release of the timbers illegally seized ~~on behalf~~ at the behest of the Deputy Commissioner, Karimganj.



It is denied that the Deputy Commissioner, Karimganj never requested the Commissioner & Secretary, Forests to transfer the applicant.

7. That with regard to the statements made in paragraph 6 of the W.S., the applicant begs to state that the transfer of the applicant is not in the public interest but the same is vitiated with malafide. No complaints were received by the senior officers during their visit to Karimganj against the applicant. It is once again prayed that the Hon'ble Tribunal may be pleased to call for the communications made by the Deputy Commissioner with the Commissioner and Secretary which will speak for themselves regarding biasness as well as vindictive attitude towards the applicant. The Deputy Commissioner never sent any communication to the Conservator of Forests, Silchar, a district adjacent to Karimganj. Any point of misunderstanding and discord etc. could have been sorted out by referring to the Conservator of Forests, Chief Conservator of Forests, Principal Chief Conservator of Forests who are well conversant with the technical knowledge on forest matters. It may not be out of place to ~~mention~~ quote from Chapter I of the Assam Forest Manual which deals with the duties and responsibilities of Forest Officers :

"Responsibilities of the Conservator of Forests will remain unimpaired. He should be kept regularly informed of all orders issued on forest matters

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within his circle by Deputy Commissioners and the Government. He should be made acquainted with all correspondences which passes between the Deputy Commissioner and Forest Officers and as a rule he will be consulted on all forest matters which come before the Government."

But in the instant case the Conservator of Forests has been kept in dark by the Deputy Commissioner and he directly made correspondences with the Commissioner and Secretary that too without any clarification from the applicant which will go to show his ill motive in the entire episode. As regards the intentions of the respondents to place the ~~an~~ applicant under suspension he is not aware ~~and~~ of the same, but can only say that had such an order been issued, same would have been violative of the rules and founded on malafide. Merely granting salary to the applicant by posting him in a non-cadre post is not a compliance of the rules.

8. That with regard to the statements made in paragraph 7 of the W.S., it is denied that the transfer of the applicant was made in the interest of the public service. As regards the contention regarding I.F.S. Association, the applicant states that the Association had resolved that the applicant would submit the chronological developments of his case as there were no records. The applicant has failed to understand as to how the respondents have presumed that the

Association will not take up the issue in its next meeting in the light of the letter dated 29.9.95.

The Deputy Commissioner, Karimganj vide his W.T. Message dated 8.8.95 instructed the C.O. Patharkar that "some party loading teak sawn timber instead of red timber. Therefore take action." Same was issued without ascertaining the fact from the forest official of the Range. On unloading of the same, no teak sawn timber was found as mentioned in the complaint and there was no permission for loading of red timber. The consignments were ~~xxxx~~ found to be genuine. Be that as it may as has been stated above, the matter is subjudice before the Hon'ble Gauhati High Court. When the respondent No. 2 has shown suspicion only, it was not prudent to declare the timber as illegal at this stage. During full verification, 5 pieces of timbers were found in excess than declared pieces of timber and the same has been stated to be seized at Chandkhira Railway Yard under instruction of the Deputy Commissioner and finally transported to the Courtyard of the Deputy Commissioner, Karimganj. This is a case of manipulation by the Deputy Commissioner, Karimganj. It was also found during full verification that timber belonging to other TPs and kept in the Railway yard and have been brought to the Deputy Commissioner's complex after mixing. Same has been done for manipulation to implicate forest officials during so called enquiry.

In any case, unless records are produced, the respondents are precluded from making such wild allegations against the applicant. The statements made by the respondents will only go to show that everything has been done with pre-determined mind without affording any opportunity to the applicant and malafide is the basis of the impugned order.

9. That with regard to the statements made in paragraph 8 of the W.S. it is stated that nothing more can be expected from the Principal Chief Conservator of Forests ; but the facts remain that he has forwarded the resolution of the IFS Association of which he is also a member.

10. That with regard to the statements made in paragraph 9 of the W.S. while denying the contention made therein, the applicant reiterates and reaffirms the statements made hereinabove. The applicant further states that the Commissioner & Secretary has not dealt with the representation of the applicant in his true perspective and has rejected the same with bias and pre-determined mind.

