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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No. 429 of 2002
Cuttack, this the 30th day of September, 2004

M. Gourinath Applicant

Vrs.

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? *Ans*
2. Whether it be circulated to all the Benches of the *Ans* Administrative Tribunal or not ?

Y
30/09/04
(M.R.MOHANTY)
MEMBER (JUDICIAL)

N
(B.N.SQM)
VICE-CHAIRMAN

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

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CORAM :

HON'BLE SHRI B.N.SQM, VICE-CHAIRMAN
AND
HON'BLE SHRI M.R.MOHANTY, MEMBER (J)

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Shri M. Gourinath, IFS, aged about 52 years, S/o. Late M. Atchanna, At/P.O./Dist. Rayagada, Working as a Member of the Indian Forest Service in the cadre of Conservator of forest (Under suspension), at Bhubaneswar attached to the Office of the Director of Social Forestry Project, Orissa Bhubaneswar, Dist. Khurda.

..... Applicant

Advocates for the Applicant - M/s. A.K.Mishra, J.Sengupta, G.Sinha, P.R.J.Dash.

Vrs.

1. State of Orissa, represented through its Chief Secretary, Government of Orissa, General Administration Department, Secretariat, Bhubaneswar, Dist. Khurda.
2. Union of India represented through its Secretary, Forests and Environment Department, Government of India, C.G.O. Complex, Paryabharan Bhawan, Lodhi Road, New Delhi-1.
3. State of Orissa, represented through its Commissioner-Cum-Principal Secretary, Government of Orissa, Forest & Environment Department, Secretariat, Bhubaneswar, Dist. Khurda.

..... Respondents

Advocates for the Respondents - Mr. A.K.Bose, Sr. Standing Counsel for R-2, Mr. T.Dash, Govt. Advocate (State).

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O R D E R

SHRI B.N.SQM, VICE-CHAIRMAN

Shri M. Gourinath, an officer of Indian Forest Service, Orissa has filed this O.A. challenging the inaction of the opposite party in placing him under suspension w.e.f. 11.5.01 and not reinstating him even after the judgment of this Tribunal in O.A. No. 178/01, dated 28.9.01. He has also alleged that he has been victimized in spite of the fact that he had discharged his duties with sincerity and devotion. He has, therefore, approached this Tribunal to quash the order of suspension dated 11.05.01 (Annexure-4) and the charges as framed and communicated on 11.5.01 to him by the Respondent No.3.

2. The Respondents have opposed the O.A. by filing counter to which rejoinder has been filed by the applicant. The Respondents have submitted a reply to the Counter also.

3. We have heard the Ld. Counsels for both the parties and have also perused the records placed before us.

4. The Respondents by filing their counter on 20.2.03 have disclosed that the petitioner had already been reinstated on 20.7.02 pending finalization of the disciplinary proceedings. It has also been disclosed by them that in the matter of the disciplinary proceedings they have appointed an inquiring officer vide their office order No. 17738/F&E, dated 12.01.01 and that the proceedings

were still in process.

5. The Respondents have further disclosed that the inquiring officer was appointed by office order dated 12.01.01 and the first sitting of the enquiry was held on 23.5.03. The applicant in his rejoinder to the counter filed by Respondent No.3, has enclosed the copy of the letter issued by Forest and Environment Department under Respondent No.3 dated 17.9.04 where from it is seen that the progress of the enquiry proceedings was slow, for which the enquiry officer was reminded by the Respondent No.3 to finish the proceedings early.

6. From the facts of the case as narrated above, it is clear that the O.A. has become infructuous as the applicant has been reinstated w.e.f. 20.7.02. The other relief sought by him that the charges framed against him should be quashed, is no longer available as the disciplinary proceedings have already been started against him. We, however, observe with great concern the snail's pace at which the enquiry is progressing. We also find that in spite of the instructions from the disciplinary authority the inquiring officer is not expediting his work, causing serious prejudice to the interest of the applicant. Needless to point out that delay defeats purpose and in this case such inordinate delay in finalizing the enquiry seriously jeopardizes the interest of the applicant. As the principles of natural justice demand that the disci-

plinary proceedings should be concluded expeditiously, we feel it necessary to give a direction to Respondent No.3 to direct the inquiry Officer to complete the enquiry by holding day to day proceeding and submit his report by 31.12.04. On receipt of the report of the inquiry Officer the disciplinary authority should take a final view in the matter within a period of 45 days from the date of receipt of the report.

7. The O.A. is accordingly disposed of with above directions.

M.R. Mohanty
30/09/04
(M.R.MOHANTY)
MEMBER (JUDICIAL)

R.N.SQM
(R.N.SQM)
VICE-CHAIRMAN

RK/SD