

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

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O.A.No.2311/89
M.P.No.3253/93 &
M.P.No.3449/93

New Delhi this the 8th Day of February, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Sh. Kishan Lal,
S/o Sh. Dase Ram,
R/o A-108, Pandara Road,
New Delhi-110003.

Petitioner

(Petitioner in person)

versus

1. Union of India
through the Secretary,
Department of Environment,
Forests and Wildlife,
Ministry of Environment & Forests,
Govt. of India, CGO Complex,
Paryavaran Bhavan,
New Delhi.
2. State Govt. of Haryana through
the Commissioner and Secretary,
Forest Department,
Civil Secretariat,
Chandigarh.
3. Sh. Ram Kanwar,
Asstt. Professor,
National Agriculture Research Project,
Krishi Gyan Kendra,
Rohtak Road,
Delhi.
4. Sh. R.L. Juneja,
Area Manager,
WIMCO, H.No.98,
Sector-14, Urban Estate,
Karnal.

Respondents

(By advocate Sh. I.S. Goel)

ORDER(ORAL)

delivered by Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

In this O.A. only two reliefs have
been claimed. They are:-

- (i) To quash the proposed
departmental inquiry against
the applicant;

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- (ii) Direction may be issued to Respondents No.1 & 2 to initiate suitable action against Respondents No.3 & 4 on account of their objectionable conduct.

It appears that during the pendency of departmental proceedings initiated against the petitioner, he (the petitioner) came to this Tribunal by means of this O.A. This Tribunal by means of an interim order directed the respondents to complete the departmental proceedings initiated against the petitioner within a specified time. The respondents failed to do so. Therefore, this Tribunal quashed the departmental proceedings.

Feeling aggrieved, the State Government of Haryana went to the Supreme Court by means of a SLP No. 5967 of 1992 which was later on registered as Civil Appeal No.4250 of 1992. That Appeal was finally disposed of on 8.10.1992. The Supreme Court quashed the order of this Tribunal and directed the respondents/appellant before it to complete the disciplinary proceedings expeditiously. The Supreme Court directed the petitioner to amend this O.A. in the event of an order adverse to the petitioner is passed by the State Government.

It appears to be an admitted position that the departmental proceedings were dropped. On 18.10.1993 an order was passed promoting the petitioner to the post of Chief Conservator of Forests with the retrospective effect i.e. 3.2.1992.

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The petitioner has been filing series of miscellaneous applications in this O.A. even after the disciplinary proceedings had been dropped and he had been promoted. The petitioner has filed M.P.No.3449/93 seeking the amendment of the O.A. The grievance sought to be introduced by means of amendment is that the petitioner should have been promoted w.e.f. 18.10.1991 and not w.e.f. 3.2.1992 and he should be paid his arrears etc. on the footing that he stood promoted w.e.f. 18.10.1991.

In the reply filed on behalf of the respondents it is stated that in view of the instructions given by the Central Government, the State Government is taking necessary steps for the payment of the arrears to the petitioner w.e.f. 3.2.1992 to 10.11.1993. The State Government shall make the necessary payment to the petitioner within a period of four months from the date of the production of a certified copy of this order before the competent authority.

The petitioner who appears in person has contended that this O.A. still survives so far as the second relief is concerned. He urges that this Tribunal should award damages against Respondents No.3 & 4. We are afraid this is not the proper forum for assessing damages. Moreover, the allegations made against Respondents No.3 & 4 appear to be that they maliciously made false complaints against the petitioner. Be that as it may, the

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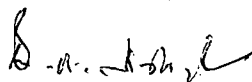
grievance as against Respondents No.3 & 4 can by no stretch of imagination be treated as a service matter so as to clutch the jurisdiction of this Tribunal. The remedy of the petitioner, if any, lies elsewhere.

In view of the facts stated above, this O.A. has really become infuctuous. In any view of the matter, further amendment sought by the petitioner will completely change the nature of the application. In other words, the scope of O.A. would be enlarged. In these circumstances, the amendment as sought is not permissible. However, we make it clear that it will be open to the petitioner to ventilate his grievance by filing a fresh case before an appropriate forum, if law so permits.

In view of the fact that the petitioner has been promoted w.e.f. 3.2.1992 and the respondents have undertaken to pay his arrears of salary and in view of the fact that this O.A. itself is being finally disposed of, no separate orders are necessary in M.P.No.3253/93.

With these directions, the O.A. is finally disposed of.

No costs.



(B.N. Dhoundiyal)

Member (A)



(S.K. Dhaon)

Vice-Chairman

/vv/