11. That with regard to the statements made in paragraph 10 of the W.S., the applicant craves leave of the Hon'ble Tribunal to put forward the legal propositions at the time of hearing of the instant application.

12. That with regard to the statements made in paragraph 11 of the W.S., the applicant craves leave of this Hon'ble Tribunal to refer to the relevant provisions of the rules in support of his case.

13. That with regard to the statements made in paragraphs 12, 13, and 14 of the W.S., while denying the contentions made by the respondents, the applicant reiterates and reaffirms the statements made hereinabove as well as in the original application.

14. That in view of the facts and circumstances stated above, the instant O.A. deserves to be allowed with exemplary cost against the respondents.

V E R I F I C A T I O N

I, Shri C.M. Sharma, aged about 39 years, son of Shri Raghubir Singh, the applicant in the O.A. No. 216 of 1995, do hereby solemnly affirm and verify that the statements made in the accompanying rejoinder are true to my knowledge and belief and I have not suppressed any material facts.

And I sign this verification on this the 2nd day of November 1995 at Guwahati.

Chandra Mohan.

A-2 J3  
ANNEXURE-7

- 14 -

GOVERNMENT OF ASSAM

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OFFICE OF THE DIVISIONAL FOREST OFFICER:::KARIMGANJ DIVISION:::  
K A R I M G A N J

NO.B/4135 (A) /

Dated, Karimganj, the 17.5/95.

To

The Superintendent of Police,  
Karimganj.

Sub:-

Movement of bamboo loaded truck with a height of 11 feet from the middle level of the Road.

Ref:-

My discussion with you on 12.5.95 during visit to Mizoram Border.

Sir,

I request you to recall our discussion on 12.5.95 which pointing out the resentment amongst the H.P.C, bamboo supplier due to the imposition of restriction of height of 11 feet only in case of bamboo but others items found excluded from the imposition of height of 11 feet in practice.

This is required to be pointed out to safeguard the interest of my counterpart i.e. Divisional Forest Officer, Shri Kawartha who has taken up the issue as per his letter Nos.B-14017/2/93-FDKT dt.16.2.95(copy enclosed)

Therefore, you are requested during discussion to impose the restriction of 11 feet height not only in case of bamboo but other items also so that there is an imposition of law/Restriction uniformly for other item also, which will remove over the resentment among the H.P.C, ~~supplier~~ bamboo supplier and at the I shall be relieved from the pressure from various corner.

Yours faithfully,

(Chandra Mohan)  
(CHANDRA MOHAN) IFS  
Divisional Forest Officer,  
Karimganj Division, Karimganj.

SSinha/

=000000=

Attested.

Advocate.

(S. Sharma)

16.3.95:- Visited Patharia Reserve Forest, along the international border. Met the post Commandant B.S.F. and requested him to guard against illegalities in the R.F. area. A strip of 137 metres along the border is the buffer zone, where entry is permitted only with B.S.F. personnel. Requested the P.C. to help patrolling in this area. Range officer Patharkandi is instructed to keep liaison with the B.S.F. personnel. The S.D.O. (P.W.D.) Road complained that due to crossing of H.P.U. workers <sup>over</sup> barbed wire fence, the life of the fence may be shortened. B.S.F. personnel requested not to allow ~~any~~ crossing of the fence even though the fence is yet to be handed over finally. D.F.O. is instructed to keep in touch with the officer concerned. Regular patrolling in this area upstream the river over which the bridge is under construction, by the staff of Patharkandi Range is essential to check illegal felling and carriage of timber to Bangladesh.

Then visited Sonatilla Forest area along the forest road. Old teak plantations are situated all along this road. Four teak trees were seen felled <sup>along</sup> fringes about 3 to 4 years past but ~~sapling~~ coppices have come up. Up the hill new plantation areas are located. Instructed to raise local species ~~on~~ the hill slopes and depressions to safeguard ecological conditions. Further wanton fire caused by carelessness of the intruders who collect bamboos from forest has severely effected the ecology. Few patches under fire were although extinguished during my visit by accompanying staff but the problem remains to be solved permanently. Firelines may be properly laid out before the fire season to contain fire, and frequent patrolling as well, to tackle the situation will be necessary in this regard.

