

F.No.27(C)/63/2009-SRS
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi.

Dated: April, 2013

To

- (1) The Chief Secretary,
Government of Uttar Pradesh,
Secretariat, Lucknow.
- (2) The Chief Secretary,
Government of Uttarakhand,
Secretariat, Dehradun.

02 APR 2013

Subject: Implementation of the judgement dated 28.05.2009 passed by Hon'ble Allahabad High Court in Writ Petition No.21686/2009 – Rama Krishna Singh Vs. Union of India & Ors. in pursuance of judgement dated 14.12.2011 of Hon'ble Supreme Court.

Sir,

I am directed to say that in pursuance of the judgement dated 14.12.2011 passed by Hon'ble Supreme Court disposing of SLPs No.456/2009, 27871/2009 and 6399/2010, Department of Personnel & Training, Government of India is implementing judgement dated 28.05.2009 of Hon'ble Allahabad High Court in Writ Petition No.21686/2009-Rama Krishna Singh vs. UOI and others. The Hon'ble High Court in this judgement has allowed the Writ Petition and set aside the allocation order No.22/2006 issued vide No.27/29/2006-SRS dated 30/31.10.2006 and also directed the Central Government to reconsider the representation of the petitioner in the light of their observation. The Hon'ble Court's observations are as under:-

“.....from the order of the Central Government impugned (30/31.10.2006) it also appears that the question of promotional prospects has also been considered, but the aspect which has been brought out in the letter of the Uttarakhand Government dated 07.01.2005 has not been considered. The aspect brought out in that letter is that there are 59 posts in the Indian Forest Service available for promotion in Uttar Pradesh, while only 22 posts of Deputy Director have been allocated to Uttar Pradesh. Whereas there are only 25 posts for promotion available in the Indian Forest Service in Uttarakhand, while 32 posts of Deputy Director have been allocated to Uttarakhand. This is a relevant and material aspect. It is not for this Court under

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Article 226 of the Constitution to decide whether the promotional aspect by allocation of 32 posts of Deputy Director in Uttarakhand and only 22 posts of Deputy Director in Uttar Pradesh is a balanced and just proportion. However, this aspect is required to be considered by the Central Government. The Uttarakhand Government has in fact in its letter dated 10.11.2006 reiterated its view contained in the letter dated 07.01.2005.....”

2. The final allocation of personnel of all the Departments between the two successor States Uttar Pradesh and Uttarakhand are carried out based on posts allocated in terms of guidelines dated 13.9.2000 framed by Government of India. The guidelines are as under:

- a) The posts falling in the geographical area of Uttarakhand shall be allocated to Uttarakhand and those falling in Uttar Pradesh shall be allocated to that State.
- b) State cadre posts, which cannot be restricted to any specific areas like headquarter post, shall be allocated proportionately to the districts of the two states.

3. The State Advisory Committee in its meetings held on 18.11.2003 and 15.12.2003 decided the allocation of ACF (Class-II) and Dy. Directors (Class-I), which belong to the Provincial Forest Service (PFS) and recommended allocation against post allocated to both the States based on the aforesaid guidelines. Accordingly, out of the total 54 posts of Dy. Directors existing for both the States, 32 posts for Uttarakhand (29 personnel and 3 vacancies) were recommended by the Committee for allocation to that State. Similarly, out of the total 255 posts in the grade of ACF for both the States, 97 posts for Uttarakhand (82 personnel and 15 vacancies) were recommended for allocation by the Committee to that State. The rest of the posts and personnel are deemed to be allocated to Uttar Pradesh as no separate allocation order is issued in respect of Uttar Pradesh.

4. The recommendations of the Committee were not acted upon because Hon'ble Allahabad High Court, acting upon writ petitions filed by several PFS personnel, who had challenged the proposed allocation, directed the Central Government to hear them before taking a decision. After hearing the officials and consulting senior officials of Forest Department of both the States, it was decided to issue allocation based on 70:30 ratio between Uttar Pradesh and Uttarakhand based on the reasoning that this ratio of allocation was already followed in Rangers and IFS, which were the feeder and promotional cadres respectively, for PFS, and consequently, the allocated officials shall be able to avail fair promotional opportunities in both the States. Before issuing the allocation, State Advisory Committee was requested to revise their recommendations based on the new ratio, which it declined to do. Thereafter, the order dated 31.03.2005 was issued.

