

Indian Forest Service (Appointment By Promotion) Regulations, 1966

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Indian Forest Service (Appointment By Promotion) Regulations, 1966

In pursuance of sub-rule(1) of Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, the Central Government in consultation with the State Governments, and the Union Public Service Commission, hereby makes the following regulations, namely :-

1. Short Title And Commencement :-

- (1) These regulations may be called the Indian Forest Service (Appointment by Promotion) Regulations, 1966.
- (2) They shall be deemed to have come into force with effect from the 1st

2. Definitions :-

- (1) In these regulations unless the context otherwise requires -

- (a) Cadre Officer means a member of the Service;
- (b) Cadre Post means any of the posts specified as such in the regulations made under sub-rule(1) of rule 4 of the Cadre Rules;

(c) Cadre Rules means the Indian Forest Service (Cadre) Rules, 1966

(d) Committee means the Committee set up in accordance with regulation 3;

(e) Recruitment Rules means the Indian Forest Service (Recruitment) Rules, 1966;

(f) State Government means :-

i) in relation to a State in respect of which a separate cadre of the Service exists, the Government of such State;

ii) in relation to a group of States in respect of which a Joint Cadre of the Service is constituted, the Joint Cadre Authority;

iii) in relation to the Union Territories, in respect of which a joint cadre of the Service is constituted, the Central Government.

(g) Year means the period commencing on the first day of January and ending on the 31st day of December of the same year.

2. All other words and expressions used in these regulations but not defined shall have the meaning respectively assigned to them in the Recruitment Rules.

3. Constitution Of The Committee To Make Selection :-

(1) There shall be constituted for each of the Joint Cadres a Committee consisting of the Chairman of the Commission or where the Chairman is unable to attend, any other member of the Commission representing and the following other members namely:-

* (a) For States other than Joint Cadre and Arunachal Pradesh-Goa-Mizoram-Union Territories (AGMUT) Cadre".

i) The Chief Secretary or Additional Chief Secretary;

ii) Secretary to the Government dealing with Forests;

iii) Principal Chief Conservator of Forests;

iv) A senior member of the Service not lower in rank than a Chief Conservator of Forests; and

v) A nominee of the Government of India not below the rank of a Joint Secretary.

(aa) For Joint Cadre :-

- i) Chief Secretaries to the Governments of the Constituent States.
- ii) Principal Chief Conservator of Forests of the Constituent States.
- ii) A nominee of the Government of India not below the rank of a Joint Secretary.

(b) "For Arunachal Pradesh-Goa-Mizoram-Union Territories (AGMUT) Cadre:-

- (1) Chief Secretary, Government of Arunachal Pradesh;
- (2) Chief Secretary, Government of Goa;
- (3) Chief Secretary, Government of Mizoram;
- (4) Chief Secretary, Andaman and Nicobar Islands Administration;
- (5) Principal Chief Conservator of Forests, Arunachal Pradesh;
- (6) Principal Chief Conservator of Forests, Mizoram;
- (7) Principal Chief Conservator of Forests, Andaman & Nicobar Islands;
- (8) Conservator of Forests, Goa;
- (9) Chief Conservator of Forests, Arunachal Pradesh;
- (10) Chief Conservator of Forests, Mizoram;
- (11) Joint Secretary (dealing with Indian Forest Service), Ministry of Environment & Forests;
- (12) One nominee of the Government of India not below the rank of Joint Secretary.

Provided that the Central Government may, if deemed necessary, after consultation with the State Government Concerned alter the composition of the Committee.

- (2) The Chairman or the member of the Commission shall preside at all meetings of the committee at which he is present.
- (3) The absence of a member, other than the Chairman or member of the commission, shall not invalidate the proceedings of the Committee if more than half the members of the Committee had attended its meetings.

4. Omitted :-

5. Preparation Of A List Of Suitable Officers :-

- (i) Each Committee shall ordinarily meet every year and prepare a list of such members of the State Forest Service as are held by

them to be suitable for promotion to the Service. The Number of members of the State Forest Service to be included in the list shall be determined by the Central Government in consultation with the State Government concerned, and shall not exceed the number of substantive vacancies as on the first day of January of the year in which the meeting is held, in the posts available for them under rule 9 of the recruitment rules. The date and venue of the meeting of the Committee to make the Selection shall be determined by the Commission :

Provided that no meeting of the Committee shall be held, and no list for the year in question shall be prepared when,

(a) there are no substantive vacancies as on the first day of January of the year in the posts available for the members of the State Forest Service under rule 9 of the recruitment rules; or

(b) the Central Government in consultation with the State Government decides that no recruitment shall be made during the year to the substantive vacancies as on the first day of January of the year in the posts available for the members of the State Forest Service under rule 9 of the recruitment rules;

Provided further that where no meeting of the Committee could be held during a year for any reason other than that provided for in the first proviso, as and when the Committee meets again, the select list shall be prepared separately for each year during which the Committee could not meet, as on the 31st December of each year;

Explanation : In the case of joint cadres, a separate select list shall be prepared in respect of each State Forest Service". ;

(2) The Committee shall consider for inclusion in the said list, the cases of members of the State Forest Service in the order of seniority in that Service of a number which is equal to three times, the member referred to in sub-regulation (1) :

Provided that such restriction shall not apply in respect of a State where the total number of eligible officers is less than three times the maximum permissible size of the Select List and in such a case the Committee shall consider all the eligible officers :

Provided further that in computing the number for inclusion in the field of consideration, the number of officers referred to in sub-regulation(3) shall be excluded.

