

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 717 of 2013
Cuttack the 30th day of October, 2013

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HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

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Sri Pradeep Raj Karat, aged about 50 years, S/o. Late P.C.Rajagopalan Nayer, working as Conservator of Forests in the Office of the (Principal CHIEF Conservator of Forests) (Wild Life) and Chief Wild Life Warden, At/Po.Bhubaneswar, District-Khurda.

...Applicant

(Advocates: M/s.B.S.Mishra-2,A.K.Mishra)

VERSUS

Union of India Represented through –

1. The Secretary, Ministry of Forests and Environment Department, At/Po. New Delhi, Paryā Varan Bhawan, C.G.O Complex, Lodhi Road, New Delhi.

State of Odisha represented through –

2. the Principal Secretary to Government, Forest and Environment Department, Bhubaneswar.
3. Principal Chief Conservator of Forests, Odisha, At/Po. Bhubaneswar, Dist. Khurda.

..... Respondents

(Advocate:)

O R D E R
A.K. PATNAIK, MEMBER (JUDL.)

Shri Pradeep Raj Karat, an IFS Officer of the State of Odisha Cadre, has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking to quash the order dated 20.08.2013, passed by the Respondent No.2, in placing the applicant under suspension with immediate effect, in exercise of the power conferred under



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Rule 3 (1) (a) of All India Service (D&A) Rules, 1969. Further, he has prayed, as an interim measure, to stay the operation of the said order of suspension dated 20.8.2013 pending final decision on this OA.

2. This OA has been filed on 22th October, 2013 and has been listed today for considering on the question of admission and grant of interim relief prayed for by him in this OA. However, a Resolution has been made and communicated by the CAT Bar Association to extent as under:

“In continuation to our earlier resolution dated 27.9.2013, 1.10.2013, 03.10.2013, 07.10.2013, 10.10.2013 and 22.10.2013 and in view of the resolution dated 25.10.2013 of High Court Bar Association, the emergent General Body Meeting of CAT Bar Association resolved unanimously to continue absent from Court work till 30.10.2013.”

3. In view of the above, none appears for either of the parties. However, the Applicant, Shri Pradeep Raj Karat, is present in person and submitted that without any of his fault, without giving him any opportunity or without assigning any reason, he has unnecessary been harassed by way of placing him under suspension. By invoking the provision of sub rule 3(1)(b)(ii) it has been contended by the Applicant that since no approval has been obtained within the stipulated period of forty five days from the Central Government and/or disciplinary proceedings have been initiated within the said period, order of suspension has not been revoked nor the applicant has been reinstated into service till date. Further contention of the Applicant is that stating so, as per the Rules, he has submitted an appeal/representation dated 23.8.2013 before the Respondent No. 2, praying for revocation of his

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order of suspension but till date nothing has been communicated to him and accordingly it has been contended by him that as the said representation/appeal is still pending, he will be satisfied if this OA is disposed of, at this stage, with direction to the Respondent No.2 to consider and dispose of the said appeal/representation with reference to Rules and communicate the result thereof to him at an early date.

4. In view of the specific prayer, without expressing any opinion on the merit of the matter, this OA is disposed of with direction to the Respondent No.2 to consider the grievance made in his representation with reference to the Rules, at the first instance and communicate the result thereof to the applicant in a well-reasoned order within a period of 30(thirty) days from the date of receipt of copy of this order. However, it is made clear that in case any decision has been taken on the said representation but result has not been communicated the result shall be communicated to the applicant within a period of 7(seven) days from the date of receipt of copy of this order. There shall be no order as to costs.

5. Copy of this order be handed over to the Applicant on production of which the Respondent No.2 shall act upon the same as per the direction given above.


(A.K. Patnaik)
Member (Judicial)