

FORM NO.4  
(See Rule 42 )

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :::::::::: GUWAHATI

ORDER SHEET

Contempt APPLICATION NO .....12.....OF 2001.

Applicant (S) Binod Bihari Nobis

Respondent (S) U.O.I. Pals

Advocate for Applicants (s) B.K. Sharma

Advocate for Respondent (s) B.S. Basumatary, Addl. CASE  
Dr. Y.K. Phukan, Sr. Govt. Advocate, Assam.

Notes of the Registry	Date	Order of the Tribunal
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This Contempt petition 30.4.01  
has been filed by the  
counsel for the petitioner for  
drawing up of Contempt proceeding  
against the contemner for willful  
and deliberate violation of  
the judgement and order dated  
7.1.99 passed by this Honble  
Tribunal in O.A 135/96. In

30.5.01

Raid before the Honble  
Court for further orders.

Section Officer 26/4/01 bb  
27.6.01

Notice prepared and sent to  
D/S for issuing the Respondent  
No. 1 vide D/No 1728  
dated 18/5/01.  
In 16/5/01.

Heard learned counsel for the  
parties. Issue notice to show cause  
as to why contempt proceedings shall  
not be initiated against the alleged  
contemnors. List on 30.5.01 for  
orders.

Member

Vice-Chairman

put up after receipt of the Ser-  
vice Report.

List for orders on 27-6-2001.

Vice-Chairman

Mr.A.Deb Roy, learned C.G.S.C.  
for the respondents has submitted that  
he will try to ascertain as to whether  
the representation filed by the appli-  
cant has been decided or not and shall

contd..

Service Report Still  
awaited  
23/7/01

27.6.01 try to find whether the respondents are served with notice or not.  
List on 30-7-2001 for further orders,  
with office report about service.

Member *K. C. Sharma* Vice-Chairman *[Signature]*

bb

30.7.01 List again on 23.8.2001 to enable the respondents to file written statement.

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

① Service Report are still awaited.

30.7.01 Await service report.  
List again on 23.8.2001 for order.

22.8.01

Member *K. C. Sharma* Vice-Chairman *[Signature]*

pg

23.8.01 Await service report.  
List again on 6/9/01 for order.

Vice-Chairman *[Signature]*

27.8.2001

mb

Reply has been submitted by the respondents.

6.9.01 Reply has been filed. The applicant wants time to file rejoinder.  
List on 4/10/01 for order.

Member *K. C. Sharma*

*[Signature]* mb

Rejoinder has been filed.

3.10.01

4.10.01 It has been stated by Mr. B. C. Pathak, learned Addl. C.G.S.C. for the respondents, that the order dated 28.3.2001 of this Tribunal to consider the case of the applicant for granting Temporary Status is complied with, and by order dated 24.9.2001 bearing memo No. A-12034/6/97-Admn.II, Sri Upen Kalita is conferred Temporary Status with effect from 1.1.1994. In this circumstances, the Contempt Petition stands dropped. A copy of the order dated 24.9.2001 is kept in records.

Member *K. C. Sharma* Vice-Chairman *[Signature]*

13.11.2001  
Copy of the order has been sent to the D/S for filing the same to the L/A for the parties.

6/11

3

Filed by  
the applicant through  
Usha Das  
Advocate  
25/4/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

C.P.No. 12/2001

in

O.A.No. 135 of 1996

Sri Binod Bihari Nobis

-VS-

Union of India & Ors.

In the matter of  
An application under section 17 of the  
CAT Act, 1985 for drawing up of contempt  
proceeding against the contemner for  
willful and deliberate violation of the  
judgement and order dated 7.1.1999 passed  
in O.A. No. 135 of 1996 by this Hon'ble  
Tribunal.

-AND-

In the matter of

Sri Binod Bihari Nobis, IFS, —  
Assam-Meghalaya Joint Cadre,  
Office of the Principal Chief  
Conservator of Forests, Rehabari,  
Guwahati-781008.....Petitioner

-VS-

Sri P.V. Jaya Krishnan, IAS,  
Secretary to the Government of India,  
Ministry of Environment and Forests,  
Pariyavaran Bhawan, CGO Complex, Lodhi  
Road, New Delhi.....Contemner.

