

10/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 7/95

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SECTION OFFICER (Judl.)

Bahar
1.2.18

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

ORIGINAL APPLICATION NO. 7/1995.

MISC PETITION NO. _____ (O.A. NO. _____)

REVIEW APPLICATION NO. _____ (O.A. NO. _____)

CONT. PETITION NO. _____ (O.A. NO. _____)

Surajit Dutta

APPLICANT(S)

VERSUS

Union of India & ors.

RESPONDENT(S)

Mr. A.C. Borbora . . . Mrs. A. Borbora and

Advocate for the

Mr. P.K. Barman.

Applicant.

C.G.S.C.

Advocate for the
Respondents

Office Note

Court Orders

11-1-95.

This application is filed by
Mr. P.K. Barman, Advocate with a
I.F.O. No. 332747 dated 10.1.95
for Rs. 5/- only and is in
form.

Submitted for the Bench for
perusal of orders.

11/1/95

Deputy Registrar (D)
Central Administrative Tribunal,
Guwahati Bench

11/1/95

12-1-95

Heard Mr. A.C. Borbora. Having
regard to the points raised application
is admitted. Issue notice to the res-
pondents. 8 weeks for written statement

Adjourned to 13-3-95 for orders.

Mr. A.K. Choudhury Addl. C.G.S.C. seeks

to appear for respondents No. 1 & 3.

However, Notice be issued directly to

the respondents. Mr. Choudhury is

requested to file memo of appearance

in due course. No interim relief at

this stage. Liberty to apply for

interim relief.

12/1/95

Vice-Chairman

12/1/95

Member

Notice duly served on
Resp. no. 6, 7, 8, 9 & 10
directly by in applicants
resps

1m

13/1

24/1

N

(2)

D.A.No.7/95

OFFICE NOTE

COURT ORDERS

31.1.95

Application for fixing early date of hearing is moved. The learned counsel for the applicant to serve a copy on the counsel for the respondents. Adjourned to 13.2.95 for orders.

1.2.95

Vakalatnama filed by Mr. B.K. Sharma, Advocate on behalf of Respt. No. 6.

nm

hull
Vice-Chairman

bo
Member

21.3.95

None for the applicant. Mr. A.K. Choudhury, Addl. C.G.S.C. for the respondents seeks some more time to file written statement. Six weeks granted. Adjourned to 2.5.95 for orders.

bo
Member

hull
Vice-Chairman

13.2.95

List on 14.3.95.

By order

2.5.95

For orders 3.7.95

trd

By order

trd
24/3

W/statement - ch. no. 3-7-95
b. b. b.

30/6

3.7.95

~~For orders on~~

~~1.8.95~~

bow

The advocates for the applicant are absent although.

3
O.A.7/95

3-7-95

The advocates for the applicant are absent although they got the hearing fixed early. As the applicant has not shown intent to proceed with the matter, to be listed for hearing on 1-8-95.

[Signature]
Vice-Chairman

[Signature]
Member

lm

1-8-95

None present for the applicant. None present for the respondents. Written statement not yet file. Adjourned to 18-9-95.

[Signature]
Vice-Chairman

[Signature]
Member

lm

[Signature]
3/8/95

18.9.95

App on 30.11.95

[Signature]

17.1.96 to be listed for hearing on 29.2.96.

W/ statement has not been filed

[Signature]
By order
Ben

29/11

30.11.95

29.2.96 for hearing on 24.4.96

Adjourned to 17.1.96

[Signature]
By order
Ben

[Signature]

W/ statement has not been filed

6/11

25.4.96

Mr A.K.Choudhury learned Addl. C.G.S.C is present for respondents No.2 and 3. Written statement have not been submitted. Prayer of Mr A.K. Choudhury for submission of written statement allowed. &

List on 6.6.96 for counter and further orders.

Member

pg

6-6-96

None for the applicant. Mr.A.K. Choudhury, Addl.C.G.S.C. for the respondents is present. Written statement has not been submitted. It has been submitted by Mr.Choudhury that steps have not been taken to serve copies on the respondents No. 1 & 2. The applicant is given an opportunity to submit the requisites within 30-6-96. Inform him.

List & for order on steps taken on 4-7-96.

Member(A)

Member(J)

lm

4-7-96

None for the applicant. Copy for service have not been received. The applicant may be reminded to submit copy for service on respondent Nos.1,2 & 3. Inform the applicant.

List for further order on 24-7-96.

Member

lm

Memo at Appearance
has not been filed by the Govt Adv.
to sum.

Notice duly served
on op. Nos. 1 & 2.

W/Statement, has not
been filed.

16

7-6-96

Copy of order

dttd: 6.6.96

issued to the

applicant Counsel

on 7-6-96.

Bar

Statement, has not
been filed.

5.7.96

Copy of order
dttd: 4.7.96 issued
to the applicant
and Counsel of Applicant
by Local Messenger.
Bar

24.7.96

Mr. A.K. Choudhury, Addl. C.G.S.C. for the respondents submits that he cannot file the written statement in the absence of steps being taken by the applicant. The applicant is allowed final opportunity to take steps within 21.8.96.
Inform him.

List for order on 21.8.1996.

62
Member

trd

21-8-96

None for the applicant. No copy of the application for service on respondent No.1, 2 & 3 have been furnished by the applicant. Learned Addl.C.G.S.C. Mr.A.K.Choudhury also ~~states~~ states that they have not been served separately. Mrs. M.Das Government Advocate Assam, prays for time to submit written statement on behalf of respondent No.4 & 5. None for private respondents and no written statement has been submitted by them.

List for written statement and further order on 18-9-96.

62
Member

Mr A.K.Choudhury, Addl.C.G.S.C for respondents No.1, 2 and 3.

Uptill now the applicant have ^{not} furnished requisites for service on respondents 1, 2 & 3. Therefore the application is liable to be dismissed for default. However, the applicant is given another opportunity to furnish requisites to serve on respondents 1, 2 & 3. Service reports on respondents No.4 to 10 are ready. However, no written statement have been submitted by them.

List for written statement and further orders on 2.12.96.

Copy of the order may be furnished to the counsel of the applicant for compliance.

62
Member

Urgent. Take step

24/7

31.7.96

Copy of order dtd 24.7.96 issued to the counsel of applicant

BW

*1) Service Reports are Ready on 24/7
~~not~~ Respts. no. 4-10.*

*2) w/statement is not submitted
B.W.*

lm

21/8

17.10.96

f.l. comply

17/10

w/statement is not submitted B.W.

29/10

pg

17/10

2.12.96

Learned counsel Dr. Y.K. Phul

for respondent Nos.4 and 5. Leave note
Mr A.K. Choudhuri, Addl. C.G.S.C. for respondent
Nos.1, 2 and 3. None for the applicant and
for other respondents.

Requisites have not been submitted
by the applicant inspite of several reminders.
It is seen that order dated 24.7.1996 was
received by Mr A.C. Borbora, counsel for
the applicant, on 7.8.96. Thereafter 2 more
opportunities have been given. But there has been
no response from the applicant to file requisites.
In the circumstances the respondents cannot
submit written statement.

Adjourned for necessary orders before
the next available Division Bench.

