



**Central Administrative Tribunal
Principal Bench, New Delhi**

**O.A. No. 2192/2018
with
M.A. No. 1054/2020**

This the 3rd day of July, 2020

**Hon'ble Ms. A.K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

1. **Dr. Pradeep Raj Karat** aged about 54 years,
S/o Late Palliyil Chundethodiyil Rajagopalan Nair,
Working as Joint Project Director in the Office of
the Odisha Forestry Sector Development Project
At/ P.O. Bhubaneswar, District :- Khurda

...Applicant

(By Advocate: Mr. T.R. Mohanty for Sh. Prateek Tushar
Mohanty)

VERSUS

1. **State of Odisha**, represented through its Principal
Secretary/
Additional Chief Secretary to Government,
Forests and Environment Department
At/ P.O. Bhubaneswar, District Khurda
2. **Union of India**, represented through its Secretary,
Ministry of Environment,
Forests and Climate Change,
Indira Paryavaran Bhawan, Jor Bagh, Aliganj Road,
New Delhi – 110003.
3. **Union Public Service Commission**, represented
through its Secretary, Dholpur House, New Delhi.
4. **State of Odisha**, represented through its Chief
Secretary to Government, General Administration
Department
At/ P.O. Bhubaneswar, District Khurda.
5. **Principal Chief Conservator of Forests**, Odisha,
At/ P.O. Bhubaneswar, District- Khurda.

... Respondents

(By Advocate : Sh. Arunav Patnaik, Sh. Anil Singh)

ORDER (Oral)



Hon'ble Mr. R.N. Singh, Member (J):

The present application has been filed by the applicant under section 19 of the A.T. Act, 1985 praying therein for the following reliefs :-

“(i) Hold and declare the Disciplinary Proceeding vide Office Memorandum No. 1F (Con) 24/2013-22194/F&E dated 28.10.2013 at Annexure A/1 is redundant for all material purposes and necessarily quash the same.

(ii) Declare the impugned order/letter vide No 1176 dtd 15.01.2018 communicated on dated 22.01.2018 under Annexure A/.... Contumacious and ultravires Article 14 and 16 and 21 of the Constitution of India and All India Services (Discipline and Appeal) Rules, 1969 non-est, arbitrary & discriminatory, and consequently quash the same

(iii) Direct the Respondents to impart promotion of the applicant to the rank of Chief Conservator of Forests in IFS Cadre, dehors VGR No. 5 of 2013 and proceedings vide Office Memorandum No.1F (Con) 24/2013-22194/F&E dated 28.10.2013.

(iv) Direct Inquiry to be conducted under the directions and supervision of this Hon'ble Tribunal to ascertain the denial of due promotion to the applicant by colourable exercise of power by the public servants and affix responsibility on the person who used his ingenuity in withholding the promotion of the applicant as of date.

(v) Direct the Respondents to pay the financial entitlements from the date of suspension till actual payment along with the interest @ 18% per annum.

(vi) Direct the Respondents to pay the cost of the litigation to the Applicant.

(vii) Direct ensuring all consequential service and financial benefits to the applicant forthwith.

(viii) And/or any other orders/directions as may be deemed fit and proper in the facts and circumstances stated above



(ix) And further be pleased to pass any other order and orders as deemed fit and proper

And for such act of kindness the Applicant, as is duty bound, shall every pray.”

2. Subsequently, the applicant has filed the aforesaid MA. The applicant has submitted that during the pendency of the OA, the applicant has come to know that the Inquiry Officer has already submitted his report way back on 12.08.2014. However even after lapse of around six years, the Disciplinary Authority has failed to conclude the inquiry and to take a final call on the inquiry report. Mr. Mohanty further submits that the applicant has made a representation dated 18.06.2020 for redressal of his grievances. However, no action has been taken. With the consent of the parties, the present OA and MAs are disposed of with a direction to the disciplinary authority to take a final call on the report submitted by the Inquiry Officer in pursuance of the disciplinary proceedings initiated against the applicant by the competent authority as expeditiously as possible and in any case within three months from today.

3. There shall be no order as to costs.

(R.N. Singh)
Member (J)

(A.K. Bishnoi)
Member (A)

/anjali/