Provided also that the Committee shall not consider the case of a member of the State Forest Service unless on the first day of January of the year for which the select list is prepared, he is substantive in the State Forest Service and has completed not less than eight years of continuous service (whether officiating or substantive) in post(s) included in the State Forest Service.

Explanation I - The powers of the State Government under the third proviso to this sub-regulation shall be exercised in relation to the members of the State Forest Service of a constituent State by the Government of that State.

Provided also that the officers belonging to any service referred to in item (ii) of clause (g) of rule 2 of the Recruitment rules shall not be eligible to be considered for promotion to any cadre other than the Union Territories Cadre.

Provided also that in respect of any released Emergency Commissioned or Short Service Commissioned Officers appointed to the State Forest Service, eight years to continuous Service as required under the preceding proviso shall be counted from the deemed date of their appointment to that service, subject to the condition that such officers shall be eligible for consideration if they have completed not less than four years of actual continuous service, on the first day of January of the year for which the select list is prepared, in the post of Assistant Conservator of Forests.

Explanation II : In computing the period of continuous service for the purpose of this regulation, there shall be included any period during which an officer has undertaken :-

- (a) training in a diploma course in the Academy, Dehradun, or
- (b) such other training as may be approved by the Central Government in consultation with the Commission in any other institution.

Explanation III : Service in post (s) included in the State Forest Service would also include service rendered in ex-cadre posts connected with forestry whether under the Government or in -

(i) A company, association or body of individuals whether incorporated or not which is wholly or substantially owned or controlled by Government, a municipal or local body, and

(ii) An international organisation, an autonomous body not controlled by Government or a private body.

Provided that the State Government certifies that the officer concerned would have continued to hold a post included in the State Government Services but for his deputation to such ex-cadre post.

The Committee shall not consider the case of the members of the State Forest Service who have attained the age of 54 years on the first day of January of the year for which the select list is prepared.

Provided that a member of the State Forest Service whose name appears in the select list in force immediately before the date of the meeting of the Committee and who has not been appointed to the Service only because he was included provisionally in the select list shall be considered for inclusion in the fresh list to be prepared by the Committee, even if he has in the meanwhile, attained the age of fifty four years :

Provided further that a member of the state Forest Service who has attained the age of 54 years on the first day of January of the year for which the select list is prepared shall be considered by the Committee, if he was eligible for consideration on the first day of January of the year or any of the years immediately preceding the year in which such meeting is held but could not be considered as no meetings of the Committee was held during such preceding year or years.

3(A) The Committee shall not consider the case of such member of the State Forest Service who had been included in an earlier select list and -

(a) had expressed his unwillingness for appointment to the Service

under regulation 9 :

Provided that he shall be considered for inclusion in the select list, if before the commencement of the year, he applies in writing, to the State Government expressing his willingness to be considered for appointment to the Service ;

(b) was not appointed to the Service by the Central Government under regulation 10. ;

3(A)(A) The Selection Committee shall classify the eligible officers as Outstanding, Very Good or Unfit , as the case may be, on all relative assessment of their service records.

(4) The list shall be prepared by including the required number of names, first from amongst the officers finally classified as Outstanding then from amongst those similarly classified as Very Good and thereafter from amongst those similarly classified as Good and the order the names inter-se within each category shall be in the order of their seniority in the State Forest Service.

Provided that the name of an officer so included in the list shall be treated as provisional if the State Government withholds the integrity certificate in respect of such an officer or any proceedings, departmental or criminal, are pending against him or anything adverse against him which renders him unsuitable for appointment to the service has come to the notice of the State Government.

Provided further that while preparing year-wise select lists for more than one year pursuant to the second proviso to sub-regulation (1), the officer included provisionally in any of the select list so prepared, shall be considered for inclusion in the select list of subsequent year in addition to the normal consideration zone and in case he is found fit for inclusion in the suitability list for that year on a provisional basis, such inclusion shall be in addition to the normal size of the select list determined by the Central Government for such year.

Explanation I : The proceedings shall be treated as pending only if a charge-sheet has actually been issued to the officer or filed in a Court, as the case may be

Explanation II : The adverse thing which came to the notice of the State Government rendering him unsuitable for appointment to the service shall be treated as having come to the notice of the State only if the details of the same have been communicated to the Central Government and the Central Government is satisfied that the details furnished by the State Government have a bearing on the suitability of the officer and investigation thereof is essential.

(5) Omitted.