Member

List on 21.3.1997 for hearing.

Vice-Chairman

Mr A.C. Borbora, learned counsel appearing on behalf of the applicant submitted that the applicant does not want to press the application. Heard Mr A.K. Choudhuri, Addl. C.G.S.C. for the respondents.

Accordingly the application is dismissed as not pressed.

Member

Vice-Chairman

pg

27/3

31.3.97

Copy of order has been sent to the Commission for issuing the same to the respective parties along with the L/Advocate of the parties.

Issued with
for 990 to 1002
2.4.87
6 etc

21-2-97

- 1) Service report are ready on R. 9 to 10.
- 2) NO written statement has been filed.
- 3) Memo of appearance has been filed.

W
21/2

20-3-97

- 1/ Requisites have not yet filed by the applicant on Respond. No-1, 2, and 3.
- 2/ Notice duly served on R. No-4 to 10. directly by the applicants.
- 3/ W/S has not been submitted.

24.2.97

Member

21.3.97

24
2013

Application fee of Rs. 50/-

Paid vide Bank Draft.....

Postal Order No. 882747

Dated 10-1-95

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH.

Central Administrative Tribunal

केन्द्रीय प्रशासनिक अपीलरण

11 JAN 1995

29

Guwahati Bench

गुवाहाटी न्यायापीठ

O.A. No. 7 /1995

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CAUSE TITLE

Name of the Parties: Surajit Dutta

..... Applicant.

Vs.

Union of India

and Ors.

..... Respondents.

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P.K. Barman.
Signature of Applicant's
Counsel.

For use in the
Tribunal Office:

Date of Filing :

Registration No:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Filed through
P.K. Barman
Advocate

Surajit Dutta

.... Applicant.

Vs.

Union of India & Ors.

.... Respondents.

Details of application :

1. Particulars of Applicant :

I. Name of the applicant : Surajit Dutta,
and name of the appli- S/o Late Krishna Kanta
cant's father and age Dutta,
of the applicant. 44 years.

II. Designation and parti- : Deputy Conservator of
culars of office. Forests under the State
Forest Service (Class-I)
of Assam.

III. Address for service : Surajit Dutta,
of notice. Deputy Conservator of
Forests,
Office of the Principal Chief
Conservator of Forest
Rihabari, Guwahati.

2. Particulars of Respondents: 1. Union of India,
represented by the
Secretary to the
Govt. of India, Ministry
of Environment, Forests,
Wildlife, etc.,
New Delhi-110 001.
2. The Secretary to the
Government of India,
Ministry of Personnel,
Grievances, etc.,
New Delhi-110 001.
3. The Union Public Service
Commission, represented
by its Chairman, Shah
Jahan Road,
New Delhi-110 001.
4. The State of Assam,
represented by the
Commissioner and
Secretary to the Govt.
of Assam, Department of
Forest, Dispur,
Guwahati-781 006.
5. The Principal Chief
Conservator of Forests,
Govt. of Assam, Rehabari,
Guwahati-781008.
6. Sri J.C. Dey,
D.F.O., Dhubri Social
Forestry Division,
Gauripur, Dist. Dhubri,
Assam.

7. Sri Binod Biharee Nobis,
Deputy Conservator of Forests,
D.F.O. S.F.Division,
Sibsagar.
8. Sri S.N.Buragohain,
D.F.O.,Doomdooma Division,
Doomdooma,
Dist.Tinsukia,Assam.
9. Sri C.K.Das,
Deputy Conservator of Forests,
C/o Principal Chief Conservator
of Forests,Assam, Rehabari,
Guwahati-781 008.
10. Sri Nagen Das,
D.F.O.,
K.F.Division,
Panbazar,Guwahati-781 001.

3. Particulars of the: i) The application is directed against the proceedings and minutes of the meeting of the Selection Committee held at Shillong on 7.3.1994 selecting the private respondents herein for promotion to the Indian Forest Service by excluding the name of the applicant.
- ii) The approval given by the Union Public Service Commission to the selection of the private respondents vide UPSC's letter No.F.10/2/93-AIS dated 23-11-94 and letter dated 28-11-94 bearing No.1703/2/94-IFS-II issued by the Under Secy. to the Govt.of India,Ministry of Environment and Forests and addressed to the Secy,Forest Deptt.,Govt. of Assam.

4. Jurisdiction of : The applicant declares that
the applicant the subject matter against which
Tribunal. he wants redressal is within the
jurisdiction of this Tribunal.

5. Limitation : The application is within the
time as prescribed in Section 21
of the Central Administrative
Tribunal Act, 1985.

6. Facts of the Case:

6.1. That the applicant is an Indian citizen having
his permanent residence in Assam and at present he is
serving as a Deputy Conservator of Forests under the
Forest Department of the Govt. of Assam.

6.2. That the applicant was appointed to the Assam
Forest Service (Class I) on 3.3.1974 and since then he
has been serving the Department with utmost sincerity,
honesty and diligence and to the best of his abilities.
During his service career he has never been communicated
with any adverse remark nor his credibility as a Class-I
officer was ever put into question.

6.3. That on consideration of merit the applicant
was promoted to the rank of Deputy Conservator of Forests
on 21.7.1990 and he has been holding the said post ever since
till date.

6.4. That in the year 1989 a draft Gradation List of the State Forest Service Officers (Class-I) was published by the Forest Department of the Government of Assam by its Notification dated 16-11-89 and the same being correct so far as the applicant was concerned, no objection was raised by him as against the said gradation list wherein his name was placed at serial No.13. In the said gradation list the private respondents herein namely, respondent Nos.6,7 and 8 were placed below to that of the applicant's in the said gradation list - Pertinently the name of the respondent No.6 J.C.Dey was at serial No. 115 .

6.5. That by Notification dated 20-1-94 the Govt. of Assam had published the final gradation list of the Class-I officers of the State Forest Service. The name of the applicant in the said list has been placed at Serial No.9 while that of the respondent No.6 was placed at Serial No.23. The name of the Respondent No.7 was placed at Serial No.15 and that of Respondent No.8 was placed at Serial No.10. Thus, ^{all} these three respondents namely, Respondents No.6,7 and 8 were admittedly junior to the applicant as per the latest gradation list. It may be relevant to point out that in the aforesaid gradation list the respective dates of birth as well as the date of entry into Class I Forest Service are shown in column Nos.3 and 5 respectively.

A photocopy of the relevant portion of the aforesaid final gradation list is enclosed herewith a s

ANNEXURE-1.

6.6. That the appointment by promotion of the members of the State Forest Service to the Indian Forest Service and the procedure to be followed for such promotion are governed by the Indian Forest Service (Appointment by Promotion) Regulation, 1966, hereinafter referred to as the '1966 Regulations'.

6.7. That Regulation 5 of the 1966 Regulations prescribes the procedure for preparation of the select list of suitable officers. Sub-Regulation 2 of Regulation 5 provides that the Selection Committee shall consider the cases of the members of the State Forest Service in order of seniority and that the total number of officers to be considered should be three times the number of vacancies intended to be filled.

Sub-Regulation 3 of Regulation 5 provides that the committee shall not consider the case of any member of the State Forest Service who has attained the age of 54 years on the first day of January of the year in which the Selection Committee meets. This provision is, however, conditioned by the provisos to the said Sub-Regulation.