The humble application on behalf of the above named  
petitioner -

4

Most Respectfully Sheweth :

1. That the petitioner making a grievance against his non-appointment to IAS even after his selection for such appointment, moved the Hon'ble Tribunal by way of filing O.A. No. 135/96. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to dispose of the said OA vide its judgement and order dated 7.1.99, directing the respondents to dispose of the representations of the petitioner.

A copy of the said judgement and order - dated 7.1.1999 is annexed herewith and marked as Annexure-A.

2. That the petitioner on receipt of the copy of the aforesaid Annexure-A judgement and order dated 7.1.1999, preferred a representation dated 1.3.1999 enclosing a certified copy of the said judgement and order to the Secretary to the Government of India, Ministry of Forests and Environment, New Delhi praying for implementation of the said judgement and order. In the said representation, the petitioner has also made a prayer for his fixation of year of allotment and seniority on the basis of inclusion of his name in the 1991 select list.

A copy of the said representation dated 1.3.99 is annexed herewith and marked as Annexure-B.

3. That, even after receipt of the Annexure-B representation, the Respondent/ contemner kept the matter pending without implementing the said Annexure-A judgement and order dated 7.1.1999, without intimating anything to the petitioner was constrained to prefer reminders to the aforesaid Annexure-B representation dated 1.3.1999, on 20.1.2000 and 28.2.2001 reiterating his earlier prayer, but till date nothing has been intimated to

the petitioner in this regard.

Copies of the reminders dated 20.1.2000 and 28.2.2001 are annexed herewith and marked as Annexure-C and D respectively.

4. That the judgement and order dated 7.1.1999 passed in O.A. No. 135/96 by this Hon'ble Tribunal is very clear and a specific time limit has been fixed for such implementation but till date the alleged contemner has not paid any heed to such direction.

5. That the contemner, knowing fully well about the existence of the judgement and order dated 7.1.1999 passed by the Hon'ble Tribunal including the time limit, has flouted the same. For the aforesaid willful and deliberate violation of the judgement and order dated 7.1.1999, by the alleged contemner, has made him liable for Contempt of Court's proceeding.

6. That by now more than two years have passed, and till date the respondent/ contemner has not issued any order implementing the said judgement. To the best of knowledge of the petitioner, the respondent/alleged contemner has not yet preferred any writ petition before the Hon'ble High Court nor any petition has been filed before the Hon'ble Tribunal seeking extension of time to implement the said judgement and order dated 7.1.1999, and by now the said judgement has attained its finality.

7. That the petitioner begs to state that there cannot be any reason for such delay in implementing the judgement and order dated 7.1.1999 by the alleged contemner. Moreover, when the wordings of the said judgement is very clear and specific. Therefore, the alleged contemner is liable to be punished under the Contempt of Courts' proceeding for willful and deliberate violation of the said judgement and order dated 7.1.1999.

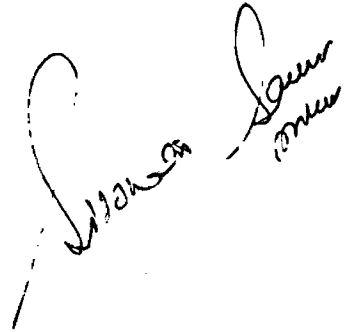
8. That this application has been filed bonafide and to secure ends of justice.

In the premises aforesaid, it is respectfully prayed that Your Lordships would graciously be pleased to draw appropriate Contempt Proceeding against the alleged contemner for willful and deliberate violation of the judgement and order dated 7.1.1999 passed in O.A. No. 135 of 1996 by this Hon'ble Tribunal and to punish him accordingly for such willful and deliberate violation of the said judgement and order and/or pass any such order or orders as Your Lordships may deem fit and proper.

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

DRAFT CHARGE

Laid down before the Hon'ble Tribunal for non-compliance of the judgement and order dated 7.1.99 in O.A. No. 135 of 1996 passed by this Hon'ble Tribunal, by the alleged contemner in total disregard to the order of the Hon'ble Tribunal and therefore Hon'ble Tribunal would be pleased to initiate a Contempt Proceeding against the alleged contemner and further be pleased to punish the alleged contemner for willful and deliberate violation in implementing the aforesaid judgement and further be pleased to impose punishment on the alleged contemner in accordance with law.

A handwritten signature in black ink, appearing to be 'Suman Kumar', written diagonally across the page.

