

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 551/93
~~XXXXXX~~

DATE OF DECISION 1-2-1994.

Shri Kanubhai Ranchhodhbhai Petitioner

Shri P.B. Sharma Advocate for the Petitioner(s)

Versus

Union of India and Others Respondent

Shri Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.B. Patel

Vice Chairman

The Hon'ble Mr. K. Ramamoorthy

Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No.

Shri Kanubhai Ranchhodhbhai
 Conservator of Forests
 Vadodara Circle,
 Satyen Building, Raopura
 Vadodara

Applicant.

Advocate Mr. P.B. Sharma

Versus

1. The Union of India
 Ministry of Forest and Environment
 C.G.O. Complex, Lodhi Road,
 New Delhi
2. The State of Gujarat
 Notice to be served through the
 Secretary to the Government of Gujarat
 Forest & Environment Deptt., Sachivalaya
 Gandhinagar.
3. The Principal Chief Conservator
 of Forest, State of Gujarat,
 1st Floor 40, Annexe Building,
 Raopura Vadodara.

Respondents.

Advocate Mr. Akil Kureshi

ORAL JUDGEMENT

In

O.A. 551 of 1993

Date: 1-2-1994.


Per Hon'ble Shri N.B. Patel

Vice Chairman.


Copy of the order disposing ^{of} the applicant's representa-
 tion may be taken on record.

Pursuant to our order dated 11-1-1994, the representation
 of the applicant against adverse remarks is already disposed of by
 order dated 31-1-1994. It is stated on behalf of the State Government

that the decision taken on the applicant's representation is already despatched to the applicant. A copy of the decision is furnished to the applicant's learned advocate Mr. Sharma. In view of the decision taken on the representation of the applicant, Mr. Sharma seeks permission to withdraw the present O.A. with liberty to file a fresh O.A. against that part of the decision by which the applicant may feel aggrieved. Permission granted with liberty as prayed for. Application stands disposed of as withdrawn. No order as to costs.



(K. Ramamoorthy)
Member (A)



(N.B. Patel)
Vice Chairman.

*AS.

CENTRAL ADMINISTRATIVE TRIBUNAL
Ahmedabad Bench

① Application No. 531/92 of 19
Transfer Application No. _____ Old W. Pett No.

CERTIFICATE

Certified that no further action is required to be
taken and the case is fit for consignment to the Record
Room (Decided)

Dated : 01/3/94

Countersigned :

07384
Section Officer/Court officer

amb
Signature of the Dealing
Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD

Submitted : C.A.T./Judicial Section.

Original Petition No 551/93
of _____

Miscellaneous Petition No _____
of _____

Shri Kanubhai R. Patel Petitioner(s)
versus
UO 12083 Respondent (s)

This application has been submitted to the Tribunal by
Shri P. B. Sharma

Under Section 19 of the Administrative Tribunal Act, 1985.
It has been scrutinised with reference to the points mentioned in
the check list in the light of the provisions contained in the
Administrative Tribunal Act, 1985 and Central Administrative
Tribunals (Procedure) Rules 1985.

The application has been found in order and may be given
to concerned for fixation of date.

The application has not been found in order for the reasons
indicated in the check list. The applicant advocate may be asked
to rectify the same within 14 days/draft letter is placed below
for signature. *Urgent note by the learned advocate which
is kept in C file may be pursued.*

~~ASST. C.M.~~
22/9/93

~~S.O.(J)~~

*Matter may be placed
on 22/9/93 for admi.*

~~D.R.(J)~~

*P. B. Sharma
22-9-93* *CB Sharma
22/9/93*

Court

Filed by Mr. P. B. Sharma
Learned Advocate for Petitioners
with second set & 3 spares
copies of not served not served to
other side

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(AHMEDABAD BENCH) AT AHMEDABAD

20/12/93
Sharma
Dy. Registrar C.A.T. (I)
A'bad Bench
OF 1993

ORIGINAL APPLICATION NO

OF 1993

*CA SF
522/93*

KANUBH-AI RANCHHODEBHAI PATEL

VERSUS

THE UNION OF INDIA & OTHERS

INDEX

<u>Ser No</u>	<u>Particulars of Documents</u>	<u>Annexure</u>	<u>Page No</u>
1.	Memo of petition	-	1 - 11
2.	Govt of Gujara letter No CFR 1283-18-VI dated 18-1-1988 <u>Do</u>	A-1	12 - 13
3.	Petitioner's Representation No EST/A/T-7/467 dated 17-3-1988	A-2	14 - 23
4.	Reminder No EST/A/T-7/241 dated 5-8-1989	A-3	24
5.	Reminder No EST/T-7/95 dated 9-11-1992	A-4	25
6.	Petitioner's Representation No EST/T/21/4354 dated 30-6-1993	A-5	26 - 27
7.	Petitioner's Memorial No EST/T-27/ 27/of 1993-94 dated 3-5-1993	A-6	28 - 29

Place : Ahmedabad

Date : 20/12/93

Sharma
(P.B. SHARMA)
ADVOCATE FOR THE PETITIONER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH AT AHMEDABAD

APPLICATION NO SSI OF 1993.

BETWEEN

KANUBHAI RANCHHODBHAI,
CONSERVATOR OF FORESTS,
VADODARA CIRCLE,
SATYEN BUILDING, RAOPURA,
VADODARA - 390 001.

... Applicant

AND

1. The Union of India,
Ministry of Forest & Environment,
C.G.O. Complex, Lodhi Road,
NEW DELHI.
2. The State of Gujarat,
Notice to be served through the
Secretary to the Govt. of Gujarat,
Forest & Environment Deptt.,
Sachivalaya, GANDHINAGAR.
3. The Principal Chief Conservator
of Forest, State of Gujarat,
1st Floor, 40, Annexe Building,
Raopura, VADODARA.