Then visited Chandkhira Rly. Station, where huge logs of teak are pending despatch. These logs are legally collected & few were also seized. The logs belonging to one Chayan Chanda have been allowed to be lifted by the Hon'ble High Court, Guwahati and were also inspected & instructed D.F.O. accordingly. D.F.O. Karimganj, A.C.F. Karimganj & Range officer Patharkandi accompanied in my tour.

17.3.95:- Visited Singla R.F. under Cheragi Range along rangpur Borobhubirbond and Choto bhubirbond Forest Road upto Mizoram border, accompanied by D.F.O., A.C.F. and R.O. Cheragi & following observations are made:-

1) One bridge is constructed by Pu J. Rohthangliana, M.L.A. on the Septigenai Nulla which is suspected to <sup>be</sup> within Assam. District Administration be requested to organise a Joint verification of the border, which is an artificial line here.

(Contd.....2)

Attested

2) At Choto bhubir bond, depressions are found used by encroachers for cultivation or for pisciculture. One such depression was found burnt by one miscreant and the fire was extinguished by the staff accompanying. Offence is to be drawn up against the miscreants who are forest villagers only.

3) In older teak plantation along the forest road (year of creation ocularly estimated to be 72 or so, in absence of any record) most of the trees are found felled, about 3 to 4 years before. Coppice shoots have also grown to tree size. However, singling out of shoots is instructed. Few trees are cut recently also. All the stumps are already seized.

4) The B.O.P. is situated at Rangpur about 6 Km. from the border within Assam. Shifting of the B.O.P to the border is felt essential to ensure proper protection.

48.3.95. :- Accompanied by A.G.F. Karimganj, R.O. Chafagi & R.O. afforestation visited Badsahi tilla R.F. along the forest road upto Khasia Punji (Das-Dewa) & following observations made:-

1) Records of plantation area, year of creation etc. are not known to the staff of all the old teak plantations along the forest Road. However, these trees have attained exploitable sizes by now. Trees along the ridge <sup>and</sup> depression are of better quality than those standing on the exposed slopes. There are several stumps seen, which are felled 3 to 4 years before, and were seized. There is no perceivable openings due to removal of these trees, owing to initial spacing being closed ones, and due to growth of coppices in some of them. The coppice growths of old trees are crooked and malformed. In areas adjacent to bamboo breaks, bamboo has also found extended under teak.

2) Teak plantations on the exposed slopes have reflected very badly on the ecological conditions. Coupled with this wanton fire of the forest floor has aggravated the deterioration further. Controll of fire should be attempted during the fire season. No natural regeneration of teak was noticed in all types of areas.

3) The Badsahi tilla R.F. is separated from Singla R.F., by a patch of revenue land of about 2 Kms. breadth, which is known as Ilam land. The boundary between Ilam land & Badsahitilla is not marked on the ground because of which a portion of R.F. is suspected to have encroached into the boundary is an artificial one, and should be consolidated before it is too late.

4) These evergreen depressions existing here and there are highly essential to be maintained intact on ecological considerations. Some of these depressions are under "Pan" cultivation. Even though the big sized trees are retained in the operation



tion of Pan cultivation, other undergrowths and advance growths are cleared and thereby bringing in unhealthy openings in these depressions unpermitted "Pan Jhumming" therefor should be stopped.

5) Badsahitilla R.F. is under three ranges viz Cheragi, Lowairpoa and Duhalia Ranges. The boundaries between these ranges are also not demarcated nor any natural line is adopted for delineation of Ranges. Hence proper delineation of Range boundaries is highly essential to fix up responsibility if needed. While crossing the range boundary as in the opinion of the Range officer, we come across an opening in LV 3 coupe of H.P.C., made by felling all the bamboo growth and laying them on the floor over an area of about 5 hastres. This was subsequently ascertained to be the handiwork of Taungya cultivators living in Shulla dewa for raising plantation, under Lowairpoa Range. Such steep areas should not be taken for opening on one side, and the bamboo thus destroyed should not be encouraged on the other hand. Plantation of local species should only be encouraged, as teak on such areas may aggravate deterioration of site quality.

6) Along the forest road, an area of 50 hectares of teak plantation was inspected, which was raised in 87-88 by Cheragi afforestation Range. Only teak is introduced herein, growth of teak is good, but congestion is noticed due to non thinning in past. Thinning may be adopted to encourage diameter growth of all such plantations of 8 to 10 years age.