5. This allocation order was opposed by some other PFS officials, who considered the allocation against their interest and representations for issuing allocation order as per recommendations of State Advisory Committee, were received from them. Directions from Allahabad High Court to hear some petitioners were also received. After hearing the officials and going through representations, it was realized that the Central Government had erred by not issuing allocation as per recommendations of the State Advisory Committee, which were as per the guidelines on reorganization.

6. After due deliberations, the allocation order dated 31.03.2005 was superseded by the revised order dated 30/31.10.2006 which was based on the recommendations of the Committee and as per the guidelines. This order was again challenged by a group of PFS officials, and in response to direction received from High Court again to consider their representations, these were considered and rejected by the Central Government. In a Writ Petition filed by Shri Rama Krishna Singh, one of the Dy. Directors, whose representation was also rejected, the Hon'ble Allahabad High Court vide its order dated 28.05.2009, set aside the revised allocation order dated 30/31.10.2006 and directed the Central Government to reconsider his representation based on their observations, which highlighted the objection of Uttarakhand Government against allocation of a larger number of Dy. Directors to the State compared to Uttar Pradesh and lesser number of promotional posts in the IFS available for the State. SLP filed by the Central Government against the judgment has been dismissed. The order dated 28.05.2009 is accordingly, to be implemented.

7. The Central Govt. has gone through the allocation made earlier vide order dated 31-03-2005 and dated 30/31-10-2006 and the basis on which those allocations were made. The basis of allocation order dated 31.03.2005 has been brought out in Para 4 above. The allocation order dated 30/31-10-2006 was based on State Allocation Guidelines and was as follows:-

54 posts of the grade of Dy. Directors, a class-I post, were there in Forest Department of undivided Uttar Pradesh. Out of these posts, 45 posts were in the geographical areas (31 in Uttarakhand and 14 in Uttar Pradesh) and 9 were considered as HQ posts as these were posts created in Uttar Pradesh Forest Corporation and were not allocated in the field. These 9 posts were divided in the ratio of districts. As per this ratio, out of 9 posts, one was to go to Uttarakhand and 8 to Uttar Pradesh. Thus, as per the allocation guidelines, 22 posts were to go to Uttar Pradesh and 32 to Uttarakhand. This allocation works out to 40.7:59.3. Further details are as under:-

Sl. No.	Nature of posts of Dy. Director	Posts located in the territory of Uttar Pradesh	Posts located in the territory of Uttarakhand	Surplus Posts in Uttar Pradesh Forest Corporation	Total
1.	Divisions/ Special Posts	5	15	0	20
2.	Forest Corporation	8	8	9	25
3.	Watershed Directorate	0	8	0	8
4.	Others	1	0		1
	Total	14	31	9	54

8. Posts of Dy. Directors were created by undivided Uttar Pradesh for -

- (i) Special watershed projects
- (ii) Special wildlife wardens
- (iii) Uttar Pradesh Forest Corporation

9. These posts were outside the hierarchy of Forest Department and proportionate number of ACF and Ranger posts did not exist. Field level Dy. Director posts in region falling in Uttarakhand were much higher compared to those falling in Uttar Pradesh.

10. At the level of ACF, a Class-II post, there were 255 posts in the undivided Uttar Pradesh. Out of these posts, 158 posts were allocated to Uttar Pradesh and 97 went to Uttarakhand. These posts were distributed between both the States based on the guidelines which works out to 62:38 ratio (approx). The details are as under:-

Sl. No.	Nature of posts	Posts located in the territory of Uttar Pradesh	Posts located in the territory of Uttarakhand	Total
1.	Sub-divisions	126	76	202
2.	Wild life wardens	15	11	26
3.	Others	17	10	27
4.	Total	158	97	255

11. Allocation of posts for the IFS is done by the Ministry of Environment & Forests, Government of India and the ratio of allocation between Uttar Pradesh and Uttarakhand came around to 70:30. There were total 283 posts as on the appointed day in the undivided State of Uttar Pradesh out of which 199 posts were allocated to Uttar Pradesh and 84 posts went to Uttarakhand.

