

39. THE INDIAN FOREST SERVICE (APPOINTMENT BY PROMOTION) REGULATIONS, 1966

In pursuance of sub-rule (I) 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;
 - ¹(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.
- ²(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.

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

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

2. Subs. by Noti. No. GSR 734 (E) dated 31.12.1997.

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;
 - (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.
- ¹(aa) For Joint Cadre—
 - (i) Chief Secretaries to the Governments of the Constituent States;
 - (ii) Chief Conservator of Forests of the Constituent States;
 - (iii) A nominee of the Government of India not below the rank of Joint Secretary.
- (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 after the composition of the Committee.

(2) The Chairman or the member of the Commission shall preside at all meetings to 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.

²[4. ***]

35. Preparation of a list of suitable officers.—⁴(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

1. DOP Notification No. 18/1/71 AIS, dated January, 1972.
2. Regulation 4 omitted w.e.f. 15.1.1972 by Notification No. 5.9.70-AIS (IV), dated 3.1.1972.
3. Subs. by GSR 734 (E) dated 31.12.1997.
4. Subs. by DP and AR Notification No. 11039.2.76-AIS (I)-G, dated 20.4.1976.

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 of each State Forest Service.

¹(2) The Committee shall consider, for inclusion in the said list, the cases of members of the State Forest Service in the order so seniority in that service of a number which is equal to three times the number 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 filed 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 ²[first 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 (where officiating or substantive) in per cent 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 :

1. Subs. by DP and AR Notification No. 11039/2/76-AIS (I)-G, dated 20.4.1976.
2. Subs. by GSR 734 (E) dated, 31.12.1997.

¹Provided 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 eligible to be considered for promotion to any cadre other than the Union Territories Cadre :

²Provided 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 officers shall be eligible for consideration if they have completed not less than four years of actual continuous service, on the ³[first of January] of the year in which the Committee meets, in the post of Assistant Conservator of Forests.

⁴*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 Forest Research Institute and Colleges, Dehradun; or
- (b) such other training as may be approved by the Central Government in consultation with the Commission in any other institution.

⁵*Explanation III.*—Service in post(s) included in the State Forest Service would also included 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 Services but for his deputation to such ex-cadre post.

⁶[(3) The Committee shall not consider the cases of the members of the State Forest Service who have attained the age of fifty-six 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 prepared for the earlier year 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 that select list shall be considered for

1. Ins. by DP and AR Notification No. 11039/21/76-AIS (I)-C, dated 1-6-1978.
2. Ins. by DP & AR Notification No. 11039/2/76-AIS (I)-B, dated 3.10.1977, effective from 20.4.1976.
3. Subs. by GSR 734 (E) dated 31.12.1997.
4. Ins. by DP & AR Notification No. 11039/2/76-AIS (I)-B, dated 3.10.1977, effective from 20.4.1976.
5. Added by Notification No. 16021/2/77-AIS (IV), dated 19.4.1978 effective from 1.7.1966.
6. Subs. by G.S.R. 198(E), dated 17th March, 2015 (w.e.f. 17-03-2015).

inclusion in the fresh list to be prepared by the Committee, even if he has in the meanwhile attained the age of fifty-six years :

Provided further that a member of the State Forest Service who has attained the age of fifty-six 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 of 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 under item (b) of the proviso to sub-regulation (1).]

¹(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.

²(3-AA) The Selection Committee shall classify the eligible officer at 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' than 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.

- (5) ³[xxxxx]

COMMENT

Substantive post can not be terminated.—The third proviso to sub-rule (2) makes the position clear that the officers holding the post substantively in the State Forest Service alone are entitled for being considered by the Selection Committee. However, for the purpose of reckoning eight years continuous service such service can be officiating or substantive. In others words for reckoning the period of eight years the officer need not be holding the post in a substantive capacity. [*Ajit Kumar Sen v. Union of India*, 2006 (1) SLJ 304 (CAT-Guahati)].

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;

1. Ins. by GSR 734 (E) dated 31.12.97.
 2. Renumbered as 3-AA by GSR 734 (E) dated 31.12.97.
 3. Omitted by GSR 734 (E) dated 31.12.1997.

- (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) 1[* * * *];
- (iv) the observations of the State Government on the recommendations of the Committee.

²[6-A. The State Government shall also forward copy of the list referred to in Regulation 6 to the Central Government and the Central Government shall send their observation on the recommendations of the Committee to the Commission].

7. **Select List.**—³(1) The Commission shall consider the list prepared by the committee along with—

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

⁴(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 modification, if any, as may, in its opinion, be just and proper.

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

⁵(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 :

1. Deleted by Notification No. 11039/3/79-AIS (1)-C, dated 2.6.1979 G.I. Notification No. 817, dated 2.6.1979.
2. Ins. by Notification No. 14015/16/91-AIS. (1), dated 18.11.1991.
3. Subs. by Notification No. 14015/16/91-AIS. (1), dated 18.11.1991.
4. Subs. by Notification No. GSR 734 (E), dated 31.12.1997.
5. *Ibid.*

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).]

¹(5) Every person included in the Select List ²who has not attained the age of 52 years on the date on which Select List is finally approved by the Commission shall undergo such training at the Lal Bahadur Shastri National Academy of Administration, the Forest Research Institute and Colleges, the State Training Institutions and other established training institutions in the country and for such period as the Central Government may consider necessary.

8. ³[x x x x x]

49. 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.

(2) ⁵[xxx] It shall not ordinarily be necessary to consult the Commission before such appointments are made, unless during the period name of a

1. Ins. by Notification No. 16019/1/76-AIS (IV)-A. dated 8.11.1974.
2. Ins. by Notification No. 11076/1/77-AIS (IV), dated 6.9.1980.
3. Omitted by GSR 734 (E) dated 31.12.97.
4. Subs. by GSR 734 (E) dated 31.12.97.
5. Omitted by GSR 734 (E) dated 31.12.97.

member of State Forest Service in the Select List and the date of proposed appointment there occurs, any deterioration in the work of the member of the State Forest Service or there is any other ground, which in the opinion of the State Government or the Central Government, is such as to render him unsuitable for appointment to the service.

¹10. **Powers of the Central Government not to appoint in certain cases.**— Notwithstanding anything contained in these Regulations ²[xxxx] 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.

1. Ins. by GSR 734 (E) dated 31.12.97.

2. Omitted by GSR 734 (E) dated 31.12.97.