

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00013/2021

Date of Order: This, the 16th Day of February, 2021

**THE HON'BLE SMT. MANJULA DAS, MEMBER (J)
THE HON'BLE MR. NEKKHOMANG NEHSIAL, MEMBER (A)**



Rajib Kr. Das, IFS
Son of Late Hara Nath Das
Deputy Conservator of Forest
Office of the Conservator of Forest
Northern Assam Circle
Tezpur, District – Sonitpur, Assam
Pin – 784001.

... Applicant

- Versus -

1. The State of Assam
Through the Commissioner &
Secretary to the Government of Assam
Environment & Forests, Dispur
Guwahati – 781006.
2. The Union of India
Through the Secretary
To the Ministry of Environment
Forests and Climate Change
Indira Paryavaran Bhavan
Jor Bagh Road, New Delhi – 110003.

...Respondents.

For the Applicant : Sri P.K. Tiwari & Sri A.R. Gogoi

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O R D E R (ORAL)

MANJULA DAS, MEMBER (J):-

Being aggrieved with the action of the respondent authorities, the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 with the following reliefs:-



- “8.1 Direct the respondent 1 to complete the disciplinary proceeding against the applicant expeditiously within a period of 2 (two) months,
- 8.2 On failure of the respondents to complete the disciplinary proceedings within the stipulated period be pleased to close the disciplinary proceeding with direction to respondents to open the sealed cover and give effect to the recommendation of the State Screening Committee dated 05.11.2018 contained in the sealed cover.
- 8.3 Pass any such order/orders as Your Lordships may deem fit and proper,
- 8.4 Cost of the application.”

2. Heard Sri A.R. Gogoi, learned counsel for the applicant. Perused the pleadings and the documents annexed there with the OA.

3. In the instant case, vide Memorandum dated 11.06.2018, a disciplinary proceeding was initiated against the applicant under Rule 7(1)(b)(i) of All India

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Services (Discipline & Appeal) Rules, 1969 containing 07 articles of charges where statement of defense has been filed by the applicant on 21.02.2019. However, as per record and submissions made by the learned counsel for the applicant, disciplinary proceeding has not yet completed. In view of that and as per ratio laid down by the Hon'ble Supreme Court in the case of **Ajoy Kumar Choudhury Vs. Union of India & Ors (2015) 7 SCC 291** as well as law framed by the Govt. of India, disciplinary proceedings should be completed within three months. However, in the facts and circumstances of the present case, disciplinary proceeding is not yet completed which is not narrated here in.



4. Keeping in view of the above, we hereby direct the respondent authorities more particularly disciplinary authority to complete the disciplinary proceeding initiated against the applicant vide Memorandum dated 11.06.2018, within a reasonable period of four months from the date of receipt of a copy of this order.

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5. O.A. stands disposed of at the admission stage.

No order as to costs.

**(NEKKHOMANG NEIHSIAL)
MEMBER (A)**

**(MANJULA DAS)
MEMBER (J)**

PB

