

## 46. THE INDIAN FOREST SERVICE (RECRUITMENT) RULES, 1966<sup>1</sup>

In exercise of the powers conferred by sub-section (1) of Section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the State concerned, thereby makes the following rules, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Indian Forest Service (Recruitment) Rules, 1966.

(2) They shall be deemed to have come into force with effect from 1st July, 1966.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

(a) "*Commission*" means the Union Public Service Commission;

<sup>2</sup>[(aa) "*direct recruit*" means a person appointed to the service after recruitment under clause (a) of sub-rule (2) of Rule 4.]

(b) "*Scheduled Caste*" means such castes, races or tribes or parts of or group within such castes, races or tribes as are deemed under Article 341 of the Constitution to be Scheduled Castes for the Purposes of the Constitution;

(c) "*Scheduled Tribes*" means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 of the Constitution to be Scheduled Tribes for the purposes of the Constitution;

(d) "*Service*" means the Indian Forest Service;

(e) "*States*" means a State specified in the First Schedule to the Constitution and includes a Union Territory;

(f) "*State Cadre*" and "*Joint Cadre*" have the meanings respectively assigned to them in the Indian Forest Service (Cadre) Rules, 1966;

(g) "*State Forest Service*" means :—

<sup>3</sup>[(i) any such service in a State or Union territory, being a service connected with forestry and the members thereof having Gazetted status, as the Central Government may, in consultation with the State Government or Union territory Administration, approve for the purpose of these rules; or]

(ii) any service in such Central Civil Post; Class I or Class II, connected with forestry, as may be approved by the Central Government for the purposes of these rules.<sup>4</sup>

1. M.H.A. Notification No. 2/6/64-AIS-(14) dated 1-9-1966.

2. Ins. by GSR 731(E), dated 31.12.1997.

3. Subs. by G.S.R. 189(E), dated 9th March, 2022 (w.r.e.f. 07-01-2021).

4. Subs. by D.P. Notification No. 13/4/71-AIS (I), dated 11-1-1972.

- (h) 'State Government concerned' in relation to a Joint Cadre, means the Joint Cadre Authority.

<sup>1</sup>[3. **Constitution of the Service.**—(1) The services shall consist of the persons recruited to the service in accordance with the provisions of these rules—

- (a) members of the State Forest Service recruited to the service as its initial constitution in accordance with the provisions of sub-rule (1) of Rule 4; and
- (b) persons recruited to the service in accordance with the provisions of sub rules (2) to (4) of Rule 4.

**4. Method of Recruitment to the Service.**—<sup>2</sup>[x x x].

Provided that no member holding a post referred to in sub-clause (ii) of clause (g) of Rule 2 and so recruited shall, at the time of recruitment, be allocated to any State cadre other than the cadre of a Union territory.

(2) <sup>3</sup>[x x x] recruitment to the Service, shall be by the following methods, namely,—

- (a) by a competitive examination;<sup>4</sup>
- (aa) <sup>5</sup>[x x x]
- (b) by promotion of substantive members of the State Forest Service.

<sup>6</sup>[(3) Subject to the provisions of these rules,—

- (a) the method or methods of recruitment to be adopted for the purpose of filling up any particular vacancy or vacancies as may be required to be filled during any particular period of recruitment, shall be determined by the Central Government in consultation with the Commission and the State Government concerned.
- (b) the number of persons to be recruited by each method shall be determined on each occasion by the Central Government in consultation with the State Government concerned.

<sup>7</sup>[(3-A) xxx]

(4) Notwithstanding anything contained in sub-rule (2), if in the opinion of the Central Government the exigencies with the State Governments and the Commission, adopt such methods of recruitment to the Service other than those specified in the said sub-rule, as it may by regulations be made in this behalf prescribe.<sup>8</sup>

<sup>9</sup>[x x x]

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1. Subs. by GSR 731(E), dated 31.12.1997.
  2. Omitted by GSR 731(E), dated 31.12.1997.
  3. *Ibid.*
  4. Ins. by M.H.A. Notification No. 3/8/67-(i)-AIS (IV), dated 14-6-1968 (w.e.f. 1-1-1968).
  5. Omitted by GSR 731(E), dated 31.12.1997.
  6. Subs. by GSR 731(E), dated 31.12.1997.
  7. Omitted by GSR 731(E), dated 31.12.1997.
  8. Subs. by GSR 359 (E). in force from publication in Extraordinary Gazette dated 13-7-1978.
  9. Omitted by GSR 731(E), dated 31.12.1997.