A F F I D A V I T

I, Sri Binod Bihari Nobis, Son of M.N. Nobis, aged about 51 years, IFS, in the Assam-Meghalaya Cadre, office of the Principal Chief Conservator of Forests, Rehabari, Guwahati do hereby solemnly affirm and declare as follows :

1. That I am the petitioner in this contempt petitioner as such conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the statements made in this affidavit and in the accompanying contempt petition in paragraphs 4 to 8 ..... are true to my knowledge and those made in paragraphs 1, 2 and 3. ... are the matter of records which I believe to be true.
3. That this affidavit has been made for filing of a contempt petition before the Hon'ble Central Administrative Tribunal.

And I sign this affidavit on this the 24th day of April, 2001.

*B. B. Nobis*

Deponent

Identified by :

Solemnly affirm and state by the deponent who is identified by Miss U. Das Advocate.

*Usha Das*

Advocate

*Usha Das*  
24-4-2001



Original Application No. 135 of 1996.

Date of decision : This the 7th day of January, 1999.

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

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

Shri Binod Biharee Nobis,  
Divisional Forest Officer,  
Nagaon South Division

....Applicant

By Advocate Mr. B.K. Sharma.

-versus-

1. Union of India,  
represented by the Secretary to the  
Government of India,  
Ministry of Environment and Forest,  
Paryavaran Bhawan,  
New Delhi

2. Union of India,  
represented by the Secretary to  
the Government of India,  
Department of Personnel  
New Delhi.

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

The State of Meghalaya,  
represented by the Secretary to  
the Government of Meghalaya  
Department of Forests,  
Shillong.

....Respondents

By Advocates Mr. B.S. Basumatary, Addl. C.G.S.C.,

Dr. Y.K. Phukan, Sr. Govt. Advocate, Assam.

ORDER

BARUAH J (V.C.)

This application has been filed seeking promotion to the  
Indian Forest Service. The facts are :

Q<sub>2</sub>

Contd....

Attested  
Usha Das,  
Advocate

2. The applicant was a member of State Forest Service in the State of Assam. In the year 1991, he came within the zone of consideration for selection to the Indian Forest Service (for short IFS.). On assessment he was selected in the year 1991. He, however could not be appointed as departmental proceeding was pending against him. The said disciplinary proceeding was dropped and immediately thereafter the applicant was promoted. His appointment was with effect from 24.3.95 but not on the basis of the selection for the year 1991. In spite of several requests, nothing was done in that regard. Hence the present application.

3. We have heard Mr. B.K.Sharma, learned counsel appearing on behalf of the applicant, Mr. B.S. Bagumatary, learned Addl. C.G.S.C, and Dr. Y.K.Phukan, Sr. Govt. Advocate, Assam.

4. Mr. Sarma submits that the applicant was appointed to the Indian Forest Service with effect from 24.3.1995 by a Notification dated 15/16.10.98 issued by the Commissioner & Secretary to the Government of Assam, Forest Department, Dispur. Mr. Sharma further submits that as per the order dated 9.9.94 passed by this Tribunal in O.A. No. 106/93, he should be deemed to be appointed on the basis of 1991 Select List. By the said order of this Tribunal liberty was given to the applicant to make representation to that effect.

Contd...

Attested  
Elsha Das,  
Advocate

5. Considering the facts and circumstances of the case, we dispose of this application with direction to the respondent No.1 to consider the representation, if filed, within one month from today and dispose of the same by a reasoned order.

6. Considering the facts and circumstances of the case, we however, make no order as to costs.

Sd/VICE CHAIRMAN

64/11/2011

Certified to be true Copy

प्रमाणित प्रतिलिपि

trd

1/2/2011

Section 2(12)

अनुमान अधिकारी (नियंत्रित न्यायालय)  
Central Administrative Tribunal

केन्द्रीय न्यायालय  
Guwahati Bench, Guwahati-8  
गुवाहाटी न्यायालय, गुवाहाटी-8

HS

Attested  
Lisha Das,  
Advocate

Date : 1st March 1991

To

The Secretary to the Government of India,  
Ministry of Environment & Forests,  
Paryavaran Bhawan, New Delhi.

Sub : Appointment to I.F.S. and consequent fixation of  
year of allotment.