6.8. ~~Regm~~ That Regulation 6 provides the manner in which the State Government on receipt of the select list should forward the same to the UPSC. Under Regulation 6 while forwarding the select list for approval it is incumbent on the State Government to furnish alongwith the list, the records of all selected members, as well as

the records of members to be superseded and the observation of the State Government on the recommendation of the Selection Committee.

Sub.Regulation 7 lays down the detailed procedure by following which the Commission is to render ~~for~~ its approval to the Select List for its onward transmission to the concerned Government.

6.9. That the officers serving in the State Forest Service in Assam belong to the joint cadre of Assam and Meghalaya. In spite of the fact that these two states are amongst the major states having forest surfaces and forestry being one of the major natural resources, the cadre strength has been kept circumvently low in this region. Moreover, although under the regulation specific cadre revision has been made mandatory, unfortunately no cadre revision was done for the joint cadre of Assam & Meghalaya by the Indian Forest Service with respect to and during 1969, 1972, 1975, 1981 and 1984. Further the select list was also^{not} reviewed and revised as required under the 1966 Regulation, ~~and~~ quite frequently in the recent past. Thus the select list under the said Regulation was not revised from 1969 to 1975, 1977, 1979 to 1989, 1983 to 1985 and 1987 till 1991 and the same clearly reveals that in spite of fulfilling

the eligibility condition, officers like the applicant has been deprived of their promotional avenues prescribed under the law.

6.10. That the applicant ever since his promotion to the rank of Deputy Conservator of Forests in the year 1990 has been officiating in the cadre post and has by now completed more than 10 years of continuous service in substantive capacities in the ^{Class-I} State Forest Service. He had also undergone two years of trainings in Indian Forest College, Dehradun and has, therefore, become eligible for promotion to the Indian Forest Service as back as in 1980. In fact batch mates of the applicant in other states have already been promoted to the Indian ~~Forest~~ Forest Service several years ago.

6.11. That since 1979 a large number of direct recruits was granted the senior scale and, as a result, in normal course the applicant would be placed below ~~of~~ such direct recruits and the year of allotment will also be below of such recruits. Even some of the State direct recruits had served under the ^{applicant} ~~provision~~ during their probationary period but, by now have become senior to the applicant. It may not be out of place to mention here that some of the direct recruits ^{were} ~~be~~ granted the senior scale

only upon the completion of four years of service although under the norms fixed by the Government of India they were required to complete a minimum of five years of service.

6.12. That the Selection Committee constituted under Regulation 3 in its meeting held at Shillong on 13.3.91 prepared a list of officers of the State Forest Service for promotion in Assam as part of Assam-Meghalaya joint cadre of Indian Forest Service. In the said selection while the Respondent No.7 herein was selected inspite of being far junior to the applicant and inspite of serious allegations and pendency of criminal cases against him and Sri C.K.Das and Sri Nagen Das were selected in spite of pendency of disciplinary proceeding conducted by the Government against them pertaining to serious charges, this applicant along with few others State Forest Service officers approached this Hon'ble Tribunal in O.A.No.6/92. Challenging the same selection one Sri Tapas Kr.Das also filed O.A. No.10/92. However, since no appointment was ultimately made pursuant to the said select list, the said applications were ultimately disposed of by this Hon'ble Tribunal as infructuous. However opportunity was given to all the applicants including the present applicant to raise his contentions

urged in.....10/

urged in the said application to challenge the legality, validity and correctness of the selection made in 1994.

Your applicant craves leave to produce the orders passed by this Hon'ble Tribunal disposing of the aforesaid applications at the time of hearing.

6.13. That during the pendency of the aforesaid two cases, wherein interim stay orders were also passed, the Respondent authorities prepared yet another Select List on the basis of recommendations of the Selection Committee which met on 30.3.93 and in the said list the name of Sri Binod Biharée Nobis was deleted. Sri Nobis, being aggrieved by the said Select List challenged the same by way of O.A.No.106 of 1993, which is also pending disposal. Subsequently, however, the stay orders in all the aforesaid three cases were vacated by this Hon'ble Tribunal, but instead of affecting promotions from earlier lists, the Respondent authorities again constituted a Selection Committee, which met on 30.3.94 and prepared yet another Select List, which the applicant believes, has been sent to New Delhi for approval.

6.14. That the applicant has come to know that the Selection Committee constituted under Regulation 3 held its latest meeting at Shillong on

7.3.1994....11

7.3.1994 for preparation of a list of members of the State Forest Service of Assam for promotion to the Indian Forest Service. The ~~xxx~~ applicant has reliably learnt that in the said meeting the Selection Committee considered the State Forest Service officers with respect to five vacancies under intimation from the Government of Assam. In addition to these five vacancies the Selection Committee also ^{had} taken up for consideration of two additional vacancies arising out as a result of mutual agreement between joint cadre authorities of Assam and Meghalaya Joint cadre of the Indian Forest Service. These two vacancies arose out of transfer of two promotional quotas to the State of Meghalaya. The applicant has ^{come} ~~given~~ to know that in the aforesaid selection committee meeting held on 7.3.94 the size of the select list was determined as seven and the zone of consideration was therefore taken up as 21.

6.15. That the applicant has come to learn that in the select list of seven officers the names of Respondents No.6 to 10 have been included. This has been done inspite of the fact that the Respondent No.6 to 8 are all junior to the applicant in the Gradation List and the Respondents No.9 and 10 have been selected inspite of pendency of disciplinary proceedings against them pertaining to

serious12

serious charges in ^{the} service.

6.16. That while the applicant has no means of obtaining the proceeding of the aforesaid selection vis-a-vis the select list prepared by the Selection Committee, he, however, submits that his ~~ex~~clusion from the list is in clear violation of the basic principles of fair play, administrative fairness and also in violation of the provisions of 1966 Regulation.

6.17. That after the aforesaid selection by the Selection Committee your applicant has reliably learnt that the select list was sent for approval to the Respondent No.3-Commission, and the Commission has approved the said list. By his letter dated 28th November, 1994 issued by the Secretary to the Government of India, Ministry of Environment and Forests, intimated the Secretary to the ~~various~~ ^{Forest} departments, Govt. of Assam that the U.P.S.C. had approved the select list as prepared by the Selection Committee in its meeting held on 7.3.1994.

A copy of the aforesaid letter dated 28.11.1994 bearing No.1703/2/94-IES-II is enclosed hereto and marked as ANNEXURE-2.

6.18. That the impugned proceeding and the selection made by the Selection Committee are illegal and in violation of the procedure prescribed for preparing the select list in the joint cadre Service in the Indian Forest Service (Appointment by promotion) Regulation, 1966 for following reasons:-

(a) From the latest gradation list of State Forest Service officers, the date of birth of Sri J.C.Day has clearly been shown as 1-9-1939 and as such he has attained the age of 54 years ~~on 1st January~~ in the year 1993. He was not in the select list prepared by the Selection Committee in its meeting held on 30.3.1993. Thus, Respondent No.6, J.C.Day was not eligible even for consideration when the Selection Committee last held in its meeting on 7.4.1994 inasmuch as, he was not qualified for consideration within the meaning of Sub-Regulation 3 of Regulation 5 and, as such, the impugned proceedings as well as the approval thereof are illegal and without jurisdiction.