That the object of the initial recruitment to the Indian Forest Service from amongst those persons in the service, who, on the date of the constitution of the service, are members of the State Forest Service is to give advantage of a higher service to the members of the State Forest Service of each State not only in respect of status, but in respect of pay, pension retirement age death-cum-retirement benefit and other service benefits which are not available to them under the conditions of service applicable to the State Forest Service, Rule 4 (1) of the Indian Forest Service (Recruitment) Rules, 1966 cannot be read without Rule 3 (1) but must be read together and the persons who are eligible for recruitment are those, who, on the date of the constitution of service, are members of the State Forest Service and who conform to the conditions of eligibility set out in Indian Forest Service (Initial Recruitment) Regulations, 1966. The Central Government appears to have, by way of abundant caution, added sub-rule (3-A) to Rule 4, the effect of which was to empower it to make fresh recruitment under that sub-rule, notwithstanding anything contained in sub-rule (2), to fill up such appointments which may have been declared invalid by any judgment or by any Court and to give effect to the appointments so fill up from the same date on which the appointments, which were declared invalid had been given effect to. That the Central Government has power to make such a rule under Section 3 of the All India Service Act, 1951, has not been challenged and is undoubted. In any view of the matter, the contention that the initial recruitment must be made from amongst those members who are in the State Forest Service when the selection is actually made and not on the date of the initial constitution is untenable and must be rejected.

#### NOTE

Where on the date of constitution of Indian Forest Service petitioner was not holding Cadre Post, hence it was held that he was not eligible for selection in Senior Cadre Scale at time of constitution. Not holding the Cadre Post there was no question of his being a substantive member of Forest Service Class I. Then his claim of certain benefits in service and establishing seniority could not be allowed. [*R.C. Sharma v. Union of India*, 1992 ELT 354].

**5. Disqualifications for appointment.**—<sup>1</sup>(1) No person shall be qualified for appointment to the service unless he is a citizen of India, or belongs to such categories of persons as may, from time to time be notified in this behalf by the Central Government.

(2) No person,—

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- (a) who has entered into or contracted a marriage with a person having a spouse living, or
- (b) who, having a spouse living has entered into or contracted a marriage with any person, shall be eligible for appointment to the Service:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other

1. Subs. by M.H.A. Noti. No. 3/2/67-AIS(IA), dated 15-3-1967.  
 2. Deleted by DP & AR Noti. No. 4/14-72-AIS(IV), dated 22-9-1973.

party to the marriage and there are other grounds for doing, exempt any person from the operation of this rule.

**6. Appointment to the Service.**—(1) All appointments to the service shall be made by the Central Government and no such appointment shall be made except after recruitment by one of the methods specified in Rule 4.

<sup>1</sup>(2) The appointment of persons recruited to the service under clause (a) <sup>2</sup>[xxx] of sub-rule (2) of Rule 4 shall be in the junior time-scale of pay.

<sup>3</sup>(3) The initial appointment of persons recruited to the Service under clause (b) of sub-rule (2) of Rule 4 shall be in the senior scale of pay.

**<sup>4</sup>6-A. Appointment of officers in the junior time-scale of pay to posts in the senior time-scale of pay.**—(1) Appointments of officers recruited to the Service under clause (a) <sup>5</sup>[xxx] of sub-rule (2) of Rule 4 to posts in the senior time-scale of pay shall be made by the State Government concerned.

(2) An officer, referred to in sub-rule (1), shall be appointed to a post in the senior time-scale of pay if, having regard to his length of service and experience, the State Government is satisfied that he is suitable for appointment to a post in the senior time-scale of pay:

<sup>6</sup>Provided that, if he is under suspension or disciplinary proceedings are instituted against him, he shall not be appointed to a post in the senior time-scale of pay, until he is reinstated in the Service, or the disciplinary proceedings, are concluded and final orders are passed thereon, as the case may be:

Provided further that on the conclusion of the disciplinary proceedings:

- (a) if he is exonerated fully and the period of suspension, if any, is treated as duty for all purposes, he shall be appointed to the senior time-scale of pay from the date on which he would have been so appointed, had the disciplinary proceedings not been Instituted against him, and paid accordingly, and
- (b) if he is not exonerated fully and if the State Government, after considering his case on merits, proposes not to appoint him to the senior time-scale of pay from the date on which he would have been to appointed had the disciplinary proceeding not been instituted against him, he shall be given an opportunity to show cause against such action.