- Ref : (i) Select list of 1991 for promotion to  
IFS (Assam Wing of Assam Meghalaya  
Joint Cadre) as communicated vide  
letter No. 17013/02/90-IFS-II dated  
11/20.9.91.
- (ii) Order dated 9.9.94 passed in O.A. No.  
106/93
- (iii) Order dated 7.1.99 passed in O.A. No.  
135/96

Sir,

With reference to the above, I with due deference  
and profound submission, beg to state the following for  
your kind perusal, favourable consideration and  
necessary orders thereof :

1. That I had joined the Assam Forest Service Class-I  
in the year 1975 after my selection for the same by the  
Assam Public Service Commission. In the year 1980, I  
was promoted to the rank of DCF. In the year 1979, I  
was selected by the Government and was sent to Sweden  
and Norway on Swedish Development Authority Fellowship  
for a period of six months. In 1985, I was sent to far  
East (Singapore, Malaysia etc.) on International Labour  
Organisation under a programme sponsored by the  
Productivity Council to the Government of India.

2. That after rendering meritorious, sincere, devoted  
and unblemished service career, I was selected for

Attested  
Alaka Das.  
Advocate

appointment to IFS in the year 1991 in terms of the provisions of the IFS (Appointment by Promotion) Regulation. The select list was communicated vide letter under reference No. (i) to the Government of Assam. At that time, departmental proceeding was pending against me and accordingly integrity certificate was not issued which would have facilitated my promotion to IFS in the year 1991 itself. In the meantime, some candidates who were not selected have filed O.A. No. 6/91 and 10/91. By way of interim order, the select list of 1991 was stayed. Those two O.As. were not decided on merit and were held to be infructuous in view of preparation of subsequent select list.

3. That in the year 1993, another select list was prepared in which the name of the Applicant did not figure and being aggrieved, I filed O.A. No. 106/93 and the same was disposed of by an order dated 9.9.94. Be it stated here that during the pendency of O.A. No. 106/93, the select list of 1994 came into being in which my name also figured. Having regard to such a fact situation, O.A. No. 106/93 was disposed of by an order dated 9.9.94 holding the same to be infructuous without any prejudice to my right to agitate my grievance in respect of fixation of my year of allotment taking my promotion to be effective from 1991 on the basis of the aforesaid 1991 select list.

4. That when I was not promoted even on the basis of 1994 select list, I had to file O.A. No. 135/96 during the pendency of which I was promoted to IFS by a

Attested  
Ashu Das,  
Advocate

notification dated 15/16.10.98 with effect from 24.3.95. This case was disposed of by an order dated 7.1.99 referring to the earlier order of the Hon'ble Tribunal passed in O.A. No. 106/93 in terms of which I should be deemed to be appointed to IFS on the basis of the 1991 select list. By this order dated 7.1.99, my representation has been directed to be considered and disposed of by a reserved order.

That the Registry of the Hon'ble Tribunal, Bangalore Bench has already sent copies of the aforesaid order dated 7.1.99 to all concerned and by now you must have received the copy of the same. From the fact situation narrated above, it now emerges that I was deprived of my promotion to IFS on the basis of 1991 select list on two grounds viz. pendency of departmental proceeding against me and secondly in view of the interim orders passed by the Hon'ble Tribunal. The moment both the impediments were removed, I ought to have been promoted to IFS or deemed to have been promoted to IFS on the basis of 1991 select list. My promotion on the basis of 1994 select list with effect from 24.3.95 after dropping of the departmental proceeding that was kept hanging over my head like a sword of Damocles, should have been made effective from 1991, in view of the fact that my name was included in 1991 select list and the said select list was never set aside and/or quashed by any competent Court of law nor was held to be invalid by the Government of India.

Attested  
Elsha Das,  
Advocate

6. That I beg to submit that the law is well settled that an incumbent who is deprived of his promotion during the pendency of departmental proceeding should be given the benefit of said promotion with retrospective effect and with all consequential benefits, the moment he is exonerated of such a departmental proceeding. In the instant case, my name was included in the 1991 select list and I was deprived of my promotion on the ground of pendency of departmental proceeding. The interim orders of the Hon'ble Tribunal passed in O.A. No. 6/91 and 10/91 also came on my way to get promotion to IFS at that time. However, these two OAs were never decide don merit and thus the validity of the said select list remained intact. Thereafter, naturally, I should have been deemed to have been promoted on the basis of 1991 select list. This is precisely the reason as to why the Hon'ble Tribunal on both the occasions viz. while passing the orders in O.A. No. 106/93 and 135/96 filed by me was pleased to issue a direction towards consideration of my case for promotion to IFS and consequent fixation of year of allotment on the basis of 1991 select list.