6. Consultation With The Commission ; The List Prepared In Accordance With Regulation 5 Shall Then Be Forwarded To The Commission By The State Government Alongwith :-

- i) the records of all members of the State Forest Service included in the list ;
- ii) the records of all members of the State Forest Service who are proposed to be superseded by the recommendations of the Committee. ;
- iii) the observations of the State Government on the recommendations of the Committee.

6(A). The State Government shall also forward a copy of the list referred to in regulation 6 to the Central Government and the Central Government shall send their observations on the recommendations of the Committee to the Commission.

7. Select List :-

(1) The Commission shall consider the list prepared by the Committee along with

- a) the documents received from the State Government under regulation 6;
- b) the observations of the Central Government and unless it considers any change necessary, approve the list.

(2) If the Commission considers it necessary to make any changes in the list received from the State Government, the Commission shall inform the State Government and the Central Government of the changes proposed and after taking into account the comments, if any, of the State Government and the Central Government, may approve the list finally with such modifications, if any, as may, in its opinion, be just and proper.

(3) The list as finally approved by the Commission shall form the Select List of the members of the State Forest Service .

Provided that if an officer whose name is included in the Select List is, after such inclusion, issued with a charge-sheet or a charge-sheet is filed against him in a Court of Law, his name in the Select List shall be deemed to be provisional.

(4) The Select List shall remain in force till the 31st day of December of the year in which the meeting of the selection committee was held with a view to prepare the list under sub-regulation(1) of regulation 5 or upto 60 days from the approval of the select list by the Commission under sub-regulation(1) or, as the case may be, finally approved under sub-regulation (2), whichever is later.

Provided also that where select list is prepared for more than one year pursuant to the second proviso to sub-regulation (1) of regulation 5, the select lists shall remain in force till the 31st day of December of the year in which the meeting was held to prepare such lists or upto sixty days from the date of approval of the select lists by the Commission under this regulation, whichever is later.

Provided that where the State Government has forwarded the proposal to declare a provisionally included officer in the select list as "unconditional" to the Commission during the period when the select list was in force, the Commission shall decide the matter within a period of ninety days or before the date of meeting of the next selection committee, whichever is earlier and if the Commission declares the inclusion of the provisionally included officer in the select list as unconditional and final, the appointment of the concerned officer shall be considered by the Central Government under regulation 9 and such appointment shall not be invalid merely for the reason that it was made after the select list ceased to be in force.

Provided further that in the event of any new service or services being formed by enlarging the existing State Forest Service or otherwise being approved by the State Government as the State Forest Service under clause (i) of sub rule (g) of rule 2 of the Indian Forest Service (Recruitment) Rules 1966, the select list in force at the time of such approval shall continue to be in force until

a new list prepared under regulation 5 in respect of the members of the new State Forest Service, is approved under sub-regulation (1) or, as the case may be, finally approved under sub-regulation (2).

(5) Omitted

8. Omitted :-

9. Appointments To The Service From The Select List :-

(1) Appointment of a member of the State Forest Service, who has expressed his willingness to be appointed to the Service, shall be made by the Central Government in the order in which the names of members of the State Forest Service appear in the Select List for the time being in force during the period when the select list remains in force.

Provided that the appointment of members of the State Forest Service shall be made in accordance with the agreement arrived at under sub-rule(3) of rule 8 of the recruitment rules in the order in which the names of members of the State Forest Service occur in the relevant parts of the Select List for the time being in force

Provided further that the appointment of an officer, whose name has been included or deemed to be included in the select list provisionally under proviso to sub-regulation(3) of regulation 7, as the case may be, shall be made within sixty days after the name is made unconditional by the Commission, in terms of the first proviso to sub-regulation (4) of regulation 7

Provided also that in case a select list officer has expressed his unwillingness for appointment to the Service, he shall have no claim for appointment to the Service from that select list unless he informs the Central Government through the State Government before the expiry of the validity period of the select list, revoking his earlier expression of unwillingness for appointment to the Service.

(2) Omitted.

10. Powers Of The Central Government Not To Appoint In Certain Cases :-

Notwithstanding anything contained in these Regulations, the Central Government may not appoint any person whose name appears in the Select List, if it is of opinion that it is necessary or expedient so to do in the public interest.

Provided that no such decision shall be taken by the Central Government without consulting the Union Public Service Commission.

Substituted/Inserted/added vide Department of Personnel and Training Notification No. 14015/16/91-AIS(I), dated 28th, November, 1991.

Substituted/Inserted/added vide Department of Personnel and Training Notification No. 14015/32/91-AIS(I)-C, dated 18th, August, 1993.

Substituted/Inserted/added vide Department of Personnel and Training Notification No. 14015/14/96-AIS(I), dated 22nd , March, 1996.

Substituted/Inserted/added vide Department of Personnel and Training Notification No. 14015/56/96-AIS(I), dated 5th, February, 1997.

Substituted/Inserted/added vide Department of Personnel and Training Notification No. 14015/52/96-AIS(I), dated 31st , December, 1997