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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI -5.

ORIGINAL APPLICATION NO. 15/95

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

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

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

Th. Ibobi Singh

VERSUS

APPLICANT(S)

Union of India & Ors.

RESPONDENT(S)

Mr. B.K. Sharma &

Advocate for the
Applicant.

Mr. P.K. Tiwari

Advocate for the
Respondents

Office Note

Court Orders

30.1.1995.

1-2-95

(1)

This application is in form and
within time. C.F. of Rs.50/- deposited.
vide I.P.O. No. 8-03 - 865430
dated 30.11.94.

This application was filed
by Mr. B.K. Sharma, Advocate on
12.12.94 with a prayer (Flag 'A')
that the matter may not be listed
for admission as some instruction
from the applicant is awaited.

Vide Flag 'B' Mr. B.K. Sharma
now prays that this application
be listed for admission since he
get the instruction from the
applicant.

Laid for favour of orders.

1m

2.3.95

(2)

Mr. B.K. Sharma for the applicant
Mr. S. Ali, Sr. C.G.S.C. for the respon-
dent. Notice before admission to the
respondents to show cause why the
application should not be admitted.
Returnable on 1st March 1995.

Vice-Chairman

Member

Mr. B.K. Sharma is absent.
Mr. S. Ali, Sr. C.G.S.C. for the
respondents.

Notices are not yet served. Mr.
Ali is also awaiting instructions
Adjourned to 16.3.1995.

Member

Vice-Chairman

DEPUTY REGISTRAR (C.O.)

30/1/95

Requisites are read

9-2-95 & (B.K. Sharma) trd
8-16-34 & (B.K. Sharma)

OFFICE NOTE

COURT ORDERS

24.3.95
(3)

Mr B.K.Sharma for the applicant
The respondents have not filed
any show cause reply to oppose the
admission of the application.
Question of year of allotment is
involved. Applicant is IFS officer
in Tripura-Manipur Cadre.

Application is admitted. Issue
notice to the respondents. Eight
weeks for written statement.

Adjourned to 1.6.1995 for
further orders.

Vice-Chairman

Member

pg

1.6.95
(4)

No written statement is filed.
Adjourned to 3.7.95.

Member

Vice-Chairman

trd

By. Registrar (2)

Amount of Rs. 70/-
Nos. 14
Cash Receipt No. 285
Dated 7/2

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18.12.02
21.1.0

O.A. 15/95

3-7-95

Mr.S.Ali sr.C.G.S.C. seeks
counters. Adjourned to 21-8-95 for
Subject to service of notice.

28.7.95

lm

Reply on behalf
of the Respondent. I has
been filed by S.Ali
Sr. case.

29-8-95

(6)

To be listed for hearing on 28-8-95
25-10-95.

Vice-Chair

Member

Vice-Chairman

Member

25.10.95

13-12-95

A.O. on 13/12/95 (7)

orders.

Adjourned to 5-2-96 for further

Member

Vice-Chairman

5.2.96

lm

for orders on
4.3.96

4.3.96

(8)

Learned counsel Mr B.Mehta for the
applicant and learned Sr.C.G.S.C Mr S.
Ali for the respondents are present.
List for hearing on 1.5.1996.

Member

pg

17-6-96

(9)

None is present for the respondents.
Learned counsel Mr.B.K.Sharma for the
applicant. List for hearing on 12-7-96.

lm

Member

1.5.96

(16)

Mr B.K. Sharma, learned counsel for the applicant is present.

Mr S. Ali, learned Sr. C.G.S.C., is present for the respondents. Written statement has been filed and copy of the same has been served on the counsel for the applicant.

List on 17.6.96 for hearing.

Member

nkm

12.7.96

(11)

Leave note of Mr.S.Ali, Sr. C.G.S.C.

None present for the applicant.

List for hearing on 9.8.96.

Member

trd

9.8.96

(12)

Learned counsel Mr B.K. Sharma for the applicant. Mr S. Ali, learned Sr. C.G. for the respondents.

List for hearing on 6.9.96.

Member

nkm

6-9-96

(13)

None present. List for hearing on 7-10-96.

Member

lm

6/9

OFFICE NOTE

DATE

COMMITTEE CHIEF

7.10.96

(14)

Mr. S. Ali, Sr. C.G.S.C. Co.
the respondents.

List for hearing on 22.11.

31-3-97

The case is ready
for hearing as
regard Service &
W/S...

pg

W/ 7/10

11.3.97

The case is ready for hearing. List it

(15) 1.4.97 for hearing.

Member

Vice-Chair

2-4-97

Rejoinder filed
by the applicant
against the W/S.
at page 68 to 72.

nkm

W/ 7/13

1-4-97

(16)

Mr. S. K. Sharma, Sr. C.G.S.C. Co.
for the applicant. Mr. S. Ali, Sr. C.G.S.C. Co.
for the respondents. The case is ready for
hearing on 5-5-97.

Member

Vice-Chair

lm

W/ 3/14

5.5.97

Left over. List on 17.6.97 for
hearing.

(17)

Member

Vice-Chairman

pg

W/ 7/15

W/S. and Rejoinder in
L/D

10/6

17-6-97

Learned counsel for the applicant.

(18) for the applicant. Mr. S. P. Sr.

C.G.S.C for the respondents.

List for hearing on 23-7-97.

Member

lm

Fyrb

23.7.97

(19)

On the prayer of Mr B.K.Sharma, learned counsel for the applicant the case is adjourned to 19.8.97 for hearing.

Member

Vice-Chairman

pg

28/7

19-8-97

(10)

On the prayer of Mr.B.K.Sharma learned counsel for the applicant the case is adjourned till 3-9-97 for hearing.

Member

Vice-Chairman

lm

26/8

3.9.97

(11)

Leftover List on 7.11.97.

m.c.c

my order.

7.11.97

(12)

Leftover. List on 31.11.97.

my order.

3.4.98

(13)

List on 1.5.1998 for hearing.

Member

Vice-Chairman

pg

28/8
614

	Date	Order of the Tribunal
<p>1.5.98 (14)</p> <p>pg 14/5</p> <p>8.5.98 (15)</p> <p>pg</p> <p>13-5-98 (16)</p> <p>lm 14/5</p> <p>19.5.98 (17)</p> <p>pg 14/5</p> <p>18-6-98 (18)</p>	<p>1.5.98 (14)</p> <p>8.5.98 (15)</p> <p>13-5-98 (16)</p> <p>19.5.98 (17)</p> <p>18-6-98 (18)</p>	<p>In view of the order passed in M.P. 58/98 the prayer for amendment of this application is allowed. The applicant is to submit a consolidated application within 7 days from today.</p> <p>List on 8.5.98 for further order.</p> <p>Member</p> <p>Vice-Chairman</p> <p>On the prayer of Mr B.K.Sharma, learned counsel for the applicant the case is adjourned till 13.5.98.</p> <p>Member</p> <p>Vice-Chairman</p> <p>On the prayer of Mr.S.41, Learner Sr.C.O.S.C case is adjourned till 19-5-98.</p> <p>Member</p> <p>Vice-Chairman</p> <p>Consolidated application incorporating the amendments has been filed. Issue fresh notice on respondents No. 5 to 19.</p> <p>List on 18.6.98 for written statement and further orders.</p> <p>Member</p> <p>Vice-Chairman</p> <p>Service Report awaited.</p> <p>List it on 2-7-98 for orders.</p> <p>Member</p> <p>Vice-Chairman</p>

Notes of the Registry

Date

Order

2-7-98

Await service report. List
17-7-98 for orders.

Member

Vice-Chairman

lm

20
6/7

17-7-98

20

Written statement has not been
filed. Several adjournments have been
granted. We are not inclined to grant
any further adjournment. This case will
proceed without written statement.

List on 26-8-98 for hearing.

Member

Vice-Chairman

lm

20
20/7

26.8.98

27.8.98

From the office note it appears
that notice sent to respondent 10, 15 and 17 have returned undelivered
with the postal remark "left Tripura".
Office to send the notices to the
Principal Chief Conservator of
Forests, Tripura, with direction to
serve the notices through him. The
notices shall be sent by speed post,
the cost of which will be borne by the
applicant. Office shall also inform
the learned Government Advocate of
Manipur and Tripura.

List it on 27.10.98.

Member

Vice-Chairman

nkm

20/8

23.7.98

Nice considered

on respondents No. 9, 10,
15, 17.

pt. comply order
dated 27/8/98

10.10.98

20/8

20/8

20/8

20/8

7.10.96

(14)

The case is ready for hearing.

31-3-97

The case is ready for hearing at regional service & w/s.

2/31.3

11.3.97

The case is ready for hearing. List it on

(15) 1.4.97 for hearing.

Member

Vice-Chairman

2-4-97

Rejoinder filed by the applicant against the w/s at page 68 to 72

nkm

9/143

2-4-97

(15)

ring on 17.6.97

Member

Vice-Chairman

lm

9/314

5.5.97

Left over. List on 17.6.97 for hearing.

Member

Vice-Chairman

pg

9/215

17-6-97

Learned counsel B.K. Sharma

(18)

for the applicant. Mr. S. I, Sr.
C.G.S.C for the respondents.

List for hearing on 23-7-97.

127-97

The case is ready
for hearing.

17/7-

Member

lm
Fyrb

23.7.97

(19)

On the prayer of Mr B.K.Sharma,
learned counsel for the applicant the
case is adjourned to 19.8.97 for
hearing.

Member

Vice-Chairman

pg

24/7

19-8-97

(10)

On the prayer of Mr.B.K.Sharma
learned counsel for the applicant
the case is adjourned till 3-9-97 for
hearing.

Member

Vice-Chairman

lm

26/8

3.9.97

(11)

Leftover List on 7.11.97

22.2.2

my order

7.11.97

(12)

Leftover List on 31.12.97.

my order

3.4.98

(13)

List on 1.5.1998 for hearing.

Member

Vice-Chairman

pg

6/11

Notes of the Registry	Date	Order of the Tribunal
28.8.98 Notices are issued to the respondent No. 10, 15, 17 in the address of principal chief of Forest Tripartite Agreement Special Post vide No.	27.10.98	Passed over for the day. By order
30/8 31.8.98 Service of Notice crossed respondent No. 1 due to left original document.	28.10.98	On the prayer of Mr B.K. Sharma, learned counsel for the applicant the case is adjourned till 9.11.98. Member Vice-Chairman
Since reports are not available.	9.11.98	Division Bench is not available. Case is adjourned to 26.11.98 By Order
12-98 Since reports are not available.	26.11.98	Division Bench is not available. List on 10.12.98 for hearing. By Order
12-98 Since reports are not available.	10.12.98	Mr A.K. Choudhury, learned Advl. C. on behalf of Mr S. Ali prays for adjournment as Mr Ali is unable to attend Tribunal due to his indisposition. List on 12.1.99 for hearing. Member Vice-Chairman
15-1-99 Notice duly served on Nos. 7, 10, 15 to 17. The same are still awaited.	12.1.99	Adjourned to 18.1.99
18.1.99	18.1.99	Passed over for the day. By order

O-A 15/95

Notes of the Registry	Date	Order of the Tribunal
<p>18-1-99</p> <p>No fresh written statement - Ryan's has been filed on consolidated petition.</p> <p>18/1/99</p>	<p>20.1.99</p> <p>trd</p>	<p>Heard learned counsel for the parties. Hearing concluded. Judgement delivered in the open court, kept in separate sheets. Application is allowed. No order as to costs.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>

12

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI-5

O.A. No. 15 of 1995

Date of decision 20.1.99

Th. Ib. Singh

PETITIONER(S)

Mr. P. Sharma,

Mr. Tiwari,

Mr. Arma

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr. Deb Roy, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR. JUSTICE D.N. BARUAH, VICE-CHAIRMAN.

THE HON'BLE SHRI G.L. SANGLYINE, ADMINISTRATIVE MEMBER.

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

Judgement delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 15 of 1995.

Date of Decision : This the 20th day of January 1999.

Hon'ble Justice D.N.Baruah, Vice-Chairman.

Hon'ble Sri G.L.Sanglyine, Administrative Member.

Th. Singh,
Divisional Forest Officer,
North Forest Division,
Kangla, Manipur

Applicant.

By Date Mr. B.K.Sharma.

versus-

1. Union of India, represented by the Secretary to the Government of India, Ministry of Environment and Forests, Paryavaran Bhavan, C.G.O. Complex, New Delhi.
2. Union Public Service Commission, represented by the Chairman, U.P.S.C. Dholpur House, Shahjahan Road, New Delhi.
3. The State of Manipur, represented by the Secretary, Department of Forests, Government of Manipur, Imphal, Manipur.
4. The State of Tripura, represented by the Secretary, Department of Forests, Government of Tripura, Agartala, Tripura.
5. V. Ramkanta, Dy. Conservator of Forests (Presently on Deputation to the State of Karnataka), C/o Principal Chief Conservator of Forests, Karnataka, Bangalore.
6. A Kumar, Dy. Conservator of Forests, (Presently on deputation to the Govt. of India), C/o Ministry of Environment & Forests, Paryavaran Bhavan, C.G.O. Complex, New Delhi.
7. G.Krishnan, Divisional Forest Officer, Tripura, C/o PCCF, Tripura, Agartala.

Contd....

8. Balbir Singh, Divisional Forest Officer, Tripura, C/o PCCF, Tripura, Agartala.
9. G.S. Kadu, Divisional Forest Officer, Tripura, C/o PCCF, Tripura, Agartala.
10. Surender Kumar, Divisional Forest Officer, Tripura, C/o PCCF, Tripura, Agartala.
11. P.N.Prasad, Divisional Forest Officer, Chandel, Manipur.
12. R.K.Srivastava (Presently on deputation to the Govt. of India), Asstt. Inspector General of Forests, Ministry of Environment & Forests, Paryavaran Bhavan, C.G.O.Complex, New Delhi.
13. Jagabandhu Mishra, Divisional Forest Officer, Tamanglong, Manipur.
14. Koroilhouvi, Divisional Forest Officer, Social Forestry Division I, Manipur, Imphal.
15. A.K.Roy, Divisional Forest Officer, on deputation to the TFDPC Ltd., Tripura, C/o PCCF, Tripura, Agartala.
16. A. Rastogi, Divisional Forest Officer, Tripura, on deputation to the Govt. of India, Ministry of Environment & Forests, Paryavaran Bhavan, C.G.O. Complex, New Delhi.
17. P.K. Pant, Divisional Forest Officer, Tripura, C/o PCCF, Tripura, Agartala.
18. B.N. Mohanty, Divisional Forest Officer, Manipur, presently on deputation to Orissa as DCG, Office of the Regional CCF, Bhubaneswar.
19. D.J.N. Anand, Divisional Forest Officer, Jaribam, Manipur.

Respondents.

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.



Contd...

O R D E R

BARUAH J.(V.C.)

The applicant at the material time was a member of Manipur Forest Service and was holding the post of Assistant Conservator of Forests. In the year 1985 he became eligible for consideration for promotion to Indian Forest Service (for short the IFS). However he was not considered for promotion due to the non-availability of post in that year. For the subsequent years namely for the years 1986, 1987, 1988 and 1989 he was not recruited. In the year 1989 the applicant was a lone member selected for appointment to the IFS by way of promotion. This year also he could not be appointed due to non-availability of post. In the next year he was selected and promoted to IFS by Annexure-IV Notification dated 30.8.1990. By Annexure VI Order dated 6.9.1992 his year of allotment was given as 1986 and the same was communicated to the applicant on 29.8.1993. Prior to that the applicant submitted a representation in the year 1991 apprehending that the authority might give incorrect year of allotment. He claimed that his year of allotment ought to be 1984. After the Annexure-VI order the applicant submitted yet another representation (Annexure-VII A) dated 16.3.1993. This representation was not disposed of. Thereafter in the month of

B

Contd...

November/December 1993 he visited Delhi Office and he came to know that his said representations had not yet been forwarded to the Head Office for taking step in the matter. Accordingly Delhi Office advised the applicant to file a fresh representation. On being so advised he submitted a fresh Annexure-VIII representation dated 17.1.1994. Even after submission of Annexure-VIII representation nothing had been done. Hence the present application.

2. In due course respondents have entered appearance. Union of India, respondent No.1 has filed written statement. In the written statement respondent No.1 has refuted the claim of the applicant. According to the respondent No. 1 the year of allotment was rightly assigned in strict compliance with the provision of Rule 3(2) (6) of IFS Regulation of Seniority Rules, 1968. In paragraph 10 of the written statement respondent No.1 has stated regarding the Triennial Cadre Review. We quote the relevant portion of the paragraph 10 :

"10. After the proposals have been received, these are examined by the Cadre Review Committee which, among others, is represented by State officials also. Based on the recommendations of the Cadre Review Committee, necessary changes are made in the strength and composition of a particular cadre. It is admitted that the last Review of the strength and composition of the Manipur-Tripura cadre of the IFS was notified on 22.11.90. It is submitted that the issue of Triennial Cadre Review having not been held during 1985-1990, cannot be agitated by the applicant at this belated stage."

B

Contd...

In paragraph 14 of the said written statement it is stated that there could be some reasons beyond the control of the State Government for not holding meetings in consultation with the Union Public Service Commission on regular yearly basis. In any case, this matter could not be agitated at this belated stage.

The other respondents including the State of Manipur have not filed any written statement. Besides these, the applicant also claimed about the 33.33% deputation reserve quota. This was however not done in spite of the claim of the applicant. A specific averment has been made in the Original Application but there has been no reply to the same. The respondent No.1 in its written statement remained silent in the matter. The other respondents as stated hereinbefore have not filed any written statement.

3. We have heard Mr. B.K.Sharma, learned counsel appearing on behalf of the applicant and Mr. A. Deb Roy, learned Sr. C.G.S.C.

4. Mr. Sharma submits that it has not been explained as to why after 1985 when the applicant became eligible for promotion he had not been considered for promotion to IFS for the subsequent years viz. 1986, 1987, 1988 and 1989. The written statement filed by the respondent No.1 has not dealt with

Contd...



this matter. Only in paragraph 14 of the written statement the respondent No.1 has stated that there could be some reasons beyond control of the State Government for not holding meetings for selection during those years as quoted above. The respondent No.1 may not have proper knowledge in the matter. It is the State Government who have such knowledge. Unfortunately the State Government has not taken steps for filing any written statement. Except that nothing has been mentioned. Mr. Sharma on this point submits that because of non-selection in those years the applicant was deprived of his promotion. The second submission of Mr. Sharma that last Triennial Cadre Review was held on 29.3.85 and the next Cadre Review ought to have been on 29.3.88 i.e. after 3 years as contemplated in Rule 4(2) of IFS Cadre Rules but no proper reason has been assigned for not doing so thereby the applicant was deprived of his legitimate due. On this ground Mr. Sharma submits that at least as per the above Rule 4(2) of the IFS Cadre Rule, Cadre Review ought to have been in March, 1988. The State Government had in fact sent proposals on 7.4.1987. The third submission of Mr. Sharma is that the promotion quota was not fixed as required against the 33.33% on deputation reserve against item 5 of IFS (Fixation of Cadre Strength) Regulations, 1966. In this connection Mr. Sharma has drawn our attention to a decision

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reported in 1987 (4) SLJ (CAT) (K.K.Goswami Vs. Union of India & Ors.). and another decision of Calcutta Bench of the Tribunal (Dhuti Kr. Basu & Anr. Vs. Union of India & Ors.). Mr. Sharma submits that against both the judgements SLPs had been filed before the Apex Court and both the SLPs were dismissed by the Apex Court by Annexure-XI and XII orders dated 24.8.95 and 18.4.88. Mr. Sharma therefore submits that the decision of those Benches of the Tribunal have become final. As per the decisions of the Calcutta and Jabalpur Bench of the Tribunal, 33.33% promotion quota against deputation was required to be fixed. By the aforesaid two decisions the Tribunal gave direction to the respondents to compute the promotion quota in the State Forest Service. As this was not done according to Mr. Sharma the applicant was made to suffer. Had this been done the applicant would have been promoted much earlier.

5. Mr. Deb Roy on the other hand tries to support the action of the respondents. According to him the year of allotment has been rightly fixed. Regarding Cadre Review, Mr. Deb Roy submits that this could not be done by the State Government because the reasons beyond control of the State Government.

6. On the rival contention of the parties now it is to be seen whether the applicant is entitled to relief as claimed for as per the provision of



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Rule 4(2) of Indian Forest Service (Cadre) Rules 1966. Under the said Rules, the Central Government is required to re-examine the strength and composition of each such cadre in consultation with the State Government concerned and may make such alterations therein as it deems fit. This must be done at the interval of 3 years. The sub-Rule (2) of Rule 4 of IFS (Cadre) Rules, 1966 is quoted below :

" (2) The Central Government shall at the interval of every three years, re-examine the strength and composition of each such cadre in consultation with the State Government concerned and may make such alterations therein as it deems fit :

Provided that nothing in this sub-rule shall be deemed to effect the power of the Central Government to alter the strength and composition of any cadre at any other time :

Provided further that the State Government concerned may add for a period not exceeding one year, and with the approval of the Central Government for a further period not exceeding two years, to a State or Joint Cadre one or more posts carrying duties of responsibilities of a like nature to a cadre posts."

A mere reading of sub-Rule (2) of Rule 4 of IFS (Cadre) Rules, 1966 it appears that Central Government is required to re-examine the strength and composition of each such cadre in consultation with the State Government at an interval of 3 years and may make alteration therein. The word 'shall' has been used in the said sub-Rule. This suggests that the provision is mandatory in nature. In this connection, Mr.

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Sharma has drawn our attention to a decision of Ernakulam Bench of this Tribunal in the case of Jacob P. Thomas Vs. Union of India & Ors. reported in SLJ (CAT) 1992 (3) 85. In the said judgement in para 14 the Tribunal observed as follows :

"14. Having considered the instructions of Government of India, one has now to consider whether the language used in Rule 4(2) compels one to reach a conclusion that the notification as a result of the triennial review should be effective from the thrid anniversary of the earlier notification. The expression used in Rule 4(2) is "at intervals of every three years" which mean that the interval between one fixation of cadre strength and another shall be three years, no more or no less. This is due to the fact that the expression "interval" is defined to mean intervening time or space in Concise Oxford Dictionary."

From the reading of this sub-rule 2 of Rule 4 of the Cadre Rules we also feel that the Rule suggests that it should be done immediately at the interval of 3 years and it is of mandatory nature. In that matter we are in respectful agreement with the decision of the Ernakulam Bench in this regard.

Regarding the computation of the deputation (reserve quota as has been held by the Jabalpur and Calacutta Bench the deputation reserve quota are to to computed for the purpose of determining the strength of the promotion quota. Unfortunately this has not been done. We are also of the same view.

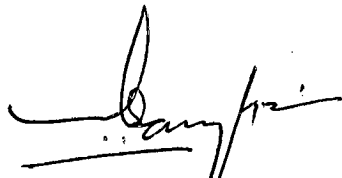
Therefore in view of the above, we find sufficient force on the contention of Mr. Sharma

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and we are of the opinion that the Triennial Cadre Review ought to have been held at the interval of 3 years as this was not done as held by the Ernakulam Bench the year of allotment should be computed relating to the year of allotment earlier than 1986. Regarding deputation reserve quota as this was not done we give direction to the respondents to compute the cadre strength promotional quota after giving deputation reserve quota and give the benefit of promotion quota to the applicant in the manner he is entitled to.

With the above direction the Original Application is allowed. Considering the facts and circumstances of the case we, however make no order as to costs.

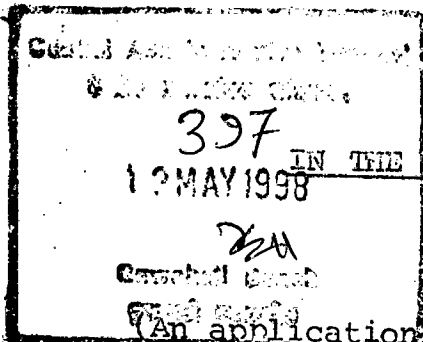


(G.L.SANGLYINE)
Administrative Member



(D.N.BARUAH)
Vice-Chairman

trd



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Tribunal Act.1985)

Consolidated Application

Title of The Case : O.A. No. 15 of 1998

BETWEEN

Th.Ibobi Singh,
Divisional Forest Officer
Norther Forest Division
Kangpokpi, Manipur

VERSUS

Union of India & Ors.

I N D E X

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH

O.A. No. of 1998

BETWEEN

Th. Ibobi Singh,
Divisional Forest Officer,
Northern Forest Division,
Kangpokpi, Manipur

... Applicant

AND

1. Union of India, represented by the Secretary to the Government of India, Ministry of Environment and Forests, Paryavaran Bhavan, C.G.O. Complex, New Delhi.
2. Union Public Service Commission, represented by the Chairman, U.P.S.C. Dholpur House, Shahjahan Road, New Delhi.
3. The State of Manipur, represented by the Secretary, Department of Forests, Government of Manipur, Imphal, Manipur,
4. The State of Tripura, represented by the Secretary, Department of Forests, Government of Tripura, Agartala, Tripura.
5. V. Ramakanta, Dy. Conservator of Forests (Presently on Deputation to the State of Karnataka), C/O Principal Chief Conservator of Forests, Karnataka, Bangalore.
6. A. Kumar, Dy. Conservator of Forests (Presently on deputation to the Govt. of India) C/O Ministry of Environment & Forests, Paryavaran Bhavan, C.G.O. Complex, New Delhi.
7. G. Krishnan, Divisional Forest Officer, Tripura, C/O PCCF, Tripura, Agartala
8. Balbir Singh, Divisional Forest Officer, Tripura, C/O PCCF, Tripura, Agartala
9. G.S. Kadu, Divisional Forest Officer, Tripura, C/O PCCF, Tripura, Agartala
10. Surender Kumar, Divisional Forest Officer, Tripura, C/O PCCF, Tripura, Agartala.

*Filed by the applicant
through
12-5-98*

11. P.N. Prasad, Divisional Forest Officer, Chandel, Manipur
12. R.K. Srivastava (presently on deputation to the Govt. of India), Asstt. Inspector General of Forests, Ministry of Environment & Forests, Paryavaran Bhavan, C.G.O. Complex, New Delhi.
13. Jagabandhu Mishra, Divisional Forest Officer, Tamanglong, Manipur,
14. Koroilhouvi, Divisional Forest Officer, Social Forestry Division I, Manipur, Imphal.
15. A.K. Roy, Divisional Forest Officer, on deputation to TFDPC Ltd., Tripura, C/O PCCF, Tripura, Agartala.
16. A. Rastogi, Divisional Forest Officer, Tripura, On deputation to the Govt. of India, Ministry of Environment & Forests, Paryavaran Bhavan, C.G.O. Complex, New Delhi.
17. P.K. Pant, Divisional Forest Officer, Tripura, C/O PCCF, Tripura, Agartala.
18. B.N. Mohanty, Divisional Forest Officer, Manipur, presently on deputation to Orissa as DCF, Office of the Regional CCF, Bhubaneswar.
19. D.J.N. Anand, Divisional Forest Officer, Jaribam, Manipur

.... Respondents

DETAILS OF APPLICATION

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

This application under section 19 of the Administrative Tribunal Act, 1985 is directed against :

- 1.1 The order No. 18014/12/92-IFS-II dt. 8th September, 1992 (communicated to the Applicant in May, 1993) passed by the Under Secretary to the Govt. of India, Ministry of Environment & Forests, assigning Applicant 1985 as his year of

allotment and placing him below Shri Pramod Kumar Pant, IFS (Respondent No. 17).

1.2 Deemed refusal of the Secretary to the Government of India, Ministry of Environment & Forests, to dispose of the Applicant's representation dated 14.6.93 and 17.1.94 in regard to the correct determination/fixation of his seniority and the year of allotment in the Indian Forest Service.

1.3 Subject in brief : Indian Forest Service, Manipur/Tripura Cadre : Determination of seniority and the year of allotment of promoted officers in terms of the provisions of Rule 3(2)(c) of the Indian Forest Service (Regulation of Seniority) Rules, 1968.

2. JURISDICTION OF THE TRIBUNAL :

The Applicant declares that no final order has been made by the Government or other authority or officer or other persons competent to pass such order with regard to the representation dated 14.6.93 and 17.1.94 made by the Applicant and a period of six months had expired thereafter, hence the instant application is being filed within one year from the date of expiry of the said period of six months. Therefore, this application fulfills the requirement of the law of limitation as laid down in Section 21 of the Administration Tribunals Act, 1985.

3. LIMITATION :

The applicant declares that the subject matter of the instant case is within the jurisdiction of the

Hon'ble Tribunal.

4. FACTS OF THE CASE :

4.1 That the applicant is a citizen of India and he is presently holding the post of Divisional Forest Officer, Northern Forest Division, Kangpokpi. The Respondent No. 5 to 19 are the IFS Officers. Though the Applicant is not seeking any relief against them but they have been arrayed as party Respondents ex-abundanti caution because the subject matter of the application involves the correct determination of the Applicant's seniority and the fixation of his year of allotment. The Applicant is aggrieved by the method and manner in which his "year of allotment" has been fixed.