... Respondents

1. PARTICULARS OF THE APPLICANT :

- | | | | |
|---------|--|---|--|
| (i) | Name of the Applicant | : | KANUBHAI PATEL. |
| (ii) | Name of Father | : | RANCHHODBHAI PATEL. |
| (iii) | Designation & Office in which employed | : | Conservator of Forests, Vadodara Circle, Satyen Building, Raopura, VADODARA - 390 001. |

2. PARTICULARS OF RESPONDENTS :

- | | | | |
|---------|---|---|---|
| (a) (i) | Name and/or designation of the Respondent | : | The Union of India
Notice to be served through the Secretary to the Govt. of India
Ministry of Forests & Environment, CGO Complex, Lodhi Road, NEW DELHI. |
|---------|---|---|---|

- (ii) Office Address : - do -
of Respondent
- (iii) Address for Service : - do -
of Notice
- (b) (i) Name and/or desig- : The State of Gujarat
nation of the Notice to be served
Respondent through the Secretary
to the Govt. of Gujarat
Forests & Environment
Deptt, Sachivalaya,
GANDHINAGAR.
- (ii) Office Address : - do -
of Respondent
- (iii) Address for service : - do -
of Notice
- (c) (i) Name and/or desig- : The Principal Chief
nation of the Conservator of Forests,
Respondent State of Gujarat,
1st Floor, 40, Annexe
Building, Raopura,
VADODARA.
- (ii) Office Address of : - do -
Respondent
- (iii) Address for service : - do -
of Notice

3. PARTICULARS OF THE ORDER AGAINST
WHICH APPLICATION IS MADE

- (i) Order No : Govt of Gujarat DO letter
No CFR-1283-18-V-1
dated 18-1-1988 communi-
cating incorporation of
Adverse Remarks in the
Confidential Report of
the applicant for the
year 1986-87.
- (ii) Date : DO letter was received
by the applicant on
21-1-1988.

- (iii) Passed by : Secretary to the Govt of Gujarat, Department of Forest and Environment, Sardar Patel Bhavan, GANDHINAGAR.
- (iv) Subject in Brief : The applicant is a permanent member of the Indian Forest Service. Adverse Remarks endorsed in his Confidential Report for the year 1986-87 were communicated to him under Govt of Gujarat Demi Official letter NO CFR-1283-18-V-1 dated 18-1-88. The applicant made a representation vide his letter No EST/A/T-7/467 of 1987-88 dated 17-3-1988 requesting expunction of the said Adverse Remarks. Thereafter the applicant has issued several reminders but no action has so far been taken by the respondents to dispose of the representation of the applicant. The applicant has also made a memorial to the Honourable President of India vide his letter No EST/T-27/27 of 1993-94 dated 3-5-1993 but no action has been taken on the same also as yet. The applicant has been superseded for promotion by his junior officer and is likely to be further superseded if his representation is not disposed of. OA 98/93 alongwith Review Application No 42 of 1993 with regard to non-promotion of the applicant is pending admission with this Honourable Tribunal.

4. JURISDICTION OF THE TRIBUNAL

The applicant declares that the subject matter on which he seeks redressal is within the jurisdiction of this Honourable Tribunal as per section 14 (b) (i) of the Administrative Tribunals Act 1985.

5. LIMITATION

The applicant declares that the cause of action arose due to non-disposal of his representation dt: 17-3-1988 and that the cause of action continues from day to day. The applicant further declares that the application is within the limitation under Section 21 of the Administrative Tribunals Act 1985. A separate condonation application justifying filing of this OA is also being filed.

6. FACTS OF THE CASE

(a) The applicant is a citizen of India and he is entitled to invoke the Fundamental Rights guaranteed under the Constitution of India. The applicant joined the Indian Forest Service as Asst Conservator of Forests as a direct recruit on 2-4-1964.

(b) This application is directed against the arbitrary and malafide attitude of Respondent No 2 in disposing of the representation of the applicant regarding expunction of Adverse Remarks from the Confidential Report ~~for~~ of the applicant for the year 1986-87.

(c) On the basis of his brilliant and meritorious record, the applicant was promoted to the rank of Deputy Conservator of Forests in October 1971. The applicant was subsequently promoted to the rank of Deputy Conservator of Forests in February 1982. During the long and meritorious service, the applicant has held various important appointments. He was appointed Public Relations Officer on questions relating to Forest and Environment during the 5th session of the 6th Legislative Assembly in 1982. For his outstanding performance in Public Relations duties, the applicant has received an appreciation letter from the Government of Gujarat. The Officer has also held the officiating appointment of Conservator of Forests, Research and Working Plan Circle Vadodara in the early stages of his career.

(d) The applicant was posted as Conservator of Forests Junagadh Circle in June 1984. Besides the duties of his own Circle, the applicant also held the charge of Conservator Wild Life Circle Junagadh for a period of about 8 months. During his tenure at Junagadh, the applicant had taken up the huge task of extensive tree plantation along the Saurashtra Coast to prevent soil erosion. The applicant introduced a number of new irrigation and plantation schemes in the circle. He provided an improved type of stone wall fencing for the forests which proved to be very effective.

The applicant constructed check dams to conserve water for wild life like Blue Horse (Neel Gaya) which otherwise used to be a great nuisance to the neighbouring villages.

(e) The applicant also made indepth studies of the staff employed in his circle and made adjustments to improve functioning. He made a number of representations to augment the staff in his circle and also took up cases for return of the staff of his circle employed in other places. During the long drawn and furious strike of the workers in the circle, the applicant faced the situation single handedly despite heavy odds against the applicant. The applicant was successful in bringing the situation under control by maintaining a healthy rapport between the Circle and office of the Principal Chief Conservator of Forests and The Secretary Forests and Environment, Govt of Gujarat. He was, however obliged to convey the day to day information direct to the Secretary, Forests and Environment, Gandhinagar. For the conservation of Gir Forest, the applicant had projected requirement of flying squads to the Govt.