7. That the present representation is now filed by me in terms of the order dated 7.1.99 and you are humbly requested to look into the matter and to grant me the benefit of promotion to IFS deeming me to be promoted to IFS on the basis of 1991 select list and consequently, my year of allotment be fixed on that basis. Pending departmental proceeding and litigation which eventually resulted to nothing cannot deprive me

Attested  
Abha Das,  
Advocate

of my promotion on the basis of 1991 select list. Since I have already been promoted to IFS on the basis of 1994 select list, question now remains open is in respect of fixation of my year of allotment deeming me to be promoted to IFS on the basis of 1991 select list. Hence this representation in terms of the order dated 7.1.99 passed in O.A. No. 135/96.

In view of the above, should your honour graciously be pleased to pass necessary order towards fixation of my year of allotment and seniority deeming me to be promoted to IFS on the basis of inclusion of my name in the 1991 select list for promotion to IFS in the Assam Segment of the Assam Meghalaya Joint Cadre in terms of the order dated 7.1.99 passed in O.A. No. 135/96 and so also order dated 9.9.94 passed in O.A. No. 106/93, I shall remain bound to you in deep gratitude.

With sincere regards,

Yours faithfully,

( B.B. Nobis, IFS. )  
Assam Meghalaya Joint Cadre  
O/O PCCF, Assam  
Rehabari,  
Guwahati-8.

Attested  
Ashar Das,  
Advocate



To

The Secretary to the Govt. of India,  
Ministry of Environment and Forests,  
Paryabharan Bhawan,  
New Delhi.

Dated Guwahati the 20th January 2000.

Sub : Fixation of year of allotment.

Ref : My representation dated 1st March 1999 and the  
order dated 7.1.99 passed in O.A. No. 135/96.

Sir,

With reference to the above, I have the honour to state that by now almost one year has elapsed since submission of my representation under reference in terms of the order dated 7.1.99 passed in O.A. No. 135/96 by the Hon'ble Guwahati Bench of the Central Administrative Tribunal. However, I have not been communicated with anything till date regarding fixation of my year of allotment on the basis of 1991 select list. Although I have been promoted to IFS on the basis of 1994 select list, but I was deprived of my promotion on the basis of 1991 select list on the ground of pendency of departmental proceeding and court cases. However, when both the impediments came to an end, I should have been promoted to IFS on the basis of 1991 select list. This is precisely the reason as to why the Hon'ble Tribunal was pleased to pass orders in O.A. No. 106/93 and O.A. No. 135/96 keeping it open for me to agitate the matter regarding correct fixation of my year of allotment on the basis of 1991 select list.

Contd...P/2

Attested  
Isha Das,  
Advocate

- 2 -

I have been long deprived of my promotion to IFS and now deprivation of correct fixation of my year of allotment has further deprived me of my due promotion to higher grades. Your early action in the matter would be highly appreciated. I sincerely hope that your honour will be kind enough to look into the matter personally and do justice to me in the matter of correct fixation of my year of allotment on the basis of 1991 select list.

A copy of the order dated 7.1.99 passed in O.A. No. 135/96 is sent herewith for your ready reference.

Thanking you,

Yours faithfully,

(B.B. Nobis, I.F.S.)  
Assam Meghalaya Joint Cadre,  
Office of the PCCF, Assam,  
Rehabari, Guwahati-8.

Attested  
- Esha Das,  
Advocate

To

The Secretary to the Government of India,  
Ministry of Environment & Forests,  
Paryavaran Bhawan, New Delhi.

Dated 28th Feb. 2001

Sub : Fixation of year of allotment.

Ref : My representations dated 1.3.99 and 20.1.2000  
and the order dated 7.1.99 passed in O.A. No.  
135/96.

Sir,

It is really a matter of great pity that my representation in terms of order dated 7.1.99 passed in O.A. No. 135/96 has not yet been taken into consideration towards redressal of my grievance in the matter of correct fixation of my year of allotment. As you are aware, I was selected for appointment to IFS in the year 1991 itself. However, I was not given my promotion on the ground of pendency of departmental proceeding. Thereafter I was promoted to IFS on the basis of 1994 select list when the departmental proceeding came to an end in my favour exonerating me from the charges. Upon such exoneration, I should be deemed to be promoted to IFS on the basis of 1991 select list and accordingly, I should have been given my year of allotment.

