

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(1) These rules may be called the Indian Forest Service (Cadre) Rules, 1966.

1(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,-

2(a) 'cadre officer' means a member of the Indian Forest Service;

2(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 Cadre Strength) Regulations, 1966;

2(c) 'State' means a State specified in the First Schedule to the Constitution and includes a Union territory;

2(d) State Government concerned, in relation to a Joint cadre, means the Joint Cadre Authority.

3. Constitution of Cadres.- 3(1) There shall be constituted for each State or group of States an Indian Forest Service cadre.

3(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, a 'Joint Cadre'.

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

4(2) The Central Government shall, at the interval of every five 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:

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 cadre posts.

Government Of India's Instruction under Rule 4(2)

1.1 Under Second Proviso to sub- rule 2 to Rule 4 of the cadre rules, the State Government is competent to 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 cadre posts. Doubts have been

raised whether such posts are to be considered as cadre posts or as ex-cadre posts against the State Deputation Reserve. It is hereby clarified that the posts which are created in exercise of the powers of the State Governments under the second proviso under sub-rule 2 of rule 4 of the cadre rules are to be counted as temporary cadre posts added temporarily to the cadre schedule and as such, they are not to be counted against the State Deputation Reserve. However, only such posts which are created for increasing the number of posts with a particular designation already included in the cadre schedule would be counted in this category.

1.2. On the other hand, if a post with a particular designation does not figure in the cadre schedule, it cannot be created by invoking this power. It can be created as per necessity by the State Government under their inherent powers and the members of the All India Services cannot be deployed to such a post unless a declaration is made that the post is equal in status and responsibility to a post mentioned in Schedule III to the respective Pay rules under Sub-Rule 1 of rule 9 of the same Rules. However, for sufficient reasons to be recorded in writing such a declaration may be dispensed with vide sub-rule 4 of rule 9 of the respective Pay Rules.

1.3. Neither a post which is declared equivalent in status and responsibility to a post included in the pay schedule, nor a post in respect of which such a declaration has been dispensed with, is a cadre post. Such a post is to be counted against the State Deputation Reserve. Apart from these posts, the other kinds of posts which are to be counted against the State Deputation Reserve are as follows:-

- (i) Posts under the Government of a State other than the one on the cadre of which the officer is borne.
- (ii) Posts under a Company, Association or a body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government or a State Government or a Municipal Corporation or a local body, other than the cadre post of a State Cadre on which the officer is borne.
- (iii) Posts under an international organisation or an autonomous body not controlled by the Government or a private body.

1.4. Central Deputation Reserve will continue to be constituted of the posts under the Central Government.

1.5. To this extent, the orders of Government of India vide DOP&AR letter no. 4/12/70-AIS(I), dated 26.5.71 stand modified.

1.6. These instructions may be brought to the notice of all members of the service.

[DOPT letter no.11033/1/98-AIS(II), dated 23.4.1999]

2.1. Reference to this Department's letter dated 23rd April 1999 on composition of Central and State Deputation Reserve - posts in the international organisation or autonomous bodies not controlled by the Government or a private body were decided to be counted against the State Deputation Reserve in Para 3(iii) of the above mentioned letter, whereas vide letter dated 16th April, 1975, it was decided, at the instance of the State Government, that such posts would be counted against the Central Deputation Reserve as it led to overutilisation of the State Deputation Reserve and the deputation of member of the All India Service to these posts in arranged by the Government of India and accordingly officers holding posts in such organisation should be counted against the Central Deputation Reserve.

2.2. It is, therefore, decided that posts under international organisation or autonomous bodies not controlled by the Government of India or a private body would continue to be counted against the State Deputation Reserve as stated vide letter dated 16th April 1975.

2.3. To this extent, even number letter of Government of India issued on April 23, 1999 stands modified.

[modified vide DOPT letter no. 11033/1/98-AIS(II), dated 6th August 1999.]

3. The undersigned is directed to Ministry of Environment and Forest's O.M. No.12026/5/98-IFS.I dated 2nd June 1999 on clubbing of deputation tenure against posts in Autonomous bodies and forestry posts under the Central Staffing Scheme of Ministry of Environment and Forests. and to state that vide letter dated 16th April 1975, it has been decided that posts under international organisation or autonomous bodies not controlled by the Government or a private body counted against Central Deputation Reserve. Accordingly, the provisions of "cooling off" over all ceiling of 7 years outside the State for CSS and non CSS posts shall not come for these posts as well.

5. Allocation of members to various cadres.-

5(1) The allocation of cadre officers to the various cadres shall be made by the Central Government in consultation with the State Government concerned.

5(2) The Central Government may, with the concurrence of the State Government concerned, transfer a cadre officer from one cadre to another cadre.

6. Deputation of cadre officers.-6(1) 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

(ii) an international organisation, an autonomous body not controlled by the Government or 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-

7(a) in the case of a State Cadre, by the State Government; and

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

"8. Cadre and ex-cadre posts to be filled by cadre officers-

8(1) Save as otherwise provided in these rules, every cadre post shall be filled by a cadre officer.

8(2) A cadre officer shall not hold an ex-cadre post in excess of the number specified for the concerned State under item 5 of the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966.

8(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 officers to cadre posts.-

⁶(1) A cadre post in a State shall not be filled by a person who is not a cadre officer except in the following cases; namely:-

9(1)(a) if there is no suitable cadre officer available for filling the vacancy;

Provided that when a suitable cadre officer becomes available, the person who is not a cadre officer, shall be replaced by the cadre officer:

Provided further that if it is proposed to continue the person, who is not a cadre officer, beyond a period of three months, the State Government shall obtain the prior approval of the Central Government for such continuance;

9(1)(b) if the vacancy is not likely to last for more than three months;

Provided that if the vacancy is likely to exceed a period of three months, the State Government shall obtain the prior approval of the Central Government for continuing the person who is not a cadre officer beyond the period of three months.

9(2) A cadre post shall not be filled by a person who is not a cadre officer except in accordance with the following principles, namely:-

9(2)(a) if there is a Select List in force, the appointment or appointments shall be made in the order of names of the officers in the Select List;

9(2)(b) if it is proposed to depart from the order of names appearing in the Select List, the State Government shall forthwith make a proposal to that effect to the Central Government the post and may in the light of the advice given by the Union Public Service Commission give suitable direction to the State Government concerned.

10. Report of 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:-

10(a) the reasons for the proposal;

10(b) the period for which the State Government proposes to keep the post vacant or hold it in abeyance;

10(c) the provision, if any, made for the existing incumbent of the post; and

10(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.-

11(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.

11(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).

11A. 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 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 the 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.

[M.H.A. Notification No. 2/2/64-AIS(IV) dated 1-9-1966]