4.2 On the recommendation of the Manipur Public Service Commission and on completion of 2(two) years training at State Forest Service College, Burnihat (1976-78), Applicant was appointed as Asstt. Conservator of Forests in the State Forest Service (hereinafter alluded to as SFS) of Manipur on 2.5.78 by the Government of Manipur. The Applicant was subsequently confirmed to the said post with effect from 2.5.80.

4.3 That the Applicant became eligible for promotion to the Indian Forest Service (hereinafter alluded to as IFS) with effect from 1.1.85. Here it would be apposite to refer to the law governing the IFS and the relevant rule framed thereunder in order to effectively show as to how the Applicant became eligible for promotion to

the IFS with effect from 1.1.85.

4.3.1 That the Indian Forest Service is one of the All India Services common to the Centre and to the States. The statutory basis for the establishment of the All India Services was provided by Chapter I of Part XIV of the Constitution (Article 308 to 314) supplemented by the All India Services Act, 1951, passed by the Parliament as envisaged in article 312 of the Constitution. The Act of 1951 was initially applicable to the Indian Administrative Service and the Indian Police Service but it was subsequently extended by Amendment Act 27 of 1963 to cover the Constitution of three new All India Services one of which was the Indian Forest Service. Section 3 of the Act of 1951 empowers the Govt. of India to make, after consultation with State Governments, rules for the regulation of recruitment and the conditions of service of persons appointed, to an All India Services.

4.3.2 That pursuant to the amendment of 1963, mutual consultations were held between the Union Government and the various state Governments and the broad pattern already in existence for the Indian Administrative Service and the Indian Police Service was decided to be adopted for the Indian Forest Service also. Once this decision was taken, the statutory rules followed. There were five sets of rules framed between 1966 and 1968.

- (i) The IFS (Cadre) Rules, 1966
- (ii) The IFS (Recruitment) Rules, 1966
- (iii) The IFS (Probation) Rules, 1968

(iv) The IFS (Pay) Rules, 1968

(v) The IFS (Regulation of Seniority) Rules, 1968.

4.3.3 That in pursuance of Sub-rule (1) of Rule 8 of the IFS (Recruitment) Rules, 1966, the Central Government in consultation with the State Governments and the Union Public Service Commission, framed the IFS (Appointment by Promotion) Regulations, 1966.

For the purpose of the instant case, three of the above-mentioned Rules, namely (i) The IFS (Cadre) Rules, 1966 (ii) The IFS (Recruitment) Rules and (iii) The IFS (Regulation of Seniority) Rules alongwith the IFS (App. by Promotion) Regulations, are highly relevant and the relevant provisions of the same would be referred to in this application.

4.3.4 That under Sub-rule (2) of Rule 4 of the IFS (Recruitment) Rules, recruitment to the IFS is mainly by two of the following methods, namely :

(i) by competitive examination ;

(ii) by promotion of substantive members of the State Forest Services.

4.3.5 That the Reg. 5 of the IFS (App. by Promotion) Regulation provides for the preparation of a list of suitable officers of the State Forest Services by the selection Committee. This regulation also lays down that each selection committee shall ordinarily met at intervals not exceeding one year. Third Proviso to Sub-Reg. (2) of Reg. 5 further lays down that the Selection Committee shall not consider the case of a member of the State Forest Services unless, on the first day of

January of the year in which it meets, he is substantive in the State Forest Services and has completed not less than eight years of continuous service in the State Forest Services.

4.4 That as the Applicant had completed 8 years of continuous service in the substantive capacity in the State Forest Services w.e.f. 1.1.85, he was eligible for promotion to the IFS w.e.f. the said date, in terms of the 3rd Proviso of Sub-Reg. (2) of Reg. 5 of the IFS (App. by Promotion) Regulations.

4.5 That under rule 9 of IFS (Cadre) Rules, Applicant was given officiating appointment as Divisional Forest Officer against the IFS cadre post w.e.f. 4.9.86 vide Government of Manipur Order No. 3/16/77-FOR/DP dt. 4.9.86 and posted as the Divisional Forest Officer/HQ which is an IFS Cadre post. From 4.9.86 the Applicant continued to hold the cadre post.

Copy of the order dated 4th sept. '86 is annexed herewith and marked as ANNEXURE-1.

4.5.1 That under rule 9 of the IFS (Cadre) Rules read with Sub-Reg. (2) of Reg. 8 of the IFS (Appointment by Promotion) Regulation, where administrative exigencies so require a member of the State Forest Services whose name is not included in the select list or who is not the cadre officer, may be appointed to a cadre post if the State Government is satisfied that the vacancy is not likely to last for more than three months or that there is no suitable cadre officer available for filling the vacancy.

4.5.2 That under Sub-rule (2) of rule 9 of the IFS (Cadre) Rules, where in any state, a person other than a cadre officer is appointed to cadre post for a period exceeding the months, the State Government shall forthwith report the fact to the Central Government together with the reasons for making the appointment. Under Sub-rule (4) of rule 9 of the Cadre Rules, where a cadre post is likely to be filled by a person who is not a cadre officer for a period exceeding six months, the Central Government shall report the full facts to the Union Public Service Commission with the reason for holding that no suitable officer is available for filling the post and may in the light of the advice given by the ups give suitable direction to the State Government concerned.

4.6 That as the Applicant being a non-cadre officer was given an officiating appointment against a cadre post and his said appointment was continued due to administrative exigencies, therefore, the procedure laid down in sub-rule (2) and (4) of Rule 9 of the IFS (Cadre) Rules, was strictly complied with and the approval for such continuation of the Applicant was duly obtained from the Central Government and the UPSC.

It is stated that the Govt. of India and the ups accorded concurrence to Applicant's officiating appointment in the abovementioned Senior Scale Post included in the Manipur, Part of the Manipur-Tripura (MT) Cadre of Indian Forest Service from 4.9.86 to 30.6.89 as conveyed vide Govt. of India, Ministry of

Environment & Forests letter No. 17020-1086-IPS.II dated 1.2.89.

4.7 That though the Central Government and the ups accorded approval to Applicant's officiating appointment to the Cadre post for the period from 4.9.86 to 30.6.89 against the Applicant's continuation in such post beyond that period, but surprisingly the Government of Manipur vide order No. 3/16/77(For)/DP dated 28th Feb. 1989 approved the officiating appointment of the Applicant upto the period 4.9.86 to 31.3.89 only. This is illegal and arbitrary on the face of it.

Copy of the order of Govt. of Manipur dtd. 28th Feb. 1989 is annexed herewith and marked as ANNEXURE-II.

4.8 That in 1988 when the Applicant was holding a cadre post, no meeting of Selection Committee for Manipur part was held to consider the cases of eligible candidates of State Forest Services officers for appointment to IFS by promotion in terms of the requirement of Reg. 5 of the IFS (Appointment by Promotion) Regulations. Hence, not holding of the meeting of Selection Committee was in violation of Reg. 5 of the IFS (Appointment by Promotion) Regulation and the Applicant was also deprived of the opportunity of being appointed to the IFS by promotion. (While holding a cadre post) with all consequential benefits.

4.9 That in 1988 the misfortune of the Applicant was further compounded to the fact that the same year

Triennial cadre review amending the Indian Forest Service (Fixation of Cadre Strength) Regulation, 1966 for Manipur/Tripura, was also due. It is pertinent to mention here that the notification of the Triennial Cadre Review amending the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966 for Manipur/Tripura was last issued on 29.3.85 vide Ministry of Personnel and Training Administrative Reforms and Public Grievances and Pension, Deptt. of Personnel & Training Notification No. 16016/5/65-AIS (UV-A) dt. 29.3.85, fixing the number of Senior Scales Post in Manipur part of the MI-cadre at 19. As the last notification for Triennial cadre Review was issued on 29.3.85, its due date after three years was on 29.3.88. However, the subsequent notification of the Triennial cadre review was never issued on the due date i.e. 29.3.88 even though proposal for the same was submitted to the Govt. of India, Ministry of Environment & Forests as early as 7.4.87 vide Govt. of Manipur, Deptt. of Personnel letter No. 2/14/79-IFS/DP dt. 7.4.87.

The notification of the Triennial cadre review was issued on 22.11.90 vide Government of India, Ministry of Personnel, Public Grievances and Pension, Deptt. of Personnel & Training Notification No. 16016/3/3185-AIS (II)-A dt. 22.11.90 i.e. after an interregnum of 5 years and 8 months increasing the total number of senior scale posts in Manipur Part of Manipur-Tripura Cadre to 23 and resulting in addition of 2 (two) Senior Scale Posts meant for promotion to

IFS.

Copy of the Notification of Triennial cadre review dated 22.11.90 is annexed herewith and marked as ANNEXURE-III.

4.9.1 That under rule 4(1) of the IFS (Cadre) Rules, the strength and composition of each of the cadre constituted under rule 3 shall be as determined by regulations made by the Central Govt. in consultation with the State Govt. in this behalf. Pursuant to this rule 4(), the Central Govt. in consultation with the respective State Govt. had framed the IFS (Fixation of Cadre Strength) Regulations, 1966.

Rule 4(2) of the IFS (Cadre) Rules, provides that the Central Government shall, at the interval of every three years, re-examine the strength and composition of each such cadre in consultation with the State Government concerned and may make such alterations therein as it deems fit.

4.9.2 That the failure to hold the mandatory Triennial cadre review on its due date of 29.3.88 and its holding of after more than 2 1/2 years of its scheduled date thus violated the Rule 4(2) of the IFS (Cadre) Rules when the Triennial cadre review was held at least on 22.11.90 and the same resulted in addition of 2 (two) senior scale posts, it is obvious that had the Triennial cadre review held on its scheduled date of 29.3.88, the Applicant would have got the advantage of the same as at the relevant time the Applicant was

holding the cadre post.

4.10 That the meeting of the Selection Committee was finally held on 22.2.89 at Imphal and it was learnt that on the recommendation of the Selection Committee Applicant's name was in the Select List w.e.f. 22.2.89. It is stated that amongst the eligible officers of the Manipur State Forest Service only the Applicant's name alone was in the Select List w.e.f. 22.2.89. It is further stated that in the subsequent selection committee meeting held on 7.4.90 the Applicant's name continued to remain in the select list. Thus the name of the Applicant was included and continued in the select list while he was already holding the IFS cadre post entitling him the consequential benefit under the relevant rules.

4.11 That the Applicant was promoted to IFS vide Government of India, Ministry of Environment & Forests notification No. 17013/12/90-IFS-II dated 30.8.90. This appointment of the Applicant to IFS was made under sub-rule (1) of Rule 8 of IFS (Recruitment) Rules, 1988 and sub-rule (1) of Rule 9 of the IFS (Appointment by Promotion) Regulations, 1966. Pursuant to this appointment, Applicant was allotted the Manipur-Tripura cadre of the IFS under sub-rule sub-rule (1) of Rule 5 of the IFS (Cadre) Rules, 1966.

Copy of the order dated 30.8.90 appointing Applicant to the IFS is annexed herewith and marked as ANNEXURE-IV.

4.12 That it is thus seen that the Applicant being a

non-cadre officer continued to hold the cadre post prior to this name being included in the select lists afore-mentioned, against this the Central Govt. and the UPSC had given their approval to such officiating appointment of the Applicant to the cadre post upto the period 4.9.86 to 30.6.89. The Applicant was appointed to IFS on 30.8.90. Hence even as per the above-mentioned approval, the Applicant held the cadre post for merely 3 years followed by a brief interval at the end of which he was appointed to IFS. It is worthwhile to note that both during 1989 and at the time when his name was included in the select list he was holding IFS cadre post duly approved by the Central Government and UPSC.

4.13 That though the Applicant was appointed to IFS vide Annexure IV order dtd. 30.6.90 but his seniority and the year of allotment was not determined, the Applicant apprehending that while determining his seniority and the year of allotment, the fact of his approved continuous officiating in the senior scale post for the period of nearly 3 years and subsequently the continuous inclusion of his name in the select list upto his promotion/appointment to the IFS may not be taken into considerations, submitted the representation at 30.12.91. In the said representation it was stated by the Applicant that since he has been continuously officiating in the senior scale post included in the Manipur Part of the M-T Cadre of Indian Forest Service before the inclusion of his name in the select list and as his name continuously remained in the select list

till his appointment to the IFS on 30.8.90 and as moreover his officiation in the senior scale post was approved by the Central Government under provisions of Rule 9 of the IFS (Cadre) Rules in consultation with the UPSC under Rule 3(2)(c) of the IFS (Regulation of Seniority) Rules, his seniority is to be determined as the same as that of the junior-most among the directly recruited officers in the cadre continuously officiating in a senior post as on 22.2.89. Applicant also stated that Shri V. Ramakantha (IFS MT 1984) is the junior-most among the direct recruited officers in the cadre so officiating as on 22.2.89, hence his seniority and the year of allotment may be determined as "1984" and his position may be placed suitably in the gradation list of the IFS, MT cadre.

Copy of the representation dt. 30.12.91 is annexed herewith and marked as ANNEXURE-V.

4.14 That the Government of India vice Order No. 18014/12/92-IFS-II dt. 8th Sept. '92 assigned Applicant "1986" as his year of allotment in terms of the provision of Rule 5(2)(c) of the IPS (Regulation of Seniority) Rules, 1968. It was held in the said order that Shri Promod Kr. Pant, IPS (R/WT-1986) is the juniormost direct recruit officer in the Manipur-Tripura Cadre of the service who was appointed to the senior scale w.e.f. 1.4.90. It was on the basis that the Applicant was assigned 1986 as the year of allotment and he was placed below Shri Promod Kr. Pant, IPS (WR/R-1986).

Copy of the order dt. 8th Sept. '92 is annexed herewith and marked as ANNEXURE-VI.

4.15 That the copy of the Annexure-VI order was communicated to the Applicant only on 29th May '93 and from the year of allotment assigned therein it was obvious that Annexure-V representation of the Applicant dated 30.12.91 was either inadvertently not considered or the same was considered but rejected. As Annexure-VI order was silent about this aspect of the matter the Applicant during June/July '93 met the concerned officials both at Imphal and Delhi. During these meetings the Applicant was given to understand that Annexure-VI order has been passed inadvertently without considering the Applicant's representation dated 30.12.91 and the matter would be looked into afresh. Be that as it may, the Applicant submitted a representation dtd. 14.6.93 to the Govt. of India making grievance against the Annexure-VI order. In the representation, he also referred to his earlier representation dt. 30.12.91. However, when nothing was done, the Applicant yet again contacted the concerned official in the Ministry of Environment and Forests, New Delhi, some time during November/December, 1993. It was at that stage that the Applicant was told that his Annexure-V representation and subsequent representation dt. 14.6.93 were never put up and the same are not traceable. The Applicant was advised that he should submit a detailed representation challenging the annexure-VI order so that appropriate final order may be passed on the same.

Copy of the communication dt. 29th May 1993 is annexed herewith and marked as ANNEXURE-VII and the copy of the representation dated 14.6.93 is annexed herewith and marked as ANNEXURE-VII/A.

4.16 That therefore the Applicant filed yet another representation dt. 17.1.94 wherein he specifically referred to the Annexure-VI order and prayed for the re-fixation of his seniority and the year of allotment in accordance with law and the extant rules and principles. However, after the representation dt. 17.1.94 now more than six months have passed away but till now no decision has been taken by the competent authority on the same. Applicant has a bonafide belief that the useful purpose would be served in pursuing the matter any further. Hence, this application now under Section 19 of the Administrative Tribunals Act by this Applicant before this Hon'ble Tribunal.

Copy of the representation dated 17.1.94 is annexed herewith and marked as ANNEXURE-VIII.

4.17 That in the case of the Applicant, first select list was that of 22.5.89 in which the name of the Applicant first appeared. As when name of the Applicant first appeared in the select list, at the relevant time he was officiating in a senior post, therefore as per the relevant provisions of the rules holding the field, such period of officiating should be counted for the purpose of determination of Applicant's seniority.

4.18 That as stated earlier that when the Applicant

was holding a cadre post, the mandatory Triennial cadre review was due on 20.3.85. However, it was not held on its due date and was only held after more than 2 1/2 years of its scheduled date on 22.11.90 and the same resulted in addition of 2 (two) senior scale posts. Had Triennial cadre review been held on time then what happened on 22.11.90 would have happened on 29.3.88 and the Applicant who was holding a cadre post at the relevant time would have been accommodated in one of the two senior scale posts which were subsequently created. What has been stated here is not a presumption but a fact grounded in reality which has a sound and cogent basis. In the instant case not holding the cadre review on time resulted in violation of the mandatory requirement of Rule 4(2) of the IPS (Cadre) Rules by the Central Government and deprived the Applicant of his legitimate expectation of promotion to IPS.

4.19 That there is a direction of the Government of India that the review contemplated under Rule 4(2) of the cadre rules should be completed sufficiently in advance so as to enable a notification to be issued on the third anniversary of the earlier notification. In this connection, extracts from the Government of India, Deptt. of Personnel and Administrative Reforms letter No. 4/12/70/AIS.1 dated 26.5.71 are worth-mentioning. In the aforesaid letter, it is stated inter alia that the adequacy of requirement rate for the All India Services is vital to the proper functioning and management of Government. Two measures are needed to ensure this. The first is the prompt encadrement of new

posts likely to last over an extended period and the second is to assess future needs in advance on the basis of the past experience and the future plans. A failure in either of the two requirements will affect the adequacy of cadre strength thus leading to strains and stresses which some of the States are facing to-day." (

In the light of the above-mentioned instructions of the Government of India the language used in Rule 4(2) of the cadre rules compels one to reach a conclusion that the notification as a result of the Triennial cadre review should be effective from the third anniversary of the earlier notification. The expression used in rule 4(2) is "at interval between one fixation of cadre strength and another shall be 3 years, do more or no less. Therefore, prima facie, the fresh notification after Triennial cadre review has to be issued at interval of three years i.e. on the third anniversary of every preceding notification.

4.20 That the need for prompt and punctual cadre review arises from the fact that the framer of law had intended that the members of the All India Services and also these who have a right to be considered for appointment to that service, if a vacancy arose, should feel completely secure that the cadre strength will be reviewed periodically on time in accordance with law and the benefit thereof will be available to them automatically, without their being beholden to any political party or leader for this purpose. Hence from

the point of view of persons like this Applicant Rule 4(2) of the IFS (Cadre) Rules which contains mandatory provisions for review, have to be followed strictly.

4.21 Therefore, this Applicant has a vested right to claim that the cadre review be conducted in accordance with law on the due date. In the instant case, as it was not done, the Applicant has a right to demand that the notification under Rule 4 of the IFS (Cadre) Rules which was issued only on 22.11.90 shall be given effect to from 29.3.88 with all necessary consequences resulting therefrom.

4.22 That as stated earlier, in 1988 when the Applicant was holding a cadre post, there was no meeting of selection committee and as a result no select list was in existence in 1988 - the very year in which the Triennial cadre review was also due. Non-holding of the meeting of the selection committee violated the mandatory requirements of Reg. 5 of the IFS (Appointment by Promotion) Regulations. It is submitted that the chances of promotions and the aspiration to reach higher chances of services enthruses a member of service to dedicate himself assiduously to the service with diligence, exhibiting self-confidence, honesty and integrity. The absence of chance of promotion generates frustration. Hence, unless the select list is made annually, the promotee officers stand to lose their chances of consideration for promotion which is their legitimate expectation. Hence the preparation of the select list every year is mandatory in order to subserve the subject of the Act and the rules and to

afford an equal opportunity to promote officers to reach higher chances of service. As the appellant lost the opportunity of appointment to IFS in 1988 primarily due to the fact of non-preparation of select list and non-holding of cadre review, hence the wrong done to the Applicant due to this wanton infraction of the rules and dereliction of statutory duty, deserves to be remedied by this Hon'ble Tribunal by giving retrospective effect to cadre review and select list w.e.f. 29.3.88 with all necessary consequences resulting therefrom.

4.23 That as stated earlier under Reg. 5 of the IFS (Appointment by Promotion) Regulation, select list of suitable officers of State Forest Service must be prepared every year for appointment to IFS by promotion. However, in 1988 when the Applicant was continuously holding a cadre post since 4.9.86, no select list was prepared. As in the select list of 1989, the Applicant's name was on top of the list, it must be held that non-preparation of the select list of 1988 was not due to the Applicant's fault and on the other hand, had the concerned authorities of the State Government, the Central Government and the UPSC been meticulous about the discharge of their duties as enjoined by the promotion regulation, the Applicant's name would have been in the 1988 select list. Coupled with the fact that had the notification of Triennial cadre review been issued on its due date i.e. 29.3.88 resulting in the increase of two cadre posts, it would be in the interest of justice to hold that the

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Applicant should be deemed to be appointed to IFS on 29.3.88 and the period of his continuous officiation in cadre post beginning from 4.9.86 should be counted for determining his seniority.

4.24 That the period of continued officiation of the Applicant in a cadre post beginning from 4.9.86 had the approval of Central Government and the UPSC and as such, it was a valid and regular appointment in the eye of law. An Applicant's holding of cadre post for a period of nearly 3 years was valid and regular in the eye of law, the benefit of the same must be given to the Applicant by counting and continuing the same with due approval and/or deemed to be approved continuation of the same for determining his seniority. That just because the continuous officiating of the Applicant in a cadre post for a period of nearly 3 years was followed by an intervening period, it cannot be held that such an intervening period would have the effect of wing out the 3 long years of continuous officiation in a cadre post for the purpose of counting the same for determination of Applicant's seniority. Moreso, this intervening period was primarily due to the laches on the part of the Central Government and the UPSC. Had Central Government and the UPSC carried out the duty enjoined upon them, the situation giving rise to the intervening period would not have arisen at all. Hence it is submitted that the period of Applicant's continuous officiation in a cadre post whether approved or yet to be approved was neither fortuitous nor stop gap, it was valid and legal and as such must be counted

for determining Applicant's seniority in the IFS. In any case, the Applicant is not at all responsible for the inaction of the Respondents in not performing a statutory duty and consequently he cannot be made to suffer for such inaction on their part.

4.25 That Rule 3 of the All India Services (Conditions of Service - Residuary Matters) Rules, 1960, provided the power to relax rules and regulations in certain cases - where the Central Government is satisfied that the operation of the Act, or (ii) any regulation made under any such rule, regulating the conditions of service of persons appointed to an All India Services "causes undue hardship in any particular case", it may, by order, dispose with or relax the requirements of that rule or regulation, as the case may be, to such an extent and subject to such exception and conditions as it may consider necessary for dealing with the case in a "Just and equitable manner". Rule 3 empowers the Central Government to relieve undue hardship caused due to unforeseen or unmerited circumstances. As in the instant case, hardship is being caused to the Applicant due to the interpretation being given to the e Rule 3(2)(c) of the IFS (Regulation or Seniority) Rules, therefore the instant case is a fit case where the Central Government may invoke its power under Rule 3 of the Central Government Residuary Rules to relax the rigour of Rule 3(2)(c) of the IFS (Regulation of Seniority) Rules. It is submitted that Applicant's continuous officiating in a cadre post must be counted for determining the Applicant's seniority in the IFS.

If there is difficulty in doing so because of nature of Rules than for the ends of justice the Central Government should invoke its power under Rule 3 of the Residuary Service Rules and confer upon the Applicant the benefit of continuous officiation on a cadre post.

4.26 That though the Government of India vide Annexure-VI order dated 8th September 1986 as his year of allotment in terms of the provisions of Rule 3(2)(c) of the IFS (Reg. of Seniority) Rules and had placed him below Shri Promod Kumar Pant, IFS (MT/RR-1986) but in the draft civil list of IFS as on 1st January 1994 circulated by the Government of India, Ministry of Environment & Forests vide. F. No. 27014/01/93-IFS-II dated 14.12.93. The name of Applicant instead of being immediately next to Shri Promod Kumar Pant, has been superseded by the names of Shri B.N. Mohanty and Shri D.J.N. Anand. The names of Mr. Mohanty and Anand are at Sl. No. 45 and 46 respectively. The name of the Applicant is at Sl. No. 47. In view of the Annexure-VI under dated 8th September 1992 (Shri D.N. Mohanty and Shri D.J.N. Anand respectively) and as such the draft civil list of IFS as on 1st January 1994 is incorrect in so far as the Applicant is concerned being contrary even to Annexure-VI order. As in the instant case, the Applicant is not satisfied with the year of allotment which has been assigned to him and according to him instead of 1986, 1984 should be his year of allotment. Therefore, it is stated that the Applicant's correct position in the civil list of IFS should be immediately

above Sri V. Ramakanta (Respondent No. 5) whose name has been shown at Sl. No. 30 in the civil list.

Copy of the draft civil list of IFS as on 1st Jan. 1994 is annexed herewith and marked as

ANNEXURE-IX

4.26(a) That the Rules 8 and 9 of the IFS (Recruitment) Rules, 1966 provide that the number of persons recruited under Rule 8 in any State or group of States must not exceed 33 1/3% of the number of senior duty post borne on the cadre of that State or group of States as per sub-rule (1) of Rule 9. While the definition of Seniority Duty Post is given under Rule 2(g) of the IFS (Regulation of Seniority) rules, 1968, exclusion of Senior Post, exclusion of senior post against item No. 5 of the Cadre Schedule of each State or Group of States for computation of promotional quota is bad in law and the same has resulted in anomaly in the condition of service of SFS Officers. In this connection, it is reiterated here that number of senior posts against the item No. 5 of the cadre schedule which belong to the category of deputation reserve has not been provided for in the cadre schedule of any of the state including the cadre schedule of Manipur and Tripura.

4.26(b) That the Applicant submits that Rule 9 of the IFS (Recruitment) Rules, 1966 has created an anomalous situation in law inasmuch as the said Rules restrict the total number of promotee to the maximum of 33 1/3% of the number of post as shown against item No. 1 and 2

of cadre as stipulated in the schedule to IFS (Fixation of Cadre Strength) Regulation, 1966. The anomalies created by the fact that while direct recruit IFS Officers in the Junior Time Scale can be promoted to any posts in the senior time scale which falls under Item No. 5 of IFS (Fixation of Cadre Strength) Regulation 1966, no such promotional quota is available to the State Forest Service officers.

4.26(c) That the anomalous situation as stated above, was the subject matter of challenge before the Jabalpur Bench of the Central Administrative Tribunal in the case of K.K. Goswami -Vs- Union of India & Ors. The Jabalpur Bench of the Hon'ble Tribunal in its order in the aforesaid case reported in 1987 4 SLJ (CAT) 194 held that 33 1/3% of deputation reserve post at item No. 5 should be considered for computation of promotional quota.

4.26(d) That similar issue was also raised by the SFS officers of West Bengal in the case of D.K. Basu -Vs- Union of India & Ors. before the Calcutta Bench of the Hon'ble Tribunal. The Calcutta Bench of the Hon'ble Tribunal in its order dated 26.7.94 passed in O.A. No. 994/90 reiterated what was already held by the Jabalpur Bench of the Hon'ble Tribunal as stated above. It is pertinent to mention that the Special Leave Petition No. 3464/95 against the judgment and order of the Jabalpur Bench of the Hon'ble Tribunal passed in O.A. No. 394/90 with SLP (C) 6455/95 against the order dated 26.7.94 passed by the Calcutta Bench of the Hon'ble CAT.

in O.A. 994/90 were dismissed by the Hon'ble Supreme Court of India in its Judgment dated 24.8.95. It is also noteworthy that the SLP No. 11025/87 preferred by the Government of M.P. against the order in T.A. No. 81/86 passed by the Jabalpur Bench of the Hon'ble Tribunal was also dismissed by the Hon'ble Supreme Court in its order dated 18.4.88. Consequently, the Government of India issued a notification dated 22.2.89 amending the cadre strength regulation relating to the State of Madhya Pradesh as a result of which the promotional post were increased to 105 from 90.

Order of the Calcutta Bench of the Hon'ble CAT dated 26.7.94 and judgment of the Hon'ble Supreme Court of India dated 24.8.95 and 18.4.88 are annexed as ANNEXURES-X, XI and XII respectively.

4.26(e) That since in the case of Manipur-Tripura cadre of the IFS, the deputation reserve posts listed at item No. 5 of the cadre schedule of Manipur-Tripura cadre were not considered for computation of promotional quota of SFS officers to IFS, the same resulted in grave prejudice to this Applicant. Had such computation exercise been carried, the same would have resulted in increase in quota of SFS officers for promotion to IFS. In such an event, this Applicant would certainly have been promoted to the IFS long ago. It is stated that non-consideration of deputation reserve posts at Sl. No. 5 of the cadre schedule for the purpose of computation of promotional quota of SFS officers has resulted in serious prejudice to the SFS officers in

the matter of promotion to IFS and this Applicant is no exception.

A copy of the cadre notification dated 29.3.85 is annexed as ANNEXURE-XII.