7) Towards Das ewa, Shulla Dewa, Saidewa & athardewa under Lowairpoa Range many nullas in depressions are bounded by outsiders to rear fish. Even though such fisheries don't destroy forest there are chances of future occupation by these illegal occupants, and there are also chances of concealment of illegally collected logs in such ponds. There are two alternatives viz to dismantle all these earthen bunds, or to regularise by bringing in records. Perhaps the 1st alternative will be a very difficult task as to enforce by great amount of co-ercion with the people. By forming co-operatives with the forest villagers it may be possible to involve the people in protection of the forest. This aspect may be studied and proposal be made.

(a) There is one forest Beat at Patiala under Lowairpoa Range ~~Khasia Punji~~ about 3 Kms from Khasia Punji. The few staff posted there is felt inadequate to guard the difficult terrain and open boundaries of forests. It is felt that one Beat/Camp with staff should be constructed at Das dewa, near the Khasia punji. There are several depressions in this lower part of Badsahitilla R.F. which contain valuable trees of Sam, Sundi, Kurta, Ping and Jam etc. Many Sam logs are found lying in different stocks. These were felled 2 to 3 years back & were

seized before removal as was let to know. The outturn is although sold out now, the damage caused in the forest remained to be compensated. The local villagers viz Khatia and Tripuria have complained that some people of outside forest areas from Kotamoni village are even trying to occupy the lands under occupation of these poor tribals. They have already prayed to the district authority for protection. The S.F. may be requested to give frequent vigil in these areas. From our side, the forest staff should be alerted to give constant vigilance in these areas. Demarcation of State enter boundary by fixing massive pillars is felt necessary.

19.3.95. :- Accompanied by A.C.F. Karimganj, R.O. Lowairpoa visited Longai R.F. under Mongai Beat, along the forest road through Magura Punji upto near the Tripura border, and following observations made.

1) There is an old plantation of Gurjan near the Magura F.V. where almost all the trees are found with base cuts. Some superficially and few with deeper cuts inside. The Beat officer stated that a few months back the forest villagers tried to fell the trees for occupation of the land. One small hutment has already been constructed on the forest side of the plantation. He therefore convened a meeting of the villagers and formed a protection committee to give protection of the forest and to stop such practices. In his opinion there is no further damage caused. However this has to be watched and frequent visits be made. The most of the trees which were damaged at bases will thrive by healing. Badly cut trees also are found still living. If any wilt takes place, it should be reported immediately.

2) While proceeding along the road, 3 trees are found and felled recently viz X112/93-94 (Teak), X163/94-95 (Hotia) & another Gamari Tree which is yet to be seized. The outturn of teak is removed. One portion of outturn of Hotia is also removed and converted to sawn timber which is lying in forest of Magura Primary School. This school is constructed by D.R.D.A. The D.R.D.A. authority be requested not to make payment to the contractor until cleared from D.F.O. and the timbers lying should be seized & offence report drawn. A good length of the tree is still lying in the stump site. This should be salvaged. The Gamari tree is to be seized & salvaged.

3) The teak plantation of 1922-23 (as reported by the B.O.) situated along the forest road has witnessed a severe felling in 3 to 4 years past. All the stumps are seized. There are many logs of the top portions which are lying scattered over the entire area. Some of these may even fetch good revenue. It is said that due to difficulty in extraction these logs will not fetch profitable prices. The logs are light and small and perhaps would not cost more than Rs. 200/- per Cm. in carriage upto Beat

campus. This aspect may be seen and action be initiated on proper analysis and at an early date.

An area of about 3 Ha. was found completely bereft of teak trees any more which is now covered up by bamboo & other miscellaneous species. In rest of the areas the <sup>telling</sup> following have not caused much openings of concern.

4) This part of the forests comprise of the H.P.C. Camp of LV4. Yet some spots are found clearfelled for Taungya Cultivation. Efforts should be made <sup>to</sup> utilise such bamboos for H.P.C. Further the H.P.C. contractors are cutting bamboos in accessible areas, whereas in difficult areas bamboos are not yet operated. It is said that the operation may be resumed in rains for easy transportation by raft. This may be verified frequently.