(3) Notwithstanding anything contained in sub-rule (2), the State Government may,—

- (a) withhold the appointment of an officer, referred to in sub-rule (1), to a post in the senior time-scale of pay,—

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1. Ins. by M.H.A. Noti. No. 3/8/66-AIS(IV), dated 8-6-1967.
  2. Omitted by GSR 731 (E) dated 31.12.97.
  3. Subs. by G.S.R. 731 (E) dated 31.12.97.
  4. Subs. by DP Noti. No. 3/15/70-AIS (IV), dated 26-4-1971.
  5. Omitted by GSR 731 (E) dated 31.12.97.
  6. Subs. by Noti. No. 11027/1/75-AIS(I)-C, dated 26-6-1976.

- (i) till he is confirmed in the Service, or
  - (ii) till he passes the prescribed departmental examination or examinations, and appoint, to such a post, an office junior to him,
- (b) appoint an officer, referred to in sub-rule (1), at any time to a post in the senior time-scale of pay as a purely temporary or local arrangement.

#### Government's decisions

**DP & AR letter No. 3/7/72-AIS (IV), dated 24-9-1973.**—A question was raised what should be length of Service for direct recruits appointed on the basis of the competitive examination for promotion to the posts in the senior time-scale in the Indian Forest Service. It has been decided that in order to determine the suitability of direct recruits to the Indian Forest Service for promotion to the posts in the senior time-scale, their works and performances should be watched for a period of at least two years after have completed successfully the period of three years. In the other words, the direct recruits to the Indian Forest Service may be considered for promotion to senior time-scale on completion of five years of service including the period of their training.

**7. Recruitment by competitive examination.**—(1) A competitive examination for recruit to the Service shall be held at such intervals as the Central Government may in consultation with the Commission, from time to time determine.

(2) The examination shall be conducted by the Commission in accordance with such regulations as the Central Government may from time to time makes in consultation with the Commission and the State Governments.

(3) Appointments to the Service will be subject to orders regarding special representation in the Service <sup>1</sup>[the Scheduled Castes and Scheduled Tribes and other Backward classes] issued by the Central Government from time to time :

<sup>2</sup> Provided that candidates belonging to the Scheduled Castes or the Scheduled Tribes or other Backward Classes and declared by the Commission to be suitable for appointment to the service shall be appointed against unreserved vacancies in case they qualify for appointment to the Service based on their merit without recourse to the benefit of reservation.

<sup>3</sup> [xxxx]

**8. Recruitment by promotion.**—(1) The Central Government may, on the recommendations of the State Government concerned and in consultation with the Commission and in accordance with such regulations as the Central Government may, after consultation with the State Governments and the Commission, from time to time, make, recruit to the Service persons by promotion from amongst the substantive members of the State Forest Service.

1. Subs. by GSR 731 (E) dated 31.12.97.
2. Ins. by GSR 731 (E) dated 31.12.97.
3. Deleted by GSR 731 (E) dated 31.12.97.

(2) Where a vacancy occurs in a State Cadre which is to be filled under the provision of this rule the vacancy shall be filled by promotion of a number of the State Forest Service.

(3) Where a vacancy occurs in a Joint Cadre which is to be filled under the provision of this rule, the vacancy shall, subject to any agreement in this behalf be filled by promotion of a member of the State Forest Service of any of the State constituting the group.

#### NOTE

Under the rule there is no provisions for any deemed promotion. Rules cannot be relaxed without objective assessment of true hardships. [*Vinod Kumar Vishnoi v. Union of India*, 1994 (2) SLR (CAT) (Gau) 554].

**9. Number of persons to be recruited under Rule 8.**—<sup>1</sup>(1) The number of persons recruited under Rule 8 in any State or group of States shall not, at any time exceed  $31\frac{1}{3}$  per cent of the number of senior posts under the State Government. Central deputation reserve, State deputation reserve and the training reserve in relation to that State or to the group of States, in the Schedule to the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955.

*Explanation*—For the purpose of calculation of the posts under this sub-rule, fractions if any are to be ignored.

(2) For the purpose of determining the percentage specified in sub-rule (1) the officers of a State Forest Service, who may be appointed to any of the vacancies caused by the transfer of cadre officers to another Service or by their quasi-permanent deputation to the Centre shall be excluded.

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**10. Interpretation.**—If any question arises as to the interpretation of these rules, the same shall be decided by the Central Government.

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1. Subs. by GSR 731 (E), dated 31.12.1997.

2. Sub-rule (3) omitted by G.S.R. 189(E), dated 9th March, 2022 (w.r.e.f. 07-01-2021).