4.26(f) That the Applicant states that the 1985 batch officers will be considered for promotion to the next higher grade against the post which has fallen vacant on 31.1.98 and another post which will fall vacant on 31.3.98 on retirement of Kh. Jaichandra Singh, Conservator of Forests and Th. Nganthoi Singh, PCCF. Thus if the Applicant gets his year of allotment as claimed in this case his case will come under the purview of consideration. The Applicant will be deprived of his promotion if his case is not considered with the correct assignment of year of allotment as claimed for and so also if his case is not considered against the deputation reserve post as stated above. Both the issues have got the nexus in the matter of promotion of the Applicant and correct assignment of year of allotment and seniority.

4.27 That the Applicant filed this application bonafide and to secure the ends of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 That non-preparation of the select list in 1988 violated Reg. 5 of the IFS (Appointment by Promotion) Regulations and deprived the Applicant of the opportunity to come in the select list As at the relevant time Applicant was holding a cadre post, therefore, had his name appeared in the select list of

1988 he would certainly have been promoted to the IFS in 1988 itself.

5.2 That failure to hold the Triennial cadre review on its due date of 29.3.88 and its holding of after more than 2 1/2 years of its scheduled date violated the Rule 4(2) of the IFS (Cadre) Rules. Coupled with the fact of non-preparation of select list in 1988, the failure to hold the Triennial cadre review on its due date of 29.3.88, severely affected the Applicant's right/interest especially when the Triennial cadre review was held at last on 22.11.90 the same resulted in addition of 2 (two) senior scale posts. Therefore, had the Triennial cadre review held on its scheduled date of 29.3.88, the Applicant would have got the advantage of the same as at the relevant time the Applicant was holding the cadre post.

5.3 That leaving aside the argument of non-preparation of select list in 1988 and non-holding of Triennial cadre review on its due date of 29.3.88, since the name of the Applicant appeared in the select list in 1989, when he was holding a cadre post, therefore, his seniority should be at least counted from 1989, to be more precise from 22.5.89 (the date of the select list in which the name of the Applicant first appeared). Pursuant to this, change is also required to be made while assigning Applicant his year of allotment in accordance with Rule 3(2)(c) of the IFS (Regulation of Seniority) Rules.

5.4 That under proviso to explanation, where an officer is appointed to the service by promotion under Rule 8 of the Recruitment Rules on the basis of his name having been included in the first select list prepared by the selection committee constituted under Regulation 3 of the IFS (Appointment by Promotion) Regulations, the period of his continuous officiation in a senior post prior to the date of the inclusion of his name in the first select list shall also count, if such officiation is approved by the Central Government in consultation with the commission.

In the case of the Applicant, first select list was that of 22.5.89 in which the name of the Applicant first appeared. As when name of the Applicant first appeared in the select list, at the relevant time he was officiating in a senior post. Therefore, in terms of the proviso to Explanation I such period of officiation should be counted for the purpose of determination of Applicant's seniority.

5.5 That the period of continued officiation of the Applicant in a cadre post beginning from 4.9.88 and continuing upto 18.7.89 has the approval of central Government and the UPSC and as such it was a valid and regular appointment in the eye of law. Hence the benefit of the same must be given to the Applicant by counting the same for determining his seniority. Even otherwise also, it should be deemed that the entire period of such officiating till appointment/inclusion in select list has the approval/tacit approval of the authorities concerned.

5.6 That Applicant's continuous officiating in a cadre post for nearly 3 long years must be counter for determining the Applicant's seniority in the IFS. If there is difficulty in doing so because of nature of rules, the due to the resultant hardship to the Applicant, for the ends of justice, the Central Government should invoke its power under Rule 3 of the Residuary Service Rules and confer upon the Applicant the benefit of continuous officiating in a cadre post.

5.7 That the belated triennial cadre review should relate back to its due date and consequently the appointment of the Applicant to IFS should also relate back to its due date with all consequential benefit, more particularly, the benefit of correct assignment of year of allotment and fixation of seniority.

5.8 That seniority being a cherished right of the Applicant on which his future promotional and service prospects are dependent cannot be allowed to be defeated by the inaction of the Respondents and accordingly, judicial interference is called for in the matter, if necessary even by invoking the provisions of relaxation of Rules.

5.9 - It is submitted that the IFS is an all India cadre service governed by statutory rules framed by the Government of India under powers conferred by Sub-section 1 of Section 3 of all India Service Act, 1951. The Indian Forest Service (Recruitment) Rules, 1966, IFS (Cadre) Rules, 1966, IFS (Appointment by Promotion) Regulations, 1966 and IFS (Fixation of Cadre Strength)

Rules, 1966 and some of the Rules framed by the Central Government and all such rules are to be applied uniformly through out the country irrespective of State cadre. As stated hereinabove, under orders of the Jabalpur and Calcutta Bench of the Hon'ble Tribunal, the Central Government and the respective State Governments have already accepted the decision of the said two Benches and have accordingly modified the relevant rules and/or have included 33 1/3% of the posts at item No. 5 in the cadre schedule for the purpose of promotion to IFS Cadre. The IFS being an All India Service, there cannot be any discrimination in the application of the rules and therefore, the refusal of the respective Government to include 33 1/3% of the posts at item No. 5 in the Manipur-Tripura Cadre is clearly discriminatory and violative of Articles 14 and 16 of the Constitution of India.

5.10 That the Calcutta Bench of the Hon'ble Tribunal in its order had considered all the above mentioned issues and following the judgment and order of the Jabalpur Bench of the Hon'ble CAT against which SLP No. 11025/87 was dismissed by the Hon'ble Supreme Court of India, held categorically that the IFS being all India service the terms and conditions and manner of recruitment etc. are to be all uniform and in view of this position, West Bengal could not have a different yardstick than that of the State of M.P. By applying the same logic, it is submitted that the State of Manipur also cannot have a different yardstick than

that of the West Bench or the State of M.P. and it cannot continue to deprive the State Forest Service Officers of the quota of 33 1/3% at item No. 5 of the Cadre Schedule for the purpose of promotion to IFS Cadre.

5.11 That it is submitted that present practice of non-inclusion of item No. 6 of the cadre schedule for computation of 33 1/3% for fixing promotion quota is by itself is discriminatory inasmuch as the direct recruits get the advantage of being promoted and posted in all the posts falling vacant under item No. 6 whereas the SOS officers are denied their share under item No. 6. The result of this discrimination leads to acute anomalous situation since any number of posts falling vacant on account of leave and training under item No. 6 go to the share of direct recruits whereas the SFS officers are entirely denied their share in such posts.

5.12 That the Applicant would have been appointed to IFS much earlier had the Respondents acted legally and reasonably by computing the promotional posts on the basis of 33 1/3% of the item Nos. 5 and 6 of the cadre schedule to the promotional quota. The failure of the Respondents to do so has deprived the Applicant of his legitimate expectation of being promoted to IFS at an appropriate time and thus caused him grave injury and injustice.

6. DETAILS OF REMEDIES EXHAUSTED :

That the Applicant declares that he has exhausted all the remedies available to him under the law and there is no alternative remedy available to him any more.

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

The Applicant further declares that he has not filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any Court or any other Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

In the facts and circumstances and premises aforesaid, the Applicant prays for the following reliefs :

8.1 Quash the Government of India's order No. 18014/12/92-IFS-II dt. 8th September, 1992 (Annexure-VI) ✓

8.2 Direct the Respondents to assign Applicant 1984 as his year of allotment and place him just above Mr. V. Ramakanta (Respondent No. 5) in the Civil List of the IFS as on 1st Jan. 1994 and while doing so, if necessary to invoke the provisions of A.I.S. (Conditions of Service - Residuary Matters) Rules, to meet with the undue hardship

caused to the Applicant by the inaction of the Respondents..

8.2(a) Declare that the 33 1/3% of the posts specified at item No. 5 of Indian Forest Service (Fixation of Cadre Strength) Regulation, 1966 are to be included in the total number of posts available to the Manipur State Forest Service Officers for promotion to IFS Cadre under Rule 8 of the IFS (Recruitment) Rules, 1966

8.2(b) Direct the Respondents to compute the number of posts available for promotion to the Manipur State Forest Service Officers by including the 33 1/3% of the posts at item No. 5 and accordingly consider the case of the Applicant in the said quota for promotion to Indian Forest Service Cadre from his due date.

8.3. Pass any other order/orders or give direction/directions as may be deemed fit and proper in the facts and circumstances of the case.

9. INTERIM ORDER PRAYED FOR :

In the facts and circumstances of the case, Applicant does not pray for any interim order at this stage.

10.

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

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

12. LIST OF ENCLOSURES :

As stated in the Index.

VERIFICATION

I, Th. Ibobi Singh, Son of Th. Iboton Singh, aged about 40 years, working as Divisional Forest officer, Northern Forest Division, Kongpokpi, Resident of Keishantehong Irom Pukhri, Mapal, P.O. Imphal, 795001, Manipur, do hereby verify that the contents in paragraph 1 to 4 and 6 to 12 are true to my knowledge which I believe to be true and those made in para 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 12th day of my 1998 December, 1994 at Guwahati.

Th. Ibobi Singh

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X

- 30 -

ANNEXURE I

PS-19

GOVERNMENT OF MANIPUR.
DEPT. OF PERSONNEL & ADMINISTRATIVE SERVICES.
(PERSONNEL DIVISION)

ORDERS BY THE GOVERNOR : MANIPUR
Imphal, the 4th September, 1966.

No. 3/25/77/EDR/12 : Under Rule 6 of the I.P.S. (Cadre) Rules, 1966, the Governor of Manipur is pleased to appoint the following State Forest Service Officers in the I.P.S. Cadre Post of Deputy Conservator of Forests in the pay scale of Rs.1110-50-1600/- on officiating basis for a period of 3 (th. co) months with immediate effect or till a suitable cadre officer is available, whichever is earlier.

- (1) Mirl Vunkom Kibgon.
- (2) Chri Th. Ibobi Singh.

By orders & in the name of the Governor.

Sd/-

(Ms. Lalkham)

By. Secy. to the Govt. of Manipur.

Copy to:-

- 1. The Spl. Secy. to Governor, Raj Bhawan, Manipur, Imphal.

.....

.....

- 2. Guard File.

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37

GOVERNMENT OF MANIPUR
DEPTT. OF PERSONNEL & ADMS. REFORMS.
(PERSONNEL DIVISION)

ORDERS BY THE GOVERNOR : MANIPUR
Imphal, the 20th Feb, 1963.

No. 3/16/77(Fer)/EE. The Governor of Manipur with the concurrence of the Govt. of India as well as Union Public Service Commission, is pleased to approve the officiating appointments of the following State Forest Service Officer against the I.F.S. cadre posts of Manipur part of the Joint I.F.S. Agartala-Tripura cadre for the periods mentioned against their names under Rule 9 of the I.F.S. (Cadre) Rules, 1966.

- (1) Shri Kh. Kalachand Singh - From 1/8.66 to 31.3.67.
- (2) Shri M. Modhuchandra Singh - From 1.8.66 to 29.2.67.
- (3) Shri V. Kibgen - From 4.9.66 to 31.3.67.
- (4) Shri Th. Ibom Singh - From 4.9.66 to 31.3.67.

By orders & in the name of
the Governor.

SD/-

(Ng. Lalkhen)

By. Secy. (HF), Govt. of Manipur.

Copy to:-

1. The Spl. Secy. to Governor, Maj. Bhavan, Imphal.

2. Shri Th. Ibom Singh, MFO, Agartala, Imphal.
3. Guard File/Personal files.

(20) BE PUBLISHED IN THE GAZETTE OF INDIA PART II SECTION 3(1)

No. 16016/6/90-A12(II)-A

Govt. of India

Min. of Personnel, Public Grievances & Pensions
Deptt. of Personnel & Training.

New Delhi, the 22.11.90.

NOTIFICATION.

GER No..... In exercise of the powers conferred by sub-section (2) of Section 3 of the All India Services Act, 1951 (61 of 1961), read with rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Govt. in consultation with the Govt. of Manipur and Tripura hereby makes the following regulations further to amend the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, namely :-

1. (1) These regulations may be called the Indian Forest Service (Fixation of Cadre Strength) Fourth Amendment Regulations, 1990.
- (2) They shall come into force on the date of their publication in the official Gazette.

2. In the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, for the heading "Manipur-Tripura" and the entries occurring thereunder the following shall be substituted, namely :-

MANIPUR-TRIPURA.

1. <u>Senior duty Posts in the State Government (Manipur)</u>	23.
Principal Chief Conservator of Forests	1.
Chief Conservator of Forests (Wildlife)	1
Chief Conservator of Forests (General)	1
Conservator of Forests	3
Deputy Conservator of Forests	7
Deputy Conservator of Forests (Resource Survey Division)	1
Deputy Conservator of Forests (Wildlife)	1
Deputy Conservator of Forests (Working Plan)	2
Deputy Conservator of Forests (Social Forestry)	1
Deputy Conservator of Forests (Soil Conservation)	2
Deputy Conservator of Forests (Headquarters)	1
Deputy Conservator of Forests (Research, Silviculture & Training)	1
Deputy Conservator of Forests (Labour)	1
	<u>25</u>

continuation sheet

<u>Senior Duty Posts under the State Government (Tripura)</u>	<u>23</u>
Principal Chief Conservator of Forests	1
Chief Conservator of Forests	2
Conservator of Forests	3
Deputy Conservator of Forests	9
Deputy Conservator of Forests (Wildlife)	1
Deputy Conservator of Forests (Working plan)	2
Deputy Conservator of Forests (Headquarters)	1
Deputy Conservator of Forests (Kooenoh)	1
Deputy Conservator of Forests (Training)	1
Deputy Conservator of Forests (Planning & Development)	1
Deputy Conservator of Forests (Planning & Social Forestry)	1
	<u>22</u>
Total Senior duty posts of Manipur & Tripura Cadre	45
2. Central Deputation Reserve @ 20% of 1 above	9
3. Posts to be filled by promotion in accordance with rule 8 of the Indian Forests Service (Recruitment) Rules, 1966.	18
4. Posts to be filled by direct recruitment	37
5. Deputation Reserve @ 25% of all above	11
6. Junior posts, Leave Reserve & Training Reserve	14
	<u>62</u>
Direct Recruitment Posts	62
Promotion Posts	18
Total authorized strength	<u>80</u>

82/-
(CHANDER PRASAD)
DEPT OFFICER.

(To be FURNISHED IN PART I SECTION II OF THE GAZETTE OF INDIA)

No. 17013/12/90-178-II.

Government of India

Ministry of Environment & Forests

Forayvaran Shivan,
600 Complex, Phase - II
Lodi Road, New Delhi-110003.

Dated, 30th August, 1990.

NOTIFICATION.

In exercise of the powers conferred to sub-rule (1) of rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, read with sub-rule (1) of regulation 9 of the Indian Forest Service (Appointment by promotion) Regulations, 1966, the President is pleased to appoint with immediate effect, Sh. Mr. Ibbi Singh (Date of Birth: 01.03.1954), an officer of State Forest Service of Manipur to the Indian Forest Service on probation, against an existing vacancy, and to allocate him to the Manipur-Tripura cadre of the Indian Forest Service under sub-rule (1) of rule 5 of the Indian Forest Service (Cadre) Rules, 1966.

Sd/- (K.R. Achar)
under Secy. to the Govt. of
India.

To
The Manager,
Government of India Press,
Barrack Road.

Copy to:-

1. The Secy., U.P.S.C., Bhulpur House, Shahjahan Road,
New Delhi-110011 with ref. to their letter No.
10/12(2)/83-ALS dated 19th June, 1990.

.....

.....

7. Spare copies/Guard file.

....

To
The Secretary,
to the Govt. of India,
Ministry of Environment & Forests,
Paryavaran Bhavan, C.G.O. Complex,
New Delhi.

Through Proper Channel.

Sub: Fixation of seniority on promotion
to the Indian Forest Service (MP Cadre)
from State Forest Service.

Sir,

I have the honour to lay the following
few lines for your kind consideration and favourable
necessary action.

That on the recommendations of the Manipur
Public Service Commission and on completion of 2 (two)
years training at State Forest Service College, Imphal-
hat (1966-78), I was appointed as Assistant Conservator
of Forests (AFS) on 2.5.78 by the Govt. of Manipur and
confirmed to the said post v.o.f. 2.5.80.

As per Indian Forest Service (Appointment
by promotion) Regulation, 1966, I was eligible for
promotion to the Indian Forest Service v.o.f. 1.1.85.
Further, under rule 9 of Indian Forest Service (Cadre)
Rules, 1966, I was given officiating appointment as
By. Conservator of Forests against the IFS Cadre post
v.o.f. 4.9.85 vide Govt. of Manipur order No. 3/16/77-
For/DF at 4.9.85 and posted as By. Conservator of
Forest/DF which is a cadre post. The Govt. of India
and the U.P.S.C. accorded concurrence to my officiating
appointment in the senior scale post included in the
Manipur part of Manipur-Tripura (MT) Cadre of Indian
Forest Service from 4.9.85 to 30.6.89 as conveyed vide
Govt. of India, Ministry of Environment & Forests
letter No. 17020-1/85/IFS-II at 1.2.89.

During the year 1983, no selection
committee meeting for Manipur part was held to consider
the cases of eligible candidates of State Forest Service
Officers for appointment to IFS by promotion. However,
the meeting of the selection committee was held on 22.2.89
at Imphal and it has been learnt that on the recommen-
dations of the selection committee, my name was in the
select list v.o.f. 22.5.89. It is also learnt that in the
subsequent selection committee meeting held on 7.4.90, my
name continued to be included in the select list.

That a vacancy in the Indian Forest Service
Cadre post in Manipur part of the MT Cadre meant for
promotion arose v.o.f. 1.5.90 on account of expiry of
H. Kunja Singh, IFS(M-1963) and since my name was in
the select list I was appointed to the Indian Forest
Service against the said vacancy under Sub-Section(I)

Ctd.....

continuation sheet ...

of rule 8 of Indian Forest Service (Recruitment) Rules, 1966 and sub-rule (1) of the rule 9 of Indian Forest Service/Appointment by Promotion) Regulation, 1966 and allotted the Manipur-Tripura Cadre of the Indian Forest Service under sub-rule (1) of rule 5 of the Indian Forest Service (Cadre) Rules, 1966 vide Govt. of India, Ministry of Environment & Forests Notification No. 17013/12/90-IFS.II dt 30.8.90. However, so far my seniority/year of allotment in the service has not been determined by the Govt. of India.

It is submitted that since I have been continuously officiating in the senior scale post & included in the Manipur Part of the M-T Cadre of Indian Forest Service before the inclusion of my name in the select list and continuously upto my promotion to the Indian Forest Service and since the officiation was approved by the Central Govt. under provisions of Rule 9 of the Indian Forest Service (Cadre) Rules, 1966 in consultation with the U.P.S.C. (Regulation of seniority) Rules, 1966, my seniority is to be determined as the same as of the junior-most among the directly recruited officers in the cadre continuously officiating in a senior post as on 22.5.69. It is further submitted that Shri V. Ramakrishnan (IFS RN HT 1984) is the junior-most among the directly recruited officers in the Cadre so officiating as on 22.5.69.

In view of the points indicated above, I humbly pray that my seniority/year of allotment may kindly be determined as "1984" and my position may kindly be placed suitably in the graduation list of the Indian Forest Service, M-T Cadre.

Imphal,
the 30th Dec. 1991

Yours faithfully,
S/-
(Th. Ibobi Singh) IFS
Dy. Conservator of Forests
Manipur, Imphal.

Advance copy to :-

The Jt. Secy. to the Govt. of India,
Min. of Environment & Forests,
Paryavaran Bhavan,
C.G.O. Complex, New Delhi, for favour
of information and necessary action.

...

93
ANNEXURE VII

PANAYARAN TEIABAN,
C.G.O. COMPLEX, JORE ROAD
NEW DELHI.

No. 10014/12/92-IPS-II.

6th September, 1992.

ORDER.

Shri Ibomi Singh, an officer of the Manipur State Forest Service was appointed by promotion to the Indian Forest Service vide v.o.d. 30th August, 1990 vide notification No. 17013/12/90-IPS-II dt 30.8.1990.

2. The seniority of Shri Singh is to be fixed in the Indian Forest Service in terms of the provisions of rule 3(2)(c) of the Indian Forest Service (Regulation of Seniority) Rules, 1955.

3. Shri Pramod Kumar Kanti, IPS (82/RT-1986) is the junior most direct recruit officer in the Manipur-Tripura cadre of the service who was appointed to the Senior Scale vide v.o.d. 1.4.90, a date prior to the appointment of Shri Ibomi Singh, by promotion to the Indian Forest Service.

4. In view of the above, Shri Ibomi Singh is also assigned '1986' as his year of allotment and he is placed below Shri Pramod Kumar Kanti, IPS(82/RT-1986).

Sd/-

(L. S. Achary)

Under Secy. to the Govt. of India.

Distribution:

1. The Secy., Deptt. of Forests & Administrative Reform,
Govt. of Manipur, Imphal.

5. Guard file/Separate Copies.

GOVT. OF MANIPUR
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
IMPHAL.

No. 2/23/03/Forests

Imphal, the 29th May, 1993.

To
Shri Th. Ibobi Singh, IFS,
Divisional Forest Officer,
Soil Conservation Division No. II
MAITAIKUMBI.

Subject : Year of allotment.

Sir,

I am to enclose herewith a copy of order No. 12014/12/92-IFS-11 dt 6.9.92 received from the Under Secretary to the Govt. of India, Ministry of Environment & forests, New Delhi regarding fixation of your seniority in the Manipur-Tripura Cadre of Indian Forests Service for information and keeping the same as your personal copy.

Encl: as above.

Yours faithfully,

80/-

(Sh. Tonchou Singh)

Principal Chief Conservator of Forests,
Government of Manipur.

45

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ANNEXURE VIIA.

To
The Under Secretary,
to the Govt. of India,
Ministry of Environment & Forests,
Paryavaran Bhavan, C.G.O. Complex,
LODH. ROAD, NEW DELHI-110003.

(Through Proper Channel)

Sub: Fixation of seniority on promotion to the Indian Forest Service (AF Cadre) from State Forest Service.

Sir,

I beg to invite a reference to your order No. 18014/12/92-IFS,II dt 8.9.92 which was received by me only on 29.5.93 regarding fixation of my seniority in the I.F.S. in terms of provisions of rule 3(2)(e) of the I.F.S. (Regulation of Seniority) Rules, 1968. In this connection it is submitted that subsequent upon my appointment into I.F.S. on promotion w.e.f. 30.8.90 vide notification No. 17013/12/90-IFS-II dt 30.8.90, I had submitted a representation addressed to the Secretary Govt. of India, Ministry of Environment on 30.12.91 to consider the period of my continuous officiation in a senior scale post included in Bandur Part of AF Cadre of I.F.S. w.e.f. 4.9.86 while determining my seniority /year of allotment as such officiating appointment was approved by the Ministry of Environment & Forests and the U.P.S.C.

Further, it is submitted that as my name in the select list for the first time w.e.f. ~~22.5.89~~ 22.5.89 and continuously upto my appointment into IFS on promotion, it was requested in my representation dt 30.12.91 that under rule 3(2)(e) of the Indian Forest Service (Regulation of Seniority) Rules, 1968, my seniority may be determined as the same as the junior most among the directly recruited officers in the cadre continuously officiating in senior scale post as on 22.5.89. Since Shri V. Ramakrishna, (IFS Rk Hf 1984) is the junior most among the directly recruited officers in the scale so officiating as on 22.5.89, the request of the undersigned was to determine my seniority/year of allotment as 1984.

However, since I have been assigned "1986" as my year of allotment vide your Order dt 8.9.90 referred to above, a doubt has arisen as to whether my representation dt 30.12.91 has not been duly considered while fixing my seniority.

It is therefore, requested that I may kindly be intimated to whether my representation dt 30.12.91 has been duly considered while determining my seniority/year of allotment of at an early date.
Mantripukhuri, the 14th June '93.

Yours faithfully,
Sa/Abdul Singh.

To
The Secretary
to the Govt. of
Min. of Environment & Forests,
Paryavaran Bhavan, S.O.O. Com' ex,
Lodhi Road, New Delhi.

Through Proper Channel.

Sub: Re-fixation of seniority in the light of the judgment
at 19.3.92 in C.A. No. 138 of 1991 titled Jacob P.
Thomas Vs. U.O.I. and others in CAT/Jenokulam Bench.

Sir,

I have the honour to lay the following few lines for
your kind consideration and favourable necessary action.

That on the recommendation of the Manipur Public
Service Commission and on completion of 2(two) years training
at State Forest Service College, Burnihat, I was appointed as
Assistant Conservator of Forests (SGS) on 2.5.78 by the Govt.
of Manipur and confirmed to the said post w.o.f. 2.5.80.

As per Indian Forest Service (Appointment by Promotion)
Regulation, 1966, I was eligible for promotion to the I.F.S.
w.o.f. 1.1.1985. Further under Rule 9 of the I.F.S. (Cadre)
Rules, 1966, I was given officiating appointment as Dy.
Conservator of Forests against the IFS Cadre Post w.o.f. 4.9.86
vide Govt. of Manipur order No. 3/16/77-For/MP dt 4.9.86 and
posted as Dy. Conservator of Forest/MP which is a Cadre Post.
The Govt. of India and the U.P.S.C. accorded concurrence to
my officiating appointment to the senior scale post included
in the Manipur Part of Manipur-Tripura(MP) Cadre of the
Indian Forest Service from 4.9.86 to 30.6.89 as conveyed
vide Govt. of India, Ministry of Environment and Forests
letter No. 17020-1/86-IFS II dt 1.2.89.

During the year 1988, no selection Committee meeting
for Manipur Part was held to consider the cases of eligible
candidates of State Forest Service Officers for appointment
to IFS by promotion. However, the meeting of the selection
committee was held on 22.2.89 at Imphal and it has been learnt
that on the recommendation of the selection committee, my
name was in the select list w.o.f. 22.2.89. It is also
learnt that in the subsequent selection committee meeting
held on 7.1.90, my name continued to be in the select list.

I was appointed to the I.F.S. against a vacancy in
the I.F.S. Cadre post in Manipur part of MP cadre meant for
promotion that arose w.o.f. 1.5.90 on account of expiry

etc.....

GOVT. OF MANIPUR
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
IMPHAL.

NO. 2/23/03/Forests

Imphal, the 29th May, 1993.

To
Shri Th. Ibobi Singh, IPS,
Divisional Forest Officer,
Soil Conservation Division No. II
MAHEIPUKHAI.

Subject : Year of allotment.

Sir,

I am to enclose herewith a copy of order No. 18014/12/92-IPS-11 dt 8.9.92 received from the Under Secretary to the Govt. of India, Ministry of Environment & Forests, New Delhi regarding fixation of your seniority in the Manipur-Tripura Cadre of Indian Forests Service for information and keeping the same as your personal copy.

Encl: as above.

Yours faithfully,

80/-

(Sh. Tonchoi Singh)

Principal Chief Conservator of Forests,
③ Government of Manipur.

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ANNEXURE VIIA.

To
The Under Secretary,
to the Govt. of India,
Ministry of Environment & Forests,
Parivartan Bhavan, C.G.O. Complex,
LODH. ROAD, NEW DELHI-110003.

(Through Proper Channel)

Sub: Fixation of seniority on promotion to the Indian Forest Service (AF Cadre) from State Forest Service.

Sir,

I beg to invite a reference to your order No. 18014/12/92-IFS,II dt 8.9.92 which was received by me only on 29.5.93 regarding fixation of my seniority in the I.F.S. in terms of provisions of rule 3(2)(c) of the I.F.S. (Regulation of Seniority) Rules, 1968. In this connection it is submitted that subsequent upon my appointment into I.F.S. on promotion w.e.f. 30.8.90 vide notification No. 17013/12/90-IFS-II dt 30.8.90, I had submitted a representation addressed to the Secretary Govt. of India, Ministry of Environment on 30.12.91 to consider the period of my continuous officiation in a senior scale post included in Senior Part of AF Cadre of I.F.S. w.e.f. 4.9.86 while determining my seniority /year of allotment as such officiating appointment was approved by the Ministry of Environment & Forests and the U.P.S.C.

Further, it is submitted that as my name in the select list for the first time w.e.f. ~~22.5.89~~ 22.5.89 and continuously upto my appointment into IFS on promotion, it was requested in my representation dt 30.12.91 that under rule 3(2)(c) of the Indian Forest Service (Regulation of Seniority) Rules, 1968, my seniority may be determined as the same as the junior most among the directly recruited officers in the cadre continuously officiating in senior scale post as on 22.5.89. Since Shri V. Ramakrishna, (IFS R. dt 1984) is the junior most among the directly recruited officers in the scale so officiating as on 22.5.89, the request of the undersigned was to determine my seniority/year of allotment as 1984.