5) Frequent and rampant fire as already noticed in Bad-sahitilla is also common here. This should be stopped. One small nulla was found bunded by villager for fishery. This can be viewed from the angle already instructed before.

(K.N. Devgoswami)  
Conservator of Forests,  
Southern Assam Circle,  
Silchar.

dt. 23.3.95  
for necessary action.

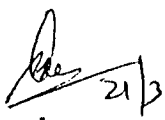
Copy submitted to the following

Ranges.

1) Range officer, Lomairpoo, Cheragi and Patharkandi

2) D.F.O. Karimganj Division;

Copy forwarded to the Principal C.C.F. Assam for  
needful.

  
Conservator of Forests,  
Southern Assam Circle,  
Silchar.

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D. N. DEVPURE-9  
TOUR OF SRI K.N. DEVGOSWAMI, IFS CONSERVATOR OF FORESTS, ASA CIRCLE

Accompanied by D.F.O. and A.C.F. visited Chandkhira Rly. Stn. yard and checked few samples of logs lying there. Instructed the A.C.F. to check and report.

Thence to Patherkandi Range and thence to Lakhipur Beat. The Beat Officer was reported to the on field duty. The A.F.P.F. personnels were found at the camp. Instructed them to be vigilant along the boundary of R.F. where encroachment is taking place.

14.6.95

Visited Forest At Barabaricherra area, belonged to a private person requesting for issue of C.O. It is contiguous to another patta land of Barabazari Kitter which was visited on 1.6.95 to verify for issuance of C.O. The instruction issued to mark the reserve boundary first and then to enumerate the trees are yet to be followed. Some action is required in this case also.

There is a staff quarter at Barabazaricherra of Dubalia Range. The quarter is abandoned but can be restored with a minor expenditure. This should immediately be repaired & staff be posted there to give effective patrolling.

As shown by local people, the hutments are constructed along the periphery of the R.F. some chains breadth along the periphery there is no vegetation with the bare. Few matured sam trees are seen standing. Raising strip plantation of fast growing species along the border of the R.F. posting staff at vulnerable places along boundary, and installing boundary pillars at missing may perhaps be useful in protecting the border. Joint Forest management of this strip along R.F. with the adjoining villagers may also be attempted for more effective protection. D.F.O. should take up schemes suitably in the light of the suggestion given above and intimate action initiated.

Visited Balipipla Beat and instructed Beat Officer to give constant checking in the forest and Assam-Nisoream Boundary. Thence visited Ketnipur, a private patta land. The patta holder requested to release balance 27 Nos. of log operated earlier. But no such log was found there. Further some

Irregularities were noticed in marking A.C.F. Karimganj instructed to verify and report. Question of issue of C.O. of the remaining part of the patta will come up after the report of verification.

15.6.95

To Dubalia Range instructed the R.O. to be vigilant against fraudulent use of transit passes. In all my visits made to the range hitherto, the R.O. is found in sleeping suits at his residence only. This is not expected of the Range Officer. He is instructed to give surprise check in forest areas regularly hereafter.

Then visited R.K. Nagar Beat. There is a huge USF areas at R. Khalbasti 100 hectares of plantation were raised here under compensatory plantation scheme. But due to lack of upkeep the plantation is extremely damaged. However, consolidation of the entire USF area and proposal for constituting into R.F. are immediately necessary. D.F.O. may initiate action.

cc/- K.N. DEVGOSWAMI,  
Conservator of Forest  
Southern Assam Circle.

(C ntd. P/2)

Attested.

Advocate

Memo No. FAS.2/KND/

Dt. 1.7.95.

Copy to the Divisional Forest Officer, Karimganj Divn. for information and necessary action.

2) The Chief Conservator of Forests, (T) for needful.

Sd/- K.N. DEVGOSWAMI,  
Conservator of Forests,  
Southern Assam Circle,  
Silchar.

URGENT.

NO.8/

/Toor/

Dated, Karimganj, the \_\_\_\_\_/95.

Copy to the Range Forest Officer, Lowairpoa, Fatherkandi, and Suhelia for their information and taking necessary action in the light of the instructions given by the Conservator of Forests, Southern for their respective Ranges. Action taken in the light of the above instruction may please be intimated to the undersigned.

2) The A.C. Forests (H.O) for information and necessary action. He will please see during the course of his visit to the respective Ranges, if the instructions given by the C.F. are complied with them and guide them suitably where necessary implementation of the instruction and when required.