(b) The name of the Respondent No.7 Sri Binod Biharee Nobis has been included in the select list and then approved inspite of the fact that he is far too junior in

the Gradation List....14

the Gradation List and his name was only at serial No.15 in the Gradation List. Moreover, it is quite surprising that Sri Nobis was considered for selection inspite of a number of serious allegations and pendency of criminal cases against him. In this context the applicant begs to state that in the year 1992 even a Public Interest Litigation was filed before the Hon'ble Gauhati High Court, alleging huge irregularities committed by the concerned forest officials including the Respondent No.7 in the Barak Valley Division and in the said petition massive irregularities including large scale illegal felling of trees in the said Division to the destruction of forestry and other irregularities were pointed out. The aforesaid Public Interest Litigation viz., No.633 of 1992 was disposed of by this Hon'ble Court vide order dated 10-9-93 and directed the Government of Assam to examine the scope for initiating disciplinary action against Sri B.B.Nobis for act of misfeasance malfeasance and negligence and to take necessary action against him. The State Government was also directed to take stock of the extent and nature of damage caused by15

caused by large scale illegal felling of the trees in the district of Karimganj where Sri Nobis was the Divisional Forest Officer at the relevant time.

A copy of the aforesaid order dated 10.9.93 passed by the Gauhati High Court in Civil Rule 633 of '92 is annexed hereto and marked as ANNEXURE - 3.

That the Bureau of Investigation (Economic Offences) Assam also conducted investigation against the Respondent No.6 with regard to a criminal case viz., Patharkandi P.S. Case No.314/91 under Sections 442/379/441/427/109, I.P.C.

The applicant annexes hereto a number of correspondences between the concerned authorities in this regard dated 21.4.92, 7.7.92, 14.7.92, 15.12.93, 22.12.93, 27.12.93 and 3.8.94 and the same are marked as ANNEXURES - 4(a), 4(b), 4(c), 4(d), 4(e), 4(f) and 4(g) respectively.

- (c) That similarly at the time of the impugned selection departmental proceedings pursuant to serious charges were also pending against the Respondents No. 9 and 10 and this was very much

within the ... 16

within the knowledge of the concerned respondents including the Principal Chief Conservator of Forests, Assam, who was one of the members present in the meeting of the Selection Committee held on 7.4.1994.

- (d) The name of the Respondent No.8 has been included in the Select List for the first time inasmuch as his name was not there in the earlier Select List referred to herein before. The said Respondent Sri S.N.Buragohain is far junior to your applicant and there is no reason for his selection to the exclusion of the applicant.

6.19. That on making further enquiries about the selection the applicant has come to know that inspite of pendency of disciplinary proceedings and severe allegations including the pendency of criminal cases, the remark of "^{very good} ~~outstanding~~" has been given in the overall relative assessment of the service records of Sri Binod Biharee Nobis. The applicant begs to state that with regard to his earlier selection when Sri Nobis superseded a number of other officers of the State Forest Service senior to him, many such superseded officers represented before the authorities in writing ^{raising} ~~alleging~~ their objections.

Objections were....17

Objections were also raised against giving "outstanding" or "very good" remark in the confidential report of Sri Nobis by the concerned authorities inspite of all allegations pending against him in the department. The concerned State Respondents have not yet initiated a formal departmental proceedings against Sri Nobis under the relevant Rules even by flouting the spirit of the Hon'ble High Court's order and have rather shown undue favouritism to said Sri Nobis in the matter of assessment of his service record so as to facilitate his undue promotion. Such action of the State Respondents is absolutely unfair and amounts to administrative high-handedness ^{and undue favouritism} and the same is guided by ^{considerations} ~~the conditions~~ other than bonafide.

6.20. That the applicant humbly states that he has come to know that a remark like "outstanding" and/or "very good" was given to the respondent No.7 for consecutive years inspite of the fact that the Reviewing ~~Reviewing~~ Authority as well as Accepting authority were absolutely aware of the serious allegations against Sri Nobis which were pending consideration for disciplinary action. There has been total non-application of mind on part of the reviewing as well as accepting authorities' ~~confidential~~ report in giving such remarks to Sri Nobis and

inspite of 18

inspite of the fact that the Reviewing Officer himself was directed to conduct an enquiry to detect illegalities committed by Sri Nobis. That the applicant begs to state that a huge revenue loss was caused because of the various irregularities committed by Sri Nobis while he was Incharge of the Karimganj Forest Division. It was, in fact, incumbent on the part of the Government to ~~take~~ initiate immediate disciplinary proceedings against him and non-initiation of the proceedings till date and instead putting extraordinary good remarks in his 'Annual Confidential Reports' are actions on part of the concerned authorities which are not only irregular, unfair and arbitrary but also against the interest of administration of the Forest Department itself.

6.21. That the applicant has a good service record and he is entitled to get preference to the Indian Forest Service over the Respondents No.6 to 8 not only by virtue of seniority but also on merit. He is also entitled to get preference over the Respondents No.9 and 10 against ^{whom} ~~the~~ proceedings ^{are Pending} ~~of the State Respondents.~~ That the applicant begs to state that he has every reason to believe that the State Government has deliberately withheld the material record and material particulars with respect to

Respondents No.7,9 and 10 before the Selection Committee out of favouritism towards the said respondents and ^{malice} against the applicant. It is categorically stated that had all relevant material particulars and records regarding the said respondents were duly placed before the Selection Committee, the said respondents would not have been selected.

6.22. That the applicant begs to state that the very selection of the private respondents herein are also against the interest of manning the Indian Forest Service by promoting officers from the State Forest Service with clean and straight records and the same ^{having} ~~have~~ not been done in the instant case, the impugned proceedings of the Selection Committee is vitiated.

6.23. That in the interest of justice and proper adjudication of the instant case the relevant file No.CCR.11/Illegalities/87 containing the details about various enquiries, proceedings, criminal cases, etc. against the Respondent No.7 may be called for and the same will reveal as to how inspite of unwaivable, misdemeanour and irregularities, the Respondent No.7 has been favoured by the concerned authorities of the Forest Department so as to facilitate his promotion to the Indian Forest Service.

contd... 20

6.24. That the applicant begs to state that even while forwarding the impugned select list to the U.P.S.C. the State Govt. did not forward the relevant records of the private respondents herein and also the records of the superseded members including those of the applicant. The State Government also failed to give its observation with regard to the credentials of the private respondents to the U.P.S.C. and, as such, the select list finally approved by the U.P.S.C. is illegal and unsustainable.

7. GROUND FOR APPEAL :

7.1. For that impugned proceeding of the Selection Committee and the minutes therein are vitiated inasmuch as the same are violative of the provisions of the 1966 Regulation.

7.ii. For that ~~the~~ in view of the facts stated herein before the Selection Committee ought to have selected the members of the State Forest Service in order ~~to~~ of seniority.

7.iii. For that the Selection Committee erred in law and fact ~~and~~ in considering the case of the Respondent No.6 for promotion in spite of he being disqualified within the meaning of Sub Regulation 3 of Regulation 5.