However, since I have been assigned "1986" as my year of allotment vide your Order dt 8.9.90 referred to above, a doubt has arisen as to whether my representation dt 30.12.91 has not been duly considered while fixing my seniority.

It is therefore, requested that I may kindly be intimated to whether my representation dt 30.12.91 has been duly considered while determining my seniority/year of

allotment of at an early date.
Mantripukhuri, the 14th June '93.

Yours faithfully,
Sa/Aban Singh.

To
The Secretary
to the Govt. of
Min. of Environment & Forests,
Banyavaran Bhawan, G.O.O. Complex,
Lodhi Road, New Delhi.

Through Proper Channel.

Subj: Refixation of seniority in the light of the judgment
at 19.3.92 in C.A. No. 138 of 1991 titled Jacob P.
Thomas Vs. G.O.I. and others in CAT/Amakulam Bench.

Sir,

I have the honour to lay the following few lines for
your kind consideration and favourable necessary action.

That on the recommendation of the Manipur Public
Service Commission and on completion of 2(two) years training
at State Forest Service College, Bishnupur, I was appointed as
Assistant Conservator of Forests (SGS) on 2.5.76 by the Govt.
of Manipur and confirmed to the same post w.e.f. 2.5.80.

As per Indian Forest Service (Appointment by Promotion)
Regulation, 1966, I was eligible for promotion to the I.F.S.
w.e.f. 1.1.1985. Further under Rule 9 of the I.F.S. (cadre)
Rules, 1966, I was given officiating appointment as Dy.
Conservator of Forests against the IFS Cadre Post w.e.f. 4.9.86
vide Govt. of Manipur order No. 3/16/77-For/D2 at 4.9.85 and
posted as Dy. Conservator of Forest/D2 which is a Cadre Post.
The Govt. of India and the U.P.S.C. accorded concurrence to
my officiating appointment to the senior scale post included
in the Manipur Part of Manipur-Tripura(MT) Cadre of the
Indian Forest Service from 4.9.86 to 30.6.89 as conveyed
vide Govt. of India, Ministry of Environment and Forests
letter No. 17020-1/86-IFS II at 1.2.89.

During the year 1988, no selection committee meeting
for Manipur Part was held to consider the cases of eligible
candidates of State Forest Service Officers for appointment
to IFS by promotion. However, the meeting of the selection
committee was held on 22.2.89 at Imphal and it has been learnt
that on the recommendation of the selection committee, my
name was in the select list w.e.f. 22.2.89. It is also
learnt that in the subsequent selection committee meeting
held on 7.1.90, my name continued to be in the select list.

I was appointed to the I.F.S. against a vacancy in
the I.F.S. Cadre post in Manipur part of MT cadre meant for
promotion that arose w.e.f. 1.5.90 on account of expiry

etc.....

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continuation sheet

of H. Kunja Singh IPS (MT 1968) under sub-rule (1) of rule 8 of I.P.S. (Recruitment) Rules, 1968 and sub-rule (1) of the rule 9 of IPS (Appointment by promotion) Regulations, 1966 and allotted the Manipur-Tripura cadre of the I.P.S. under sub-rule (1) of rule 5 of the IPS (Cadre) Rules, 1966 vide Govt. of India, Ministry of Environment & Forests Notification No. 17013/12/90-IPS-II at 30.8.90. Subsequently, my seniority was fixed in the I.P.S. in terms of the provisions of rule 3(2)(c) of the I.P.S. (Regulation of seniority) Rules, 1966 and assigned "1966" as my year of allotment and my seniority was placed below Shri Premod Kumar Pant, I.P.S. (MT/MT-1968) vide order No. 18014/12/92-IPS-II at 8.9.92 of the Ministry of Environment and Forests, Govt. of India.

In this connection reference is invited to the judgment at 19.3.92 in O.A. No. 138 of 1991 titled Jacob P. Thomas Vs U.O.I and others in CAS/Emmanuel Bench, Kerala wherein the Hon'ble Court directed the Union of India that Triennial Cadre review notification must be issued on the thirty third anniversary of previous notification. Delayed notification is deemed to be effective from third anniversary and promotion will also have to be given to person entitled to such promotion on the basis of his position in the current seniority list. (Extracts of the judgment order is enclosed herewith for reference).

It is submitted here that notification of the triennial cadre review amending the I.P.S. (fixation of cadre strength) Regulations, 1966 for Manipur-Tripura was issued on 29.3.83 vide Ministry of Personnel, Staffing Administrative Reforms and Public Grievances and Pension, Deptt. of Personnel and Training. Notification No. 16016/3/85-ALS (IV-A) dt 29.3.83 (copy enclosed) fixing the number of senior scale post in Manipur part of the MT cadre as 19. However, the subsequent notification of the Triennial review was never issued on the due date i.e. 29.3.83 even though proposal for the same was submitted to the Govt. of India, Ministry of Environment & Personnel letter No. 2/14/79-IPS/MT at 7.4.87. The same was issued only 22.11.90 vide Govt. of India, Ministry of Personnel Public Grievances and Pension, Deptt. of Personnel & Training notification No. 16016/3/3185-ALS(II)-A dt 22.11.90 (copy enclosed) i.e. after an interval of 5 years and 8 months

Ctd.....

increasing the total number of senior scale posts in Manipur
Tribuna Cadre to 23 and resulting in addition of 2 senior
scale posts need for promotion.

Since as per rule 4 of the I.P.S. (Cadre) Rules, 1966, the Triennial Cadre Review is to be held "at intervals of every three years" the above is clear violation of the cadre rules and according to judgment referred to above, the delayed notification may be deemed to be effective from the third anniversary of the previous notification and promotion shall also have to be given to person entitled to such promotion on the basis of his position in the select list at that time.

In view of the facts mentioned above, I earnestly request you to make necessary arrangements to issue necessary orders to the effect that the notification No. 16016/S/90-III(II) dt 22.11.90 of the Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Deptt. of Personnel and Training commanding the I.P.S. (Fixation of Cadre Strength) Regulations, 1966, is deemed to have come into force w.e.f. 23.3.89 and my appointment order to the I.P.S. on promotion may also be made against one of the two promotion posts with effect from 22.2.89 i.e. the date of inclusion of my name in the select list as I was entitled to such promotion on the basis of my position in the select list at that time. Further, it is also requested that my seniority position may also kindly be reflected suitably in the graduation list of the I.P.S. Manipur-Tribuna Cadre.

Yours faithfully,

Sd/-

17.1.94.

(Sh. Akshay Kumar) IFS
By, Conservator of Forests,
Imphal, Manipur.

Imphal,
the 17th Jan'y 94.

Advance copy to:-

The Under Secy. to the Govt. of India, Ministry of Environment & Forests, Paryavaran Bhawan, C-4, C-Complex, New Delhi, for favour of information and necessary action.

increasing the total number of senior scale posts in Manipur-Tripura Cadre to 23 and resulting in addition of 2 senior scale posts meant for promo.

Since as per rule 4 of the I.P.S. (Cadre) Rules, 1966, the Triennial Cadre Review is to be held "at intervals of every three years" the above is clear violation of the cadre rules and according to judgment referred to above, the delayed notification may be deemed to be effective from the third anniversary of the previous notification and promotion shall also have to be given to person entitled to such promotion on the basis of his position in the select list at that time.

In view of the facts mentioned above, I earnestly request you to make necessary arrangements to issue necessary orders to the effect that the notification No. 16016/6/90-ALS(II) -A dt 22.11.90 of the Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Deptt. of Personnel and Training commanding the I.P.S. (Fixation of Cadre Strength) Regulations, 1966, is deemed to have come into force w.e.f. 23.3.83 and my appointment order to the I.P.S. on promotion may also be made against one of the two promotion posts with effect from 22.2.83 i.e. the date of inclusion of my name in the select list as I was entitled to such promotion on the basis of my position in the select list at that time. Further, it is also requested that my seniority position may also kindly be refixed suitably in the graduation list of the I.P.S. Manipur-Tripura Cadre.

Yours faithfully,

Sd/-

17.1.94.

(Sh. Ibem Singh) IPS
By. Conservator of Forests,
Imphal, Manipur.

Imphal,
the 17th Jan'y '94.

Advance copy to:-

The Under Secy. to the Govt. of India, Ministry of Environment & Forests, Paryavaran Bhawan, C.E.O. Complex, New Delhi, for favour of information and necessary action.

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99
ANNEXURE IX.

P. No. 21010/01/93-IFS.II
Government of India,
Ministry of Environment & Forests.

Paryavaran Bhavan,
B-Block, CMO Complex,
New Delhi-110 003
Dated 14.12.93.

To
The Chief Secretary,
Government of ...

Subject : Printing of Civil List of Indian Forest
Service as on 1st January, 1994- rog.

Sir,

I am directed to refer to this Ministry's circular dated 30th April, 1993 and subsequent correspondence regarding printing of Civil List of Indian Forest Service as on 1.1.1994. Based on the details given by the State Govt. for the officers of IFS borne on the State Cadre, the Ministry of Environment and Forests have compiled the information for various State Cadres. A draft copy of the information in respect of the officers borne on your State cadre is enclosed.

It is requested that all the details mentioned in the draft in respect of their exact name, date of birth, seniority, scale of pay, posting etc. may kindly be got verified as on 1st January, 1994 and forwarded to this Ministry by the first week of January, 1994 so that action can be taken for printing the same by end of January, 1994.

This may kindly be treated as most urgent.

Encls As above.

Yours faithfully,

Sd/-

(A K Goyal)

Dy. Secy. to the Govt. of India.

Copy to:-

The Principal Chief Conservator of Forests,
Government of Manipur,
Imphal.

...

Annexure -10
50

4807
26/9/80

Government of Manipur
Secretariat: Forest Department.

D. A. D. E. S.
Imphal, the 13th August, 1980

No.52/29/73-For.(Pt) The Governor of Manipur is pleased to fix the Seniority of Assistant Conservator of Forests, Manipur, as per detail given below:-

Sl. No.	Name of the employee	Date of Birth	Date of entry into Service	Date of aptt. to the post	Date of confirmation	Remarks
1	2	3	4	5	6	7
1.	Shri N. Kunjo Singh (DR)	1-2-33	5-4-55	14-1-70	14-1-72	
2.	Shri T. Nganthoi Singh (DR)	31-3-40	27-2-65	14-1-70	14-1-72	72
3.	Shri Th. Priyober Singh (DR)	1-3-43	1-10-65	14-1-70	14-1-72	
4.	Shri E. Nengsong (P)	2-1-35	5-9-58	16-2-72	16-2-74	
5.	Shri Kh. Joychandra Singh (DR)	30-1-40	1-10-65	14-1-70	21-12-74	
6.	Shri L. Saratchandra Singh (DR)	3-12-49	4-3-75	4-3-75	28-3-77	
7.	Shri K. Thambou Singh (DR)	1-3-52	4-3-75	4-3-75	28-3-77	
8.	Shri Modhuchandra Singh (P)	1-3-30	1-5-52	9-10-73	28-3-77	
9.	Shri Kh. Kalachand Singh (P)	1-1-39	7-10-63	21-12-73	28-3-77	
10.	Shri V. Kipgen (P)	1-3-33	8-9-58	18-8-75	18-8-75	
11.	Shri Kh. Mangi Singh (P)	22-6-25	1-5-43	16-2-72		
12.	Shri Th. Ibobi Singh (DR)	1-3-54	2-5-78	2-5-78		
13.	Shri K. Premkumar Singh (DR)	1-3-55	3-5-79			
14.	Shri K. Jagadishwor Singh (DR)	1-12-56	3-5-79			

Note: The above seniority list amongst confirmed officers subjected to revision when the sealed cover against Mangi Singh (Sl.No.11) is opened on exoneration. The list amongst temporary officers (Sl.Nos. 12 to 14) is final.

2. The approval of the M.P.S.C. has been obtained vide No.1/80-MPSC/367 Dated 19-7-80 and this supercedes all previous orders issued in this regard.

By Order etc.,

Memo No. 52/29/73-For (It)

Imphal, the 18th August, 1980

Copy to:- 1. The Chief Conservator of Forests, Manipur. This is in continuation of this Govt. letter of even number dated 30.7.80.

2. The Secretary/DP, Govt. of Manipur for information and necessary action for sending the seniority list to the JPSC.

3. The Secretary/MPSC, Manipur.

4. The Deputy Secretary, Govt. of India, Ministry of Home, Deptt. of Personnel & A.R., New Delhi.

5. The Conservator of Forests, Circle No. 1 & 2.

6. All Divisional Forest Officers, Manipur.

7. All Officers concerned.

8. Personal Files concerned.

9. The Director of Ptg. & Sty., Manipur for favour of publication in the Manipur Gazette. 10 (ten) copies may kindly be furnished to this Deptt.

10. Order Book.

(L.M. Kabli)

Under Secretary (Forest), Govt. of Manipur.

NEW DELHI

CIVIL LIST OF IFS OFFICERS

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1	NT/001	H. SARKAR 01/01/37	IR 1962	01/10/66	7600 Fixed	PRINCIPAL CHIEF CONSERVATOR OF FORESTS	7600	
2	NT/002	TORCHON SINGH 01/03/37	DR 1962	01/10/66	7300-7600	PRINCIPAL CHIEF CONSERVATOR OF FORESTS	7300	
3	NT/003	D. NAS 01/04/38	IR 1964	01/10/66		MANAGING DIRECTOR, TFDPCL LTD, TRIPURA		ON DEPUTATION TO TFDPCL
4	NT/004	DR. P. K. RAY 19/05/42	RR 1968	17/08/68	5900-6700	CHIEF CONSERVATOR OF FORESTS	6500	ON DEPUTATION TO GOI
5	NT/005	E. K. PRASAD 01/10/48	RR 1970	01/04/70	NOT KNOWN	CHIEF CONSERVATOR OF FORESTS		
6	NT/006	D. DUTTA ROY 01/06/40	SFS 1970	05/03/77	5900-6700	CHIEF CONSERVATOR OF FORESTS	6300	
7	NT/007	H. MANIHOI SINGH 11/05/40	SFS 1970	05/03/77	5900-6700	CHIEF CONSERVATOR OF FORESTS	6300	
8	NT/008	R. S. LAL 13/07/52	RR 1975	01/04/75	NOT KNOWN	CONSERVATOR OF FORESTS		ON DEPUTATION
9	NT/009	R. LUSHAI 21/05/45	RR 1975	15/03/75	4500-5700	CONSERVATOR OF FORESTS	5100	
10	NT/010	M. A. KHAN 12/04/45	SFS 1977	14/04/81	4500-5700	CONSERVATOR OF FORESTS	5100	
11	NT/011	DR. ASH BINDU SINGH 31/07/51	RR 1977	01/04/77	NOT KNOWN			ON DEPUTATION TO GOI
12	NT/012	SEIBOI SINGH 01/03/51	RR 1977	01/04/77	5900-6700	CHIEF CONSERVATOR OF FORESTS	5900	

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✓13	MT/013	T. PRIYOBOR SINGH 02/04/43	SFS 1977	24/04/81	4500-5700	CONSERVATOR OF FORESTS	4800	
✓14	MT/014	KH. JOYCHANDRA SINGH 31/01/40	SFS 1977	24/04/81	4500-5700	CONSERVATOR OF FORESTS	4950	
✓15	MT/015	A. KHARSHI-ING 20/10/51	RR 1978	06/03/78	4500-5700	CONSERVATOR OF FORESTS	4600	
16	MT/016	R.P. TANGWAN 25/01/51	RR 1978	06/03/78	4100-5300	DEPUTY CONSERVATOR OF FORESTS	4600	
17	MT/017	R.L. SRIVASTAVA 01/05/52	RR 1978	06/03/78	4100-5300	DEPUTY CONSERVATOR OF FORESTS	4475 300	ON DEPUTATION TO GOI
✓18	MT/018	A.K. BANA 01/07/54	RR 1979	06/03/79	NOT KNOWN	ASSISTANT INSPECTOR GENERAL OF FORESTS		ON DEPUTATION TO GOI
19	MT/019	V.K. BANJUNA 21/08/54	RR 1979	06/03/79	4500-5700	DEPUTY CONSERVATOR OF FORESTS	4100	
20	MT/020	J.S. LAHRAI 10/02/54	RR 1979	06/03/79	NOT KNOWN	DEPUTY CONSERVATOR OF FORESTS		ON DEPUTATION TO GOI
✓21	MT/021	ANIL KUMAR 30/06/57	RR 1980	01/04/80	4100-5300	DEPUTY CONSERVATOR OF FORESTS Working plan Div. No. II	4225	ON DEPUTATION TO GOI
✓22	MT/022	B.C. KARNATAK 14/12/56	RR 1981	01/05/81	3700-5000	ASSISTANT SILVICULTURIST	4075	ON DEPUTATION TO GOI
23	MT/023	S. TALUKDAR 21/01/57	RR 1981	19/05/81	NOT KNOWN	DEPUTY CONSERVATOR OF FORESTS		ON DEPUTATION TO GOI
✓24	MT/024	L. SARATCHANDRA SINGH 03/12/49	SFS 1981	30/09/85	3700-5000	DEPUTY CONSERVATOR OF FORESTS Sole No. II	4075	

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25	MT/025	K. THANBOU SINGH 01/03/52	SFS 1981	21/04/86	3700-5000	DEPUTY CONSERVATOR OF FORESTS <i>Working plan no. 2</i>	4075	
26	MT/026	A.K. SINGH 10/07/44	SFS 1981	07/05/86	4100-5300	DEPUTY CONSERVATOR OF FORESTS	4250	ON DEPUTATION TO TFDC
27	MT/027	A.K. GUPTA 07/06/58	RR 1982	09/05/83	NOT KNOWN	DEPUTY CONSERVATOR OF FORESTS		ON DEPUTATION TO GOI
28	MT/028	BALA PRASAD 04/01/59	RR 1983	19/05/83	3700-5000	ASSOCIATE PROFESSOR, DEHRADUN	3700	ON DEPUTATION TO GOI
29	MT/029	J.P. YADAV 02/05/58	RR 1983	09/05/83	NOT KNOWN	DEPUTY CONSERVATOR OF FORESTS		TO GOI
30	MT/030	V. RAMANANTHA 05/10/55	RR 1984	21/05/84	3700-5000	DEPUTY CONSERVATOR OF FORESTS <i>Deputy Conservator of Forests</i>	3700	ON DEPUTATION TO STATE
31	MT/031	A. KUMAR 03/11/50	RR 1984	21/05/84	NOT KNOWN	DEPUTY CONSERVATOR OF FORESTS		ON DEPUTATION TO GOI
32	MT/032	C. KRISHNA 10/01/55	RR 1984	20/06/84	3000-4500 01/04/85	DEPUTY CONSERVATOR OF FORESTS	3500	
33	MT/033	R.N. SINGH 01/07/44	SFS 1977	09/12/85	4500-5700	CONSERVATOR OF FORESTS	4950	
34	MT/034	SALBIR SINGH 03/09/55	RR 1985	03/06/85	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3400	
35	MT/035	G.S. RAJU 12/06/52	RR 1985	27/05/85	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3400 100	
36	MT/036	SURENDER KUMAR 29/01/60	RR 1985	27/05/85	3000-4500 01/04/89	DEPUTY CONSERVATOR OF FORESTS & D.F.O.	3500	

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✓ 37	NT/037	P.N. PRASAD 17/01/58	RR 1985	11 - '85	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Chandel</i>	3400	
✓ 38	NT/038	R.K. SRIVASTAVA 14/12/57	RR 1985	02/07/85	3000-4500	ASSISTANT INSPECTOR GENERAL OF FORESTS	3400	ON DEPUTATION TO GOI
✓ 39	NT/039	JAGABONDHU KISHRA 08/02/53	RR 1985	27/05/85	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Tamanglong</i>	3400	
✓ 40	NT/040	KEREILHOUVI 04/05/61	RR 1985	27/05/85	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Social Forestry cum. I</i>	3400	
✓ 41	NT/041	A.K. ROY 04/05/50	SFS	02/02/90	NOT KNOWN	DEPUTY CONSERVATOR OF FORESTS		ON DEPUTATION TO TRPC L.M.
✓ 42	NT/042	AJAI KUMAR 28/01/62	RR 1986	02/06/86	3000-4500	ASSISTANT INSPECTOR GENERAL OF FORESTS	3300	ON DEPUTATION TO GOI
✓ 43	NT/043	A. PASOGI 25/06/61	RR 1986	16/06/86	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3200	ON DEPUTATION TO GOI
✓ 44	NT/044	P.K. PANT 04/02/61	RR 1986	02/06/86	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3200	
✓ 45	NT/045	B.N. MUHANTY 14/08/59	RR 1986	10/05/85	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Regional office Dhubanagar</i>	3300	on deputation GOI.
✓ 46	NT/046	D.J.N. ANAND 25/05/60	RR 1986	02/06/86	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Jinibam</i>	3300	
✓ 47	NT/047	TH/18081 SINGH 01/03/55	SFS 1986	30/08/90	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3875	on Foreign
✓ 48	NT/048	S.B. SHASHANK 14/12/63	RR 1987	07/07/87	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3450	

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48	NT/049	A.C. SRIVASTAVA 30/07/61	RR 1937	06/07/67	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3100	ON DEPUTATION TO GOI
49	NT/050	S.K. SRIVASTAVA 01/05/60	RR 1987	06/07/87	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3200	STATE DEPUTATION
50	NT/051	JAGDISH PRASAD 31/07/58	RR 1987	06/07/87	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3100	
51	NT/052	KHAIZALIAN 03/01/53	RR 1987	06/07/87	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Research & Silviculture</i>	3200	
52	NT/053	NGULKHOMAD 01/04/60	RR 1987	28/07/87	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Kangpokpi</i>	3200	
53	NT/055	LANKHOSEI SAITE 01/03/61	RR 1988	09/10/92	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Churachandpur</i>	3100	
54	NT/055	R. DAS 22/10/61	RR 1988	06/07/88	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3000	
55	NT/056	D.K. SHARMA 15/06/52	RR 1988	04/07/88	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3000	
56	NT/057	A.K. SINGH 19/05/50	RR 1988	15/02/91	3700-5000	DEPUTY CONSERVATOR OF FORESTS	4375	
57	NT/058	KH. KALACHAND 01/01/33	<i>Not yet fixed</i>		01/06/92	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Central Dirn.</i>	3500
58	NT/059	K. PREMKUMAR SINGH 01/03/55	<i>Not yet fixed</i>		01/06/92	3000-4500 01/06/92	DEPUTY CONSERVATOR OF FORESTS <i>wildlife</i>	3100
59	NT/060	B.S. MISRA 24/05/63	1989	26/03/92	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3000	

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60	13	MT/061 D.K. UPADHYAY 15/01/64	1989	31/05/93	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3000	
70	14	MT/062 LOKHO PUNI 26/01/63	RR 1989	17/07/89	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Resource Survey</i>	3000	
71	15	MT/063 ADITYA KUNAR JOSHI 22/04/63	RR 1989	17/07/89	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Rubber</i>	3000	
72	16	MT/064 S.K. DEV 07/05/36	SFS	18/03/92	3700-5000	DEPUTY CONSERVATOR OF FORESTS	4500 200	
73	17	MT/065 J.L. DUTTA 27/11/39	SFS	11/05/92	3700-5000	DEPUTY CONSERVATOR OF FORESTS	4500 300 200	
74	18	MT/066 K.S. SEHNI 30/12/66			2200-4000		2275	
75	19	MT/067 S.K. PANDEY 15/10/64	RR		2200-4000		2275	
76		Dr. D.D. Haokip	RR 1990		2200-4000			on job Train.

O.A. No. 994 of 1990

Present : Hon'ble Dr. B. C. Sarma, Administrative Member
 Hon'ble Mr. Paritosh Dutta, Judicial Member

OYUTI KUMAR BASU & ANR.

VS

UNION OF INDIA & ORS.

For the Applicants : Mr. T.N. Bandopadhyay, counsel
 Mrs. B. Ray, counsel

For the Respondents: Mrs. Uma Bhattacharyya, counsel
 Mr. S.K. Mitra, counsel for the Govt. of West Bengal.

Heard on 4.7.1994

: : Date of order: 26.7.1994

O R D E RS. C. Sarma, AM

The dispute under adjudication in this application is about the correct fixation of the promotion quota in the Indian Forest Service with retrospective effect from 1980 and the consideration of the case of the two applicants for promotion to the said service and confer all consequential benefits on them. The applicants were selected for training in diploma course in forestry for 1967-69 at the Indian Forest College, Dehra Dun for appointment, on successful completion of the training, to the new State Forest Service to be constituted and the applicants were accordingly informed by the Forest Department of the Govt. of West Bengal. They, on successful completion of training, joined the West Bengal Senior Forest Service on 3.4.69 as the proposed State Forest Service had not yet been constituted. It may be mentioned in this connection that originally the State of West Bengal had two forest services, viz., West Bengal Senior Forest Service consisting of direct recruit officers through the Public Service Commission and West Bengal Junior Forest Service consisting of promotees from the ranks of Rangers, etc. The

Indian Forest Service (hereinafter referred to as IFOS) was constituted in August, 1966. The new State Forest Service to which the applicants were proposed to be appointed was constituted long after 1962.

2. The applicants contend that, although they were appointed to the West Bengal Senior Forest Service with effect from 3.4.69, the appointment order was issued by the State Forest Department by a notification dated 16th July, 1980 with retrospective effect.

Thus respondent No.2, who is the State of West Bengal, took more than 11 years to issue the appointment order. Similarly, the applicants were confirmed in service with effect from 1.6.79 by a notification dated 26.6.86. Thus respondent No.2 took about 7 years to issue the confirmation order of the applicants. The

applicants contend that they have suffered in two ways since the beginning of their service career in the following manner:

First, they were appointed to the West Bengal Senior Forest Service with effect from 3.4.69 but the formal appointment order was issued more than 11 years after i.e., on 16.7.80. Secondly, they were confirmed in the West Bengal Senior Forest Service with effect from 1.6.79 but the confirmation order was issued 7 years after i.e., on 26.6.86. The two applicants were appointed to officiate in the IFOS cadre posts in July, 1978 and June, 1976 respectively and they continued to work in such posts till 1986 and 1984 respectively.

The applicants were thereafter appointed on probation to IFOS with effect from June, 1989 by Ministry of Environment and Forests Notification dated 1.6.89. The applicants contend that they took

about 22 years of service to move from the State Forest Service to IFOS, although they became otherwise eligible to be included in the

Select List on 1.1.77 (there being no Select Committee meeting in 1976) after 8 years of continuous service from 1967 as per

the third proviso to Regulation 5(2) of the Indian Forest Service (Appointment by Promotion) Regulations, 1966. But they were not

included because the other condition that they must be substantive in the State Forest Service was not satisfied. The

applicants aver that they were fully eligible to be included in the

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select list on 1.1.00 in terms of the third proviso to Regulation 5(2) of the said Regulations because they completed eight years of continuous service in 1975 and were confirmed in the State Forest Service in 1979. But they were not so included presumably on the ground that the number of vacancies in the promotion quota of IFOS in 1980 was only 4 and as per Regulations 5(1) of the said Regulations, not more than twice the number of vacancies i.e., 8 candidates could be included in the list. The applicants, being not within the first 8 candidates in the seniority list of the State Forest Service, they were not within the range of consideration and their names were not included in the select list for 1980. The applicants contend that the respondents, by misinterpreting the relevant Rules and Regulations applicable to IFOS, have deprived the promoters thereto including the applicants of their just dues. As a matter of fact, the number of vacancies in the promotion quota of IFOS in 1980 should have been declared to be 9 and not 4 and had the vacancies been declared to be 9, the applicants believe that they should have come within the range of consideration by the Select Committee. The applicants state that Rule 8(1) of the Indian Forest Service (Recruitment) Rules, 1956 provides inter alia for recruitment to IFOS by promotion from amongst the substantive members of the State Forest Service and Rule 9(1) thereof lays down, inter alia, that the number of persons recruited under Rule 8 in any State shall not at any time exceed $33 \frac{1}{3}$ per cent of the number of senior duty posts borne on the cadre of that State. Senior Post, which is the same as Senior Duty Post, has been defined in Section 2(g) of the Indian Forest Service (Regulation of Seniority) Rules, 1968 and the same includes and covers items Nos. 1, 2 and 5 of the cadre of each State in the schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1956. The applicants state that items Nos. 1, 2 and 5 of the schedule to Cadre strength Regulations in respect of each State relate to Senior posts under the State Government, Central Deputation Reserve and Deputation Reserve.

(internal) posts only. In computing 33 1/3 per cent of the number of Senior Posts also based on the cadre of the State of West Bengal, the respondents took into account item No. 1 and 2 of the Schedule to the Cadre Strength Regulations but excluded item No. 5 thereof which relates to Internal Deputation Reserve. The applicants contend that the exclusion of item No. 5 is unjust, arbitrary and unlawful in law.