(f) The performance of the applicant was greatly appreciated by the then Prime Minister, late Shri Rajiv Gandhi and the the former Chief Minister of Gujarat Shri Amar Singh Chaudhary during their visit to the Gir Forests and other areas of his circle. His work was also acclaimed by the former Chief Secretary Shri K Shivraj.

(g) The applicant had continuously earned excellent Confidential Reports ever since his joining the service in 1964. During his long service of 24 years he was never communicated any adverse remarks till 1987. He continued to receive acclaim for his excellent performance and earned his promotions in his own turn on the basis of his outstanding performance.

(h) ~~The~~ Due to the expeditious efforts and ambitious schemes of the applicant to protect the forests from extinction, to introduce new methods of irrigation and tree plantation and to further develop the forestry and wild life in Junagadh Circle, ^{the} then principal Chief Secretary Shri A.S. Kapash and the then Chief Conservator of Forests Shri A.G. Pinto were irritated due increased work load from the projections made by the applicant. They were also ~~lik~~ed due to the direct dealing of the applicant with Gandhinagar during the workers' strike. They were also envious of the applicant's receiving acclaim and appreciation from the former Prime Minister and the former Chief Minister.

(i) Subsequently the applicant was posted as Conservator of Social Forestry, Bharuch Circle in October 1987. He was communicated some Adverse Remarks incorporated in his Confidential Report for the year 1986-87 vide Govt of Gujarat DO letter No CFR-1283-18-V-1 dated 13-1-1988. A copy of the

Annexure-A-1 DO letter is enclosed hereto marked Annexure 'A'-1.

(j) Aggrieved by the vicious and malafide acts of Respondent No 3, the applicant made a detailed representation to Respondent No 2 explaining the entire circumstances under his letter No EST/A/T-7/467 of 1987-88 dated 17-3-1988, hereto annexed Annexure 'A'-2 and marked Annexure 'A'-2. The applicant issued a reminder Annexure A-3 dated EST/A/T-7/241 of 1989-90 dated 5-8-1989 (Annexure A-3). When no response was received from respondent No 2, the applicant issued another reminder bearing No A/EST/T-7/95 of 1992-93 dated 6-11-1992. A copy of letter dated 6-11-1992 Annexure A-4 is annexed hereto and marked Annexure A-4. Due to in-difference on the part of Respondent No 2, the applicant approached Respondent No 1 under his letter No EST/T/2/4354 of 1993-94 dated 30-6-1993. The letter is enclosed hereto Annexure-A-5 and marked Annexure A-5. However, no reply has so far been received from Respondent No 1 also. Ultimately, the applicant made a memorial to the Honourable President of India under his letter No EST/T-27/27 of 1993-94 dated 3-5-1993. Reply to the memorial is still awaited. A copy of letter Annexure A-6 dated 3-5-1993 is annexed hereto and marked Annexure A-6.

(k) The applicant has been superseded for promotion by his junior Shri P.A. Malwade. Aggrieved by the wrongful promotion of his junior officer, ignoring the applicant's right, the applicant approached this Honourable Tribunal for redressal and justice vide OA 98 of 1993. The OA alongwith a Review Application is pending admission with this Honourable Tribunal.

(1) The applicant is now holding the charge of the Conservator of Forests, Vadodara Circle, Vadodara and continues to serve with equal enthusiasm and devotion to duty despite under-going humiliation and harrassment at the hands of the respondents.

7. RELIEFS SOUGHT

In view of the facts and circumstances explained in para 6 above, the applicant prays before this Honourable Tribunal for :-

- (A) issue of suitable directions to the Respondent No 2 to dispose of the representation of the applicant without any further delay and to communicate the result thereof to the applicant.
- (B) awarding the cost of this application to the applicant.
- (C) grant of anyother and further reliefs as may be deemed just and proper in the interest of justice.

And for which act of kindness and justice the applicant shall for ever pray.

8. INTERIM RELIEF

As the disposal of the representation of the applicant by itself will not in any way affect the interests of either the applicant or those of the respondents, it is prayed that this Honourable Tribunal be pleased to issue necessary directions to the Respondent No 2 to dispose of the representation as a measure of interim relief to the applicant as a special case.

9. DETAILS OF THE REMEDIES EXHAUSTED.

The applicant has exhausted all the remedies to get the adverse remarks expunged from his confidential Report for the year 1986-87. The applicant made a detailed representation to the Respondent No 2 under his letter No EST/A/T-7/467 of 1987-88 dated 17-3-1988 and thereafter he issued a number of reminders but no action has so far been taken by the Respondents. The applicant also approached Respondent No 1 under his letter No EST/A/T-21/4354 of 1993-94 dated 30-6-1993 with copies to all concerned but no reply has been received as yet. Ultimately, the applicant made a memorial to the Honourable President of India vide his letter No EST/T-27/27 of 1993-94 dated 3-5-1993 but the reply is still being awaited.

10. MATTER NOT PENDING WITH ANY OTHER COURT ETC

The applicant further declares that the matter regarding which this application has been made, is not pending before any court of law or any other authority or any other Bench of this Honourable Tribunal. However, his application for non-promotion OA 98 of 1993 alongwith a Review Application No Stamp 42 of 1993, is pending admission with this Honourable Tribunal.

11. PARTICULARS OF POSTAL ORDER IN RESPECT OF APPLICATION FEE

Postal Order No 01 254535 dated 20-9-93 for a sum of Rupees fifty only issued by Post Master Ahmedabad Court. is enclosed.