7.iv. For that there was no valid reason nor any material basis for selecting the Respondent No.8 over the head of the applicant.

7.v. For that the Selection Committee erred in law and in fact in selecting the Respondents No.7, 9 and 10 inspite of pendency of disciplinary proceedings and criminal cases against them and, inspite of the fact that even the Hon'ble Gauhati High Court had directed the State Government for taking proper action against the Respondent No.7 as stated herein before.

7.vi. For that the Respondent authorities and particularly the Respondent No.5 has acted in colourable exercise of powers and has shown favouritism in not objecting to the inclusion of the names of the private respondents herein in the Select List.

7.vii. For that there were good reasons both in facts and in law for not including the names of the private respondents herein in the select list and, as such, inclusion of their names was by way of total non-application of mind.

7.viii. For that the Selection Committee was guided by extraneous and irrelevant consideration in preparing the select list and failed to take

into consideration...22

into consideration the germane and ~~illegal~~ relevant aspects in preparation of the said select list.

7.ix. For that the Selection Committee erred in law in bringing the Respondent No.6 into zone of consideration inspite of ~~he~~ being age-barred and as such the impugned selection is liable to be struck down.

7.x. For that the State Government has not forwarded the select list to the UPSC in the manner prescribed under Regulation 6 and as such the subsequent approval given by the UPSC is illegal and unsustainable.

7.xi. For that while forwarding the list to the U.P.S.C. the State Government did not furnish the relevant records of the officers included in the select list as well as those superseded by the selected persons, such as the applicant. The ~~State~~ Government also did not send its observations on the recommendation of the committee. It is submitted that the State Government ought to have sent all necessary particulars and ought to have observed the serious allegations and irregularities committed on part of the Respondent No.7 as well as the charge-sheet and the latest facts and development ~~of the respondents~~

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regarding the disciplinary proceedings being conducted against the ~~said~~ respondent, No.9 and 10 and hence the impugned approval by the UPSC is vitiated.

7.xii. For that ~~the~~ under the provision of Regulations, the Commission is required to consider the select list alongwith other documents received from the State Government and it is incumbent upon the Commission to exercise its discretion of making modification of the select list after taking into consideration the comments from the State Government and the same having not been done in the instant case the impugned approval is illegal and unsustainable.

7.xiii. For that in the facts and circumstances of the case the State Government ought to have sent its comments and suggestion prescribing for dropping of the names of the private respondents from the select list which were absolutely necessary in public interest as well as in the interest of filling the vacancies in question with State Forest Service personnels with their antecident ^{and credentials} ~~confidential reports~~ and the same having been not done in the instant case the impugned select list vis-a-vis the subsequent approval are liable to be set aside.

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7.xiv. For that the purported relative assessment of the service records was done arbitrarily, quite in a manner which is unfair, unjust and manifestly erroneous. There was no material before the Selection Committee and there was absolutely no reason for which the grading of your applicant could have been lowered in relation to that of the private respondents herein. There was also no reasonable and material basis for ^{the impugned} selection committee in the current year in which the private respondents herein figured. The process of selection accordingly had not been done fair and just and the exclusion of the applicant is not justified at all.

7.xv. For that in view of the facts and circumstances of the case and in view of the materials on record there is no scope for any junior officer to get a higher grade than that of the applicant and therefore it is respectfully submitted that the selection in question as well as their approval have been done by considerations other than germane and bonafide.

7.xvi. For that the entire selection as well as approval of the private respondents ~~passed~~ are opposed to the very ~~object and scheme~~ of the regulation, the basic idea of which is to select person in order of seniority unless there are some good reasons. In the instant case there being no good reasons for the exclusion of the applicant, the impugned

selection as well as the approval of the select list are illegal and unsustainable.

7. xvii. For that the selection committee ~~when~~ with specially ~~when~~ the presence of the Respondent No.5, exercised its power not in the interest of the service but were guided by extraneous consideration and the selection was made without due application of mind.

7. xviii. For that the Selection Committee erred in considering the case of Respondents No.7,9 and 10 without verifying the seriousness of the allegations levelled against them which are related to due discharge of their official functions and which were absolutely relevant in the interest of the service itself to which they were sought to be promoted.

7. xix. For that in any view of the matter the impugned select list as well as its subsequent approval are absolutely illegal, arbitrary, *discriminatory* capricious and without in accordance with law and hence the same are liable to be set aside.

8. RELIEFS SOUGHT FOR :

8.(i) Under the facts and circumstances stated above the applicant most respectfully prays that the instant application be admitted, records be called for pertaining to the Select List for

promotion/ appointment to Indian Forest Service, 1994 as well as the concerned Service Records of the private respondents and the applicant and, after hearing the parties and on perusal of the record this Hon'ble Tribunal may be pleased to set aside and quash the impugned Select List prepared by the Selection Committee in its meeting held on 7.4.1994 at Shillong selecting the private respondents herein with the exclusion of the applicant *and the subsequent impugned approval of the said list.*

8(ii) The applicant further prays for a direction to the Respondents not to act upon the impugned select list as well as the subsequent confirmation thereof by the U.P.S.C.

8(iii) The applicant prays that the ~~xxxxxx~~ State Respondents may be directed not to appoint any more direct recruits in Assam into service before disposal of the instant application.

8(iv). That the records including File No.FRE.183, File No.CCR/11/Illegalities/87, File No.FER/221 and File No.BIED/204, the concerned file initiating Disciplinary Proceedings

against 27

against Sri B.B.Nobis and Sri C.K.Das and records of expenditures incurred by Sri N.Das every year during his tenure as D.F.O., Nagaon, be called for so as to enable this Hon'ble Tribunal to appreciate and settle the matter in dispute in accordance with law.

8(v). Pending disposal of the application the applicant prays for interim direction from this Hon'ble Tribunal not to give effect and/or further processing and/or act upon the impugned selection as well as approval of the ^{selection of the} private respondents herein namely, Respondents No.6 to 10 on the basis of the impugned selection.

9. DETAILS OF REMEDY EXHAUSTED

The applicant declares that he has no other remedy available to him.

10. MATTERS IF PENDING WITH ANY OTHER COURT

The applicant declares that the matter regarding which this application is made is not pending before any Court of law or any other Bench of this Hon'ble Tribunal.

11. PARTICULARS OF THE POSTAL ORDER IN RESPECT OF
THE APPLICATION FEE .

1. Number of Indian Postal Order -
2. Name of the issuing Post office-
3. Date of issue of postal order -
4. Post office at which payable -

12. DETAILS OF INDEX

An index in duplicate containing the details of the documents to be relied on is affirmed hereto.

13. LIST OF ENCLOSURES:

1. Application
2. Annexure -1
3. Annexure -2
4. Annexure - 3
5. Annexure -4(a)
6. Annexure -4(b)
7. Annexure - 4(c)
8. Annexure - 4(d)
9. Annexure - 4(e)
10. Annexure - 4(f)
11. Annexure - 4(g)

..Verification..

