

## 40. THE INDIAN FOREST SERVICE (CADRE) RULES, 1966

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 States concerned, hereby makes the following rules, namely:—

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

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

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

- (a) '*cadre officer*' means a member of the Indian Forest Service;
- <sup>1</sup>(b) '*cadre post*' means any of the posts specified under item 1 of each cadre in the Schedule to the Indian Forest Service (Fixation of Cadres Strength) Regulations, 1966;
- (c) '*State*' means a State specified in the First Schedule to the Constitution and includes a Union Territory;
- <sup>2</sup>(d) '*State Government concerned, in relation to a Joint Cadre*' means the Joint Care Authority.

3. **Constitution of Cadre.**—There shall be constituted for each State or group of States an Indian Forest Service Cadre.

(2) The Cadre so constituted for a State or a group of States is hereinafter referred to as a 'State Cadre' or, as the case may be, 'Joint Cadre'.

### NOTE

Where on the date of constitution of Indian Forest Services petitioner was not holding Cadre Post, hence it was held that he was not eligible for selection in senior 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. Thus his claim of certain benefits in service and establishing seniority could not be allowed. [R.C. Sharma v. Union of India, 1992 FLT 354].

4. **Strength of Cadres.**—(1) The strength and composition of each of the cadres constituted under Rule 3 shall be as determined by regulations made by Central Government in consultation with the State Government in this behalf.

(2) The Central Government shall at the interval of every three years, re-examine the strength and composition of each such cadre in consultation with the State Government concerned and may make such alterations therein as it deems fit:

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- 1. Subs. by D.P. Noti. No. 6/21/71-AIS (IV), dated 16.2.1972 (w.e.f. 18.3.1972).
  - 2. Subs. by D.P. Noti. No. 13/4/71-AIS (I), dated 11.1.1972.



Provided that nothing in this sub-rule shall be deemed to effect the power of the Central Government to alter the strength and composition of any cadre at any other time:

Provided further that the State Government concerned may add for a period not exceeding one year, and with the approval of the Central Government for a further period not exceeding two years, to a State or Joint Cadre one or more posts carrying duties or responsibilities of a like nature to a cadre posts.

#### NOTE

Where applicant was a probationer in Indian Forest Service and he was allocated to Union Territory Cadre instead of Uttar Pradesh Cadre, it was held that principle of allocation of cadre not embodied in any statutory rule. According to the procedure of allocation applicant could not be allocated to Uttar Pradesh Cadre as he was junior to four candidates already allocated to that Cadre. Guidelines laid down by an Government of India do not envisage any subsequent change after the probationer's consent had exercised their option in the matter of allocation of the State concerned. [*Subhash Chandra v. Union of India*, 1992 FLT 139].

**6. Deputation of cadre officers.**—A cadre officer may, with the concurrence of the State Government or the State Governments concerned and the Central Government, be deputed for Service under the Central Government or another State Government or under a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government or by another State Government.

(2) A cadre officer may also be deputed for service under,—

- (i) a, company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by a State Government, a Municipal Corporation or a local body, by the State Government on whose cadre he is borne; and
- <sup>1</sup>(ii) an international organisation an autonomous body not controlled by the Government or a private body by the Central Government in consultation with the State Government on whose cadre he is borne:

Provided that no cadre officer shall be deputed to any organisation or body of the type referred to in Item (ii) except with his consent:

Provided further that no cadre officer shall be deputed under sub-rule (1) or sub-rule (2) to a post carrying a prescribed pay which is less than, or a pay scale, the maximum of which is less than, the basic pay he would have drawn in the cadre post but for his deputation.

**7. Posting.**—All appointments to cadre posts shall be made—

- (a) in the case of a State Cadre, by the State Government; and
- (b) in the case of a Joint Cadre by the State Government concerned:

Provided that for the purpose of filling leave vacancies or for making temporary arrangements for a period not exceeding three months, the State

1. Subs. by GSR 379 (E) dated 19.4.1993.



Government may delegate to Heads of Departments, its powers of making appointments to cadre posts.