12. DETAILS OF INDEX. An index containing the details of the documents forming part of this application is placed at the front p

13. LIST OF DOCUMENTS

Annexure A-1	Annexure A-4
Annexure A-2	Annexure A-5
Annexure A-3	Annexure A-6

(c) Award any other relief as may be deemed appropriate
by the Hon'ble Tribunal.

And for which act of kindness the applicant shall ~~be~~
ever pray.

15/11/93
Applicant

Identified by me.

15/11/93
(P.B. Sharma)
Advocate for the Applicant

VERIFICATION

I, Kanubhai Ranchhodbhai Patel, working as
Conservator of Forests, Vadodara Circle, Vadodara, do
hereby verify that the contents from para 1 to 13. above
are true to my personal knowledge and belief and that
I have not suppressed any material facts.

Place : Ahmedabad

Date : 9/11/93

15/11/93
Applicant

To

The Registrar,
Central Administrative Tribunal,
Ahmedabad Bench,
AHMEDABAD.

12

Annexure A 1



By Regd. Post A.D.

Confidential

C.R. Samajpati,
Secretary,

Date : 18 JAN 88

True copy -
Anand
True copy -
Anand

Dear Shri Patel,

I am desired to communicate to you the following adverse remarks in incorporated in your confidential report for the period from 1-4-1986 to 31-3-1987:-

"He is very slow in disposal of paper work and needs constant goading.

His comprehension of technical matters is limited.

His contribution in the field of exploring new methods of work is practically nil.

He is unable to organise and motivate his subordinates for quick disposal of paper work.

He runs the offices of the circle in a routine manner without a sense of purpose and direction.

He should exercise more control over his office staff for quicker disposal of paper work".

2. The gist of other part of the report is that you were able to set targets for your subordinates officers which were realistic you are willing to assume responsibilities. You are able to take routine decisions. You are capable of presenting cases clearly on paper and in discussions. You evaluates the performance of your subordinates objectively and impartially. You maintain cordial relations with fellow officers, sympathetic towards subordinates. Responsive to public needs and accessible to the public. You are sincere officer but your intellectual faculty is limited.

18
2/11.88

13

3. The adverse remarks in para one above are brought to your notice in order that you may make positive efforts to overcome the short comings.

4. In case you have any representation to make for the modification/expunction of the above adverse remarks, you may make it within three months of the receipt of this letter. Any representation submitted after this time limit will not be considered unless there is satisfactory explanation for the same.

Kindly acknowledge the receipt.

Yours sincerely,

C.R. Samajpati
(C.R. Samajpati)

To,

✓ Shri K.R. Patel,
Conservator of Forests,
Extension Circle,
Bharuch.

Confidential

(14)

Annexure # 2

Sub:- Representation against the adverse remarks for the period from 1.4.1986 to 31.3.1987 to Shri. K. R. Patel, IFS Conservator of Forests, Junagadh Circle, Junagadh.....

No: EST/A/T.7/ 467 of 1987,88, Bharuch, dated 17.5.1988.

To,

The Secretary to the Government,
Forest & Environment Department,
Sachivalaya,
GANDHINAGAR.

True copy

copy

Ref:- DO letter No: CFR/1283/18/V-1/dated 18.1.1987 from the Secretary, Forest & Environment Department.

My representations against the adverse remarks are as under :-

The following adverse remarks have been communicated to me.

1. He is very slow in disposal of paper work and needs constant goading.
2. His comprehensions of technical matter is limited.
3. His contribution in the field of exploring new methods of work is practically nil.
4. He is unable to organise and motivate his subordinates for quick disposal of paper work.
5. He runs the offices of Circle in a routine manner without a sense of purpose and direction.
6. He should exercise more control over his office staff for quicker disposal of paper work _2_

True copy
copy

1. He is very slow in disposal of paper work and needs constant goading :-

I took over the charge of the Conservator of Forests Junagadh Circle on 25.6.1984 and relinquished on 29.8.1987. During these period, I constantly guided the office staff for quicker disposal of paper works and trained in these works. It is no use of my explaining here. This facts can be better verified from the staff only contacting them at Junagadh. They would in better position to give evidence than me.

2. I studied the work load of office and strength of the office staff. I found that office staff is inadequate. I brought to the notice of the Principal Chief Conservator of Forests, this facts and requested him to post some more staff. But no actions were taken. I augmented, the staff amongst Circle and divisions offices and strengthen the office staff adding 2 more accountants, 2 to 3 more clerks and one surveyor and reduced the burden of work on each table and improved the disposal of papers. This can be verified by comparing the staff pattern in the office before and after I took over the charge.

3. I had requested to the Principal Chief Conservator of Forests to fill up the post of Assistant Conservator of Forests which was created for Junagadh Circle with view to improve the office works. Even after last lot of correspondance, the same was not filled up but was being utilized by the Principal Chief Conservator of Forests even to-day.

4. There was a need of creating a post of Dy. Conservator of Forests at Rajkot. I had made the proposal to the Principal Chief Conservator of Forests to create the same. He did not propose to the Government but agreed to post Assistant Conservator of Forests and the same was filled up. This was done to help the Dy. Conservator of Forests Jamnagar in his office as well as field works, who is also looking after the Rajkot district. This improvement had taken place at my instant.

5. I held the charge of Wild Life Circle Junagadh at several occasions amounting nearly 8 months. During whole this period I had held the charge satisfactorily. The climax was at the time of strike of Forest subordinates. During the strike period also I held the charge satisfactorily. The Principal Chief Conservator of Forests and Government is aware about the same. Even though adverse remarks have been given to me and communicated to me by the Government. This is the most ungrateful events. During the period of strike I had made a very quick reports to Government and the Principal Chief Conservator of Forests to bring the facts to their notice. Now how it can be said that I was slow in the paper works.