3. The applicants state that a similar dispute was raised before the Hon'ble Control Administrative Tribunal, Jabalpur Bench in case No. TA/81/86 (K.K. Grewal and another v. Union of India & ors.) by two promoters of the Madhya Pradesh Cadre of IFOS. That Bench, by a judgment delivered on 9.6.87, upheld the contention of the applicants in this respect. The Tribunal held that the deputation reserve posts listed as item No. 5 of the schedule under the Cadre Strength Regulations including the posts under the State Forest Corporation were to be included for computing the promotion quota. Hence the respondents were directed to make the necessary correction to the relevant notification fixing the cadre strength of IFOS in Madhya Pradesh. A copy of the said judgment has been annexed as Annexure-F to the application. The State of Madhya Pradesh filed a Special Leave Petition bearing No. 11025/87 against that judgment before the Hon'ble Supreme Court, who by an order dated 10.4.88, dismissed the said SLP. The applicants contend that the Government of India issued a notification on 22.2.89 amending the Cadre Strength Regulations relating to Madhya Pradesh and increasing the promotion posts from 90 to 105 respectively in pursuance of the said order of the Hon'ble Tribunal. The applicants contend that in respect of West Bengal, the respondents No. 1 fixed the cadre strength of IFOS by notification dated 5.10.77 making the IFOS (Fixation of Cadre Strength) Third Amendment Regulations, 1977. According to this notification, the total authorised strength of IFOS in West Bengal was 86 comprising 68 Direct Recruitment Posts and 18 promotion posts which were computed by taking 33 1/3 per cent of items No. 1 and 2 i.e., Senior Posts under the State Government and Deputation Posts outside the State making a total of 56 posts. In computing the promotion posts the respondents did not take into account item No. 5 i.e., Internal Deputation Reserve posts which they

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ought to have done because item No.5 is a Senior Post as per the definition in Section 2(g) of the IFOS (Regulation of Seniority) Rules, 1966. Had item No.5 been also taken into account, the promotion posts under this notification would have been 23 (33 $\frac{1}{3}$ per cent of $56 + 14 = 70$) and not 18 and some more eligible promotees, who were excluded for want of vacancies, could be included in the select list. In the subsequent notification dated 26.4.82 the cadre strength of IFOS in West Bengal was maintained exactly as above. In the subsequent notification dated 24.2.87 and 10.5.88 issued by the respondent No.1, the said cadre strength was revised but promotion posts did not include 33 $\frac{1}{3}$ per cent of item No.5 i.e., Internal Deputation Reserve posts as before. The applicants contend that the respondents have continued to do injustice even after the judgment and order dated 9.6.87 of the Jabalpur Bench of CAT which was affirmed by the Hon'ble Supreme Court and despite the fact that the promotion quota in Madhya Pradesh cadre of IFOS was raised in obedience to the said judgment. The applicants submit that in order to undo the injustice to them, the Select List for 1980 should be redrawn by convening a meeting of the Select Committee, consider the case of the applicants if the vacancy position on recomputation so permits, and if selected, the applicants should be appointed to the IFOS and given all consequential benefits. The applicants further submit that the respondents should be given such directions in respect of the years following 1980 until the year when the names of the applicants were actually included in the Select List. The applicants have, therefore, prayed for issue of an order directing the respondents to refix the number of promotion posts in the schedule to the Cadre strength regulations for West Bengal by including item No.5 of the said schedule i.e., Internal Deputation Reserve Posts in the computation and amend the Cadre Strength Regulations, 1966 accordingly with retrospective effect from 1980. They have also prayed for issuing a direction upon the respondents to draw the Select List as on 1.1.80 and subsequent years until the applicants were actually included in the Select List on the basis of the revised promotion quota, consider the cases of the

applicants according to the vacancy position and, if selected, appoint the applicants to the Indian Forest Service and confer consequential benefits to them.

4. Respondent No.1 i.e., Union of India has filed an affidavit. Respondents No.2 and 3 viz., the State of West Bengal and the Principal Chief Conservator of Forests of the State have filed separate affidavits in reply. It is the stand of the Union of India that the genesis of the problem and the possible repercussions in the other two All India Services were examined in consultation with the Department of Personnel & Training. It transpired that even in the IAS and the IPS, the provisions in the statutory rules relating apportionment/computation of the promotion quota were the same as in the IFOS. However, in the IAS/IPS, the rules were amended by a notification dated 28.6.66 and the following provision brought in :

The number of persons recruited under sub-rule (1) in any State or Group of States shall not at any time, exceed $33\frac{1}{3}\%$ of the number of those posts as re-shown against items 1 and 2 of the cadre in relation to that State or to the group of States in the Schedule to the IPS (Fixation of Cadre Strength) Regulations, 1966.

The respondents submit that in the context of the above amendments carried out in the IAS/IPS Rules, it may be pointed out that even before the amendment was notified on 28.6.1966, the manner of computation of the posts available for promotion was the same, viz. items 1 and 2 of the Cadre Schedule being divided @ $1/3$ rd and IFOS having been constituted with effect from 1.7.1966, the amendment in the IAS/IPS could not be carried out in the IFOS owing to a clerical omission, as the IFOS Rules were then in an advanced draft or printing stage. The respondents, however, conceded that it is correct that in terms of the provisions of the Recruitment Rules as they existed upto 21.2.69, the State Duplication Reserve shown as item 5 in the Schedule to the IFOS (Fixation of Cadre Strength) Regulations, 1967 is also to be taken into account in determining the maximum number of posts which can be filled by the method of promotion at any given point of time. They, however, state

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that there can be no obligation to necessarily fill all these posts and the posts that are required to be filled by promotion are clearly stipulated.

5. Respondents No. 2 and 3 contend that in 1979 and 1980 no select list could be drawn up due to an injunction order from the High Court at Calcutta. The respondents contend that the applicants could not come within the zone of consideration for promotion to the Indian Forest Service till they were substantive in the State Service. All these years from 1981 select list was made from the State Service Officers who were either senior to them or technically senior by order of the High Court. The stand of the State respondents is that the Government of India fixes the quota under relevant Rule and Regulations and the State Government has no jurisdiction in holding otherwise. It is also their stand that the judgment and order of the Jabalpur Bench of the Tribunal is applicable to that State only. The State Government of West Bengal has acted only as per rules in force in West Bengal. It is also their stand that the order passed by the Jabalpur Bench is not applicable to West Bengal until and unless the Government of India makes necessary general amendment. In the instant case no such amendment was made by the Government of India. Determination of the promotion quota of West Bengal Cadre is governed by the General Rules of the Government of India. In view of the above averments the respondents have prayed that the application be dismissed since it lacks merit.

6. We have carefully considered the submissions made by the learned counsel for both the parties and the documents placed before us. We have also given careful consideration to the matter in all its aspects. We note that these two applicants were originally appointed by the State Government in anticipation of their recruitment to a service which came into force only after 1982. The respondents took more than 11 years to issue appointment order and about 7 years to issue their confirmation order. There is no doubt that the unusual delay in issuance of the appointment and confirmation orders in respect of the two applicants have caused anxiety and worry about their future career. The applicants were

appointed in West Bengal Senior Forest Service in the absence of the anticipated new service and the said Senior Forest Service was in fact, waiting for the constitution of the Indian Forest Service in 1969. They were holding senior posts in 1969. We have also given to understand that in ^{the} civil list for Senior Forest Service Office were shown separately and they were the only two persons who were appointed in anticipation of constitution of the State Forest Service. These facts are relevant because they give the background and the manner in which their cases have been treated by the State Government.

7. We have carefully gone through the judgment of the Jabalpur Bench of this Tribunal passed in IA 81/86 on 9.6.87. This judgment clearly lays down that the promotion quota in the Indian Forest Service in respect of Madhya Pradesh has to be allowed on the basis of senior duty post in the State (Item No.1), posts under central deputation reserve (Item No.2) and internal deputation reserve post (Item No.5). On this basis it was ordered by the Tribunal that the promotion quota of IFOS cadre of Madhya Pradesh under rule 9 of the recruitment rules has to be treated as 105 posts and not 90 posts as indicated in Govt. of India notification dated 11.7.84. The Tribunal directed the respondents to make necessary correction to the said notification. The SLP filed against the judgment was dismissed by the Hon'ble Supreme Court. Therefore, the judgment of the Jabalpur Bench of this Tribunal is now final and binding and it is incumbent on the part of the respondents to carry out the correction in the cadre schedule on the basis of the said judgment.

8. Although directed, the State of West Bengal could not produce before us the file regarding the computation of the promotion quota in the Indian Forest Service as on 1980. However, the learned counsel for the State respondents produced before us a civil list of Indian Forest Service as on 1.1.1980 which shows that the promotion post has been entered as 13 out of the total strength of 86 and the said 13 number of posts had been computed by taking into account the Items No.1 and 2 only i.e., senior

-39-
15-

under the State Government and the deputation posts outside the State. Therefore, the computation of the promotion quota in the IFOS is obviously not according to rule as has been pointed out by the judgment dated 9.6.1987 of the Jabalpur Bench of this Tribunal. By such computation, which is irregular and contrary to the rules, the respondents have deprived the applicants along with others, if any, for being considered for promotion to the IFOS against the promotion quota. Such action ^{on} the part of the respondents cannot, therefore, be allowed to stand. The respondents contend that the decision of the Jabalpur Bench of CAT is applicable only to Madhya Pradesh and the ratio of the judgment is not applicable to West Bengal. The Indian Forest Service is an All India Service and the terms and conditions and the manner of recruitment etc. are all uniform. It is, therefore, unthinkable that while in the State of Madhya Pradesh, there would be recalculation of the promotion quota on the basis of the judgment, the other states shall continue with the computation of the promotion quota in the IFOS which is not in conformity with the rules.

9. For the reasons given above, the application succeeds. The respondents are directed to compute the promotion quota in the Indian Forest Service strictly in accordance with the judgment passed by the Jabalpur Bench of this Tribunal in TA 81/86 from 1980 onwards. Since the matter concerns computation of promotion quota and filling up thereof from the distant dates, we do not give any specific direction upon the respondents to give actual and all consequential benefits ^{of} for promotion to the IFOS against the enhanced quota. However, keeping in view the manner in which the service career of the two applicants was treated by the respondents, we direct the State Government to consider their cases for giving seniority on the basis of proforma fixation and other consequential benefits provided they are found suitable for promotion to the IFOS from earlier dates. For this purpose, the respondents are directed to consider constitution of a review OPC

for considering the case of the applicants for the promotion
computed
quota has been correctly on the basis of the judgment of the
Jabalpur Bench of this Tribunal. The case disposed of accordingly.
We pass no order as to costs.

(Paritosh Dutta)

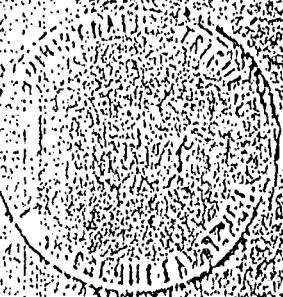
MEMBER (J)

26.7.1994

(V. C. Sarma)

MEMBER (A)

26.7.1994



CERTIFIED TRUE COPY

Adm. Officer
Jabalpur Bench

27/8/1994

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

ANNEXURE - I

Petition (n) for Special Leave to Appeal (Civil / CR) No. (a) 3464/95

(From the Judgment and order dated 29.6.94

Tribunal, Jabalpur Bench, in O.A. No. 394/90

Union of India

Central Administrative
(of the XXXXX of)

Petitioner (n)

Versus

15898

K.K. Goswami

Respondent(s)

(with appln(s) for stay, c/delay & stay in the respective SLPs)
With SLP(C) 6455/95 against the order dt. 26.7.94 passed by the CAT
Calcutta in O.A. No. 994/90

Date: 24.8.95 This / These Petition (s) was/were called on for hearing today.

and 11940/95 against the order dt. 29.6.94 passed
by the CAT, Jabalpur, in O.A. 394/90

CORAM

Honble Mr. Justice S.C. Agrawal
Honble Mr. Justice D.P. Mishra
Honble Mr. Justice

Certified to be true copy

Assistant Registrar (Judl.)

24/8/95 199

Supreme Court of India

For the petitioner (s) Mr. H.N. Goswami, Sr. Adv., Mr. Hemant Sharma, Adv.,
in 3464/95 & 6455/95; Mrs. Anil Katiyar, Adv. & Mr. CV Subba Rao, Adv.

in 11940/95 Mr. Amarendra Sharon, Adv.

For the Respondent(s)

in 3464/95 & 6455/95 Mr. Raju Ramudinandran, Adv., Mr. Mukul Mudgal, Adv.,
11940/95 Mr. Trinurari Ray, Adv.

in 6455/95 Dr. Shankar Ghosh, Sr. Adv., Mr. P.K. Chakraborty, Adv.

UPON hearing counsel the Court made the following

ORDER

All the three special leave petitions are dismissed.

(V.K. SHARMA)
Court Master(S.B. SHARMA)
Court Master

24/8/95

0-101-117 A, Box 3 (1942)
0-101-117 B, Box 3 (1942)

80831

(S) [illegible] [illegible]

[illegible]

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2: 10/10/17

SEAL OF THE DISTRICT COURT

2/2/95

- 17 - Annexure - XII

ANNEXURE - H

26

106

Annexure - III

Item No. 24

Court No. 7 Section IVA

Supreme Court of India
Record of Proceedings

Petition(s) For Special Leave to Appeal (Civil)
No. 110225/87 of 19

(From the judgment and order dated 9.6.87 of the
Central Administrative Tribunal, Jabalpur Bench.
(In TAA No. 81/86)

State of M.P. Petitioner(s)
Versus
K.K. Goswami & Ors. Respondent(s)

(with appln.'s for condonation of delay and
exparte stay)

Date: 10.4.88; This/these petition(s) was/were
called on for hearing today

Coram: Hon'ble Mr. Justice K.N. Singh
Hon'ble Mr. Justice M.H. Kania

for the petitioners: Mr. T.C. Sharma, Adv.

for the respondents: Mr. K.N. Bhatia, Sr. Adv.
Mr. Mukul Mudgal, Adv.

Upon hearing counsel the court made the
following order:

Order

The special leave petition is dismissed.

Sd/- (H.S. Kalcker)
Court Master.

PUBLISHED IN PART II OF THE GAZETTE OF INDIA EXTRAORDINARY) dated 29.3.1985.

No. 10016 LAIS (IV - A 3)
Government of India / Bharat Sarkar
MINISTRY OF PERSONNEL AND TRAINING, ADMINISTRATIVE REFORMS
AND PUBLIC GRIEVANCES AND PENSION
(Karmik Aur Prashikshan, Prashanik Sudhar Aur
Lok Shikayat Tatha Pension Mantralaya)
DEPARTMENT OF PERSONNEL AND TRAINING
(Karmik Aur Prashikshan Vibhag)

New Delhi, the 29th March '85. ✓

NOTIFICATION

327 (E)

GOA - In exercise of the powers conferred by sub - section (I) of the section 3 of the All India Services Act, 1951 (61 of 1951) read with sub - rule (2) of Rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Government in consultation with the Governments of Manipur and Tripura, hereby makes the following regulations further to amend the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, namely :-

1. (1) These regulations may be called the Indian Forest Service (Fixation of Cadre Strength) Third Amendment Regulations, 1985.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966 for the heading " Manipur - Tripura " and the entries occurring thereunder, the following, shall be substituted, namely :-

Manipur - Tripura :-

1. Senior posts under the State Governments	37
<u>Manipur</u>	
Chief Conservator of Forests	1
Additional Chief Conservator of Forests	1
Conservator of Forests	3
Deputy Conservator of Forests	7
Deputy Conservator of Forests, Forests Resources Survey Division.	1
Deputy Conservator of Forests, Wild Life	1
Deputy Conservator of Forests, Working Plan	1
Deputy Conservator of Forests, Social Forestry	1
Deputy Conservator of Forests, Social Conservation	2
Deputy Conservator of Forests, Headquarters	1

Trinamali

Chief Conservator of Forests	1
Conservator of Forests	2
Deputy Conservator of Forests	9
Deputy Conservator of Forests, Wild Life	1
Deputy Conservator of Forests, Working Plan	1
Deputy Conservator of Forests, Head quarters	1
Deputy Conservator of Forests, Forests Research	1
Deputy Conservator of Forests, Training	1
Deputy Conservator of Forests, Planning and Development	1
	<u>37</u>

2. Central Deputation Reserve @ 20% of 1 above	7
	<u>44</u>

3. Posts to be filled by promotion in accordance with rule 8 of the IFS (Recruitment) Rules, 1966	14
4. Posts to be filled by Direct Recruitment	30
5. Deputation Reserve @ 15% of 4 above	5
6. Leave Reserve @ 11% of 4 above	3
7. Junior posts @ 20% of 4 above	6
8. Training Reserve @ 10% of 4 above	3
	<u>47</u>

Direct Recruitment Posts

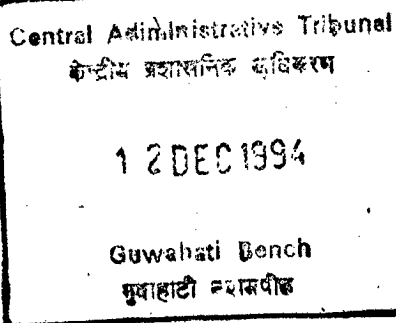
Promotion posts	14
Total Strength	<u>61</u>

Sd/-

(T.C. Minocha)
Desk Officer

To

The Manager
Govt. of India Press,
Ring Road,
New Delhi.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH.
(An application under Section 19 of the A.T. Act, 1985)

Title of the case : O.A. No. 15/95

Th. Ibobi Singh ... Applicant.

- Vs. -

Union of India & Ors. ... Respondents.

I N D E X.

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13. Reply on behalf of Repd. I has been filed 44 -

For use in Tribunal's Office :

Date of filing	<u>12.12.94</u>
Registration No.	<u>15/95</u> (30.1.95)
Signature.	
Registrar.	

File no. 12/12/94
12/12/94

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH.

BETWEEN

Th. Ibobi Singh,
Divisional Forest Officer,
Northern Forest Division,
Kangpokpi, Manipur.

... Applicant.

AND

1. The Union of India,
represented by the Secretary
to the Government of India,
Ministry of Environment & Forest,
Paryavaran Bhavan, C.G.O. Complex,
New Delhi.
2. Union Public Service Commission,
represented by the Chairman, U.P.S.C.
Dholpur House, Shahjahan Road,
New Delhi.
3. The State of Manipur,
represented by the Secretary,
Department of Forests,
Government of Manipur,
Imphal, Manipur.
4. The State of Tripura,
represented by the Secretary,
Department of Forests,
Government of Tripura,
Agartala, Tripura.
5. V. Ramakanta,
Dy. Conservator of Forests,
(Presently on deputation to the
State of Karnataka),
C/o. Principal Chief Conservator of Forests,
Karnataka, Bangalore.
6. A. Kumar, Dy. Conservator of Forests,
(Presently on deputation to the Govt. of India),
C/o. Ministry of Environment & Forests,
Paryavaran Bhavan, C.G.O. Complex,
New Delhi.

7. G. Krishnan,
Dy. Conservator of Forests, Tripura,
C/o. P.C.C.F., Tripura, Agartala,
8. Balbir Singh,
Dy. Conservator of Forests, Tripura,
C/o. P.C.C.F., Tripura, Agartala.
9. G.S. Radu,
Dy. Conservator of Forests, Tripura,
C/o. P.C.C.F., Tripura, Agartala,
10. Surender Kumar,
Dy. Conservator of Forests, Tripura,
C/o. P.C.C.F., Tripura, Agartala.
11. P.N. Prasad,
Dy. Conservator of Forests,
Chandel, Manipur.
12. R.K. Srivastava
(Presently on deputation to the Govt. of India)
Asstt. Inspector General of Forests,
Ministry of Environment & Forests,
Paryavaran Bhavan, C.G.O. Complex.
New Delhi.
13. Jagabandhu Mishra,
Deputy Conservator of Forests,
Tamanglong, Manipur.
14. Kereilhouvi,
Dy. Conservator of Forests,
Social Forestry Division I,
Manipur, Imphal.
15. A.K. Roy,
Dy. Conservator of Forests,
On deputation to TFDPC Ltd., Tripura,
C/o. P.C.C.F., Tripura, Agartala.
16. A. Rastogi,
Dy. Conservator of Forests, Tripura,
On deputation to the Govt. of India,
Ministry of Environments & Forests,
Paryavaran Bhavan, C.G.O. Complex,
New Delhi.
17. P.K. Pant,
Deputy Conservator of Forests,
Tripura, C/o. P.C.C.F., Tripura,
Agartala.

18. B.N. Mohanty,
Dy. Conservator of Forests,
Manipur, Presently on deputation to
Orissa as D.C.F. Office of the
Regional C.C.F., Bhubaneswar.
19. D.J.N. Anand,
Dy. Conservator of Forests,
Jairam, Manipur.

... Respondents.

DETAILS OF THE APPLICATION.

1. Particulars of the Order against which the application is made :

This application under Section 19 of the Administrative Tribunals Act, 1985, is directed against :-

- 1.1 The Order No. 18014/12/92-IFS-II dt 8th September, 1992 (communicated to the applicant in May, 1993) passed by the Under Secretary to the Govt. of India Ministry of Environment & Forests, assigning applicant '1986' as his year of allotment and placing him below Shri Pramod Kumar Pant, IFS (Respondent No. 17).
- 1.2 Deemed refusal of the Secretary to the Government of India, Ministry of Environment & Forests, to dispose of the applicant's representations dtd. 14.6.93 and 17.1.94 in regard to the correct determination/fixation of his seniority and the year of allotment in the Indian Forest Service.
- 1.3 Subject in brief : Indian Forest Service; Manipur/ Tripura Cadre; determination of seniority and the year of allotment of promoted Officer in terms of the Provisions of Rule 3(2)(c) of the Indian Forest Service (Regulation of Seniority) Rules, 1968.

Ctd.....4

2. Jurisdiction of the Tribunal :

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

3. Limitation :

The applicant declares that no final order has been made by the Government or other authority or Officer or other persons competent to pass such Order with regard to the representations dtd. 14.6.93 and 17.1.94 made by the applicant and a period of six months had expired thereafter, hence the instant application is being filed within one year from the date of expiry of the said period of six months. Therefore, this application fulfils the requirement of the law of limitation as laid down in Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the case :

4.1 The applicant is a citizen of India and he is presently holding the post of Divisional Forest Officer, Northern Forest Division, Kangpokpi. The respondent no. 5 to 19 are the IFS Officers. Though the applicant is not seeking any relief against them but they have been arrayed as party respondents ex-abundanti cauteda because the subject matter of the application involves the correct determination of the applicant's seniority and the fixation of his year of allotment. The applicant is aggrieved by the method and manner in which his 'year of allotment' has been fixed.

Ctd.....5

4.2 On the recommendation of the Manipur Public Service Commission and on completion of 2 (two) years training at State Forest Service College, Burnihat (1976-78), applicant was appointed as Assistant Conservator of Forests in the State Forest Service (here-in-after alluded to as SFS) of Manipur on 2.5.78 by the Government of Manipur. The applicant was subsequently confirmed to the said post with effect from 2.5.80.

4.3 That the applicant became eligible for promotion to the Indian Forest Service (hereinafter alluded to as IFS) with effect from 1.1.85. Here it would be apposite to refer to the law governing the IFS and the relevant rule framed thereunder in order to effectively show as to how the applicant became eligible for promotion to the IFS with effect from 1.1.85.

4.3.1 That the Indian Forest Service is one of the All India Services common to the Centre and to the States. The statutory basis for the establishment of the All India Services was provided by Chapter I of Part XIV of the Constitution (Article 308 to 314) supplemented by the All India Services Act, 1951, passed by the Parliament as envisaged in Article 312 of the Constitution. The Act of 1951 was initially applicable to the Indian Administrative Service and the Indian Police Service but it was subsequently extended by Amendment Act 27 of 1963 to cover the Constitution of three new All India Services one of which was the Indian Forest Service. Section 3 of the Act of 1951 empowers the Government of India to make, after consultation with the State Governments,

rules for the regulation of recruitment, and the conditions of service of persons appointed, to an All India Service.

4.3.2 That pursuant to the amendment of 1963, mutual consultations were held between the Union Government and the various State Governments and the broad pattern already in existence for the Indian Administrative Service and the Indian Police Service was decided to be adopted for the Indian Forest Service also. Once this decision was taken, the statutory rules followed. There were five sets of rules framed between 1966 and 1968:

- (i) The IFS (Cadre) Rules, 1966.
- (ii) The IFS (Recruitment) Rules, 1966.
- (iii) The IFS (Probation) Rules, 1968.
- (iv) The IFS (Pay) Rules, 1968.
- (v) The IFS (Regulation of Seniority) Rules, 1968.

4.3.3 That in pursuance of Sub-rule (1) of Rule 8 of the IFS (Recruitment) Rules, 1966, the Central Government, in consultation with the State Governments and the Union Public Service Commission, framed the IFS (Appointment by promotion) Regulations, 1966.

For the purpose of the instant case, three of the above-mentioned Rules, namely (i) IFS (Cadre) Rules, 1966, (ii) IFS (Recruitment) Rules, and (iii) IFS (Regulation of Seniority) Rules along with the IFS (App. by Promotion) Regulations, are highly relevant and the relevant provisions of the same would be referred to in this application.

4.3.4. That under Sub-rule (2) of Rule 4 of the IFS (Recruitment) Rules, recruitment to the IFS is mainly by two of the following methods, namely :

- (i) by a competitive examination;
- (ii) by promotion of substantive members of the State Forest Service.

4.3.5 That the Reg. 5 of the IFS (App. by Promotion) Regulation provides for the preparation of a list of suitable Officers of the State Forest Service by the Selection Committee. This regulation also lays down that each selection committee shall ordinarily meet at intervals not exceeding one year. Third Proviso to Sub-Reg.(2) of Reg. 5 further lays down that the Selection Committee shall not consider the case of a member of the State Forest Service unless, on the first day of January of the year in which it meets, he is substantive in the State Forest Service and has completed not less than eight years of continuous service in the State Forest Service.

4.4 That as the applicant had completed 8 years of continuous service in the substantive capacity in the State Forest Service w.e.f. 1.1.85, he was eligible for promotion to the IFS w.e.f. the said date, in terms of the 3rd Proviso of Sub-Reg (2) of Reg. 5 of the IFS (App. by Promotion) Regulations.

4.5 That under rule 9 of IFS (Cadre) Rules, applicant was given officiating appointment as Deputy Conservator of

Forests against the IFS Cadre post w.e.f. 4.9.86 vide Government of Manipur Order No. 3/16/77-FOR/DP at 4.9.86 and posted as the Dy. Conservator of Forest/HQ which is an IFS cadre post. From 4.9.86 the applicant continued to hold the cadre post.

Copy of the order dtd 4th Sept '86 is annexed herewith and marked as ANNEXURE I.

4.5.1 That under rule 9 of the IFS (Cadre) Rules read with Sub-Reg. (2) of Reg 8 of the IFS (Appointment by Promotion) Regulation, where administrative exigencies so require a member of the State Forest Service whose name is not included in the select list or who is not the cadre Officer, may be appointed to a cadre post if the State Government is satisfied that the vacancy is not likely to last for more than three months or that there is no suitable cadre officer available for filling the vacancy.

4.5.2 That under Sub-rule (2) of Rule 9 of the IFS (Cadre) Rules, where, in any state, a person other than a cadre officer is appointed to cadre post for a period exceeding three months, the State Government shall forthwith report the fact to the Central Government together with the reasons for making the appointment. Under Sub-rule(4) of Rule 9 of the Cadre Rules, where a cadre post is likely to be filled by a person who is not a cadre officer for a period exceeding six months, the Central Government shall report the full facts to the Union Public Service Commission with the reason for holding that no suitable officer is

available for filling the post and may in the light of the advice given by the Union Public Service Commission given suitable direction to the State Government concerned.

4.6 That as the applicant being a non-cadre officer was given an officiating appointment against a cadre post and his said appointment was continued due to administrative exigencies, therefore, the procedure laid down in Sub-rule (2) and (4) of Rule 9 of the IFS (Cadre) Rules, was strictly complied with and the approval for such continuation of the applicant was duly obtained from the Central Govt. and the UPSC.

It is stated that the Govt. of India and the Union Public Service Commission accorded concurrence to applicant's officiating appointment in the above-mentioned Senior Scale Post included in the Manipur, Part of the Manipur-Tripura (MT) Cadre of Indian Forest Service from 4.9.86 to 30.6.89 as conveyed vide Govt. of India, Ministry of Environments & Forests letter No. 17020-1086-IFS.II dated 1.2.89.

4.7 That though the Central Government and the Union Public Service Commission accorded approval to applicant's officiating appointment to the Cadre post for the period from 4.9.86 to 30.6.89 against the applicant's continuation in such post beyond that period, but surprisingly the Government of Manipur vide Order No. 3/16/77(For)/DP dtd 28th Feb 1989 approved the officiating appointment of the applicant upto the period 4.9.86^{6 31-3-89} only. This is illegal and arbitrary on the face of it.

