

3

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

* * *

Allahabad: Dated 31st day of January, 2000

Original Application No. 95 of 2000

District : Dehradun

CURAM :-

Hon'ble Mr. Justice Neelam Sanjiva Reddy, v.C.

Hon'ble Mr. S. Biswas, A.M.

M. Bala Krishna Reddy,
S/o M. Ayyanna Reddy,
Occ: I.F.S. Probationer,
IGNFA, New Forest, Dehradun-248006.

(Sri Sudhir Agrawal, Advocate)

. Applicant

Versus

1. Union of India
Through Secretary
Ministry of Environment and Forests,
Paryavaran Bhawan, C.G.O. Complex,
Lodhi Road New Delhi.
2. Director, Indira Gandhi National Forest Academy,
New Forest, Dehradun-248 006.

. Respondents

ORDER (Oral)

By Hon'ble Mr. Justice Neelam Sanjiva Reddy, V.C.

This application has been filed for the relief to amend the Notification F.No.17015/01/99-IFS-II Dt.19-8-1999 to the extent of confirming the applicant in the post of Indian Forest Service.

2. The basis for the relief is the decision of the Andhra Pradesh High Court in writ petition no.19573/ 1998 wherein the present applicant and respondents are petitioner and respondents respectively. The order of the Hon'ble High Court of Andhra Pradesh, which is brief and clear reads as follows :-

/was

"The writ petitioner / appointed to Indian Forest

S. Or

M

service and was placed on probation. He was to undergo training course at Indira Gandhi National Forest Academy, Dehradun. But, for the factors stated, he had to stay away from that post for some time and as such, exception was taken for his conduct in absenting and by order dated 27-9-1996, he was discharged from probation by casting stigma that he had neglected his duties by frequent unauthorised absence and that he has also deserted from the LBSNAA, Mussoorie and by his several such acts, it was proved beyond doubt that he lacked in qualities of mind and character needed for the Indian Forest Service and keeping in view the said facts and circumstances, he was discharged from probation. This certainly constitute stigma and before discharging the petitioner from service, audi alteram partem rule ought to be followed. The fact audi alteram partem was not followed is not denied and if that be so, the latest judgement rendered by the Supreme Court in DIPTI PRAKASH BANERJEE V. SATVEDRA NATH BOSE NATIONAL CENTRE FOR BASIC SCIENCES 1999 (2) Supreme 34 is squarely applicable to the instant case. In the said judgement, it was held that termination of probation with a stigma, without following the principles of Natural Justice, cannot be valid. Hence, the order of the Central Administrative Tribunal Hyderabad dated 8-5-1998 in OA 1215/97 is set aside. It is needless to mention that the respondents are now obliged to reinstate the petitioner with all attendant benefits.

3. Consequent to the above order of the Hon'ble High Court of Andhra Pradesh, the applicant was reinstated in service and it has also been submitted that the respondents have also paid back wages right from the beginning at the junior scale. It is clear from the order of the Hon'ble High Court of Andhra Pradesh that the applicant was reinstated with all attendant benefits

S. B. in

WA

which naturally included backwages and continuity of service without loss of seniority and other benefits like confirmation in service flowing out of the reinstatement ^{and} attendant benefits.

4. Under the above circumstances the OA itself is disposed of at the admission stage directing the respondents to comply with the order of the Hon'ble High Court in total in the light of the above observance within 30 days from the date of receipt of this order.

5. A copy of this order may be issued to the counsel for the applicant within three days.

S. B. Rao
Member (A)

W. S. D. S.
Vice Chairman

Dube/