The Hon'ble Tribunal was pleased to pass an order on 7.1.99 in O.A. No. 135/96 directing you to consider the matter. However, inspite of expiry of about two years, nothing has been done in the matter and I am continued to be deprived of my correct fixation of year

Contd.....P/2.

Attested  
Anshu Dars.  
Advocate

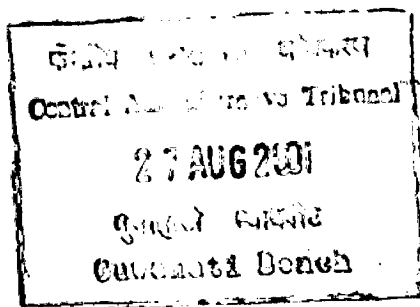
- 2 -

of allotment and consequential promotional benefits. As a last resort, I once again appeal to your honour requesting you to pass necessary order failing which I shall be constrained to approach the Hon'ble Tribunal once again by way of bringing contempt of Court proceeding. I may please be given my legitimate dues towards implementation of the orders passed in O.A. 106/93 and 135/96 without any further delay.

Yours faithfully,

( B.B. Nobis, I.F.S. )  
Assam-Meghalaya Joint Cadre,  
Office of the PCCF, Assam,  
Rehabari, Guwahati-8.

Attested  
Elshan Das  
Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Contempt Petition No.12/2001

in

O.A. No.135/96

Shri B.B. Nobis ..... Petitioner

Versus

Shri P.V. Jayakrishnan ..... Respondent  
Secretary,  
Ministry of Environment & Forests  
Government of India, Paryavaran Bhavan  
Lodi Road, New Delhi-110 003.

S.No.	Description	Page No.
01	Reply to the Original Application	1 to 4
02	Copy of Order dated 22.4.99 (Annexure-R1)	5

THROUGH

(A .Deb Roy)  
Sr. Central Govt. Standing Counsel,  
Hengrabari Housing Colony,  
L.I.G. - 3 (Top Floor)  
GUWAHATI - 781 006

Filed by  
27/8/01

(A. Deb Roy)

Sr. C.S.

C.A. No. 135/96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Contempt Petition No.12/2001

in

O.A. No.135/96

Shri B.B. Nobis ..... Petitioner

Versus

Shri P.V. Jayakrishnan ..... Respondent.  
Secretary,  
Ministry of Environment & Forests  
Government of India, Paryavaran Bhavan  
Lodi Road, New Delhi-110 003.

Reply Statement filed by the Respondent

I, P.V. Jayakrishnan, aged 58 years, Secretary, Ministry of Environment and Forests, Government of India, Paryavaran Bhavan, New Delhi, do hereby solemnly affirm and say as follows :

1. That I am Secretary in the Ministry of Environment and Forests, Government of India, New Delhi. I am acquainted with the facts and circumstances of the case on the basis of the records maintained in the Ministry of Environment and Forests. I have gone through the petition and understood the contents thereof. Save and except whatever is specifically admitted in this reply, rest of the averments will be deemed to have been denied.

2. I hereby submit that I have the highest reverence and regard for the Hon'ble Tribunal and its orders. If it, however, be held on consideration of the facts and circumstances of the case that there had

(Signature)  
(P.V. Jayakrishnan)  
Secretary  
Ministry of Environment & Forests  
Government of India  
New Delhi

been any lapse on my part then I hereby tender unqualified apology and sincere regret for the same. I cannot even think of doing any act or omit to do any act which may be construed or treated as an act or omission amounting to contempt of court or disobedience or violation of any order of the Hon'ble Tribunal. I hold Hon'ble Tribunal in highest and utmost respect and regard.

3. I say and submit that the Contempt Petition of the petitioner is misconceived, untenable and hence the notice issued to the present respondent is required to be discharged.

4. I submit that as per order dated 7.1.99 passed by this Hon'ble Tribunal in OA No.135/96, copy of which has been enclosed by the petitioner to this petition, the following direction was given by the Hon'ble Tribunal:

"Considering the facts and circumstances of the case, we dispose of this application with direction to the respondent No.1 to consider the representation, if filed, within one month from today and dispose of the same by a reasoned order."