Copy of the order of Govt. of Manipur dtd 28th Feb 1989 is annexed herewith and marked as ANNEXURE II.

4.8 That in 1988 when the applicant was holding a cadre post, no meeting of Selection Committee for Manipur part was held to consider the cases of eligible candidates of State Forest Service officers for appointment to IFS by promotion in terms of the requirement of Reg 5 of the IFS (Appointment by Promotion) Regulations. Hence, not holding of the meeting of Selection Committee was in violation of Reg. 5 of the IFS (Appointment by Promotion) Regulation and the applicant was also deprived of the opportunity of being appointed to the IFS by promotion, (while holding a cadre post) with all ~~xxxx~~ consequential benefits.

4.9 That in 1988 the misfortune of the applicant was further compounded by the fact that the same year Triennial cadre review amending the Indian Forest Service (fixation of cadre strength) Regulations, 1966 for Manipur/Tripura, was also due. It is pertinent to mention here that the notification of the Triennial Cadre review amending the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966 for Manipur/Tripura was last issued on 29.3.85 vide Ministry of Personnel and Training Administrative Reforms and Public Grievances and Pension, Deptt. of Personnel & Training Notification No. 16016/3/85-AIS (IV-A) dt 29.3.85, fixing the number of Senior Scale Post in Manipur part of the MT-cadre at 19. As the last

notification for Triennial cadre Review was issued on 29.3.85, its due date after three years was on 29.3.88. However, the subsequent notification of the Triennial cadre review was never issued on the due date, i.e. 29.3.88 even though proposal for the same was submitted to the Govt. of India, Ministry of Environment and Forests as early as 7.4.87 vide Govt. of Manipur, Deptt. of Personnel letter No. 2/14/79-IFS/DP dt 7.4.87.

The notification of the Triennial Cadre review was issued only on 22.11.90 vide Government of India, Ministry of Personnel, Public Grievances and Pension, Deptt. of Personnel & Training Notification No. 16016/3/3185-ALS(II)-A dt 22.11.90, i.e. after an interregnum of 5 years and 8 months increasing the total number of senior scale posts in Manipur Part of Manipur-Tripura Cadre to 23 and resulting in addition of 2 (two) Senior Scale Posts meant for promotion to IFS.

Copy of the notification of Triennial Cadre review dt 22.11.90 is annexed herewith and marked as ANNEXURE : III.

4.9.1 That under rule 4(1) of the IFS (Cadre) Rules, the strength and composition of each of the cadres constituted under rule 3 shall be as determined by regulations made by the Central Govt. in consultations with the State Govt. in this behalf. Pursuant to this rule 4(1), the Central Govt. in consultation with the respective State Govt. ~~in consultation with the respective State Govt.~~ had framed the IFS (Fixation of Cadre Strength) Regulations, 1966.

Ctd....12

Rule 4(2) of the IFS (Cadre) Rules, provides that the Central Government shall, at the interval of every three years, re-examine the strength and composition of each such cadre in consultation with the State Government concerned and may make such alterations therein as it deems fit.

4.9.2 That the failure to hold the mandatory Triennial Cadre review on its due date of 29.3.88 and its holding of after more than 2½ years of its scheduled date thus violated the Rule 4(2) of the IFS (Cadre) Rules. As when the Triennial cadre review was held at last on 22.10.90 and the same resulted in addition of 2 (two) senior scale posts, it is obvious that had the Triennial cadre review held on its scheduled date of 29.3.88, the applicant would have got the advantage of the same as at the relevant time the applicant was holding the cadre post.

4.10 That the meeting of the Selection Committee was finally held on 22.2.89 at Imphal and it was learnt that on the recommendation of the selection Committee applicant's name was in the Select list w.e.f. 22.2.89. It is stated that amongst the eligible officers of the Manipur State Forest Service only the applicant's name alone was in the Select list w.e.f. 22.2.89. It is further stated that in the subsequent selection committee meeting held on 7.4.90 the applicant's name continued to remain in the select list. Thus the name of the applicant was included and continued in the select list while he was already holding the IFS cadre post entitling him the consequential benefit under the relevant rules.

4.11 That the applicant was promoted to IFS vide Government of India, Ministry of Environment & Forests notification No. 17013/12/90-IFS-II dt 30.8.90. This appointment of the applicant to IFS was made under Sub-Rule (1) of rule 8 of IFS (Recruitment) Rules, 1968 and Sub-rule (1) of rule 9 of the IFS (Appointment by Promotion) Regulations, 1966. Pursuant to this appointment, applicant was allotted the Manipur-Tripura cadre of the IFS under Sub-rule (1) of rule 5 of the IFS (Cadre) Rules, 1966.

Copy of the order dt 30.8.90 appointing applicant to the IFS is annexed herewith and marked as ANNEXURE IV.

4.12 That it is thus seen that the applicant being a non-cadre officer continued to hold the cadre ~~against this~~ ~~the~~ post prior to his name being included in the select lists afore-mentioned, against this the Central Govt. and the UPSC had given their approval to such officiating appointment of the applicant to the cadre post upto the period 4.9.86 to 30.6.89. The applicant was appointed to IFS on 30.8.90. Hence even as per the above-mentioned approval, the applicant held the cadre post for merely 3 years followed by a brief interval at the end of which he was appointed to IFS. It is worthwhile to note that both during 1989 and at the time when his name was included in the select list he was holding IFS cadre post duly approved by the Central Govt. and U.P.S.C.

4.13. That though the applicant was appointed to IFS vide Annexure IV order dtd 30.8.90 but his seniority and

and the year of allotment was not determined. The applicant apprehending that while determining his seniority and the year of allotment, the fact of his approved continuous officiation in the senior scale post for the period of nearly 3 years and subsequently the continuous inclusion of his name in the select list upto his promotion/appointment to the IFS may not be taken into consideration, submitted the representation dt 30.12.91. In the said representation it was stated by the applicant that since he has been continuously officiating in the senior scale post included in the Manipur Part of the M-T cadre of Indian Forest Service before the inclusion of his name in the select list and as his name continuously remained in the select list till his appointment to the IFS on 30.8.90 and as moreover his officiation in the senior scale post was approved by the Central Government under provisions of Rule 9 of the IFS (Cadre) Rules in consultation with the UPSC under Rule 3 (2)(e) of the IFS (Regulation of seniority) Rules, his seniority is to be determined as the same as that of the junior-most among the directly recruited officers in the cadre continuously officiating in a senior post as on 22.2.89. Applicant also stated that Shri V. Ramakantha (IFS RR MT 1984) is the junior-most among the directly recruited officers in the cadre so officiating as on 22.2.89, hence his seniority and the year of allotment may be determined as '1984' and his position may be placed suitably in the gradation list of the IFS, MT Cadre.

Copy of the representation dt 30.12.91 is annexed herewith and marked as ANNEXURE : V.

4.14 That the Government of India vide Order No. 18014/12/92-IFS-11 dt 8th Sept '92, assigned applicant '1986' as his year of allotment in terms of the provisions of Rule 3(2)(c) of the IFS (Regulation of Seniority) Rules, 1968. It was held in the said order that Shri Promod Kr. Pant, IFS (RR/MT-1986) is the juniormost direct recruit officer in the Manipur-Tripura cadre of the service who was appointed to the senior scale w.e.f. 1.4.90. It was on this basis that the applicant was assigned 1986 as the year of allotment and he was placed below Shri Promod Kr. Pant, IFS (MT/RR-1986).

Copy of the order dt 8th Sept '92, is annexed herewith and marked as ANNEXURE VI.

4.15 That the copy of the Annexure: VI order was communicated to the applicant only on 29th May '93 and from the year of allotment assigned therein it was obvious that Annexure V representation of the applicant dt 30.12.91 was either inadvertently not considered or the same was considered but rejected. As Annexure VI order was silent about this aspect of the matter the applicant during June/July 93 met the concerned officials both at Imphal and Delhi. During these meetings the applicant was given to understand that Annexure VI order has been passed inadvertently without considering the applicant's representation dt 30.12.91 and the matter would be looked into afresh. Be that as it may, the applicant submitted a representation dt 14.6.93 to the Govt. of India making a grievance against the Annexure VI Order. In the representation, he also referred to his earlier representation dt 30.12.91. However, when nothing was done,

the applicant yet again contacted the concerned officials in the Ministry of Environment & Forests, New Delhi, sometime during November/December 1993. It was at that stage that the applicant was told that his Annexure V ~~and~~ representation and subsequent representation dt 14.6.93 were never put up and the same are not traceable. The applicant was advised that he should submit a detailed representation challenging the Annexure VI order so that appropriate final order may be passed on the same.

Copy of the communicated dt 29th May '93 is annexed herewith and marked as ANNEXURE VII and the copy of the representation dt 14.6.93 is annexed herewith and marked as ANNEXURE VII/A.

4.16 That therefore the applicant filed yet another representation dt 17.1.94 wherein he specifically referred to the Annexure VI order and prayed for the re-fixation of his seniority and the year of allotment in accordance with law and the extant rules and principles. However, after the representation dt 17.1.94 now more than six months have passed away but till now no decision has been taken by the competent authority on the same. Applicant has a bonafide belief that the useful purpose would be served in pursuing the matter any further. Hence, this application now under Section 19 of the Administrative Tribunals Act by this applicant before this Hon'ble Tribunal.

Copy of the representation dt 17.1.94 is annexed herewith and marked as ANNEXURE VIII.

4.17 That in the case of the applicant, first select list was that of 22.5.89 in which the name of the applicant first appeared. As when name of the applicant first appeared in the select list, at the relevant time he was officiating in a senior post, therefore in terms of the relevant provisions of the rules holding the field, such period of officiation should be counted for the purpose of determination of applicant's seniority.

4.18. That as stated earlier that when the applicant was holding a cadre post, the mandatory Triennial cadre review was due on 20.3.88, however it was not held on its due date and was only held after more than 2½ years of its scheduled date on 22.11.90 and the same resulted in addition of 2 (two) senior scale posts. Had Triennial cadre review been held on time then what happened on 22.11.90 would have happened on 29.3.88 and the applicant who was holding a cadre post at the relevant time would have been accommodated in one of the two senior scale posts which were subsequently created. What has been stated here is not a presumption but a fact grounded in reality which has a sound and cogent basis. In the instant case not holding the cadre review on time resulted in violation of the mandatory requirement of Rule 4(2) of the IFS (Cadre) Rules by the Central Government and deprived the applicant of his legitimate expectation of promotion to IFS.

4.19 That there is a direction of the Government of Omdia that the review contemplated under Rule 4(2) of the

cadre rules should be completed sufficiently in advance so as to enable a notification to be issued on the third anniversary of the earlier notification. In this connection, extracts from the Government of India, Deptt. of Personnel and Administrative Reforms letter No. 4/12/70-ALS.1 dtd 26.5.71 are worth-mentioning. In the aforesaid letter, it is stated inter-alia that "the adequacy of recruitment rate for the All India Services is vital to the proper functioning and management of Government. Two measures are needed to ensure this. The first is the prompt encadrement of new posts likely to last over an extended period and the second is to assess future needs in advance on the basis of the past experience and the future plans. A failure in either of the two requirements will affect the adequacy of cadre strength thus leading to strains and stresses which some of the States are facing to-day."

In the light of the above-mentioned instructions of the Government of India the language used in Rule 4(2) of the cadre rules compels one to reach a conclusion that the notification as a result of the triennial review should be effective from the ~~xxx~~ third anniversary of the earlier notification. The expression used in Rule 4(2) is "at intervals of every three years" which means that the interval between one fixation of cadre strength and another shall be 3 years, no more or no less. Therefore, prima facie, the fresh notification after triennial review has to be issued at interval of three years i.e. on the third anniversary of every preceding notification.

4.20 That the need for prompt and punctual cadre review arises from the fact that the framers of law had intended that the members of the All India Services and also those who have a right to be considered for appointment to that service, if a vacancy arose, should feel completely secure that the cadre strength will be reviewed periodically on time in accordance with law and the benefit thereof will be available to them automatically, without their being beholden to any political party or leader for this purpose. Hence from the point of view of persons like this applicant Rule 4(2) of the IFS (Cadre) Rules which contains mandatory provisions ~~for~~ for review, have to be followed strictly.

4.21 Thereafore, this applicant has a vested right to claim that the cadre review be conducted in accordance with law on the due date. In the instant case, as it was not done, the applicant has a right to demand that the notification under rule 4 of the IFS (Cadre) Rules which was issued only on 22.11.90 shall be given effect to from 29.3.88 with all necessary consequences resulting therefrom.

4.22 That as stated earlier, in 1988 when the applicant was holding a cadre post, there was no meeting of selection Committee and as a result no select list was in existence in 1988 - the very year in which the Triennial Cadre review was also due. Non holding of the meeting of the Selection Committee violated the mandatory requirement of Reg. 5 of the IFS (Appointment by Promotion) Regulations. It is submitted that the chances of promotions and the aspiration to reach higher echelons of service enthruses a member of service to dedicate himself assiduously to the

service with diligence, exhibiting self-confidence, honestly and integrity. The absence of chances of promotion generates frustration. Hence, unless the select list is made annually, the promotee officers stand to lose their chances of consideration for Promotion which is their legitimate expectation. Hence the preparation of the select list every year is mandatory in order to subserve the object of the Act and the rules and to afford an equal opportunity to promotee officers to reach higher echelons of service. As the applicant lost the opportunity of appointment to IFS in 1988 primarily due to the fact of ~~XXXXXX~~ non-preparation of select list and non-holding of cadre review, hence the wrong done to the applicant due to this wanton infraction of the rules and dereliction of statutory duty, deserves to be remedied by this Hon'ble Tribunal by giving retrospective effect to cadre review and select list w.e.f. 29.3.88 with all necessary consequences resulting therefrom.

4.23 That as stated earlier under Reg. 5 of the IFS (Appointment by Promotion) Regulation, select list of suitable officers of State Forest Service must be prepared every year for appointment to IFS by promotion. However, in 1988 when the applicant was continuously holding a cadre post since 4.9.86, no select list was prepared. As in the select list of 1989, the applicant's name was on top of the list, it must be held that non-preparation of the Select list of 1988 was not due to the applicant's fault and on the other hand, had the concerned authorities of the State Government, the Central Government and the U.P.S.C. been meticulous about the discharge of their duties as

enjoined by the promotion regulation, the applicant's name would have been in the 1988 select list. Coupled with the fact that had the notification of Triennial Cadre review been issued on its due date i.e. 29.3.88 resulting in the increase of two cadre post, it would be in the ~~xxxx~~ interest of justice to hold that the applicant should be deemed to be appointed to IFS on 29.3.88 and the period of his continuous officiation in cadre post beginning from 4.9.86 should be counted for determining his seniority.

4.24 That the period of continued officiation of the applicant in a cadre post beginning from 4.9.86 had the approval of central Government and the UPSC and as such, it was a valid and regular appointment in the eye of law. As applicant's holding of cadre post for a period of nearly 3 years was valid and regular in the eye of law, the benefit of the same must be given to the applicant by counting and continuing the same with due approval and/or deemed to be approved continuation of the same for determining his seniority. That just because the continuous officiation of the applicant in a cadre post for a period of nearly 3 years was followed by an intervening period, it cannot be held that such an intervening period would have the effect of wiping out the 3 long years of continuous officiation in a cadre post for the purpose of counting the same for determination of applicant's seniority. Moreover, this intervening period was primarily due to the laches on the part of the Central Government and the UPSC. Had Central

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Government and the EPSC carried out the duty enjoined upon them, the situation giving rise to the intervening period would not have arisen at all. Hence it is submitted that the period of applicant's continuous officiation in a cadre post whether approved or yet to be approved was neither fortuitous nor stop gap, it was valid and legal and as such must be counted for determining applicant's seniority in the IFS. In any case, the applicant is not at all responsible for the inaction of the respondents in not performing a statutory duty and consequently he cannot be made to suffer for such inaction on their part.

4.25 That Rule 3 of the All India Services (Conditions of Service & Residuary Matters) Rules, 1960, provided the power to relax rules and regulations in certain cases - where the Central Government is satisfied that the operation of the Act, or (ii) any regulation made under any such rule, regulating the conditions of Service of persons appointed to an All India Service "causes undue hardship in any particular case", it may, by order, dispense with or relax the requirements of that rule or regulation, as the case may be, to such an extent and subject to such exception and conditions as it may consider necessary for dealing with the case in a "Just and equitable manner". Rule 3 empowers the Central Government to relieve undue hardship caused due to unforeseen or unmerited circumstances. As in the instant case hardship is being caused to the applicant due to the interpretation being given to the Rule 3(2)(c) of the IFS (Regulation of Seniority) Rules, therefore the instant case is a fit case where the Central Government may invoke its power under

Rule 3 of the Central Government Residuary Rules to relax the rigour of Rule 3(2)(c) of the IFS (Regulation of Seniority) Rules. It is submitted that applicant's continuous officiation in a cadre post must be counted for determining the applicant's seniority in the IFS. If there is difficulty in doing so because of nature of rules then for the ends of justice the Central Government should invoke its power under Rule 3 of the Residuary Service Rules and confer upon the applicant the benefit of continuous officiation in a cadre post.

4.26 That though the Government of India vide Annexure VI order dtd 8th September 1992 had assigned applicant '1986' as his year of allotment in terms of the provision of Rule 3(2)(c) of the IFS (Reg. of Seniority) Rules and had placed him below Shri Promod Kumar Pant, IFS (MT/RR-1986) but in the draft Civil list of IFS as on 1st January 1994 circulated by the Government of India, Ministry of Environment and Forests vide F. No. 27014/01/93-IFS-II dtd 14.12.93. The name of applicant instead of being immediately next to Shri Promod Kumar Pant, has been superseded by the names of Shri B.N. Mohanty and Shri D.J.N. Anand. The names of Mr. Mohanty and Anand are at Sl. No. 45 and 46 respectively. The name of the applicant is at Sl. No. 47. In view of the Annexure VI order dtd 8th September, 1992 (even if the same is held to be correct) the applicant's name cannot be placed below respondent No. 18 and 19 (Shri BN Mohanty and Shri DJN Anand respectively) and as such the draft Civil list of IFS as on 1st January 1994 is incorrect in so far as the applicant is concerned being contrary even to Annexure VI order. As

in the instant case, the applicant is not satisfied with the year of allotment which has been assigned to him and according to him instead of '1986', '1984' should be his year of allotment. Therefore it is stated that the applicants correct position in the Civil list of IFS should be immediately above Sri V. Ramakanta (respondent No.5) whose name has been shown at Sl. No. 30 in the Civil List.

Copy of the draft Civil List of IFS as on 1st Jan'y 1994 is annexed herewith and marked as ANNEXURE IX.

4.27 That the applicant files this application bonafide and to secure the ends of justice.

5. Grounds for relief with legal provisions :

5.1 That non preparations of the select list in 1988 violated Reg. 5 of the IFS (appointment by promotion) Regulations and deprived the applicant of the opportunity to come in the select list. As at the relevant time applicant was holding a cadre post, therefore had his name appeared in the Select list of 1988 he would certainly have been promoted to the IFS in 1988 itself.

5.2 That failure to hold the Triennial cadre review on its due date of 29.3.88 and its holding of after more than 2½ year of its scheduled date violated the Rule 4(2) of the IFS (Cadre) Rules. Coupled with the fact of non preparation of select list in 1988, the failure to hold the Triennial cadre review on its due date of 29.8.88 severely affected the petitioner's right/interest especially,

when the Triennial cadre review was held at last on 22.11.90, the same resulted in addition of 2 (two) senior scale posts. Therefore, had the Triennial cadre review held on its scheduled date of 29.3.88, the applicant would have got the advantage of the same as at the relevant time the applicant was holding the cadre post.

5.3 That leaving aside the argument of non-preparation of select list in 1988 and non-holding of Triennial cadre review on its due date of 29.3.88, since the name ~~thex~~ of the applicant appeared in the select list in 1989, when he was holding a cadre post, therefore, his seniority should be at least counted from 1989, to be more precise from 22.5.89 (The date of the select list in which the name of the applicant first appeared). Pursuant to this, change is also required to be made while assigning applicant his year of allotment in accordance with Rule 3(2)(c) of the IFS (Regulation of Seniority) Rules.

5.4 That under proviso to Explanation, where an officer is appointed to the service by promotion under Rule 8 of the Recruitment Rules on the basis of his name having been included in the first select list prepared by the Selection Committee constituted under Regulation 3 of the IFS (Appointment by Promotion) Regulations, the period of his continuous officiation in a senior post prior to the date of the inclusion of his name in the first select list shall also count, if such officiation is approved by the Central Government in consultation with the Commission.

In the case of the applicant, first select list was that of 22.5.89 in which the name of the applicant first appeared. As when name of the applicant first appeared in the select list, at the relevant time he was officiating in a senior post. Therefore, in terms of the Proviso to Explanation I such period of officiation should be counted for the purpose of determination of applicant's seniority.

5.5 That the period of continued officiation of the applicant in a cadre post beginning from 4.9.88 and continuing upto 18.7.89 has the approval of Central Government and the UPSC and as such it was a valid and regular appointment in the eye of law. Hence the benefit of the same must be given to the applicant by counting the same for determining his seniority. Even otherwise also, it should be deemed that the entire period of such officiation till appointment/inclusion in select list has the approval/facit approval of the authorities concerned.

5.6 That applicant's continuous officiation in a cadre post for nearly 3 long years must be counted for determining the applicant's seniority in the IFS. If there is difficulty in doing so because of nature of rules, then due to the resultant hardship to the applicant, for the ends of justice, the Central Government should invoke its power under Rule 3 of the Residuary Service Rules and confer upon the applicant the benefit of continuous officiation in a cadre post.

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5.7 That the belated triennial cadre review should relate back to its due date and consequently the appointment of the applicant to IFS should also relate back to its due date with all consequential benefit, more particularly, the benefit of correct assignment of year of allotment and fixation of seniority.

5.8 That seniority being a cherished right of the applicant on which his future promotional and service prospects are dependent cannot be allowed to be defeated by the inaction of the respondents and accordingly, judicial interference is called for in the matter, if ~~xxxxx~~ necessary even by invoking the provisions of relaxation of rules.

6. Details of Remedies Exhausted :

The applicant declares that he has exhausted all the remedies available to him under the law and there is no alternative remedy available to him anymore.

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

The applicant further declares that he has not filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Reliefs sought :

In the facts and circumstances and premises afore-said, the applicant prays for the following reliefs :

- 8.1 Quash the Government of India's order No. 18014/12/92-IFS-II dt 8th September, 1992 (Annexure VI).
- 8.2. Direct the respondents to assign applicant 1984 as his year of allotment and place him just above Mr. V. Ramakanta (Respondent No. 5) in the Civil List of the IFS as on 1st Jany 1994 and while doing so, if necessary to invoke the provisions of A.I.S. (Conditions of Service Residuary Matters) Rules, to meet with the undue hardship caused to the applicant by the inaction of the respondents.
- 8.3 Pass any other order/orders or give direction/directions as may be deemed fit and proper in the facts and circumstances of the case.

9. Interim Order prayed for :

In the facts and circumstances of the case, applicant does not pray for any interim order at this stage.

10.

11. Particulars of the Bank Draft/Postal Order filed in respect of the application fee :

- 11.1 I.P.O. No. : 8 03 665430
- 11.2 Date : 30-11-94
- 11.3 Payable at : Guwahati.

12. List of enclosures :

As stated in the Index.

VERIFICATION.

I, Shri Th. Ibobi Singh, son of Th. Iboton Singh, aged about 40 years, working as Divisional Forest Officer, Northern Forest Division, Kangpokpi, Resident of : KEISHAMTHONG IROM PUKHRI, MAPAL, P.O. IMPHAI - 795 001, MANIPUR, do hereby verify that the contents in paragraphs 1 to 4 and 6 to 12 are true to my knowledge which I believe to be true and those made in para 5 are true to my legal advise and I have not suppressed any material fact.

And I sign this verification on this 11 th day of December, 1994.

Th. Ibobi Singh,

(SIGNATURE OF THE APPLICANT)

GOVERNMENT OF MANIPUR.
DEPTT. OF PERSONNEL & ADMINISTRATIVE REFORMS.
(PERSONNEL DIVISION)

ORDERS BY THE GOVERNOR : MANIPUR
Imphal, the 4th September, 1986.

No. 3/26/77(FOR/DP : Under Rule o of the I.F.S. (Cadre) Rules, 1966, the Governor of Manipur is pleased to appoint the following State Forest Service Officers in the I.F.S. Cadre Post of Deputy Conservator of Forests in the pay scale of Rs.1110-50-1600/- on officiating basis for a period of 3 (three) months with immediate effect or till a suitable cadre officer is available, whichever is earlier.

- (1) Shri Vumkam Kingen.
- (2) Shri Th. Ibobi Singh.

By orders & in the name of the
Governor.

Sd/-

(Ng. Luikham)

Dy. Secy. to the Govt. of Manipur.

Copy to:-

1. The Spl. Secy. to Governor, Raj Bhavan, Manipur, Imphal.

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12. Guard File.

Atul
B. Q. in
Adarshi

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GOVERNMENT OF MANIPUR
DEPTT. OF PERSONNEL & ADMN. REFORMS.
(PERSONNEL DIVISION)

ORDERS BY THE GOVERNOR : MANIPUR
Imphal, the 28th Feb, 1989.

No. 3/16/77(For)/DP. The Governor of Manipur with the concurrence of the Govt. of India as well as Union Public Service Commission, is pleased to approve the officiating appointments of the following State Forest Service Officer against the I.F.S. cadre posts of Manipur part of the Joint I.F.S. Manipur-Tripura cadre for the periods mentioned against their names under Rule 9 of the I.F.S. (Cadre) Rules, 1966.

- (1) Shri Kh. Kalachand Singh - From 18.8.86 to 31.3.89.
- (2) Shri M. Modhuchandra Singh- From 1.8.86 to 29.2.88.
- (3) Shri V. Kipgen - From 4.9.86 to 31.3.89.
- (4) Shri Th. Ibobi Singh - From 4.9.86 to 31.3.89.

By orders & in the name of
the Governor.

Sd/-

(Ng. Luikham)

Dy. Secy. (DP), Govt. of Manipur.

Copy to:-

- 1. The Spl. Secy. to Governor, Raj Bhavan, Imphal.
.....
-
- 13. Shri Th. Ibobi Singh, DFO, Hqs., Imphal.
- 14. Guard File/Personal files.

Amended
B. J. A.
Advisor

.....

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

No. 16016/6/90-AIS(II)-A

Govt. of India

Min. of Personnel, Public Grievance & Pensions
Deptt. of Personnel & Training.

New Delhi, the 22.11.90.

NOTIFICATION.

GSR No..... In exercise of the powers conferred by sub-section (i) of Section 3 of the All India services Act, 1951(61 of 1961), read with rule 4 of the Indian Forest Service (Cadre) Rules, 1966, the Central Govt. in consultation with the Govt. of Manipur and Tripura hereby makes the following regulations further to amend the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, namely :-

1. (1) These regulations may be called the Indian Forest Service (Fixation of Cadre Strength) Fourth Amendment Regulations, 1990.
(2) They shall come into force on the date of their publication in the official Gazette.
2. In the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966, ~~the~~ for the heading "Manipur-Tripura" and the entries occurring thereunder the following shall be substituted, namely :-

MANIPUR-TRIPURA.

1. Senior duty Posts in the State Government (Manipur) 23.

Principal Chief Conservator of Forests	1.
Chief Conservator of Forests (Wildlife)	1
Chief Conservator of Forests (General)	1
Conservator of Forests	3
Deputy Conservator of Forests	7
Deputy Conservator of Forests (Resources Survey Division)	1
Deputy Conservator of Forests (Wildlife)	1
Deputy Conservator of Forests (Working Plan)	2
Deputy Conservator of Forests (Social Forestry)	1
Deputy Conservator of Forests (Soil Conservation)	2
Deputy Conservator of Forests (Headquarters)	1
Deputy Conservator of Forests (Research, Silviculture & Training)	1
Deputy Conservator of Forests (Rubber)	1
	<u>23</u>

Ctd....

Attested
R. S. Singh
Asst. Secy.

continuation sheet

Senior Duty Posts under the State Government (Tripura) 23

Principal Chief Conservator of Forests	1
Chief Conservator of Forests	2
Conservator of Forests	3
Deputy Conservator of Forests	9
Deputy Conservator of Forests (Wildlife)	1
Deputy Conservator of Forests (Working plan)	2
Deputy Conservator of Forests (Headquarters)	1
Deputy Conservator of Forests (Research)	1
Deputy Conservator of Forests (Training)	1
Deputy Conservator of Forests (Planning & Development)	1
Deputy Conservator of Forests (Planning & Social Forestry)	1

46

Total Senior duty posts of Manipur & Tripura Cadre	46
2. Central Deputation Reserve @ 20% of 1 above	9
3. Posts to be filled by promotion in accordance with rule 8 of the Indian Forests Service (Recruitment) Rules, 1966.	18
4. Posts to be filled by direct recruitment	37
5. Deputation Reserve @ 25% of all above	11
6. Junior Posts, Leave Reserve & Training Reserve	14.