6. I had maintained a set of Statistical informations for quick disposal of paper works. The set of such informations is attached herewith. From the perusal of it, will be seen, that I had taken a keen interest for disposal of paper works. In these

aspects office staff were also persuaded to maintain such information with them as ready references. This has been done only with the view to dispose of papers quickly. Normally it is not the practice to maintain such information at Circle level.

7. It is difficult to give whole account for the trouble I took for improvement of office works but the same can be better seen in the office of the Junagadh Circle and if the staff of the office are interviewed. They would be in better positions to give full accounts of it and I am confident about it, as major works are lying in the office.

2. His comprehensions of technical matter is limited :-

To improve the technical works in the field, I took the following steps.

1. The stone-wall fencing around the reserved forests areas and grass viddies as per existing practice are constructed in one meter at base, one meter in height and 60 cm at top. This structure by the experience is found weak and needs constant repairs as well as is also not serve useful purpose fully for the purpose for which it is created. I instructed the Dy. Conservators of Forests to construct a structure of 2 mt. at base, 1 mt, in height and 1.5 mt at top, and to see the results. It was found that this is better structure. This was also seen by the higher Officer. This change has come up after nearly 15 to 20 years. However old practices are still continued in other parts.

2. At many places fencing around grass godown needs repairs. I gave instructions to the Dy. Conservator of Forests to prepare trench fencing and dibble the seeds. It had given a good effect, This can be seen at Keshod, Gadhada, Theba and others grass depot. The department has no remedy for this ~~is~~ even to-day. This has been done by me.

3. There were serious complaints about damage to the agriculture crop from Nilgai(Blue bull) in the villages of Lalpur taluka of Jammagar district. The Principal Chief Conservator of Forests had informed me to do something about it. I visited the areas and directed Dy. Conservators of Forests to construct a check dam of suitable design, so as, it conserves rain water and withstand, during heavy rainfall against speedy runoff. Such structures were constructed and the Principal Chief Conservator of Forests was informed. The other Dy. Conservators of Forests in Circle were also informed to construct such check dams. As a result of my instructions, such structures are coming up in these areas. This is a revision of constructions of small check dams which are normally washed out during heavy monsoon and does not serve any useful purpose. This change has come up after nearly 30 years. However practice of constructions of small check dams are still continued in other parts.

4. Saurashtra is mostly scarcity areas. This areas need more moisture conservation works rather than planting more number of seedlings. During inspections it has been found that this aspect is neglected and more emphasis is given for planting seedlings. Even in planting seedlings also there is a need of immediate change in its technique. For moisture conservations, in Bhatia range of Jamnagar district, in Ranavav Range in energy plantation, at village Bordi, in Junagadh district, and in Surendranagar division in Baldana village near Limdi, new moisture conservation practices of trench fencing and soil conservation works around plants were shown to the staff and adopted. Such soil conservation works were carried out in village Sapar and shown to The Hon. Prime Minister of India during his visit and appreciated. For changing the technique of planting seedlings correspondances were also made with the Principal Chief Conservator of Forests however no decision was taken by him. All these changes had come up due to my keen interest only.

5. There are vast desert areas, in Surendranagar Jamnagar and in Bhavnagar district. New technique of preparing kyaries like paddy field, were shown to the staff and to adopt the same so that more moisture are conserved during rainy season, and helps the seedlings planted.

6.

6. The new technique of watering the seedlings in coastal areas after preparing a small pits upside of the ^{dunes} hill of planted seedlings and to fill up the pits with water, instead of sprinkling the water around plants was shown to the staff. This will avoid wastage of water and water will be ~~exactly~~ available to the plants in its rootzone and will be fully utilized by the plants. This has given a good results and old practice of watering was abandoned.

7. I have tried to improve the roofing pattern of grass godown changing the cement sheets of galvanise sheets, by Sintex plastic sheets. The Dy. Conservator of Forests were informed and even local agent was consulted. This is yet to be done by pursuing further. This will avoid more breakage of Cement sheet and reduce the weight of roof and heavy cost of iron galvanise sheets. Whether Chief Conservator of Forests will pursue further ?

8. The Principal Chief Conservator of Forests and the Chief Conservator of Forests have tried to implement a scheme of social security through plantations which has been practically failed in Asnavi village of Rajpipla West Division, In Girnar forests of Junagadh district. The Dy. Conservator of Forests Junagadh and I had informed that this is not a desirable scheme to implement in these areas. Even though they have tried their best and insisted to adopt the same. This shows their uncomprehension of technical matter. 8_

9. I have submitted the proposal for management of grass viddies and distribution of grass from godowns through different agencies. They have not taken any decision and not approach to the Government with any decision.

10. I have suggested several changes, in irrigated plantation in Dhadhalpur village near Chotila, preparation a pure plot of neem trees at Surendranagar, near nursery site, improvement of roads and to arrest runoff of water by constructing check dams in nalaes in the Gir forests. This all shows my interest of improving the field works. These all will prove whether I have comprehension of technical matter ~~limited~~. *or not or limited*

(22)

3. His contribution in the field of exploring new method is practically nil :-

The explanations of this adverse remarks has been covered against the adverse remarks number two hence no further remarks are offered.

4. He runs the offices of Circle in routine manner without a sense of purpose and directions:-

It is better the opinion of the Dy.

Conservator of Forests Junagadh Circle are obtained in those respects, Ultimately effect of my working will have mostly fallen on them. Their reports will be a better reply for this para instead of my replying the same.

What they felt about my working, If they answer, will be a ^{proper} answer of this para then my replying the same.