VERIFICATION

I, Sri Surajit Dutta, son of Krishna Kanta Dutta, aged about 44 years, working as Deputy Conservator of Forests in the Forest Department of the Government of Assam presently posted at Guwahati do hereby solemnly verify and affirm that the statements made in paragraphs 1 to 5, 6.1 to 6.3, 6.6 to 6.11, 6.13 to 6.16, 6.19 to 6.24, 7 to 10 are true to my knowledge, those made in paragraphs 6.4, 6.5, 6.12, 6.17 to 6.18 being matters of record are true to my information and belief derived therefrom and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification at Guwahati on this the 20th day of January, 1995.

Surajit Dutta.

Place: Guwahati

Applicant.

Date : 10.1.95

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

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 20th Jan/94

NU.FRE. 11/90/388 : The Governor of Assam is pleased to fix finally and publish the gradation list of the State Forest service Officers (Class-I) (as per statement enclosed) under the Forest Department with immediate effect.

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

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

Memo No.FRE. 11/90/388-A, Dated Dispur, the 20th Jan/94

Copy forwarded to :-

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

By order etc.,

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

20/1/94

Shri Gita Das
D.F.O. Office of the
D. P. I. E. O. Assam,
Rehbari, Guwahati-8.

PD/

Attested
[Signature]
Advocate

| Sl. No. | Name of officers with Home District. | Date of birth. | Date of first entry in the Govt. service. | Date of entry into Forest service Class-I. | Whether confirmed | Whether ST(P)/S.C. S.T.(H) | Remarks. |
|---------|---------------------------------------|----------------|---|--|-------------------|----------------------------|---------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. | Shri Man Mohan Pathak (Barpeta) | 1.5.1939 | 1.4.1964 | 1.4.1964 | Yes | - | Promoted to C.E.... |
| 2. | " Chandra Kanta Das (Nagaon) | 1.6.1942 | 2.4.1969 | 2.4.1969 | -do- | S.C. | --- |
| 3. | " Nagen Das (Kamrup) | 1.6.1943 | 2.4.1969 | 2.4.1969 | -do- | - | --- |
| 4. | " Sarat Chandra Phatowali (Dibrugarh) | 1.7.1941 | 2.4.1969 | 2.4.1969 | -do- | S.T.(P) | --- |
| 5. | " Tapas Kr. Das (Cachar) | 9.4.1950 | 31.3.1973 | 31.3.1973 | -do- | - | --- |
| 6. | " Nirmal Kumar Sarma (Nagaon) | 1.5.1947 | 31.3.1973 | 31.3.1973 | -do- | - | --- |
| 7. | " Hemanta Kumar Saikia (Lakhimpur) | 1.2.1947 | 31.3.1973 | 31.3.1973 | -do- | S.T.(P) | --- |
| 8. | " Kanak Chandra Dutta (Kamrup) | 1.2.1948 | 31.3.1973 | 31.3.1973 | -do- | - | --- |
| 9. | " Surajit Dutta (K. & J. Hills) | 16.3.1952 | 3.3.1974 | 3.3.1974 | -do- | - | --- |
| 10. | " Surendra Nath Buragohain (Sibsagar) | 1.5.1950 | 3.3.1974 | 3.3.1974 | -do- | - | --- |
| 11. | " Md. Shaheerul Islam (Sibsagar) | 13.3.1949 | 3.3.1974 | 3.3.1974 | -do- | - | --- |
| 12. | Shri Hari Prasad Phukan (Kamrup) | 1.2.1950 | 3.3.1974 | 3.3.1974 | No. | - | --- |
| 13. | " Durga Kanta Basumatary (Kokrajhar) | 9.4.1953 | 27.2.1975 | 27.2.1975 | Yes, | S.T.(P) | --- |
| 14. | " Jitu Das (Kamrup) | 1.3.1953 | 27.2.1975 | 27.2.1975 | -do- | S.C. | --- |

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-: 2 :-

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

Contd... 3/-

attested
R.R. Adwocate

Annexure - 2

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O.M.No. 1703/2/94-IFS --II.

Ministry of Environment and Forests

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

Ref. 1703/2/94-IFS-II

Dated the 28th Nov., 1994.

To

The Secretary,
Forest Department,
Government of Assam,
DISPUR (GUWAHATI)

Subject : Indian Forest Service : Assam Cadre :

Promotions to : Communication of Select List.

Sir,

I am directed to refer to the Union Public Service Commission's letter No.F.10/2/93-AIS dated 28-11-94 and to say that the Commission have approved a select list of officers of the State Forest Service prepared by the Selection Committee at its meeting held at Shillong on 07.3.94 consisting of the following seven(07) names :

S.No. Name of the Officer Date of Birth

| S.No. | Name of the Officer | Date of Birth |
|-------|---------------------|---------------|
| | S/Shri | |
| 01. | S.C.Phatowali (STP) | 01.07.1941 |
| 02. | J.K.Das | 09.04.1950 |
| 03. | S.N.Buragohain | 01.05.1950 |
| 04. | B.B.Nobis | 01.05.1951 |
| 05. | J.C.Dey | 01.09.1939 |
| 06. | C.K.Das(SC) | 01.06.1942 |
| 07. | Nagen Das | 01.06.1943. |

The name at S.No.4 has been included in the select list subject to grant of integrity certificate by the State Govt., and the name at S.No.6 has been included subject to clearance....

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cont - 2

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clearance in the departmental inquiries and grant of integrity certificate by the State Government. The name at S.NO. 7 has been included in the select list subject to clearance in the departmental inquiries and grant of integrity certificate by the State Government.

2. If and when the State Government propose to appoint one or more of the officers by promotion to the State cadre of the Indian Forest Service, the proposals in this behalf may kindly be sent to this Ministry alongwith the following documents, viz:

- i) information in respect of the officers proposed for promotion in proforma I & II (pages 41-43 of the All India Services Manual Part-I, Fifth Edition) ;
- ii) a declaration as to singular marital status;
- iii) written consent for termination of lien in the State Forest Service on confirmation in the IFS;
- iv) a certificate that no deterioration in the work of the officer has taken place since inclusion of his name in the Select List;
- v) A certificate that there is no stay order of any Court prohibiting the making of appointment by promotion in the State cadre of the Indian Forest Service;
- vi) detailed information in respect of promotion of all the eligible direct recruit IFS Officers to the senior scale as envisaged in this Ministry's circular No. 17013/22/94-IFS-II dated 07.03.94 (copy enclosed).

3. Proposals for fixation of seniority of the officers should be forwarded in the prescribed format and while forwarding the proposals it may also kindly be noted that in terms of judgement dated 29.11.92 of the Supreme Court in Civil Appeal No. 823 of 1989 (Syed Khalid Rizvi & Others Vs. UOI others), unapproved officiations are not be counted for the purposes of determination of seniority.

Yours faithfully,
Sd/- Illegible.
(R. Sahewala.)

Under Secretary to the Govt. of India.

Alleged
For
Advocate

Civil Rule No. 623/92

Mishitendu Dhar

Petitioner

The State of Assam & Ors.

Respondents

IN THE CHIEF JUSTICE
THE HON'BLE MR. JUSTICE R.K. MANIYAN

For the petitioner : Petitioner-in-person

For the respondents : J.O. Meena,
Govt. Advocate, Assam.

10.9.93

U D D R

(Bhat, C.J.)