Direct Recruitment Posts 62

Promotion Posts 18

Total Authorised strength 80

Sd/-

(CHANDER PRAKASH)

DEPT OFFICER.

Attested
R. Pr.
Asst. Secy.

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

No. 17013/12/90-IFS-II.

Government of India

Ministry of Environment & Forests

Paryavaran Bhavan,
CGO Complex, Phase - II
Lodi Road, New Delhi-110003.

Dated, 30th August, 1990.

NOTIFICATION.

In exercise of the powers conferred to sub-rule (1) of rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, read with sub-rule (1) of regulation 9 of the Indian Forest Service (Appointment by promotion) Regulations, 1966, the President is pleased to appoint with immediate effect, Sh. Th. Ibobi Singh (Date of Birth: 01.03.1954), an officer of State Forest Service of Manipur to the Indian Forest Service on probation, against an existing vacancy, and to allocate him to the Manipur-Tripura cadre of the Indian Forest Service under sub-rule (1) of rule 5 of the Indian Forest Service (Cadre) Rules, 1966.

Sd/- (K.S. Achar)
under Secy. to the Govt. of
India.

To
The Manager,
Government of India Press,
Faridabad.

Copy to:-

1. The Secy., U.P.S.C., Dholpur House, Shahjahan Road,
New Delhi-110011 with ref. to their letter No.
10/12(2)/89-AIS dated 19th June, 1990 .

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7. Spare copies/Guard file.

attested
R. Ch.
Adverse

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To
The Secretary,
to the Govt. of India,
Ministry of Environment & Forests,
Paryavaran Bhavan, C.G.O. Complex,
New Delhi.

Through Proper Channel.

Sub: Fixation of seniority on promotion
to the Indian Forest Service (MT Cadre)
from State Forest Service.

.....

Sir,

I have the honour to lay the following
few lines for your kind consideration and favourable
necessary action.

That on the recommendations of the Manipur
Public Service Commission and on completion of 2(two)
years training at State Forest Service College, Burni-
hat (1986-78), I was appointed as Assistant Conservator
of Forests (SFS) on 2.5.78 by the Govt. of Manipur and
confirmed to the said post w.e.f. 2.5.80.

As per Indian Forest Service (Appointment
by promotion) Regulation, 1966, I was eligible for
promotion to the Indian Forest Service w.e.f. 1.1.85.
Further, under rule 9 of Indian Forest Service (Cadre)
Rules, 1966, I was given officiating appointment as
Dy. Conservator of Forests against the IFS Cadre post
w.e.f. 4.9.85 vide Govt. of Manipur order No. 3/16/77-
For/DP dt 4.9.86 and posted as Dy. Conservator of
Forest/HQ which is a cadre post. The Govt. of India
and the U.P.S.C. accorded concurrence to my officiating
appointment in the senior scale post included in the
Manipur part of Manipur-Tripura (MT) Cadre of Indian
Forest Service from 4.9.86 to 30.6.89 as conveyed vide
Govt. of India, Ministry of Environment & Forests
letter No. 17020-1/86/IFS.II dt 1.2.89.

During the year 1988, no ~~the~~ selection
committee meeting for Manipur part was held to consider
the cases of eligible candidates of State Forest Service
Officers for appointment to IFS by promotion. However,
the meeting of the selection committee was held on 22.2.89
at Imphal and it has been learnt that on the recommen-
dations of the selection committee, my name was in the
select list w.e.f. 22.5.89. It is also learnt that in the
subsequent selection committee meeting held on 7.4.90, my
name continued to be included in the select list.

That a vacancy in the Indian Forest Service
Cadre post in Manipur part of the MT Cadre meant for
promotion arose w.e.f. 1.5.90 on account of expiry of
N. Kunja Singh, IFS(MT-1968) and since my name was in
the select list I was appointed to the Indian Forest
Service against the said vacancy under Sub-Section(I)

Ctd.....

Attested
R. J.
Adm. Secy

continuation sheet ...

of rule 8 of Indian Forest Service (Recruitment) Rules, 1966 and sub-rule (I) of the rule 9 of Indian Forest Service/Appointment by promotion) Regulation, 1966 and allotted the Manipur-Tripura Cadre of the Indian Forest Service under Sub-rule (I) of rule 5 of the Indian Forest Service (Cadre) Rules, 1966 vide Govt. of India, Ministry of Environment & Forests Notification No. 17013/12/90-IFS.II dt 30.8.90. However, so far my seniority/year of allotment in the service has now been determined by the Govt. of India.

It is submitted that since I have been continuously officiating in the senior scale post & included in the Manipur Part of the M-T Cadre of Indian Forest Service before the inclusion of my name in the select list and continuously upto my promotion to the Indian Forest Service and since the officiation was approved by the Central Govt. under provisions of Rule 9 of the Indian Forest Service (Cadre) Rules, 1966 in consultation with the U.P.S.C. (Regulation of seniority) Rules, 1966, my seniority is to be determined as the same as of the junior most among the directly recruited officers in the cadre continuously officiating in a senior post as on 22.5.89. It is further submitted that Shri V. Ramakanthan (IFS RR MT 1984) is the junior most among the directly recruited officers in the Cadre so officiating as on 22.5.89.

In view of the points indicated above, I humbly pray that my seniority/year of allotment may kindly be determined as "1984" and my position may kindly be placed suitably in the gradation list of the Indian Forest Service, MT Cadre.

Imphal,
the 30th Dec. 1991

Yours faithfully,
Sd/-
(Th. Ibobi Singh) IFS
Dy. Conservator of Forests
Manipur, Imphal.

Advance copy to :-

The Jt. Secy. to the Govt. of India,
Min. of Environment & Forests,
Paryavaran Bhavan,
C.G.O. Complex, New Delhi, for favour
of information and necessary action.

...

Attended
R. Ch.
Admitted

PARYAVARAN BHAWAN,
C.G.O. COMPLEX, LODI ROAD
NEW DELHI.

No. 18014/12//92-IFS-II.

8th September, 1992.

ORDER.

Shri Ibobi Singh, an officer of the Manipur State Forest Service was appointed by-promotion to the Indian Forest Service w.e.f. 30th August, 1990 vide notification No. 17013/12/90-IFS-II dt 30.8.1990.

2. The seniority of Shri Singh is to be fixed in the Indian Forest Service in terms of the provisions of rule 3(2)(c) of the Indian Forest Service (Regulation of Seniority) Rules, 1968.

3. Shri Pramod Kumar Pant, IFS (RR/MT-1986) is the junior most direct recruit officer in the Manipur-Tripura cadre of the service who was appointed to the Senior Scale w.e.f. 1.4.90, a date prior to the appointment of Shri Ibobi Singh, by promotion to the Indian Forest Service.

4. In view of the above, Shri Ibobi Singh is also assigned '1986' as his year of allotment and he is placed below Shri Pramod Kumar Pant, IFS(MT/RR-1986).

Sd/-

(K.S. Achar)

Under Secy. to the Govt. of India.

Distribution:

1. The Secy., Deptt. of Personnel & Administrative Reforms,
Govt. of Manipur, Imphal.

.....
.....

5. Guard file/Spare Copies.

....

attested
B. C.
Advocate

GOVT. OF MANIPUR
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
IMPHAL.

NO. 2/23/03/Forests Imphal, the 29th May, 1993.

To
Shri Th. Ibobi Singh, IFS,
Divisional Forest Officer,
Soil Conservation Division No. II
MANTRIPUKHRI.

Subject : Year of allotment.

Sir,

I am to enclose herewith a copy of order
No. 18014/12/92-IFS-11 dt 8.9.92 received from the
Under Secretary to the Govt. of India, Ministry of
Environment & Forests, New Delhi regarding fixation
of your seniority in the Manipur-Tripura Cadre of
Indian Forests Service for information and keeping
the same as your personal copy.

Enclo: AS above.

Yours faithfully,

Sd/-

(Sh. Tomchou Singh)

Principal Chief Conservator of Forests,
Government of Manipur.

Agustel
R. Q.
Advocate

....

To
The Under Secretary,
to the Govt. of India,
Ministry of Environment & Forests,
Paryavaran Bhavan, C.G.O. Complex,
LODHI ROAD, NEW DELHI-110003.

(Through Proper Channel)

Sub: Fixation of seniority on promotion to the Indian Forest Service (MT Cadre) from State Forest Service.

Sir,

I beg to invite a reference to your order No. 18014/12/92-IFS,II dt 8.9.92 which was received by me only on 29.5.93 regarding fixation of my seniority in the I.F.S. in terms of provisions of rule 3(2)(c) of the I.F.S.(Regulation of Seniority) Rules, 1968. In this connection it is submitted that subsequent upon my appointment into I.F.S. on promotion w.e.f. 30.8.90 vide notification No. 17013/12/90-IFS-II dt 30.8.90, I had submitted a representation addressed to the Secretary Govt. of India, Ministry of Environment on 30.12.91 to consider the period of my continuous officiation in a senior scale post included in Manipur part of MT Cadre of I.F.S. w.e.f. 4.9.86 while determining my seniority /year of allotment as such officiating appointment was approved by the Ministry of Environment & Forests and the U.P.S.C.

Further, it is submitted that as my name in the select list for the first time w.e.f. ~~22.5.89~~ 22.5.89 and continuously upto my appointment into IFS on promotion, it was requested in my representation dt 30.12.91 that under rule 3(2)(c) of the Indian Forest Service (Regulation of Seniority) Rules, 1968, my seniority may be determined as the same as the junior most among the directly recruited officers in the cadre continuously officiating in senior scale post as on 22.5.89. Since Shri V. Ramakantha, (IFS RR MT 1984) is the juniormost among the directly recruited officers in the scale so officiating as on 22.5.89, the request of the undersigned was to determine my seniority/year of allotment as 1984.

However, since I have been assigned "1986" as my year of allotment vide your Order dt 8.9.90 referred to above, a doubt has arisen as to whether my representation dt 30.12.91 has not been duly considered while fixing my seniority.

It is therefore, requested that I may kindly be intimated to whether my representation dt 30.12.91 has been duly considered while determining my seniority/year of allotment of at an early date.

Yours faithfully,
Sd/-Ibobi Singh.

Mantripukhri, the 14th June '93.

*allotted
B. S.
Adwani*

To
The Secretary
to the Govt. of India,
Min. of Environment & Forests,
Paryavaran Bhavan, G.G.O. Complex,
Lodhi Road, New Delhi.

Through Proper Channel.

Sub: Refixation of seniority in the light of the judgment
dt 19.3.92 in O.A. No. 138 of 1991 titled Jacob P.
Thomas Vs. U.O.I. and others in CAT/Ennakulam Bench.

Sir,

I have the honour to lay the following few lines for
your kind consideration and favourable necessary action.

That on the recommendation of the Manipur Public
Service Commission and on completion of 2(two) years training
at State Forest Service College, Burnihat, I was appointed as
Assistant Conservator of Forests (SGS) on 2.5.78 by the Govt.
of Manipur and confirmed to the said post w.e.f. 2.5.80.

As per Indian Forest Service (Appointment by Promotion)
Regulation, 1966, I was eligible for promotion to the I.F.S.
w.e.f. 1.1.1985. Further under Rule 9 of the I.F.S. (Cadre)
Rules, 1966, I was given officiating appointment as Dy.
Conservator of Forests against the IFS Cadre Post w.e.f. 4.9.86
vide Govt. of Manipur order No. 3/16/77-For/DP dt 4.9.86 and
posted as Dy. Conservator of Forest/HQ which is a Cadre Post
The Govt. of India and the U.P.S.C. accorded concurrence to
my officiating appointment to the senior scale post included
in the Manipur Part of Manipur-Tripura(MT) Cadre of the
Indian Forest Service from 4.9.86 to 30.6.89 as conveyed
vide Govt. of India, Ministry of Environment and Forests
letter No. 17020-1/86-IFS II dt 1.2.89.

During the year 1988, no selection Committee meeting
for Manipur part was held to consider the cases of eligible
candidates of State Forest Service Officers for appointment
to IFS by promotion. However, the meeting of the selection
committee was held on 22.2.89 at Imphal and it has been learnt
that on the recommendation of the selection committee, my
name was in the select list w.e.f. 22.2.89. It is also
learnt that in the subsequent selection committee meeting
held on 7.1.90, my name continued to be in the select list.

I was appointed to the I.F.S. against a vacancy in
the I.F.S. Cadre post in Manipur part of MT cadre meant for
promotion that arose w.e.f. 1.5.90 on account of expiry

Ctd.....

Attested
B. G.
Adm. Secy.

continuation sheet

of N. Kunja Singh IFS (MT 1968) under Sub-rule (1) of rule 8 of I.F.S. (Rec'tt.) Rules, 1968 and sub-rule (1) of the rule 9 of IFS (Appointment by promotion) Regulations, 1966 and allotted the Manipur-Tripura cadre of the I.F.S. under Sub-rule (1) of rule 5 of the IFS (Cadre) Rules, 1966 vide Govt. of India, Ministry of Environment & Forests Notification No. 17013/12/90 -IFS-II dt 30.8.90. Subsequently, my seniority was fixed in the I.F.S. in terms of the provisions of rule 3(2)(c) of the I.F.S. (Regulation of seniority) Rules, 1968 and assigned "1986" as my year of allotment and my seniority was placed below Shri Pramod Kumar Pant, I.F.S. (MT/RR-1968) vide order No. 18014/12/92-IFS-II dt 8.9.92 of the Ministry of Environment and forests, Govt. of India.

In this connection reference is invited to the judgment at 19.3.92 in O.A. No. 138 of 1991 titled Jacob P. Thomas Vs U.O.I and others in CAT/Ennakulam Bench, Kerala wherein the Hon'ble Court directed the Union of India that Triennial Cadre review notification must be issued on the ~~third~~ third anniversary of previous notification. Delayed notification is deemed to be effective from third anniversary and promotion will also have to be given to person entitled to such promotion on the basis of his position in the current seniority list. (Extracts of the judgment order is enclosed herewith for reference).

It is submitted here that notification of the Triennial cadre review amending the I.F.S. (fixation of cadre strength) Regulations, 1966 for Manipur-Tripura was issued on 29.3.85 vide Ministry of Personnel, and Training Administrative reforms and Public Grievances and Pension, Deptt. of Personnel and Training. Notification No. 16016/3/85-AIS (IV-A) dt 29.3.85 (copy enclosed) fixing the number of senior scale post in Manipur part of the MT cadre as 19. However, the subsequent notification of the Triennial review was never issued on the due date i.e. 29.3.88 even though proposal for the same was submitted to the Govt. of India, Ministry of Environment of Personnel letter No. 2/14/79MFS/DP dt 7.4.87. The same was issued only 22.11.90 vide Govt. of India, Ministry of Personnel Public Grievances and Pension, Deptt. of Personnel & Training notification No. 16016/3/3185-AIS(II)-A dt 22.11.90 (copy enclosed) i.e. after an interval of 5 years and 8 months

Ctd.....

allotted
B. S.
A. S.

increasing the total number of senior scale posts in Manipur Tripura Cadre to 23 and resulting in addition of 2 senior scale posts meant for promotion.

Since as per rule 4(2) of the I.F.S. (Cadre) Rules, 1966, the Triennial Cadre Review is to be held "at intervals of every three years" the above is clear violation of the cadre rules and according to judgment referred to above, the delayed notification may be deemed to be effective from the third anniversary of the previous notification and promotion shall also have to be given to person entitled to such promotion on the basis of his position in the select list at that time.

In view of the facts mentioned above, I earnestly request you to make necessary arrangements to issue necessary orders to the effect that the notification No. 16016/6/90-AIS(II) -A dt 22.11.90 of the Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Deptt. of Personnels and Training amending the I.F.S. (Fixation of Cadre Strength) Regulations, 1966, is deemed to have come into force w.e.f. 29.3.88 and my appointment order to the I.F.S. on promotion may also be made against one of the two promotion posts with effect from 22.2.89 i.e. the date of inclusion of my name in the select list as I was entitled to such promotion on the basis of my position in the select list at that time. Further, it is also requested that my seniority position may also kindly be re-fixed suitably in the gradation list of the I.F.S., Manipur-Tripura Cadre.

Yours faithfully,

Sd/-

17.1.94.

(Th. Ibabi Singh) IFS
Dy. Conservator of Forests,
Imphal, Manipur.

Imphal,
the 17th Jan'y '94.

Advance copy to:-

The Under Secy. to the Govt. of India, Ministry of Environment & Forests, Paryavaman Bhavan, C.G.O. Complex, New Delhi, for favour of information and necessary action.

....

Attested
R. S. M.
Adroch

F. No. 21010/01/93-IFS.II
Government of India,
Ministry of Environment & Forests.

Paryavaran Bhavan,
B-Block, CGO Complex,
New Delhi-110 003
Dated 14.12.93.

To
The Chief Secretary,
Government of ...

Subject : Printing of Civil List of Indian Forest
Service as on 1st January, 1994- reg.

Sir,

I am directed to refer to this Ministry's circular dated 30th April, 1993 and subsequent correspondence regarding printing of Civil list of Indian Forest Service as on 1.1.1994. Based on the details given by the State Govt. for the officers of IFS borne on the State Cadre, the Ministry of Environment and Forests have compiled the information for various State Cadres. A draft copy of the information in respect of the officers borne on your State cadre is enclosed.

It is requested that all the details mentioned in the draft in respect of their exact name, date of birth, seniority, scale of pay, posting etc. may kindly be get verified as on 1st January, 1994 and forwarded to this Ministry by the first week of January, 1994 so that action can be taken for printing the same by end of January, 1994.

This may kindly be treated as most urgent.

Yours faithfully,

Encl: As above.

Sd/-

(A K Goyal)

Dy. Secy. to the Govt. of India.

Copy to:-

The Principal Chief Conservator of Forests,
Government of Manipur,
Imphal.

...

*Attested
By
Advocate*

CIVIL LIST OF IFS OFFICERS

OFFICE NAME : MANIPUR & TRIPURA

S. NO	OFFICER CODE NO.	OFFICER'S NAME DATE OF BIRTH	RECRUITMENT SOURCE YEAR OF ALLOTMENT	DATE OF ALLOTMENT TO IFS	PRESENT SCALE OF PAY DATE OF APPT. TO SCALE	PRESENT POST	PRESENT PAY SPECIAL PAY DEPUTATION PAY PERSONNEL PAY	REMARKS
1	NT/001	H. SARKAR 01/01/37	IR 1962	01/10/66	7500 Fixed	PRINCIPAL CHIEF CONSERVATOR OF FORESTS	7600	
2	NT/002	DEBENDU SINGH 01/03/37	IR 1962	01/10/66	7500-7600	PRINCIPAL CHIEF CONSERVATOR OF FORESTS	7700	
3	NT/003	D. NAG 01/04/38	IR 1964	01/10/66		MANAGING DIRECTOR, TFDPC LTD, TRIPURA		ON DEPUTATION TO TFDPC
4	NT/004	DR. P. N. RAY 19/05/42	RR 1964	17/08/68	5500-6700	CHIEF CONSERVATOR OF FORESTS	6500	ON DEPUTATION TO GOI
5	NT/005	A. K. PRASAD 01/03/46	RR 1970	01/04/70	NOT KNOWN	CHIEF CONSERVATOR OF FORESTS		
6	NT/006	L. JYOTI POY 01/03/40	SFS 1970	05/02/77	5900-6700	CHIEF CONSERVATOR OF FORESTS	6300	
7	NT/007	M. N. ANTHOI SINGH 31/04/40	SFS 1970	05/02/77	5900-6700	CHIEF CONSERVATOR OF FORESTS	6300	
8	NT/008	P. B. LAL 13/07/52	RR 1975	01/04/75	NOT KNOWN	CONSERVATOR OF FORESTS		ON DEPUTATION
9	NT/009	R. LUSHAI 21/05/45	RR 1975	15/03/75	4500-5700	CONSERVATOR OF FORESTS	5100	
10	NT/010	M. A. KHAN 12/04/45	SFS 1977	14/04/81	4500-5700	CONSERVATOR OF FORESTS	5100	
11	NT/011	DR. ASHVINI SINGH 31/07/51	RR 1977	01/04/77	NOT KNOWN			ON DEPUTATION TO GOI
12	NT/012	SEIBOI SINGH 01/03/51	RR 1977	01/04/77	5900-6700	CHIEF CONSERVATOR OF FORESTS	5900	

MINISTRY OF ENVIRONMENT & FORESTS
NEW DELHI
CIVIL LIST OF IFS OFFICERS

PAGE NO : 2

STATE NAME : MANIPUR & TRIPURA

S.NO	OFFICER CODE NO.	OFFICER'S NAME DATE OF BIRTH	RECRUITMENT SOURCE YEAR OF ALLOTMENT	DATE OF APPOINTMENT TO IFS	PRESENT SCALE OF PAY DATE OF APPT. TO SCALE	PRESENT POST	PRESENT PAY SPECIAL PAY DEPUTATION PAY PERSONNEL PAY	REMARKS
✓ 13	MT/013	TH. PRIYOBOR SINGH 01/04/43	SFS 1977	24/04/81	4500-5700	CONSERVATOR OF FORESTS	4800	
✓ 14	MT/014	KH. JOYCHANDRA SINGH 31/01/40	SFS 1977	24/04/81	4500-5700	CONSERVATOR OF FORESTS	4950	
✓ 15	MT/015	A. KHARSHI-ING 26/10/51	SFS 1978	06/03/78	4500-5700	CONSERVATOR OF FORESTS	4600	
16	MT/016	R.P. TANGWAN 25/07/51	RR 1976	06/03/78	4100-5300	DEPUTY CONSERVATOR OF FORESTS	4600	
17	MT/017	R.L. SRIVASTAVA 01/05/52	RR 1978	06/03/78	4100-5300	DEPUTY CONSERVATOR OF FORESTS	4475 300	ON DEPUTATION TO GOI
✓ 18	MT/018	A.K. RANA 01/07/54	RR 1979	06/03/79	NOT KNOWN	ASSISTANT INSPECTOR GENERAL OF FORESTS		ON DEPUTATION TO GOI
19	MT/019	V. BANERJEE 21/11/54	RR 1979	06/03/79	4500-5700	DEPUTY CONSERVATOR OF FORESTS	4100	
20	MT/020	J.S. LAHA 10/02/54	RR 1979	06/03/79	NOT KNOWN	DEPUTY CONSERVATOR OF FORESTS		ON DEPUTATION TO GOI
✓ 21	MT/021	ANIL KUMAR 30/06/57	RR 1980	01/04/80	4100-5300	DEPUTY CONSERVATOR OF FORESTS <i>Working plan Div. No. II</i>	4225	ON DEPUTATION TO GOVT. OF U.P.
✓ 22	MT/022	D.C. KARNAT 14/12/56	RR 1981	01/05/81	3700-5000	ASSISTANT SILVICULTURIST	4075	ON DEPUTATION TO GOI
23	MT/023	S. TALUKDAR 21/01/57	RR 1981	19/05/81	NOT KNOWN	DEPUTY CONSERVATOR OF FORESTS		ON DEPUTATION TO GOI
✓ 24	MT/024	L. SARATCHANDRA SINGH 03/12/49	SFS 1981	30/09/85	3700-5000	DEPUTY CONSERVATOR OF FORESTS <i>Secy. No. II</i>	4075	

STATE NAME : MANIPUR & TRIPURA

MINISTRY OF ENVIRONMENT & FORESTS
NEW DELHI
CIVIL LIST OF IFS OFFICERS

PAGE NO : 3

S.NO	OFFICER CODE NO.	OFFICER'S NAME DATE OF BIRTH	RECRUITMENT SOURCE YEAR OF ALLOTMENT	DATE OF APPOINTMENT TO IFS	PRESENT SCALE OF PAY DATE OF APPT. IN SCALE	PRESENT POST	PRESENT PAY SPECIAL PAY DEPUTATION PAY PERSONNEL PAY	REMARKS
25	MT/025	K. THAMBOU SINGH 01/03/52	SFS 1981	21/04/86	3700-5000	DEPUTY CONSERVATOR OF FORESTS <i>Working plan no. 2</i>	4075	
26	MT/026	A.K. SINGH 10/07/44	SFS 1981	07/05/86	4100-5300	DEPUTY CONSERVATOR OF FORESTS	4856	ON DEPUTATION TO IFC
27	MT/027	A.K. GUPTA 07/06/58	RR 1982	09/05/83	NOT KNOWN	DEPUTY CONSERVATOR OF FORESTS		ON DEPUTATION TO GOI
28	MT/028	BALA PRASAD 04/01/59	RR 1983	19/03/83	3700-5000	ASSOCIATE PROFESSOR, DEHRADUN	3700	ON DEPUTATION TO GOI
29	MT/029	J.P. YADAV 12/05/59	RR 1983	09/05/83	NOT KNOWN	DEPUTY CONSERVATOR OF FORESTS		ON DEPUTATION TO GOI
30	MT/030	V. RAHMANA 05/10/55	RR 1984	21/05/84	3700-5000	DEPUTY CONSERVATOR OF FORESTS <i>Working plan no. 2</i>	3700	ON DEPUTATION TO GOI STATE
31	MT/031	A. KUMAR 03/11	RR 1984	21/05/84	NOT KNOWN	DEPUTY CONSERVATOR OF FORESTS		ON DEPUTATION TO GOI
32	MT/032	C. K. SINGH 10/01/55	RR 1984	20/06/84	3000-4500 01/04/88	DEPUTY CONSERVATOR OF FORESTS	3500	
33	MT/033	R.N. SINGH 01/07/44	SFS 1977	09/12/85	4500-5700	CONSERVATOR OF FORESTS	4950	
34	MT/034	BALBIR SINGH 23/09/55	RR 1985	03/06/85	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3400	
35	MT/035	A.S. RAJ 10/5/56	RR 1985	27/05/85	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3400 105	
36	MT/036	SURENDER KUMAR 29/01/60	RR 1985	27/05/85	3000-4500 01/04/89	DEPUTY CONSERVATOR OF FORESTS & D.F.O.	3500	

*Prescribed
B.O.S.
Adm. A*

STATION : MANIPUR & TRIPURA

CIVIL LIST OF IFS OFFICERS

S.NO	OFFICER'S CODE NO.	OFFICER'S NAME DATE OF BIRTH	RECRUITMENT SOURCE YEAR OF ALLOTMENT	DATE OF APPOINTMENT TO IFS	PRESENT SCALE OF PAY DATE OF APPT. TO SCALE	PRESENT POST	PRESENT PAY SPECIAL PAY DEPUTATION PAY PERSONNEL PAY	REMARKS
✓ 37	NT/037	P.N. PRASAD 17/01/55	RR 1965	11/04/55	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Chandel</i>	3400	
✓ 38	NT/038	R. N. SRIVASTAVA 14/12/51	RR 1965	02/07/55	3000-4500	ASSISTANT INSPECTOR GENERAL OF FORESTS	3600	ON DEPUTATION TO GOI
✓ 39	NT/039	J. S. AGGARWAL 08/02/55	RR 1965	27/07/55	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Tamenglong</i>	3400	
✓ 40	NT/040	K. R. K. SINGH 04/05/61	RR 1965	27/07/55	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Social forestry cum I</i>	3400	
✓ 41	NT/041	A. K. ROY 04/05/52	SFS	02/02/57	3000-4500	DEPUTY CONSERVATOR OF FORESTS		ON DEPUTATION TO TRFC
✓ 42	NT/042	S. JAI KUMAR 28/01/62	RR 1965	02/05/65	3000-4500	ASSISTANT INSPECTOR GENERAL OF FORESTS	3300	ON DEPUTATION TO GOI
✓ 43	NT/043	A. K. SINGH 26/05/61	RR 1965	18/05/65	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3200	ON DEPUTATION TO GOI
✓ 44	NT/044	P. K. PAK 04/02/61	RR 1965	02/05/66	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3200	
✓ 45	NT/045	B. N. K. SINGH 14/02/59	RR 1966	16/06/61	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Regional office Dharmabandor</i>	3300	on deputation GOI.
✓ 46	NT/046	D. J. S. SINGH 25/05/60	RR 1966	02/05/66	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Jinibam</i>	3300	
✓ 47	NT/047	T. N. SINGH 01/03/54	SFS 1966	30/07/60	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3875	on deputation
✓ 48	NT/048	S. S. SHARMA 14/12/63	RR 1967	02/07/67	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3450	