12. 994 number of Ranger posts were there in the undivided Uttar Pradesh. 710 Rangers were allotted to Uttar Pradesh whereas 284 posts were allotted to Uttarakhand. This also works out to 70:30 ratio. The detailed allocation of posts in Forest Rangers are as under:-

There were 994 posts in the Cadre as on 09.11.2000 out of which 274 posts were located in the hill areas of the undivided State which went to Uttarakhand after Reorganization. There are 10 posts earmarked for Haridwar. Accordingly, 284 posts went to Uttarakhand and 710 posts remained in Uttar Pradesh.

13. Rangers get promoted as ACF. ACFs are promoted to Deputy Director as well as to IFS. Deputy Directors get promoted to IFS. Both Assistant Conservators of Forest and Deputy Directors are members of State Forest Service (PFS). Induction into Indian Forest Service is made from seniority list of State Forest Service.

14. The allocation of posts in each grade was made as per functional justification based on the guidelines. On account of allocation of posts based on the guidelines, which worked out to the original ratio of 40.7:59.3, higher number of Dy. Director posts were allocated to Uttarakhand as compared to Uttar Pradesh, because of existence of higher number of Dy. Director level posts in the field in Uttarakhand. Less number of IFS posts were allocated to Uttarakhand because there were less districts in Uttarakhand. Allocation in all the State cadres in other departments was done based on the State Allocation Guidelines.

15. Uttarakhand Government vide its letters dated 7.1.2005 and 10.11.2006 had sent a proposal to allocate less number of Dy. Director level posts citing the reason that keeping in view the limited number of IFS posts (25) for promotion from PFS personnel, all the 32 Dy. Directors would not be promoted, whereas juniors would be promoted in Uttar Pradesh. This was reflected in the judgement of High Court in Rama Krishna Singh case dated 28.5.2009. Government of Uttar Pradesh has, however, not proposed higher number of field level Officers at Deputy Directors and ACF levels. On the other hand they had expressed reservation against allocation on 70:30 ratio stating that this allotment will not be in accordance with sanctioned posts existing on the cut of date and may also hamper the promotional avenues in future.

16. It is seen that the Ministry of Environment and Forests, Government of India as per their Notification dated 26.05.2010, have promoted several Deputy Directors namely, S/Sh. Ravindra Juyal, Rama Krishna Singh, M.S. Pal, T.P. Dubey, Gopal Singh, Shobran Lal, G.C. Singh, Jairam and Devendra Kumar, who earlier figured in the allocation order dated 30/31.10.2006, into the IFS in the backlog vacancies for the years 1996-97 to 2000. On account of their induction into the IFS from a retrospective date of the appointed day, they are no longer eligible for allocation as Deputy Directors. It has therefore, been decided to exclude them for allocation to

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either of the States. Besides, Shri Ghanshyam Singh, Dy. Director, who also figured in the allocation order dated 30/31.10.2006, is being allocated to Uttar Pradesh under SC/ST guidelines. 4 more posts have become vacant due to retirement of two officials who had joined Uttarakhand (S/Shri S.C.N. Srivastava-YOR-2003 and Satya Pal Singh-YOR-2012) and death of another (Shri Sudhakar Mishra-YOD-2003) and reallocation of one (Shri Om Prakash Singh) to Uttar Pradesh on medical hardship ground. Although the names of these 4 Dy. Directors are to be reflected in the final allocation to Uttarakhand as they were in service on 9.11.2000, i.e., the appointed day, this would effectively bring down the number of officers allocated to Uttarakhand, who are still in service to 15. The number of posts earmarked for promotion from PFS to IFS allocated to Uttarakhand, is 25. Thus, all Deputy Directors now allocated would get promoted to IFS even if allocation is done as per the State Allocation Guidelines. Besides, out of 82 ACFs allocated to Uttarakhand against 97 posts as per revised allocation order dt. 30/31.10.2006, 21 have already retired and two have died. So effectively, 59 officials would remain in position in Uttarakhand. The vacancies of ACF would rise from 15 to 38.