The petitioner is a member of the High Court Bar. He initiated the Public Interest litigation, alarmed at the increasing denudation of forest wealth in Karimganj District. He prayed for a writ directing the State Government to institute an enquiry and fix responsibility for breach of duty on the part of the then Deputy Commissioner of the District and the Divisional Forest Officer of the District. Counter-affidavit was not filed. By order dated 6.5.92, amended by order dated 24.7.92, we disposed of the writ petition directing Shri P.K. Dutta, IAS, Commissioner, Barak Valley Division to conduct a thorough probe regarding denudation of forest and illegal felling of trees and submit a report.

Shri Dutta has duly submitted a report. His findings are as follows :

- (1) The Forest Department, as per the report of the D.F.O., Karimganj, has initiated departmental proceedings against one Murgu Officer and two Foresters Grade-I.
- (2) Forest Ranger Shri Rayeng had been placed under suspension and departmental proceedings had apparently been initiated against him as well. Others connected have been removed or transferred out from the affected area.
- (3) A sum of over Rs. 48 Lakhs had already been realised by way of sale of seized timber and deposited in the State Treasury.
- (4) The Deputy Commissioner, Karimganj is competent to grant honorarium to employees of his establishment, whom he considers to have performed arduous work or duties of a special nature.
- (5) The two former Deputy Commissioners of Karimganj (Surbashu-Jerath and Fanch) and the current DFO, Karimganj admitted that large scale felling of trees had taken place around 1990 and thereafter. To assess the extent of the damage caused to the reserved forest, and type of species that had been destroyed or illegally felled, it would be in public interest if a detailed stock taking is made by the higher authorities of the Forest Department and steps taken for replantation in the affected reserved forest. Side by side responsibility

Contd-2 ...

Advocate

(Will also be fixed on those indulged in illegal felling of trees and action according to law initiated.

In view of the report, we deem it necessary to issue further directions. We issue the following directions to 1st respondent.

(1) The 1st respondent shall examine the scope for initiating disciplinary action against Shri B.D.Habis, former Divisional Forest Officer, Karimganj for acts of misfeasance, malfeasance and negligence resulting in illegal felling of trees in the forests of the District and, to, take such actions as deemed fit.

(2) The State Government shall arrange to take stock of the extent and nature of damage caused by illegal felling of trees and take steps for re-plantation in the affected areas of the forests in the Karimganj District.

(3) The State Government shall also fix responsibility on officers whose acts of malfeasance, misfeasance and negligence encouraged illegal felling of trees and take such actions as permitted by law.

A copy of this order along with a copy of the report of the Enquiry Officer may be furnished to the 1st respondent. A copy of this order may also be furnished to the petitioner.

The matter is closed.

Sd/-H.K.MAHISARIA
JUDGE

Sd/-U.L.BHAT
CHIEF JUSTICE

Memo No.

/H.M.D.M.

Copy forwarded for favour of information and necessary action to :-

1. Shri P.K.Dutta, IAS, Commissioner, Barak Valley Division, Dispur, Guwahati-6.
2. Deputy Commissioner, Karimganj district, Karimganj, Assam.
3. Divisional Forest Officer, Karimganj District, Karimganj, Assam.
4. Sr.Govt.Advocate, Assam, Gauhati High Court, Guwahati.
5. Mr.B.Dhar, Advocate, Guwahati High Court, Guwahati.

By Order

Asstt. Registrar (D)

Attested

[Signature]
Advocate

Annexure - 4(a)

Draft

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OFFICE OF THE BUREAU OF INVESTIGATION (E.O.) ASSAM, REHARAT,
GUWAHATI - 781008.

Memo No. BIRO/ 529

Dated - 21- 4- 92

To,

The Chief Conservator of Forest (Admn.)
Assam, Guwahati.

Ref :- Patharkandi P.S. Case No. 314/91 U/S 447/379/441/
427/109 IPC.

Sub :- Examination ~~XXXXXXXXXXXX~~ and recording of
statement.

Sir,

With reference to the above noted case, I am to inform you that Shri B.B. Nabis the then D.F.O. of Karimganj Forest Division is required to be examined by the Investigating Officer of this office. It may be mentioned here that there has been large scale illegal felling, dragging and despatch on sale of teak timbers from Longai Reserve Forest to different destinations including Gujrat. This Reserve Forest is in Karimganj Forest Division and the offences were committed during tenure of Shri B.B. Nabis as D.F.O. in the Division.

You are, therefore, requested kindly to direct him to appear before the undersigned on any convenient date within this month (April '92) during office hours for the above purpose. You may like to inform us the date fixed for the purpose from your end.

Yours faithfully,

(P.R. DAS)
Supdt. of Police,
Bureau of Investigation (E.O.)
Assam, Guwahati.

Memo No. BIRO/ 529 - A

Dated - 21- 4- 92

Copy to :-

1. The Secretary, Forest Department, Govt. of Assam, Dispur for favour of kind information. This has a reference to this office Letter No. BIRO/2047 dt. 27.12.91.

contd...p/2

advised
Advocate

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OFFICE OF THE BUREAU OF INVESTIGATION (E.O.) ASSAM
REHABARI : GUWAHATI-3

Memo No. BLEO/ 982

Dated : 7/7/52

To

The Principal Chief Conservator of Forest,
Assam, Guwahati.

Ref : Your letter No. 195/A dt. 28th April '92.

Sir,

With reference to the subject noted above, I am directed to inform you that Shri B.B. Nabis the then D.F.O. Karimganj Forest Division (now on leave) did not appear in this office for his examination in connection with Patharkandi P.S. Case No. 314/91 U/S 442/379/411/427/109 IPC till today (6.7.92) He also did not ~~anything~~ intimate anything in this connection.

I would therefore request you kindly to issue suitable instruction to the officer for the purpose at your earliest convenience.

Yours faithfully,

(I. R. Das)
Superintendent of Police,
Bureau of Investigation (E.O.)
Assam::Guwahati-8

Dated : 7/7/52

Memo No. BLEO/ 982 - A

Copy to :-

- 1) Shri B.B. Nabis, D.F.O. (on leave) Panjabari P.S. Dispur for information and no. necessary action.
- 2) Conservator of Forest, S.A.C. for in our of information.

(I. R. Das)
Superintendent of Police,
Bureau of Investigation (E.O.)
Assam::Guwahati-8

Amey - 4 (c).

URGENT

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS: ASSAM:
GUWAHATI-3.

Letter No. PG.195

Dated Guwahati, the 14th July/92.

To

Sri B. B. Nobis,
Deputy Conservator of Forests,
Panjabari, Khanapara,
Guwahati-781023

Sub :- Examination and recording of statement.

Ref :- This Office letter No. PG.195 dt. 28.4.92.

In inviting a reference to this office letter cited above, I am to inform you that it has been reported by the Superintendent of Police, Bureau of Investigation (E.O.) Assam, Guwahati that you have not yet appeared before him to examine by the investigating officer in connection with the P.S. Case No. 314/91 U/S 447/379/441/427/109 IPO

You are therefore once again requested to appear before him at an early date whenever you are called for by the Superintendent of Police, Bureau of Investigation (E.O.) Assam, Guwahati for the purpose.

