

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1017 OF 2003

ALLAHABAD, THIS THE 01st DAY OF SEPTEMBER, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN  
HON'BLE MR. D. R. TIWARI, MEMBER (A)

Atul Kumar Agarwal,  
s/o Shri L.D. Agarwal,  
Divisional Forest Officer,  
Obra Forest Division,  
District-Sonebhadra.

.....Applicant

(By Advocate : Shri V.K. Singh)

V E R S U S

1. Union of India through its Secretary,  
Ministry of Environment & Forest C.G.O. Complex,  
Lodhi Road, New Delhi.

2. State of Uttar Pradesh through Principle  
Secretary Forests, Uttar Pradesh Civil Secretariat,  
Lucknow.

.....Respondents

(By Advocate : Shri K. P. Singh)

O R D E R

By Hon'ble Mr. Justice R. R. K. Trivedi, Vice-Chairman

By this O.A. filed under section 19 of Administrative  
Tribunals Act, 1985, applicant has challenged the order dated  
19.01.2001 (Annexure No.9) by which on conclusion of the  
disciplinary proceedings applicant has been awarded  
punishment for withholding 3 increments for a period of 3 years  
with cumulative effect. It is stated that against the

R  
\_\_\_\_\_  
of

aforesaid order applicant filed appeal on 03.04.2001 before the respondent No.1. Memo of the appeal has been filed as Annexure No.10.

2. Grievance of the applicant is that though more than 2 years have passed, appeal of the applicant has not been decided inspite of several reminders given. It is further submitted that the D.P.C. is going to ~~not~~ hold its meeting for promotion from the post of Divisional Forest Officer ~~to~~ conservator. The applicant is eligible for the promotion but the punishment awarded against him may come in his way. He has ~~also~~ prayed that a direction may be given to respondent No.2 not to take into consideration the order of punishment dated 19.01.2001 for the purposes of D.P.C. He has also prayed for a direction to respondent No.1 to decide the appeal filed by the applicant.

3. We have heard the counsel for the parties.

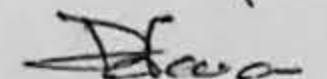
4. Hon'ble Supreme Court in the case of S.S. Rathore Vs. State of M.P. AIR 1990(1) 10 has held that departmental appeals and revision should be decided by the appellate authority within a period of 3 months to 6 months. It cannot be disputed in the present case ~~that~~ Respondent No.1 has taken unusually long time for deciding the appeal, ~~even then~~ Appeal of the applicant has not been decided. His grievance appears to be justified.

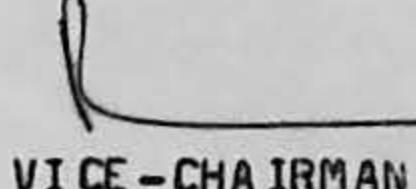
5. Considering the delay involved and further that the D.P.C. may hold its meeting for consideration of candidates for promotion as conservator ~~and~~ selection grade, in our opinion, ends of justice will be served, if respondent No.1 is directed

// 3 //

to decide the appeal of the applicant within a period of 3 months from the date a copy of this order is filed. We further provide that in case during this period D.P.C. hold its meeting for consideration of the promotion, the case of the applicant shall also be taken into consideration and result shall be kept in sealed cover which shall be subject to result of the appeal.

No order as to costs.

  
MEMBER (A)

  
VICE-CHAIRMAN

shukla/-