5. He is unable to organise and motivate his subordinates for quick disposal of paper work :-

This is also concerning to the staff of Junagadh Circle. It is better if they are contacted and questioned about this adverse remarks. Whether they have received guidance and instructions from me and whether they have benefited or not, their replies may be considered as final. I am confident of that they will reply in favour of me. I have nothing to say. The explanations given in para number one also covered the reply of this para and hence no further remarks are offered.

General :-

My self appraisal report of the year 1986.87 may kindly be pursued. It will be seen that exact opposite to it adverse remarks have been written. It shows that the same have been written keeping the person in view and not his works. Nothing new has been added then what have mentioned in self appraisals. This shows deliberate actions.

Case :-

I submit the documents in 3 parts in support of what I have mentioned above (1) Papers pertaining to the improvement of office works (2) Instructions on technical works. (3) Statistical Informations. In facts major works lie in the office as well as in fields. If they are examined, The correct pictures will be available. The Government is requested not to ~~depend~~ depend on adverse remarks but to verify the facts and come to a conclusions.

In view of this it is requested entire adverse remarks may be viewed as mentioned above and the same may kindly be expunged from my confidential reports of the year 1986.87 and I may kindly be informed.

K.R.
(K.R.PATEL),
Conservator of Forests,
Social Forestry, Bharuch
59, Bhrugapur society, Bharuch.

Confidential

(24)

Annexure

Sub:- Representation against the adverse remarks for the period from 1.4.1986 to 31.3.1987 to Shri K.R.Patel, I.P.S. Conservator of Forests, Junagadh Circle, Junagadh. R3

No: EST/A/T.7/ 241 of 1989,90, Bharuch dated 5.8.1989.

To,

The Addl. Chief Secretary to the Government,
Forest and Environment Department,
Sachivalaya Block No: 14,
GANDHINAGAR.

True copy.

encl

Ref:- D.O. letter No: OPR/1283/18/V-1/
dated 18.1.1987 from the Secretary
Forest and Environment Department...

I had submitted necessary representation against the adverse remarks alongwith necessary documents in three parts vide this office Confidential letter No: EST/A/T.7/467 of 1987.88 dated 17.3.1988. So far no reply has been received by me. It is therefore, requested necessary actions may kindly be taken early and I may kindly be informed suitably at your earliest.

Hope the same will satisfy you, going through records submitted to you, and find faults with the persons who have written the remarks.

True copy

MEHTA/5889

(K.R.PATEL),
Conservator of Forests,
Social Forestry Bharuch.

Confidential

(25)
Annexure A4

Subs- Adverse remarks 1.4.1986 to 31.3.1987
in the confidential report of
Shri. K.R. Patel, IFS Conservator of
Forests....

95

Nos A/EST/T.7/
Bharuch dated 6.11.1992. of 1992.93.

To,

The Additional Chief Secretary,
Forests & Environment Department,
Sachivalaya,
GANDHINAGAR.

True copy
encl
|

Re:- This office letter (vernacular) Nos A/MHK/T.7/
134 dated 23.9.1991.

I had submitted my representation against the
adverse remarks communicated to me vide the Secretary
to the Forests and Environment Department D. O. letter
number CFR/1263.18-V-1 dated 18.1.1988 vide this office
letter number EST/A/T.7/467/ dated 17.3.1988. So far
no reply has been communicated to me.

2. I had ^{represented about} ~~made appeal~~ against my promotion vide this
office letter Nos A/MHK/T.7/117/ dated 22.8.1991. So far
no reply for this also has been given to me.

It is requested a suitable decision of Government
may kindly be communicated to me.

Conservator of Forests,
Social Forestry Circle, Bharuch.

True copy
encl

Copy submitted to the Chief Secretary to the
Government of Gujarat Sachivalaya, Gandhinagar with
reference to this office letter number cited in the
reference for favour of information.

Copy submitted to the Principal Chief Conservator
of Forests, Gujarat State, Vadodara with reference to
this office letter number cited in the reference for
favour of necessary action.

Confidential

From :

Office of the
Conservator of Forests,
Vadodara Circle, Vadodara,
Satyen Chambers, 2nd Floor,
Pratap Road, Raopura,
Vadodara-390001, (Gujarat).

Annexes A 5

No. EST/T/21/4384/of 1993-94.

Dated : 30 July, 1993.
June

To,

The Secretary,
to the Government of India,
Forest & Environment Department,
Paryavaran Bhavan, 8th Floor,
C.G.O. Complex, Lodi Road,
NEW-DELHI - 110003.

True copy
encl

Sub : Adverse Remarks in the Confidential Report of
Shri K.R.Patel, IFS., Conservator of Forests,
for the period from 1-4-1986 to 31-3-1987.

Sir,

The Government of Gujarat had communicated to me the
adverse remarks vide D.O. Letter No. CFR-1283-18-V-1, dated
18-01-1988. I had submitted my representation against the
adverse remarks vide Letter No. EST/A/T.7/467/Bharuch, dated
17-3-1988. So far Government of Gujarat has not taken any
decision on my representation, inspite of repeated request.
Lastly I had submitted an appeal TO THE MOST HONOURABLE
PRESIDENT OF INDIA. Through proper channel. The copies
are attached herewith.

From the perusal of the remarks, it will be seen that
they are written with prejudice mind and vindictive in
nature. No ~~any~~ documentary evidences had been also given.
All the remarks are vagues, baseless and of fictitious
nature and opposite to the works I did.

My office and technical works are not hidden from the
staff wherever I have worked both in offices and fields.
The same can be verified on the spot. Those will be better
testimony about my works, rather than my self praise on
paper.

..2..



Pending disposal of my representation, the Government of Gujarat has given a promotion to my Junior and had done me further in justice. With this view I have made this appeal to you for decision.