THE SECRETARY, MANIPUR & TRIPURA

THE SECRETARY, MANIPUR & TRIPURA

DATE: 10/10/67

STATE NAME : MANIPUR & TRIPURA

CIVIL LIST OF IFS OFFICERS

S.NO	OFFICER CODE NO.	OFFICER'S NAME DATE OF BIRTH	RECRUITMENT SOURCE YEAR OF ALLOTMENT	DATE OF APPOINTMENT TO IFS	PRESENT SCALE OF PAY DATE OF APPT. TO SCALE	PRESENT POST	PRESENT PAY SPECIAL PAY DEPUTATION PAY PERSONNEL PAY	REMARKS
48	NT/049	A.C. SRIVASTAVA 30/07/61	RR 1987	06/07/87	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3100	ON DEPUTATION TO GOI
49	NT/050	S.K.S. IVASTAVA 01/05/60	RR 1987	06/07/87	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3200	STATE DEPUTATION
50	NT/051	JAGDISH PRASAD 31/07/58	RR 1987	06/07/87	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3100	
51	NT/052	KHAIZALIAN 03/01/50	RR 1987	06/07/87	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Research & Silviculture</i>	3200	
52	NT/053	NGULKHOMAD 01/04/60	RR 1987	28/07/87	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Kampongpi</i>	3200	
53	NT/055	LANKHOSFI BAITE 01/03/61	RR 1987	09/10/87	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Churachungpi</i>	3100	
54	NT/055	R. DAS 22/10/61	RR 1987	06/07/88	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3000	
55	NT/055	D.R. SHARMA 25/06/60	RR 1987	04/07/88	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3000	
56	NT/057	A.K. SINGH 19/05/50	1988	15/02/91	3700-5000	DEPUTY CONSERVATOR OF FORESTS	4375	
57	NT/058	A.S. KALACHAND 01/01/29	not yet fixed	01/06/92	3000-4500	DEPUTY CONSERVATOR OF FORESTS <i>central div.</i>	3500	
58	NT/059	K. PREMKUMAR SINGH 01/03/55	not yet fixed	01/06/92	3000-4500 01/06/92	DEPUTY CONSERVATOR OF FORESTS <i>wildlife</i>	3100	
59	NT/060	B.S. MISRA 24/05/63	1989	26/03/92	3000-4500	DEPUTY CONSERVATOR OF FORESTS	3000	

STATE NAME : MANIPUR & TRIPURA

 MINISTRY OF FOREST & ENVIRONMENT
 NEW DELHI
 CIVIL LIST OF IFS OFFICERS

PAGE No. :

S.NO	OFFICER CODE NO.	OFFICER'S NAME DATE OF BIRTH	RECRUITMENT SOURCE YEAR OF ALLOTMENT	DATE OF APPOINTMENT TO IFS	PRESENT SCALE OF PAY DATE OF APPNT. TO SCALE	PRESENT POST	PRESENT PAY SPECIAL PAY DEPUTATION PAY PERSONNEL PAY	REMARKS
60	13	NT/051 D.K. UPADHYAY 15/01/64	1965	01/01/63	2000-4500	DEPUTY CONSERVATOR OF FORESTS	3000	
70	14	NT/052 LOKESH PUNEI 26/01/63	RR 1985	17/07/85	2000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Resource Survey</i>	3000	
71	15	NT/053 ADITYA KUMAR JOSHI 22/04/63	RR 1985	11/07/85	2000-4500	DEPUTY CONSERVATOR OF FORESTS <i>Rubber</i>	3000	
72	16	NT/054 B.N. DEV 07/05/36	SFS	10/12/82	2000-5000	DEPUTY CONSERVATOR OF FORESTS	4500 200	
73	17	NT/055 J.L. GUPTA 27/11/39	SFC	11/01/82	2000-5000	DEPUTY CONSERVATOR OF FORESTS	4500 300 200	
74	18	NT/056 K.S. SEHMI 30/12/66			2200-4000		2275	
75	19	NT/057 S.K. PADEY 15/10/64	RR		2200-4000		2275	
76		Dr. D.D. Haokip	RR 1990		2200-4000			on job pay

 Attached
 List

AA 50'

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL :GUWAHATI

Central Administrative Tribunal
কেন্দ্রীয় প্রশাসনিক আদালত
28 JUL 1995
Guwahati Bench
গুৱাহাটী বেঞ্চ

O.A. No. 15 OF 1995

Filed by:

Mr. Shaikat AL.
(MD. SHAUKAT AL. 14/7/95)
Sr. Central Govt Standing Counsel
Central Administrative Tribunal
Guwahati Bench, Guwahati

378 Mr. Ibobi Singh

.....Applicant

Versus

Union of India and OthersRespondents

S.No.	Description	Page No.
01	Reply to the Original Application.	1 to 13
02	Appendix-1	14 - 15
03	Appendix-II	16

48 51

Filed by: *Mankabale* 14/7/95
(MD. SHAIK (P. ATT))
Sec. Central Govt. (P. ATT)
Central Govt. (P. ATT)
Guwahati Bench (P. ATT)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWHATI BENCH

In the matter of:

O.A. No. 15 OF 1995
Th. Ibobi SinghApplicant
Versus
Union of India & OthersRespondents

REPLY ON BEHALF OF RESPONDENT NO.1

I, A.K.Goyal, son of Shri B.R.Goyal, aged about 38 years, Deputy Secretary to the Govt. of India, Ministry of Environment and Forests, Paryavaran Bhavan, New Delhi, do hereby solemnly affirm and say as follows.

1. That I am the Deputy Secretary to the Govt. of India, Ministry of Environment and Forests, New Delhi. I am acquainted with the facts and circumstances of the case. I have gone through the application and understood the contents thereof. Save and except whatever is specifically admitted in this written statement, the other contentions and statements made in the application, may be deemed to have been denied. I am competent and authorised to file this written statement on behalf of respondent No.1.

2. In reply to para 1, it is admitted that the applicant was assigned '1986' as his year of allotment in the Indian Forest Service (IFS) vide order dated 8.9.92 issued by the answering respondents. It is

A.K. Goyal

submitted that the said year of allotment was assigned to the applicant in accordance with the provisions of rule 3(2)(c) of the Indian Forest Service (Regulation of Seniority) Rules, 1968 (hereinafter referred to as the 'Seniority Rules').

3. Paras 2 and 3 of the application do not require any comments.

4. In reply to para 4.1, it is submitted that the first part thereof does not require any comments. As regards the method and manner of assigning year of allotment in the case of the applicant, it is submitted that it has been done strictly in accordance with the provisions of Seniority Rules.

5. In reply to para 4.2, it is submitted that the averments made therein pertain to respondent No.3 and will be met by them.

6. In reply to para 4.3, it is submitted that the averments made therein pertain to provisions of various Rules and Regulations governing the Indian Forest Service. The answering respondent craves leave to refer to the relevant provisions for their exact meaning and contents at the time of hearing of this application.

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7. In reply to para 4.4, it is submitted that the contentions made therein pertain to respondent No.3 and will be met by them.

8. In paras 4.5 to 4.7, the applicant has referred to the provisions of rule 9 of the IFS (Cadre) Rules, 1966 (hereinafter referred to as the 'Cadre Rules), under which he was given officiating appointment as Deputy Conservator of Forests against the Cadre post w.e.f. 4.9.86. It would be relevant to look at the provisions of rule 9 of the Cadre Rules which are reproduced below:-

"9. Temporary appointment of non-Cadre officers to cadre posts:-

(1) A cadre post in a State shall not be filled by a person who is not a cadre officer except in the following cases; namely:-

(1)(a) if there is no suitable cadre officer available for filling the vacancy;

Provided that when a suitable cadre officer becomes available, the person who is not a cadre officer, shall be replaced by the cadre officer;

Provided further that if it is proposed to continue the person, who is not a cadre officer, beyond a period of three months, the State Government shall obtain the prior approval of the Central Govt. for such continuance;

(1)(b) if the vacancy is not likely to last for more than three months;

Provided that if the vacancy is likely to exceed a period of three months, the State Government shall obtain the prior approval of the Central Govt. for continuing the person who is not a cadre officer beyond the period of three months.

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(2) A cadre post shall not be filled by a person who is not a cadre officer except in accordance with the following principles, namely:-

(2)(a) if there is a Select List in force, the appointment or appointments shall be made in the order of names of the officers in the Select List;

(2)(b) if it is proposed to depart from the order of names appearing in the Select List, the State Government shall forthwith make a proposal to that effect to the Central Government together with reasons therefor and the appointment shall be made only with the prior approval of the Central Government;

(2)(c) if a Select List is not in force and it is proposed to appoint a non-Select List officer, the State Government shall forthwith make a proposal to that effect to the Central Govt. together with reasons therefor and the appointment shall be made only with the prior approval of the Central Government.

(3) Where a cadre post is likely to be filled by a person who is not a cadre officer for a period exceeding six months, the Central Govt. shall report the full facts to the Union Public Service Commission with the reasons for holding that no suitable officer is available for filling the post and may in the light of the advice given by the Union Public Service Commission give suitable directions to the State Government concerned."

It is submitted that the officiation of the applicant on the cadre post during the period from 4.9.86 to 30.6.89 was duly approved by the Central Government.

9. In reply to para 4.8, it is submitted that in terms of regulation-5 of the IFS (Appointment by Promotion) Regulations, 1966 (hereinafter referred to as the "Promotion Regulations), the meeting of the Selection Committee is required to be held ordinarily

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at intervals not exceeding one year for preparation of list of such members of the State Forest Service as would be suitable for promotion to the Indian Forest Service. There could be reasons beyond the control of the State Government as a result of which the meeting of the Selection Committee may not be held every year. It is, however, submitted that the applicant cannot agitate before this hon'ble Tribunal an issue pertaining to the year 1988, at this stage.

10. In reply to para 4.9, it is admitted that in terms of rule 4 of the Cadre Rules, the strength and composition of the each of the cadres of the Indian Forest Service is reviewed in consultation with the State Government concerned, at an interval of three years. In undertaking such review, the proposals have to come from the State Government concerned, which do take time exceeding the normal period of three years. After the proposals have been received, these are examined by the Cadre Review Committee which, among others, is represented by State officials also. Based on the recommendations of the Cadre Review Committee, necessary changes are made in the strength and composition of a particular cadre. It is admitted that the last Review of the strength and composition of the Manipur-Tripura cadre of the IFS was notified on 22.11.90. It is submitted that the issue of Triennial Cadre Review having not been held during 1985 to 1990, cannot be agitated by the applicant at this belated stage.

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11. In reply to paras 4.10 and 4.11, it is submitted that the applicant was promoted to the Indian Forest Service vide notification dt. 30.8.90 issued by the answering respondent following inclusion of his name in the Select List prepared by the Selection Committee in its meeting held on 7.4.90.

12. In reply to paras 4.12 to 4.17, it is admitted that the Central Govt. had approved the officiation of the applicant on the cadre post for the period from 4.9.86 to 30.6.89 in accordance with rule 9 of the Cadre Rules referred to above. However, subsequent period of officiation till his appointment to the IFS did not have the approval of the Central Government. Since the applicant has contended that his period of officiation in the Senior post should also be taken into account while determining his year of allotment, it would be relevant to refer to the Seniority Rules. The inter-se seniority/year of allotment of officers belonging to the IFS is determined in accordance with rule 3(2)(c) and 4(4) of the Seniority Rules which are reproduced below:

"3. Assignment of year of allotment:

(1) xxxx xxx xxxx

(2)(c) where an officer is appointed to the Service by promotion in accordance with rule 8 of the Recruitment Rules, the year of allotment of the junior-most among the officers recruited to the Service in accordance with rule 7 or if no such officer is available the year of allotment of the junior-most among the officers recruited to the Service in accordance with rule 4(1) of these Rules who officated continuously in a senior post from a date earlier than the date of commencement of such officiation by the former:

Provided xxxxx xxxx Commission

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Explanation-1: In respect of an officer appointed to the Service by promotion in accordance with sub-rule (1) of rule 8 of the Recruitment Rules, the period of his continuous officiation in a senior post shall, for the purposes of determination of his seniority, count only from the date of the inclusion of his name in the Select List, or from the date of his officiating appointment to such senior post, whichever is later."

Provided that where an officer is appointed to the Service by promotion under rule 8 of the Recruitment Rules on the basis of his name having been included in the first Select List prepared by the Selection Committee constituted under regulation 3 of the Indian Forest Service (Appointment by Promotion) Regulations, 1966, the period of his continuous officiation in a senior post or post declared equivalent thereto prior to the date of the inclusion of his name in the first Select List shall also count, if such officiation is approved by the Central Government in consultation with the Commission.

Explanation-2 An officer shall be deemed to have officiated continuously in a senior post from a certain date if during the period from that date of the date of his confirmation in the senior grade he continues to hold without any break or reversion a senior post otherwise than as a purely temporary or local arrangement.

Explanation-3 An officer shall be treated as having officiated in a senior post during any period in respect of which the State Government concerned certifies that he would have so officiated but for his absence on leave or training.

xxxx

xxxxx

xxxx

4. Seniority of officers

(1) xxxx

xxxx

xxxx

(2) xxxx

xxxxx

xxxx

(3) xxxx

xxxxx

xxxx

(4) The seniority inter-se of officers appointed to the Service under sub-rule (2) of rule 4 of the Recruitment Rules, who are assigned the same year of allotment shall be in the order of the dates on which the date of officiation in the cases of officers appointed to the Service in accordance with rule 8 of

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the Recruitment Rules being the same as the dates taken into account for the purpose of assignment of year of allotment under sub-rule (2) of rule 3:

Provided that -

(a) xxxx xxxxx xxxxx

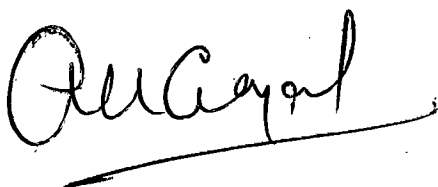
(b) xxxx xxxxx xxxxx

(c) where the date of commencement of continuous officiation in senior posts of more than one officer appointed to the Service in accordance with rule 8 of the Recruitment Rules is the same, their seniority inter-se shall be in the order of their dates of appointment to the Service, and where the date of appointment is also the same, in the order in which their names are arranged on the date of their appointment to the Service in the Select List."

It is admitted that the applicant vide his representation dt. 30.12.91 addressed to the answering respondent made a request for fixation of his seniority/year of allotment in the IFS. In the representation he made a reference about his continuously officiating in the senior scale post included in the Manipur-Tripura cadre of the Indian Forest Service. The answering respondent vide their letter dt. 21st April, 1992 sought a clarification from respondent No.3 as regards the continuous period of officiation by the applicant in the Senior duty post. Referring to his representation dt. 30.12.91, respondent No.3 were requested to indicate if a Certificate, as contemplated in Explanation below rule 3(2)(c) of Seniority Rules, was issued to cover the period from 27.6.89 to 29.8.90 during which the applicant has claimed to have officiated in the Senior time scale post. A true copy of letter dt. 21.4.92 is enclosed as Appendix-1 to this reply.

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In response to letter dated 21.4.92 from the answering respondent, the respondent No.3 clarified vide their letter dt. 1.6.1992 that the applicant was holding the cadre post w.e.f. 4.9.86 to 26.7.89 and a non-cadre post of Dy. Conservator of Forests w.e.f. 27.7.89 to the date of his promotion to the IFS. The respondent No.3 categorically denied having issued any officiation certificate in favour of the applicant for the period from 27.7.89 to 29.8.90. A true copy of letter dt. 1.6.92 from the respondent No.3 is attached as Appendix-II. Since as per information provided by the respondent No.3, the applicant had not been continuously officiating in the cadre post till his promotion to the IFS, his earlier period of officiation in the Senior duty post could not be taken into account while determining his seniority/year of allotment in terms of rule 3(2)(c) of the Seniority Rules. Accordingly, he was placed below Shri Parmod Kumar Pant, being the junior-most direct recruit officer in the Manipur-Tripura cadre of the Service who was appointed to the Senior Scale w.e.f. 1.4.90 i.e. prior to the appointment of the applicant to the IFS by way of promotion under rule 8 of the IFS (Recruitment) Rules, 1966 read with regulation, 9 of the Promotion Regulations. It is denied that the applicant was entitled to the benefit of officiation in the cadre post as it was not continuous upto his promotion to the Indian Forest Service, for the purpose of determining his seniority/year of allotment. He has rightly been assigned '1986' as his year of allotment in accordance with the Seniority Rules referred to above.



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13. In reply to para 4.18 to 4.21, it is submitted that in terms of rule 4 of the Cadre Rules existing at that time, the strength and composition of each cadre of the Indian Forest Service is to be reviewed after a period of three years in consultation with the State Government. It is, however, submitted that the applicant cannot take up the issue of Triennial Cadre Review at this late stage.

14. In reply to paras 4.22 to 4.23, it is submitted that in accordance with regulation 5 of the Promotion Regulations, the Selection Committee shall ordinarily meet at an interval not exceeding one year to prepare a Select List of such officers from the State Forest Service of a particular cadre as are applicable for promotion to the Indian Forest Service. However, there could be reasons beyond the control of the State Government concerned as a result of which they are not able to hold the meetings in consultation with the Union Public Service Commission on regular yearly basis. In any case, the applicant cannot take up the issue of Select List having not been prepared during the year 1988, at this stage.

15. In reply to para 4.24, it is submitted that the applicant had not been continuously officiating on the cadre post till his appointment to the IFS by way of promotion as explained in the previous paragraphs.

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In this connection, the answering respondent crave leave to refer to the judgment of the Apex Court delivered in Civil Appeal No.823 of 1989 - Syed Khalid Rizvi and Ors. Vs. UOI & Ors. on 29.11.92. The Hon'ble Supreme Court has dealt the issue of officiation in the Indian Police Service which is another All India Service and the relevant provisions correspond to that of the Indian Forest Service. As per the Ruling of the Hon'ble Supreme Court, the officiation unless approved in accordance with rule 9 of the Cadre Rules, cannot be considered legitimate. Since the applicant was not continuously officiating on the cadre post till his promotion to the Indian Forest Service with the express approval of the Central Government and the UPSC as contemplated in rule 9 of the Cadre Rules, he cannot claim benefit of officiation for the purpose of determining his seniority/year of allotment.

16. In reply to para 4.25, it is submitted that the case of the applicant cannot be covered under rule 3 of the All India Services (Conditions of Service - Residuary Matters) Rules, 1960 calling for the relaxation in Rules and Regulations concerning seniority in the IFS. His seniority/year of allotment has been rightly determined under relevant provisions of Seniority Rules.

17. In reply to para 4.26, it is submitted that in the inter-se seniority in the Indian Forest Service,

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the applicant has been placed below Shri Parmod Kumar Pant, a direct recruit to the Service, in accordance with the provisions of rule 3(2)(c) of the Seniority Rules. The Civil List referred to by the applicant has no statutory backing and should not be quoted with regard to any dispute of seniority in the Service.

18. Para 4.27 requires no comments.

19. In reply to paras 5.1 to 5.8, it is submitted that the contentions made therein are more or less repetitions of what has already been stated by the applicant in the previous paragraphs of the Application. The answering respondent have made the position clear as regards the seniority of the applicant in the IFS which has been determined as per the Seniority Rules. In view of this, the application has no merits and is liable to be dismissed with costs.

20. Paras 6 & 7 of the Application need no reply.

21. In reply to para 8, it is submitted that the answering respondents have explained the position in detail in the foregoing paragraphs. In view of the submissions made therein, the application is devoid of any merit and deserves to be dismissed with costs.

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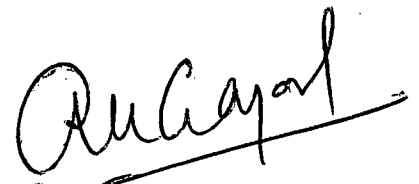
22. Paras 9 to 12 require no comments.

PRAYER

In view of the position explained in the foregoing paragraphs, the applicant is not entitled to any relief. The Application is, therefore, without any merit which this Hon'ble Court may kindly dismiss by awarding cost in favour of the answering respondent.

Dt. 10.7.95

Place New Delhi



For Respondent No.1

VERIFICATION

I, A. K. Goyal, Deputy Secretary to the Govt. of India, Ministry of Environment and Forests, having my office at Paryavaran Bhavan, Lodi Road, New Delhi-110003, do hereby verify that the contents stated above are true and correct to the best of my knowledge, belief and information and that nothing has been suppressed therefrom.

Verified at New Delhi on this the 10th day of July, 1995.



For Respondent No.1

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S.No (3)T
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64-(7)
No.18014/12/92.IPS-II

Dated, the 21st April, 1992.

To
The Secretary,
Department of Personnel &
Administrative Reforms,
(Personnel Division)
Government of Manipur,
IMPHAL.

Subject:- Indian Forest Service- Manipur-Tripura joint cadre-
Fixation of Seniority/year of allotment of
Shri Ibobi Singh a promoted officer of MT cadre
of IFS- reg.

Sir,

I am directed to refer your letter No.4/31/86-IFS/DP dated 6th March, 1992 forwarding thereunder a copy of application submitted by Shri Ibobi Singh, a promoted officer of IFS of Manipur-Tripura joint cadre on the above subject and to say as follows.

Shri Ibobi Singh, a promoted officer of IFS was included in the Select List for the first time on 22.5.89 and he was allowed to officiate against the IFS cadre post w.e.f. 4.9.86. As per the records available in the Ministry, Shri Ibobi Singh was officiating in a Sr. Duty post as furnished below:-

Name of the Officer	IFS cadre Post w.e.f.	Non-cadre posts w.e.f.	Date of promotion to IFS.
Shri Ibobi Singh	4.9.86 to 26.6.89	27.6.89 to date of promotion.	30.8.90

The cadre post officiation for the period 4.9.86 to 30.6.89 has been approved by the Central Government.

In terms of the provisions of the IFS (Regulation of Seniority) Rules, 1968, the continuous period of officiation in Sr. Duty post after the inclusion in the Select List, has to be taken into account, while determining the seniority/year of allotment in IFS.

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In view of this, the period of officiation of Shri Ibobi Singh in Sr. Duty post is not continuous till the date of his promotion to IFS, whereas the officer has indicated in a representation at 30.12.91 (copy attached) that he had been continuously officiating in Sr. Duty post till his promotion to the Indian Forest Service.

It is requested that a clarification as regards to the continuous period of officiation in Sr. Duty posts (cadre posts/Non-cadre post) by Shri Ibobi Singh, may kindly be sent to this Ministry urgently. If the officer has been officiating on a Non-cadre post as indicated in para 2 of the letter, it may kindly be clarified if a certificate contemplated in Explanation below rule 3(2)(c) of the IFS (Regulation of Seniority) Rules, 1968 has been issued to cover the period 27.6.89 to 29.8.90 in which case a copy of the same may please be furnished to this Ministry.

Yours faithfully,

(K.S. Achar)
Under Secretary to the Govt. of India

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P. photo
page 5-6/can
as enclosure

issued with Encl.

16/4

21/4/92

S.No (4)R

No. 4/31/86-IFS/UP
GOVERNMENT OF MANIPUR
DEPARTMENT OF PERSONNEL & ADMN. REFORMS
(PERSONNEL DIVISION)

Imphal, the 1st June, 1992.

To

The Secretary,
Government of India,
Ministry of Environment & Forests
Paryavaran Bhawan,
C.G.O. Complex, Lodhi Road,
New Delhi.

Subject:- Indian Forest Service-Manipur-Tripura,
Joint cadre-Fixation of Seniority/Year
of allotment of Shri Ibabi Singh a pro-
moted officer of MT cadre of IFS-reg.

Sir,

I am directed to refer to Ministry's
letter No. 180/4/12/92-IFS-II dated 21-4-92 on the
above subject and to say that Shri Th. Ibabi Singh
was holding the I.f.s. cadre post w.e.f. 4-9-86 to
26-7-89 and non-cadre post of Dy. Conservator of
Forests w.e.f. 27-7-89 to the date of promotion to
I.f.s.

The State Govt. have not issued any offi-
ciation certificate for the period from 27-7-89 to
29-8-90.

Yours faithfully,

(A. Luikham)

Addl. Secretary (UP) to the Govt. of
Manipur.

Filed by
Shri. Anil Kumar
30.4.97.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: GUWAHATI BENCH

Central Administrative Tribunal
Guwahati Bench
655
1 MAY 1997
Guwahati Bench
Guwahati

O.A. No. 15 of 1995

Th. Ibobi Singh ... Applicant
- Versus -
Union of India ... Respondents

REJOINDER TO THE WRITTEN STATEMENT FILED BY THE RESPONDENT No.1

The applicant begs to state as follows :

1. That I have gone through the copy of the written statement filed on behalf of the respondent No. 1 and have understood the contents thereof. Save and except the statements which are specifically admitted hereinbelow, other statements made in the written statement are categorically denied. Further the statements which are not borne on records are also denied.

2. That with regard to the statements made in paragraphs 1 to 9 of the written statement, ~~the~~ ~~app~~ I do not admit anything contrary to the relevant records and reiterates and reaffirms the statements made in the O.A. As regards the legal provisions, I crave leave of the Hon'ble Tribunal to make submissions on that at the time of hearing of the instant application.

3. That with regard to the statements made in paragraph 10 of the written statement, I beg to state that since a Cadre Review notification was issued on 29.3.85, the State Government took adequate ~~timexxx~~ timely action

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Received Copy
C. Anand
Dr. C.S.S.C.
1/5/97

for the next cadre review after assigning the future avenue of cadre post, the Triennial Cadre review proposal was submitted by the State Government to the Government of India on 7.4.87 so as to ensure timely notification of next cadre review exactly at an interval of three years. Thus the respondent No. 1 ought not to have ~~stayed~~ stated "In undertaking such review, the proposal have to come from the State Government concerned, do take time exceeding the normal period of three years."

4. That with regard to the statements made in paragraph 11 of the W.S., ~~the~~ I do not admit anything contrary to the relevant records..

5. That with regard to the statements made in paragraph 12 of the written statement, while reiterating and reaffirming the statements made in the O.A. I deny the contentions raised by the respondent No. 1. In this connection, it is stated that had the select list been prepared in 1988 and triennial cadre review notification issued on its due date i.e. 29.3.88, the question ~~is~~ that now has been ~~raised~~ raised by the respondent No. 1 could not have arisen.. The respondent No. 1 cannot take a defence on its own inaction.

I cannot be deprived of continuous officiation by the inaction on the part of the respondent No. 1. Leaving aside other things, I am entitled to the benefit of officia tion atleast from the exact date of inclusion of my name in the select list i.e. 22.5.89. In that case also, the year of allotment should be 1984..

6. That with regard to the statements made in paragraph 13 of the W.S. I categorically denies that the respondent No. 1 could not take up the issue of triennial cadre review. The respondent No.1 having admitted of his own that in terms of Rule 4 of the Cadre Rules, the strength and position of each cadre of I.F.S. is to be reviewed after a period of three years in consultation with the State Government could not have taken the stand as has been taken.

7. That with regard to the statements made in paragraph 14 of the W.S., ~~the applicant~~ I beg to state that there were no reasons beyond the control of the State Government concerned as a result of which they were not able to hold the meetings in consultation with the Union Public Service Commission on regular/ yearly basis. The respondent is called upon to substantiate such claim by producing the relevant records and by way of explaining the reasons beyond the control of the State Government as has been stated by the respondent No.1.

8. That with regard to the statements made in paragraph 15 of the W.S. while denying the contentions made therein, ~~the~~ I crave leave of the Hon'ble Tribunal to deal with the contentions raised as regards the Supreme Court judgment referred to by the respondent No.1 at the time of hearing of the instant application. In ~~xxxx~~ my case, officiation was as per Rule 9 of the cadre rules and benefit of such officiation for the purpose of determining the seniority/year of allotment should be given to me.

9. That with regard to the statements made in paragraph 16 of the W.S. while denying the contentions raised therein, I reiterate and reaffirm the statements made in the O.A.

10. That with regard to the statements made in paragraph 17 of the W.S. ~~the~~ I beg to submit that as against the claim of the respondent No. 1 that he has been placed before Shri P.K. Pant, a direct recruit of 1996 batch, but as per Annexure-9 draft civil list of I.F.S. as on 1.1.94, I have been placed at immediately below Shri P.K. ~~Pant~~ Pant but after another two persons viz. Shri B.N. Mahanti and Shri D.J.A. Anand. Further since there are six I.F.S. officers belonging to 1986 batch direct recruit, it is apprehended that the seniority position of the applicant will be below the direct recruit officers irrespective of whether Shri P.K. Pant stands.

11. That with regard to the statements made in paragraphs 18 ~~xxx~~ to 22 of the W.S. while denying the contentions made therein, I reiterate and reaffirm the statements made in the O.A.

12. That under the facts and circumstances stated above, the instant O.A. deserves to be allowed with cost.

VERIFICATION

I, Th. Ibobi Singh, the applicant in O.A.No.15/95,
do hereby solemnly affirm and verify that the statements made
in paragraphs 1 to 9 are true to my knowledge;
those made in paragraphs being matters of
records are true to my information derived therefrom and
the rest are my humble submissions before this Hon'ble
Tribunal. ~~and the~~

And I sign this verification on this the 30th
day of April 1997.

Th. Ibobi