Principal Chief Conservator of Forests, (Admn.)
Assam :: Guwahati-8.

Memo No. PG.195/A

Dated Guwahati, the 17th July/92.

- 1) Copy to the Superintendent of Police, Bureau of Investigation (E.O.), Assam, Guwahati for information with reference to his letter No. BIEO/982 dt. 7.7.92.

Principal Chief Conservator of Forests, (Admn.)
Assam :: Guwahati-8.

Ampute - 4(d) (11) (21) 70

BY SPECIAL MESSENGER

GOVERNMENT OF ASSAM
FOREST DEPARTMENT ::::: DISPUR

NO. FRS.73/91/73

Dated Dispur, the 15th December, 1993.

From : Shri A. B. Roy Choudhury, ACS,
Deputy Secretary to the Govt. of Assam.

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

Sub : Civil Rule No. 633/92 -
Sri N. Dhar - Petitioner
-VS-
State of Assam and others.

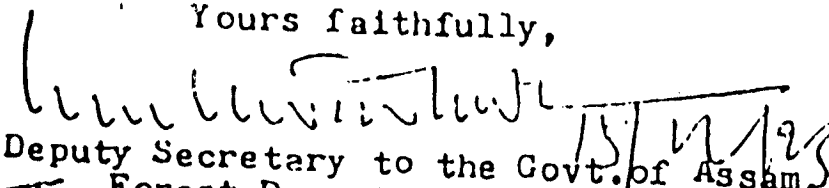
Sir,

I am directed to forward herewith a copy of letter No.C.R. 633/92 dtd. 3-12-1993 from Sri N. Dhar, Advocate, Gauhati High Court alongwith a copy of order dtd. 10-9-93 of the same court on the above mentioned subject and to say that in compliance with Hon'ble Court's order, necessary Government order is communicated as below :-

" In pursuance of the order of the Hon'ble High Court in Civil Rule No. 633/92 dated 10-9-93 the Principal Chief Conservator of Forests, Assam will examine the scope for initiating disciplinary action against Sri B.B. Nobis, former Divisional Forest Officer, Karimganj for acts of misfeasance, malfeasance and negligence resulting in illegal felling of trees in the forests of the District of Karimganj and shall submit a report to the Government".

In view of above you are therefore requested kindly to take necessary action immediately and submit a detailed report to the Govt. within 30 days for taking further action.

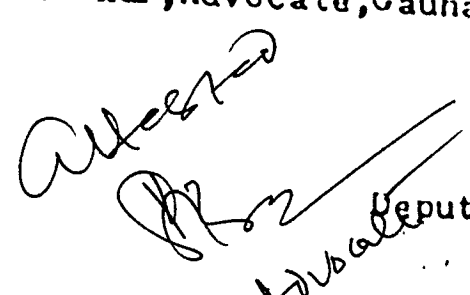
Yours faithfully,


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

Memo No. FRS.73/91/73-A Dated Dispur, the 15th Dec/93.
Copy to :-

1. P.S. to Chief Secretary, Assam for kind information to C.S.
2. The Senior Govt. Advocate, Assam, Gauhati High Court, Guwahati-1 for his information.
3. Sri N. Dhar, Advocate, Gauhati High Court (Iskampur), Guwahati.

By order etc.,


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

Amr...-4(e)
Copy retained
V.V.URGENT

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

No. PG. 195,

Dated Guwahati, the 22nd Dec/93.

To

✓ The Conservator of Forests,
Southern Assam Circle, Silchar.

Sub: Civil Rule No. 633/92.

In sending herewith a photo copy of letter No. FRS. 73/91/73 dated 15.12.93 along with its enclosures from the Government in the Forest Department, the contents of which are self explanatory, I am to request you to examine the whole issue and to report if there is any scope for initiating disciplinary action against Shri B.B. Nobis, former Divisional Forest Officer, Karimganj Division for his acts of misfeasance, malfeasance and negligence resulting in illegal felling of trees in the forests of the District of Karimganj. Before furnishing a detailed report you are requested to verify all the relevant records/ field records etc. Your reply should reach to this office within 15 days from the date of issue of this letter for proper examining of the same from this end and submission of a report to Government as desired.

This may kindly be treated as top-most priority.

Chief Conservator of Forests, (H.Q.)
Office of the Principal Chief Conservator of Forests,
Assam, Rehabari, Guwahati -8.

Attested
[Signature]
Advocate

CONFIDENTIAL

GOVERNMENT OF ASSAM
FOREST DEPARTMENT ::: DISPUR

NO. F.R.E. 38/75/196

Dated Dispur, the 27th Dec/93.

From: Shri A. B. Roy Choudhury, ACS,
Deputy Secretary to the Govt. of Assam.

To:

✓ Deputy Inspector General of Police,
Bureau of Investigation & Economic Offence,
Assam, Rehabari, Guwahati-8.

Sir,

It has been brought to the notice of the Department that the Bureau of Investigation & Economic Offence had instituted an inquiry in 1982 against Shri B. B. Nobis, the then Divisional Forest Officer, Karimganj Division for his acts of misfeasance, malfeasance and negligence resulting illegal felling of trees under Karimganj Division.

You are therefore requested kindly to intimate the position of inquiry instituted by Bureau of Investigation & Economic Offence.

This may kindly be treated as Top Priority.

Yours faithfully,

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

[Signature]
27/12

[Signature]
Advocate

Annexure - 4 (g).

(18)

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29

4037

TKD+TKS DPR FROM SDR OE NR 1022+132 GR 70 (.)

TO COMMISSIONER AND SECRETARY TO THE GOVERNMENT
OF ASSAM DEPARTMENT OF FOREST ASSAM DISPUR (.)

PRINCIPLE CHIEF CONSERVATOR OF FOREST ASSAM
GUWAHATI (.)

FROM DEPCOM SBR (.)

NO SBPP 3/4 DT 3/8/54 (.)

D.F.O(S./F) REMAIN AWAY FROM HQ FOR LONG PERIOD WITHOUT
ANY INTIMATION TO ANYONE (.) THE MATTER WAS REPORTED TO
THEN COMMISSIONER FOREST AND HE WAS WARNED FOR NOT REPEATING
SUCH IRRESPONSIBLE ACTS (.) HOWEVER IT APPEARS THAT THE

~~OFFICER HAS NOT HEADED TO THE SECRETARY AND P.C AND C.F. (.) I WOULD~~
~~WAY - HOWEVER IT APPEARS THAT THE OFFICER HAS NOT HEADED~~

XXXXM

WA/- HOWEVER IT APPEARS THAT THE + THE OFFICER HAS NOT HEADED
TO THE DIRECTION TO THE SECRETARY AND P.C AND C.F. (.) I WOULD
SERIOUSLY RECOMMENDED DETERIOTE AGAINST THE OFFICER FOR
SUCH IRREGULAR BEHAVIOUR (.)

...

THI -----1730/3 TX BY TD AT -----2250/3

OWA/- SERIOUSLY RECOMMENDED AS

DETERIOTE AGAINST THE OFFICER FOR SUCH IRREGULAR BEHAVIOUR (.)
CCCCC

RECOBYNATHJ

attested
For
Adwan
2/12

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