Divisional Forest Officer,  
Karimganj Division, Karimganj.

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Attested

Advocate

(Copy)

ANNEXURE-10

To

The Station Master,  
Pkd Railway Station,  
Patharkandi.

As directed by D C I/C. Karimganj, you are hereby asked not to despatch the Wagons (MRBC 62272, WRBC 62786 & SRBC 36772) loaded with log timber etc. until checking and verification is completed.

sd/-

G.O. Pkd

Copy to the Range Forest Officer, Pkd Range.  
He is directed to be present tomorrow at the time & verification.

sd/-

15/7/95

Circle Officer  
Patharkandi

P.T.O.

23- A - 4.1 82  
92  
copy.

To

- 1) The Railway Station Master, Patharkandi
- 2) The R.O., Pkd Range under Karimganj Dvn  
dt. 16.07.95

Ref :-

My letter No. dtd. 15.07.95.

We have made the joint verification with the Range Officer, Patharkandi Range and the party concerned have produced the T.Ps of the concerning timbers.

So, now do the needful as nothing  
untowards found toward this.

sd/- illegible  
16/7/95  
C.O. Pkd

sd/- illegible  
E.M.

16/7

Noted

sd/-

16/7/95

Rly Station Master  
Pkd station.

Attes. ed.

Advocate

GOVERNMENT OF ASSAM  
OFFICE OF THE CONSERVATOR OF FORESTS: SOUTHERN ASSAM CIRCLE  
SILCHAR.

Letter No. FQS.53/Allegn/Kxj., Dated Silchar, the 25<sup>th</sup> Aug/95

From,

The Conservator of Forests,  
Southern Assam Circle,  
Silchar.

To

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

Sub:- Detention of timber at Chandkhira Rly.  
Station for verification.

Ref:- As per verbal intimation of C.C.F(T)  
on 9.8.95 over phone.

Sir,

I have the honour to inform you that on receipt of telephonic message from C.C.F(T) as referred to above, alongwith the D.F.O., Karimganj Division proceeded to Chandkhira Rly. Station on 10.8.95 to make a spot enquiry on the matter. Incidentally the D.C., Karimganj, Circle Officer, Patharkandi, O.O. Patharkandi and other Officials were also present at spot.

That on 8.8.95 the O.C., Patharkandi seized (under the instruction of Magistrate) 4(four) wagons containing loaded teak poles and logs originated from Mizoram at the Chandkhira Bagan Rly. Station for verification. On 9.8.95 Magistrate i.e. Circle Officer, Patharkandi has requested H.O., Patharkandi to submit the relevant records and accordingly the H.O. has submitted the report on the afternoon the same day and assisted him on the verification works. It has been observed that the full co-operation was extended to the Magistrate timely.

On 10.8.95 as mentioned above I have noticed the four seized (by Police) wagons were unsealed condition and the same had been opened before me, D.C. Karimganj and other Officials by the Station Master for a glimpse. We noticed that most of contents are of pole size. As the contents of wagons had been seized by Magistrate & police, so I could not take action of verification at my level. Further I was informed that the joint verification would be done by the Circle Officer, Patharkandi and the Forest staff deput by the D.F.O., Karimganj Division.

( contd....2 )

Conservat of Forests  
Southern Assam Circle  
Silchar  
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Again, on my next visit on 22.8.95 and 23.8.95 at the Chandkhira Bagan Rly. Station yard, I found the contents (reportedly 498 pcs) of wagon No. RC NE 22950 were unloaded and kept in the Rly. yard and others i.e. contents of remaining 3 wagons i.e. Wagon No. MBBC 47501, NFBC 20478 & NFBC 23511 had been taken away by the D.C., Karimganj and the entire contents have been stocked in the Office campus of the D.C., Karimganj.

On my verification of records I have found that the D.F.O., Karimganj Division had signed the railway booking order (for 1258 pieces) of teak poles/timbers as per procedure. It is to be mentioned here that while submitting the report to the Circle Officer, Patharkandi on 9.8.95, the R.O., Patharkandi perhaps in a hurry, omitted to include one T.P. (vide No. 79/118269 dt. 4.8.95 covering 51 pcs. of poles & logs) including <sup>also D.F.O.</sup> actually ordered for booking.