5. I respectfully submit that the impugned order dated 7.1.99 was never received in the Ministry of Environment and Forests, Government of India. From the copy of the impugned order attached to this petition, it is seen that the petitioner himself procured a copy of this order from the office of the Hon'ble Tribunal on 2.3.2001.

सचिव (सहायक)  
श्री व. ज. य. कृष्णन  
सचिव (Secretary)  
श्री व. ज. य. कृष्णन  
Ministry of Environment & Forests  
New Delhi

6. I submit that as per the directions given in the impugned order the petitioner was required to submit a representation by 6.2.99, i.e. within one month from 7.1.99.

7. I respectfully submit that no representation following the directions given by the Hon'ble Tribunal in the impugned order has ever been received in the Ministry of Environment and Forests. It is to be noted that the year of allotment of the petitioner was determined as '1990' vide order dated 22.4.1999. Had any representation from the petitioner been received by 6.2.99 as per direction of this Hon'ble Tribunal, the contentions of the petitioner, if any, would certainly have been taken into consideration while determining his year of allotment. A true copy of the order dated 22.4.99 is hereby annexed as Annexure-R.1.

8. In view of the fact that neither a copy of the impugned order nor that of any representation stated to have been submitted by the petitioner on that basis has ever been received in the Ministry of Environment and Forests, it is respectfully prayed that the notice issued to the respondent in the present case may kindly be discharged.

Place : New Delhi

Date: 23.05.2001

(Dr. V. V. Lakshman)  
(Deponent) (NISHNAN)

Secretary

Ministry of Environment & Forests

New Delhi



**AFFIDAVIT**

I, P.V. Jayakrishnan, Secretary to the Govt. of India, having my office at Paryavaran Bhavan, Lodi Road, New Delhi-110003, do hereby state on solemn affirmation that what is stated hereinabove is true to my best of knowledge, information and belief and I believe the same to be true and I have not suppressed any material fact.

Place : New Delhi.

Date: 23.05.2001

(पी० वी० जयकृष्णन)  
(Deponent/JAYAKRISHNAN)  
सचिव/Secretary  
पर्यावरण व वन मंत्रालय  
Ministry of Environment & Forests  
नई दिल्ली/New Delhi

No.17013/02/96-IFS.II  
GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT & FORESTS

PARYAVARAN BHAVAN, CGO COMPLEX,  
LODI ROAD, NEW DELHI - 110 003

April, 22, 1999

ORDER

The year of allotment and seniority of Shri B.B. Nobis, borne on the Joint Cadre of Assam-Meghalaya of the Indian Forest Service who was promoted from the State Forest Service to Indian Forest Service on 24th March, 1995 vide Notification of even number dated the 12th October, 1998, is required to be determined in terms of the provisions of Rule 3(2)(a), 3(2)(c) and 4(4) of the Indian Forest Service (Regulation of Seniority) Rules, 1998.

2. Shri Nobis has not officiated in senior posts for the purpose of rule 2 (g) read with rule 3(2)(c) of the I.F.S. (Regulation of Seniority) Rules, 1968 and in accordance with the provisions of rule 9 of the IFS (Cadre) Rules, 1966, prior to the date of his promotion to the Indian Forest Service.

3. In accordance with the provisions of the Indian Forest Service (Regulation of Seniority) Rules, 1968, the year of allotment/seniority of Shri Nobis, is determined as "1990" and the officer is placed between Shri N. Buragohain and Sh. J.C. Dey (both SFS: 1990)

4. The earlier order No. 17013/02/94-IFS.II, dated the 19th October, 1995 issued by this Ministry is modified to this extent.

*C. Sanehal*

(R. Sanehal)

Under Secretary to the Govt. of India

Copy for distribution to:

1. The Chief Secretary, Government of Assam, Dispur.
2. The Forest Secretary, Govt. of Assam, Dispur w.r.to State Government's letter No. FRE.38/75/317, dated 31.3.1999. It is requested that Shri B.B. Nobis may be informed suitably.
3. The Chief Secretary, Government of Meghalaya, Shillong.
4. The Forest Secretary, Govt. of Meghalaya, Shillong.
5. The Secretary Union Public Service Commission, New Delhi.
6. The Principal Chief Conservator of Forests, Forest Department, Govt. of Assam, Guwahati.
7. The Principal Chief Conservator of Forests, Forest Department, Govt. of Meghalaya, Shillong.
8. The Accountant General, Assam, Dispur.
9. Copy for Guard File/Civil List.