17. Allocation in Forest Department to States was based on Guidelines of State allocation. These guidelines are based on functional requirement. If allocation is made based on these guidelines, then it would be as follows :-

	Undivided Uttar Pradesh	Uttarakhand	
		Posts	Personnel
Ranger	994	284	253
ACF	255	97	82
DD	54	32	29

18. The allocation in the grades of Ranger, ACF & IFS based on guidelines does not create any major anomaly in promotional opportunities. However, allocation of Dy. Director posts and officers based on guidelines reduces promotional opportunities for State Forest Service officers to IFS in Uttarkhand. At the same time, due to higher number of Dy. Director posts in Uttarakhand, better promotional opportunities are there for State Forest Service Officers to become Dy. Directors. This anomaly arose because there were higher number of Dy. Director posts in geographical region falling in Uttarakhand as compared to number of Ranger, ACF & IFS posts. The ratio of allocation for ACF posts worked out to be 62:38 between Uttar Pradesh and Uttarakhand while that for IFS is 70:30 between Uttar Pradesh and Uttarakhand. This difference is because number of field level IFS posts depends more on number of districts while ACF posts depend more on forest area. In other departments, allocation has been made on the basis of the State Allocation Guidelines. Government of India undertakes State allocation on the basis of these guidelines. It may also be seen in para 15 above that if allocation is made at Dy. Director level based on the guidelines,

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then also all the Dy. Directors allocated to Uttarakhand would get promoted to IFS. Therefore, it may not be appropriate to deviate from the State Allocation Guidelines to equate promotional opportunities in the two States.

19. In the light of the foregoing position, the Central Government hereby finalizes the allocation order of PFS personnel afresh on the basis of guidelines for allocation based on functional grounds as per list enclosed. Those not included in the list and if not covered under general allocation order dated 11.09.2001, are deemed to be allocated to Uttar Pradesh. The allocation to Uttar Pradesh also excludes those PFS personnel, who have since been inducted into IFS into backlog vacancies and are no longer eligible for allocation again. The representation of the Shri Rama Krishna Singh is being disposed of separately.

20. This allocation shall be subject to the outcome of Writ Petition No.1321(S/B)/2012 - Ashok Vs. Union of India & Ors. and Writ Petition No. 1302/2012-Ghanshyam Singh vs. Union of India & Ors.; currently pending in the Hon'ble Allahabad High Court, Lucknow Bench. This allocation shall also be subject to any other Writ Petition filed by the allocated officials in the enclosed list, pending in any of the High Courts.