On the other hand, on 23.8.95 I have been informed that the D.C., Karimganj has issued order for arrest of Sri P. Kalita, R.O., Patharkandi and 3 other subordinates in connection. I would, therefore, like to request you kindly to take up the matter with the Govt. to initiate the appropriate steps only after the proper verifications of seized timbers. Otherwise, the action will be in haste and will create a disarrayed situation amongst the staff of Patharkandi Range. Perhaps we can initiate departmental action, in case of any proof of involvement of these staff.

Meanwhile, I have instructed my A.C.F. (HQ) and F.R. attached to D.F.O., Karimganj Division to assist the D.C., Karimganj in verification of timbers as per request of the D.C., Karimganj to D.F.O.

Yours faithfully

(K.N. DEVGOSWAMI)

Conservator of Forests,  
Southern Assam Circle,  
Silchar.

Copy to:-

1) D.F.O., Karimganj Division for information & necessary action. He should extend all possible help to the D.C., Karimganj to apprise the undersigned & C.C.F.(T) of the development.

2) The Chief Conservator of Forests (T), Assam, Guwahati - 8 for needful.

3) The Commissioner & Secretary to the Govt., Assam Forest Department, Dispur for needful.

4) The Deputy Commissioner, Karimganj

5) A.C.F. Attached to this office.

Conservator of Forests,  
Southern Assam Circle,  
Silchar.

Attes.e

ANNEXURE 12

GOVERNMENT OF ASSAM

OFFICE OF THE DIVISIONAL FOREST OFFICER:::KARIMGANJ DIVISION:::  
:::KARIMGANJ:::

NO. N/ 2191-93  
To

Dated, Karimganj, the 12-9-95.

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

Sub:- Visit of N.G.O., team in Karimganj.

Sir,

I have the honour to bring to your kind notice that, as per information received from the field staff of Patherkandi and Lowairpoa Range, a team consisting of few members of N.G.O., from Guwahati accompanied by the Deputy Commissioner, Karimganj visited a few places of this Forest Division, particularly, Chandkhira Railway Station Yard under Patherkandi Range and NH-44 Beat under Duhalia Range on the evening of 11.9.95 and in course of their visit, photographs of timbers had been taken. The Deputy Commissioner, Karimganj in presence of the visiting team also enquired the valuation of timbers that were seized on 04.9.95, from the Beat Officer, NH-44 and in reply, they could learn that the valuation of seized timber is around Rs. 7000.00 only.

From the manner of the enquiry as reported, it seems that through their visit might be on some other issues but Forest matter was one of the items of their field visit.

Such being the state of affair, a question obviously struck in my mind as to why <sup>the</sup> undersigned was excluded from the <sup>the</sup> keeping him (undersigned) in dark. Had the undersigned been with them, they could have able to collect more authentic information on Forestry matter.

From the reported taking photographs of timber in course of their visit in concealment, makes me to sense that, the whole visit was carried out with a motive to malign the Divisional Forest Officer. If the things as stated above, is allowed to go in this way, I cannot help expressing my anguish being in charge of the Division, and at the same time I also feel it necessary to point it out here that, I shall not bear any responsibility in case the visiting team at all submit any report or publish any news in this respect.

Yours faithfully,

(Signature)  
(CHANDRA MOHAN) IFS

Divisional Forest Officer,  
Karimganj Division, Karimganj

(Contd. P/2)

Aites

Advocate

Copy to:-

- 1) The Chief Conservator of Forests, (T), Assam, Guwahati for favour of information and necessary action.
- 2) The Conservator of Forests, Southern Assam Circle, Silchar-2 for favour of information and necessary action.

(CHANDRA MOHAN) IFS  
Divisional Forest Officer,  
Karimganj Division, Karimganj.

NO. B/ 96 46 47 /

Dated, Karimganj, the 12-9/95.

Copy to:-

- 1) The Commissioner and Secretary to the Govt. of Assam Forest Department, Dispur for information.
- 2) The ~~Chief Conservator~~ <sup>Deputy Commissioner</sup>, Karimganj for information.

(CHANDRA MOHAN) IFS  
Divisional Forest Officer,  
Karimganj Division, Karimganj.

SSinha /

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Attest

Advoca