**8. Cadre posts to be filled by cadre officers.**—<sup>1</sup>(1) Save as otherwise provided in these rules every cadre post shall be filled by a cadre officer:

(2) A cadre officer shall not hold an ex-cadre posts in excess of the number specified for the concerned State under Item 5 of the Scheduled to the Indian Forest Service (Fixation of Cadre Strength) Regulation, 1966.

(3) The State Government may, with the prior approval of the Central Government, appoint a cadre officer to hold an ex-cadre post in excess of the number specified for the concerned State in Item 5 of the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966 and for so long as the approval of the Central Government remains in force, the said ex-cadre post shall be deemed to be an addition to the number specified in Item 5 of the said Schedule.

**9. Temporary appointment of non-cadre officer to cadre posts.**—(1) A cadre post in a State may be filled by a person who is not a cadre officer if the State Government “or any its Head of Department to whom the State Government may delegate its powers of making appointments to cadre posts”; is satisfied—

(a) that the vacancy is not likely to last for more that three months; or

(b) that there is no suitable cadre officer available to filling the vacancy:

<sup>2</sup>Provided that where a cadre post is filled by a non-select list officer, or a select list officer who is not next in order in the select list, under this sub-rule the State Government together with the reasons therefore.

(2) Where in any State a person other than a cadre officer is appointed to cadre post for a period exceeding three months, the State Government shall forthwith report the fact to the Central Government together with the reasons for making the appointment:

Provided that a non-select list officer, or a select list officer who is not next in order in the select list, shall be appointed to a cadre post only with the prior concurrence of the Central Government.

(3) On receipt of a report under sub-rule (2) or otherwise, the Central Government may direct that the State Government shall terminate the appointment of such person and appoint thereto a cadre officer, and where any direction is so issued, the State Government shall accordingly give effect thereto.

(4) Where a cadre post is likely to be filled by a person who is not a cadre officer for a period exceeding six months, the Central Government shall report the full facts to the Union Public Service Commission with the reason for holding that no suitable officer is available for filling the post and may in the

1. Subs. by Notification No. 14022/3/88/-AIS (I), dated 19.3.1988.

2. Ins. by D.P. and A.R. Notification No. 11039/6/75-AIS (II)-B, dated 27.7.1990.



light of the advice given by the Union Public Service Commission give suitable direction to the State Government concerned.

**10. Report to the Central Government of vacant cadre posts.**—Cadre posts shall not be kept vacant or held in abeyance for periods exceeding six months without the approval of the Central Government. For this purpose, the State Government shall make a report to the Central Government in respect of the following matters, namely:—

- (a) the reasons for the proposal;
- (b) the period for which the State Government proposes to keep the post vacant or hold in it abeyance;
- (c) the provision, if any, made for the existing incumbent of the post; and
- (d) whether it is proposed to make any arrangements for the performance of the duties of the post to be kept vacant or held in abeyance, and if so, the particulars of such arrangements.

**11. Holding of more than one post by a cadre officer.**—(1) The State Government concerned in respect of the posts borne on the State Cadre or the Joint Cadre, as the case may be, may for the purpose of facilitating leave arrangements or for making temporary arrangements for a period not exceeding six months, direct that any two cadre posts or a cadre post and an equivalent post may be held simultaneously by one single cadre officer:

Provided that for the purpose of filling leave vacancies or for making temporary arrangements for a period not exceeding three months, the State Government may delegate to Heads of Departments, its powers of making appointments to cadre posts.

(2) Where the State Government concerned is of the opinion that it is necessary so to do, it may, with the prior approval of the Central Government order that the posts directed by it to be held simultaneously by one single cadre officer under sub-rule (1), may continue to be so held for a period beyond six months but, in any case, not beyond twelve months from the date with effect from which the posts were first directed to be so held under sub-rule (1).

**11-A. Authority to exercise certain powers in respect of members of the Service serving in connection with the affairs of the States constituting a Joint Cadre.**—The powers of the State Government under the second proviso to sub-rule (2) of the Rule 4, under Clause (i) of sub-rule (2) of Rule 6 and under Rules 7, 10 and 11 in relation to the members of the Service serving in connection with the affairs of any of constituent States shall be exercised by the Government of that State.

**12. 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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