Yours faithfully,

K.R. Patel
(K.R. PATEL)
Conservator of Forests,
Vadodara Circle.

Copy submitted to the Chief Secretary to the Government of Gujarat with reference to the letter No.A/EST/T.7/95/of 1992-93, dated 09-11-1992 and No. EST/T.21/27/of 1993-94, dated 03-5-1993 (Copies attached herewith).

Copy submitted to the Secretary to the Government of Gujarat, General Administration Department, Sachivalaya, Gandhinagar for favour of necessary action.

Copy submitted to the Additional Chief Secretary, to the Government of Gujarat, Forest & Environment Department, Sachivalaya, Gandhinagar with reference to above letter for favour of information.

Copy submitted to the Principal Chief Conservator of Forests, Gujarat State, Vadodara with reference to above letter for necessary action.

CONFIDENTIAL

Sub : Adverse Remarks in the Confidential Report of Shri K. S. Patel, I.P.C., Conservator of Forests, for the Period from 01-4-1986 to 31-3-1987. No. ~~IS/T.7/1~~²⁷ / 27 / of 1993-94. Vadodara, Dated : 03-05-1993.

To,
The Most Honourable President of India,
NEW DELHI.

Annexure A-6

True Copy,

encl

I, Most Respectfully Sir, have to submit that I had been communicated adverse remarks for the period from 01-4-1986 to 31-3-1987 vide Secretary to the Forest & Environment Department, Government of Gujarat, Gandhinagar, D.O. Letter No. CE/1233-10-V-I, dated 18-01-1988.

I had submitted my representation against the adverse remarks vide Letter No. IS/A/T.7/467/Bharuch, dated 17-3-1988 to the Secretary to the Forest & Environment Department, Government of Gujarat, Gandhinagar to expunge the same.

I had submitted reminder vide Letter No. IS/A/T.7/241/Bharuch, dated 05-3-1989.

I had submitted again reminder alongwith the representation of my promotion vide Letter No. A/IS/T.7/117/Bharuch, dated 22-8-1991. Lastly I had requested vide Letter No. A/IS/T.7/95/Bharuch, dated 09-11-1992.

So far no decision have been taken and communicated to me by the Government of Gujarat. This has caused me irreparable loss in my promotion.

I therefore, Most Respectfully Sir, submit to you my appeal for your kind consideration and decision.

Most Respectfully I Submit,

True copy
encl

Yours sincerely,
K. S. PATEL
(K. S. PATEL)
Conservator of Forests,
Vadodara Circle, Vadodara,
Forest & Environment Department,
Government of Gujarat.

29

Copy submitted through proper channel to the Principal Chief Conservator of Forests, Gujarat State, Vadodara for onwards transmission and necessary actions.

Advance copy submitted to the Additional Chief Secretary, to the Forest & Environment Department, Sachivalaya, Gandhinagar.

Copy submitted to the Ministry of Personnel, Public Grievances & Pension (Department of Personnel & Training, New Delhi) (through proper channel).

CENTRAL ADMINISTRATIVE TRIBUNAL

MA No. 503/93 dtd 21/09/93
in AHMEDABAD
CA SI-522/93

of/A/A/A/A No. 497/93 W. SIA/551/93

Mr. Kanubhai R. Patel
APPLICANT (S)

Mr. P. B. Sharma
COUNSEL

VERSUS

Union of India & Cos.
RESPONDENT (S)

COUNSEL

Date	Office Report	ORDERS
	Condonation of Delay	<div data-bbox="779 1223 1201 1705" style="border: 1px solid black; border-radius: 50%; padding: 10px; display: inline-block;"> <p>D/O 11-1-94</p> </div>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH AT AHMEDABAD.

MISCELLANEOUS APPLICATION NO. 197 OF 1993

IN

ORIGINAL APPLICATION NO. 107 OF 1993

MA 523 93
O.A. ST 522/93

KANUBHAI R. PATEL

CONSERVATOR OF FORESTS,

VADODARA CIRCLE,

SATYEN BUILDING, RAOPURA,

VADODARA - 390 001.

..... Applicant

VERSUS

1. Union of India,
Ministry of Forest & Environment,
CGO Complex, Lodi Road,
NEW DELHI.
2. The State of Gujarat
(Notice to be served through the
Secretary to the Govt of Gujarat,
Forest & Environment Deptt,
Sachivalaya, GANDHINAGAR.
3. The Principal Chief Conservator
of Forest, State of Gujarat,
1st Floor, 40, Annexe Building,
Raopura, VADODARA: Respondents

APPLICATION FOR CONDONATION OF DELAY

1. The petitioner submits that he has filed the Original Application No. ___ of 1993 for issue of directions to the Respondents to dispose of his representation for expunction of adverse remarks entered in his confidential Report for the year 1986-87. The petitioner states that he is filing this Miscellaneous Application alongwith and in

Filed by Mr. P. B. Sharma
Learned Advocate for Petitioners
with second set & spares
copies cert. served/not served to
other side

20/9/93

By Registrar C.A.T.U

At Ahmedabad

support of the above mentioned original application requesting this Honourable Tribunal to condone the delay in filing the OA.

2. The applicant further States that he was communicated incorporation of certain adverse remarks in his Confidential Report for the year 1986-87 under Government of Gujarat DO letter No CFR-1283-18-V-1 dated: 18-1-88 (Annexure A-1 to the OA). The applicant made a representation to the Respondents for expunction of the said remarks from his Confidential Report under his letter No EST/A/T-7/467 of 1987-88 dated 17-3-1988 (Annexure A-2 to the OA). He also issued a reminder dated 5-8-1989 (Annexure A-3 to the OA) but ~~also~~ no response was received from the Respondents. Thereafter, the petitioner was neither communicated any adverse remarks in his CR nor any officer junior to him was promoted till 1991. He, therefore, believed that either his adverse remarks have been expunged or they have become ineffective due to passage of time and accordingly kept on waiting for his promotion. But to the surprize of the petitioner, his junior Shri P.A. Malwade was promoted to the post of Additional Chief Conservator of Forests in August 1991. The petitioner again made representations and issued reminders against the adverse remarks and against the promotion of his junior but he could not receive any response from the Respondents.