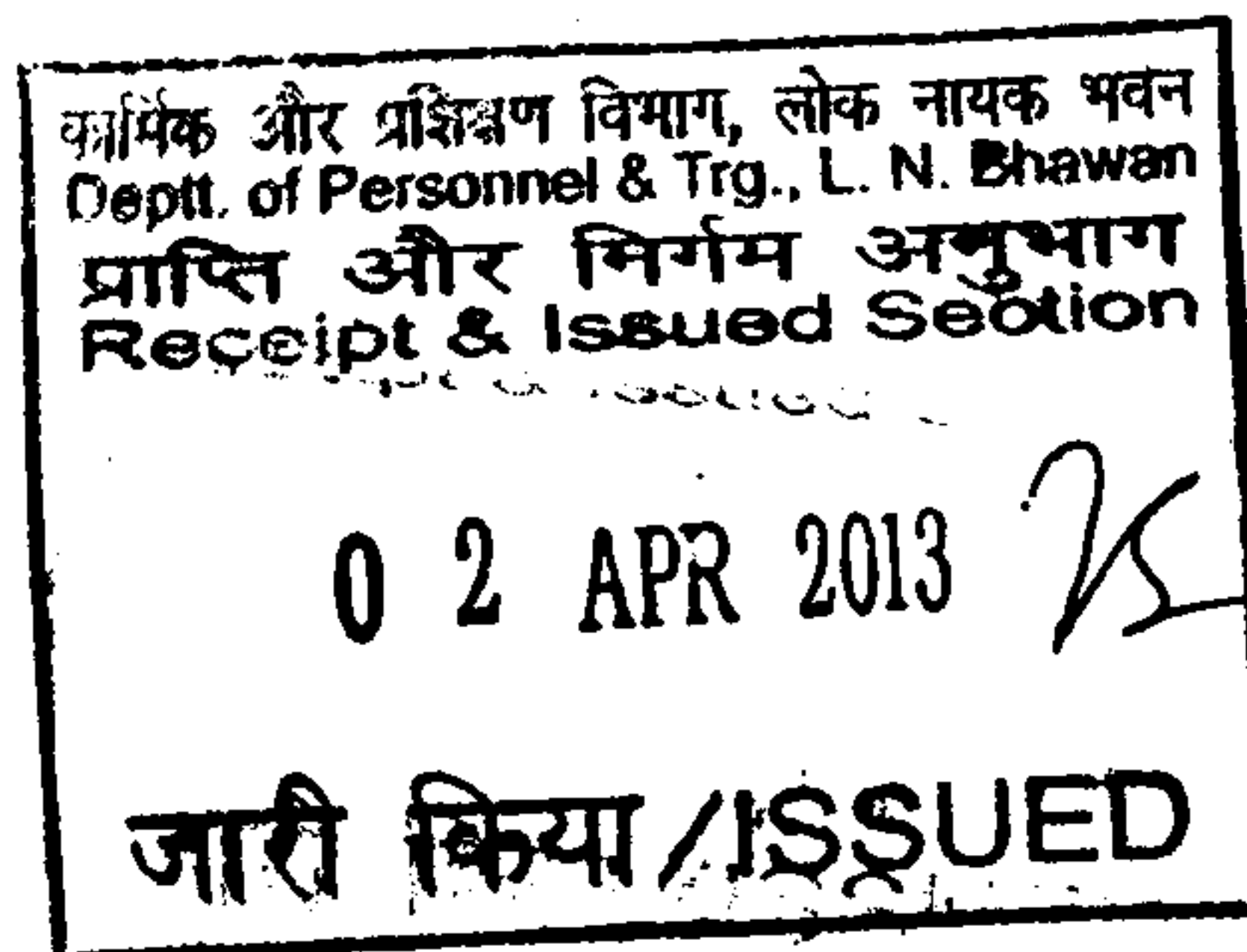
Yours faithfully,

Encl: As above.

Mona Singh
(Mona Singh)
Director

Copy to:-

- (1) Principle Secretary, Uttar Pradesh Reorganization Coordination Department, Room No.47, Bahukhandi Bhawan, Secretariat Lucknow.
- (2) Principle Secretary (Forests), Government of Uttar Pradesh, Secretariat, Lucknow.
- (3) Principle Secretary (Forests), Government of Uttarakhand, Secretariat, Dehradun.
- (4) Secretary Reorganization, Government of Uttarakhand, Secretariat, Dehradun.



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FINAL ALLOCATION OF PERSONNEL OF PROVINCIAL FOREST SERVICE TO UTTARAKHAND

Sl. No.	Name of employee S/Sh.	Name of Post
1	S.C.N. Srivastava (Retd. In 2003)	Deputy Director
2	Sudhakar Mishra (Died in 2003)	Deputy Director
3	Prem Shankar Srivastava	Deputy Director
4	M.K. Joshi	Deputy Director
5	G.B. Singh	Deputy Director
6	Surendra Pratap Singh	Deputy Director
7	Prem Kumar	Deputy Director
8	H.K. Singh	Deputy Director
9	Dinesh Ram	Deputy Director
10	A.K. Upadhyay	Deputy Director
11	Girdhari Sonar	Deputy Director
12	Janmejay Singh	Deputy Director
13	Ashok	Deputy Director
14	Pramod Kumar Singh	Deputy Director
15	Satya Pal Singh (Retd. In 2012)	Deputy Director
16	Om Prakash Singh(Allocation revised to UP)	Deputy Director
17	Ghan Shyam Rai	Deputy Director
18	Sanatan	Deputy Director
19	Ram Asrey	Deputy Director
20	K.B. Singh	A.C.F.
21	Ashok Kumar Mahar	A.C.F.
22	Indra Pal Singh	A.C.F.
23	C.K. Kavidayal	A.C.F.
24	Girish Kumar Rastogi	A.C.F.
25	Dharmveer Singh Rawat (Retd.)	A.C.F.
26	Man Singh	A.C.F.
27	Arup Kumar Banarji	A.C.F.
28	Ramesh Chandra	A.C.F.
29	Rajmani	A.C.F.
30	Mahendra Pratap Singh	A.C.F.
31	Ram Gopal	A.C.F.
32	Ashok Kumar Gupta	A.C.F.
33	Promod Kumar(Retd.)	A.C.F.
34	Veerendra Kumar Verma	A.C.F.
35	Basant Ballabh Pant(Retd.)	A.C.F.
36	Vikaram Singh Bhist(Retd.)	A.C.F.
37	Ramesh Chandra Srivastava	A.C.F.
38	Arjun Singh Chauhan(Retd.)	A.C.F.
39	B.B.S. Rawat(Retd.)	A.C.F.
40	G.P. Vedpal(Retd.)	A.C.F.
41	Lalit Kishore Tirpathi	A.C.F.

