

The Indian Forest Service (Appointment By Promotion) Regulations, 1966

UNION OF INDIA

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Rule

THE-INDIAN-FOREST-SERVICE-APPOINTMENT-BY-PROMOTION-REG of 1966

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The Indian Forest Service (Appointment By Promotion) Regulations, 1966In 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 July, 1966.

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;] [Substituted by DP Notification No. 13/4/71-AIS (1), dated 11th January, 1972.](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 thirty first day of December of the same year.] [Substituted by G.S.R. 734 (E), dated 31.12.1997 (w.e.f. 1.1.1998)](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 members of the Commission representing and the following other members, namely : (a)For States other than Joint Cadres and Union Territories-(i)The Chief Secretary or Additional Chief Secretary;(i)Chief Secretaries to the Governments of the Constituent States;(ii)Chief Conservator of Forests of the Constituent States; and(iii)A nominee of the Government of India not below the rank of Joint Secretary.](ii)Secretary to the Government dealing with Forests;(iii)Chief Conservator of Forests;(iv)A senior member of the Service not lower in rank than a Conservator of Forests; and(v)[A nominee of the Government of India not below the rank of a Joint Secretary] [Inserted by M.H.A. Notification No. 5/8/67-AIS (IV), dated 16th March, 1968.](aa)[For Joint Cadre- [Substituted by D & P Notification No 13/4/71-AIS (1), dated 11th January, 1972.](b)For Union Territories-(i)Joint Secretary in the Ministry of Home Affairs dealing with Union Territories;(ii)Inspector General of Forests or Dy. Inspector General of Forests;(iii)Chief Secretary of one of the Union Territories;(iv)A senior member of the Service not lower in rank than a Conservator of Forests :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.] [Added by M.H.A. Notification No. 5/18/69-AIS (IV), dated 12 August, 1969.]

4.

[* * *] [Regulation 4 omitted by Notification No. 5/9/70-AIS (IV), dated 3rd January, 1972 (w.e.f. 15th January, 1972).]

5. Preparation of a list of suitable officers.

- [(1) 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; or(c)the Commission, on its own or on a proposal made by either the Central Government or the State Government, after considering the facts and circumstances of each case, decides that it is not practicable to hold a meeting of the Committee to make the selection to prepare a select list.Explanation. - In the case of joint cadres, a separate select list shall be prepared in respect oach State Forest Service.] [Substituted by G.S.R. 734 (E), dated 31.12.1997 (w.e.f. 1.1.1998).](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 number referred to in sub-regulation (1) :] [Substituted by DP & AR Notification No. 11039/2/76-AIS(I)-C, dated 20th April, 1976.]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 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] [Substituted by G.S.R. 734 (E), dated 31.12.1997 (w.e.f. 1.1.1998).] 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 (whether officiating or substantive) in [post(s)] [Inserted by DP & AR Notification No. 11039/21/76-AIS (1)-C, dated 1st June, 1978.] 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 the 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 :] [Inserted by DP & AR Notification No. 11039/2/76-AIS (1)-B, dated 3rd Octobor, 1977 (w.e.f. 20th April, 1976).][Provided also that in respect of any released Emergency Commissioned or Short Service Commissioned Officers appointed to the State Forest Service, eight years of 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 officer shall be eligible for consideration if they have completed not less than four years of actual continuous service, on the first day of [January] [Inserted by DP & AR Notification No. 11039/21/76-AIS (1)-C, dated 1st june, 1978.] of the year in which the Committee meets, 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 diploma course in the Forest Research Institute and Colleges, Dehra Dun; 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 a local body, and(ii)an international organisation, an autonomous body not controlled

by Government or a private body :Provided that the State Government certified that the officer concerned would have continued to hold a post included in the State Government Service but for his deputation to such ex-cadre post.] [Added by Notification No. 16021/2/77-AIS (IV), dated 19th April, 1978 (w.e.f. 1st July, 1966).](3)The Committee shall not [* * *] [Deleted by Notification No. 28013/20/76-AIS (1)-C, dated 5th October, 1979.] consider the case of the member of the State Forest Service who have attained the age of [54 years] [Substituted by Notification No. 28013/20/76-AIS (1)-C, dated 5th October, 1979.] on the first day of January of the year in which it meets :[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 :] [Substituted by G.S.R. 734 (E), dated 31.12.1997 (w.e.f. 1.1.1998).][Provided further that a member of the State Forest Service who has attained the age of fifty-four years on the first day of [January] [Substituted by Notification No. 28013/20/76-AIS(l) (C), dated 5th October 1979.] of the year in which the Committee meets shall be considered by the Committee, if he was eligible for consideration on the first day of [January] [Substituted by G.S.R. 734 (E), dated 31.12.1997 (w.e.f. 1.1.1998).] 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 meeting of the Committee was held during such preceding year or years.] [Inserted by DP & AR Notification No. 11039/21 /76-AIS (1)-C, dated 1st June, 1978.][(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-AA)] [Renumbered by G.S.R. 734 (E), dated 31.12.1997 (w.e.f. 1.1.1998).] The Selection Committee shall classify the eligible officers as 'Outstanding', 'Very Good', '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 of names inter se within each category shall be in the order of their seniority in the State Forest Service :[Provided that the name of any officer so included in the list, shall be treated as provisional, if the State Government, withholds the integrity certificate in respect of such officer or any proceedings are contemplated or pending against him or anything adverse against him has come to the notice of the State Government.] [Inserted by G.S.R. 704 (E), dated 28th November 1991.](5)[***] [Omitted by G.S.R. 734 (E), dated 31.12.1997 (w.e.f. 1.1.1998).].

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 made in the list;(iii)[* * *] [Deleted by Notification No.

11039/3/79 A1S (1) (C), dated 2nd June, 1979, i.e., G.I. Notification No. 817, dated 2nd June, 1979.
](iv)the observations of the State Government on the recommendations of the Committee.

6A. [[Inserted by G.S.R. 704 (E), dated 28th November, 1991]

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.] [Inserted by G.S.R. 734 (E), dated 31.12.1997 (w.e.f. 1.1.1998).]

7. Select List.

- [(1) The Commission shall consider the list prepared by the Committee alongwith : (a) the documents received from the State Government under regulation 6; (b) the observations of the Central Govt, 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.] [Substituted by G.S.R. 734 (E), dated 31.12.1997 (w.e.f. 1.1.1998).](3)The list as finally approved by the Commission shall form the Select List of the members of the State Forest Service.(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 up to sixty days from the date of 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 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 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).] [Substituted by G.S.R. 734 (E), dated 31.12.1997 (w.e.f. 1.1.1998).](5)[* * *]
[Omitted by G.S.R. 734 (E), dated 31.12.1997 (w.e.f. 1.1.1998).].

8. Appointments to cadre posts from the Select List.

- [* * *] [Omitted by G.S.R. 734 (E), dated 31.12.1997 (w.e.f. 1.1.1998).]

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 the 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 the 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 the proviso to sub-regulation (4) of Regulation 5 or under the 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.] [Substituted by G.S.R. 734 (E), dated 31.12.1997 (w.e.f. 1.1.1998).](2)[* * *] [Omitted by G.S.R. 734 (E), dated 31.12.1997 (w.e.f. 1.1.1998).]

10. [Powers of the Central Government not to appoint in certain cases. [Added by G.S.R. 704 (E), dated 28th November 1991.]

- Notwithstanding anything contained in these Regulations [* * *] [Substituted by G.S.R. 704 (E), dated 28th November, 1991.], 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.]