3. The petitioner, thereafter, filed OA 98/93 for expunction of the adverse remarks as well as against

the promotion of his junior ignoring the petitioner for promotion. OA 98/93 alongwith Review Application is presently pending admission with this Honourable Tribunal. As the cause of action with regard to expunction of adverse remarks is barred by limitation, the petitioner is filing a separate OA alongwith this MA for issue of directions to the Respondents to dispose of the representation dated: 17-3-1988.

4. As the petitioner had excellent CRs up to the year 1985-86 and because he could not be ignored for promotion when his representation was pending consideration with the Respondents, the petitioner had no apprehension that he could be ever superseded for promotion under such circumstances. He therefore, kept on waiting for his promotion on his turn without resort to approach any court of law. However, the subsequent illegal promotion of his junior was a bolt from the blue for him against which he promptly approached this Honourable Tribunal vide OA 98/93 which is pending admission with this Hon'ble Tribunal alongwith a Review Application.

5. In view of the foregoing facts, the petitioner submits that he has sufficient cause for not approaching this Honourable Tribunal for expunction of the adverse remarks from his CR for the year 1986-87 and therefore, the petitioner approaches this Honourable Tribunal for condonation of the delay in filing the accompanying OA for issue of

directions to the Respondents to dispose of the petitioner's representation dated : 17-3-1988. Hence the petitioner prays before this Honourable Tribunal to be pleased to :-

- (A) allow this Miscellaneous Application.
- (B) condone the delay in filing the accompanying OA.
- (C) award cost of this MA to the ~~applicant~~ applicant.
- (D) award any other and further reliefs as may be considered proper in the interest of justice.

And for which act of kindness and justice the applicant shall for ever pray.

Sharma

Place : Vadodara

Applicant

Date : 8th Sept 1993

Sharma

(P.B. SHARMA)

Advocate for the applicant

17/9



-5-

AFFIDAVIT

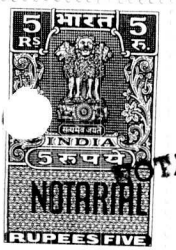
22/9/93

35

VERIFICATION

I KANUBHAI RANCHHODHBHAI PATEL, Conservator of Forests,

Voadodara Circle, Vadodara, do hereby verify that the contents of this Miscellaneous Application for condonation of delay in filing my Original Application for issue of directions to the Respondents to dispose of my representation dated 17-3-1988, are true to my personal knowledge and belief and that I have not suppressed any material facts.



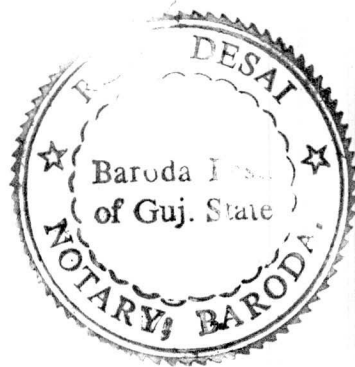
Place : vadodara

Date : 8th September 1993

Kanubhai
Applicant

Solemnly Affirmed Declared
Sworn Before me by.....K...I. Patel

R.A. Desai
R. A. Desai
Notary, Baroda



Submitted,

The Application has been found in order & may be placed before Hon'ble Bench for necessary orders.

cc/colaf L.S.C
22/09/93

SO/GS *22-9-93*

DR/GS *22-9-93*

Government of Gujarat,
Forests & Environment Department,
Order No. CFR/1283/1504/B,
Sachivalaya, Gandhinagar.
Dt. 31/01/1994.

ORDER:-

Shri K.R. Patel, IFS, Conservator of Forests was communicated following adverse remarks incorporated in his confidential report for the year 1986-87 under Govt. D.O. No. CFR-1283-18-V1 dt. 18.1.1988.

1. "He is very slow in disposal of paper work and needs constant goading".
2. "His comprehensions of technical matter is limited".
3. "His contribution in the field of exploring new methods of work is practically nil.
4. He is unable to organise and motivate his subordinates for quick disposal of paper work.
5. He runs the offices of circle in a routine manner without a sense of purpose and direction.
6. He should exercise more control over his office staff for quicker disposal of paper work.

Shri K.R. Patel has represented to Government under his letter dated 17.3.88 to expunge above adverse remark communicated to him. After careful consideration, Government has decided to expunge the following adverse remarks and retain the remaining adverse remarks in his confidential report.

"His contribution in the field of exploring new methods of work is practical nil.

Accordingly, Government order that the above said adverse remarks should be expunged and the rest should be retained in confidential report of Shri K.R. Patel for the year 1986-87.

By order and in the name of the Governor of Gujarat,

(A. K. Rakesh)
Deputy Secretary to Govt. of Gujarat,
Forests & Environment Department.

Presented by
To,
Mr. A.K. Patel, IFS,
Conservator of Forests,
Vadodara Circle, Vadodara.

Copy to:-

1. Shri H.A. Vaishnav, Principal Chief Conservator of Forest, Gujarat State, Vadodara.
2. The Dy. Secretary to Govt. of India, Ministry of Environments, and Forests, Paryavaran Bhavan, CGO-Complex, Lodi Road, New Delhi.
3. C.R. File of Shri K.R. Patel.
4. Select file L-Br. Collector.