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42	Anjani Kumar	A.C.F.
43	Niytanand Pandey	A.C.F.
44	R.C. Sharma	A.C.F.
45	Dharmesh Kumar Singh	A.C.F.
46	Santosh Kumar	A.C.F.
47	Rajendra Prasad Mishra	A.C.F.
48	Shivraj Ram Prajapati	A.C.F.
49	Jeevan Chandra Joshi	A.C.F.
50	Javed Akhtar	A.C.F.
51	Praveen Kumar	A.C.F.
52	Prem Narain Shukla	A.C.F.
53	Kishan Chandra	A.C.F.
54	R.D. Pathak	A.C.F.
55	Ummed Singh Mehra(Retd.)	A.C.F.
56	O.P. Shukla	A.C.F.
57	Harshvardhan Kotnala(Retd.)	A.C.F.
58	Chintamani Nautiyal(Retd.)	A.C.F.
59	Gorakhnath Yadav	A.C.F.
60	Sharavan Kumar	A.C.F.
61	Kuber Singh Bhist	A.C.F.
62	Mahendra Bahadur Singh	A.C.F.
63	Veerendra Nath Singh	A.C.F.
64	Girija Shankar Singh(Retd.)	A.C.F.
65	Vijay Bahadur	A.C.F.
66	Deep Chandra Arya	A.C.F.
67	Akhilesh Tiwari	A.C.F.
68	Surendra Pratap Singh	A.C.F.
69	Laxman Singh	A.C.F.
70	Ajit Kumar Singh(Retd.)	A.C.F.
71	L.M. Kaul(Retd.)	A.C.F.
72	P.K. Bhatt	A.C.F.
73	A.K.Shrama(Retd.)	A.C.F.
74	R.K. Shahi(Retd.)	A.C.F.
75	Shankar Ram(Retd.)	A.C.F.
76	Surendra Kumar	A.C.F.
77	Subhash Chandra - II	A.C.F.
78	Narendra Singh Chaudhari	A.C.F.
79	Digambar Singh Rawat	A.C.F.
80	Pyarelal Yadav	A.C.F.
81	Satya Prakash Sharma	A.C.F.
82	Rakesh Kumar Vashistha	A.C.F.
83	Hoti Lal Yadav	A.C.F.
84	Shivnath Singh	A.C.F.
85	Surit Kumar Saxena	A.C.F.
86	Amresh Chandra Maurya(Died)	A.C.F.
87	Iftikhar Ahmad Siddiqui	A.C.F.
88	Jeetendra Pratap Singh	A.C.F.

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89	Vijendra Kumar Singh	A.C.F.
90	Chandrabhushan Tripathi	A.C.F.
91	Chandra Prakash Sharma	A.C.F.
92	Ravindra Kumar Singh	A.C.F.
93	Rajendra Singh Kahera	A.C.F.
94	Anusuya Prasad	A.C.F.
95	Shivram	A.C.F.
96	Bharat Singh	A.C.F.
97	Shyam Bihari Lal	A.C.F.
98	Ram Avtar Jatav	A.C.F.
99	Nandram Arya	A.C.F.
100	Santram	A.C.F.
101	Sher Singh Nagnayal	A.C.F.

Shri Ghanshyam Singh, Dy. Director's allocation is revised to Uttar Pradesh under SC/ST guidelines dt. 24.06.2010.

Those officials, whose allocations have already been modified under special provisions like mutual transfer, medical hardship, spouse policy, SC/ST policy, etc., shall not be affected by this allocation.

Manoj S. J.