

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.549/2008

Dated the 4th day of December, 2008

CORAM :

HON'BLE Dr K.B.S.RAJAN, JUDICIAL MEMBER

HON'BLE Ms K NOORJEHAN, ADMINISTRATIVE MEMBER

E.Pradeep Kumar,
Deputy Conservator of Forests,
Mananthavady,
residing permanently at
Suprian, Marakkattuthazham,
Kottooly, Calicut-16.

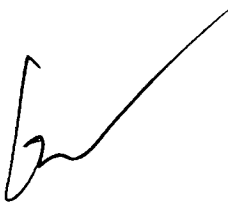
... Applicant

By Advocate Mr.M.R.Rajendran Nair Sr
Mr.M.R.Hariraj

V/s.

- 1 State of Kerala, represented by the
Chief Secretary to Government of Kerala,
Trivandrum.
 - 2 Secretary to Government of Kerala,
Department of Forest and Wildlife,
Trivandrum.
 - 3 Principal Chief Conservator of Forests,
Trivandrum.
 - 4 Union of India, represented by the
Secretary to Government of India,
Ministry of Forests and Environment,
New Delhi.
- ... Respondents.

By Advocates Mr.R.Premsankar GP (R 1-3)
Mr.S.Abhilash ACGSC (R-4)



This application having been heard on 4th December, 2008, the Tribunal on the same day delivered the following

(ORDER)

Hon'ble Dr.K.B.S.Rajan, Judicial Member

The applicant has prayed for the following reliefs:-

- i quash annexure A1 and A2.
- ii to declare that the applicant is entitled to be considered for promotion as if the entries in Annexure A1 did not exist and to direct the respondent to consider him for promotion accordingly and to grant him all consequential benefits.

2

Respondents have in their counter stated as under:-

"10 It is submitted that as per the representation of the applicant dated 01-09-2008 on the ground that the Government has taken a decision on the representation against the adverse remarks recorded in the Annual confidential Report of the applicant, the Screening Committee meeting held on 14-10-2008 for reviewing the decision taken in the Screening committee meeting held on 26-05-2008 for inclusion of the name of the applicant in the panel for promotion to the grade of Conservator of Forests and taken the following decision:-

"The Committee considered the case of the applicant carefully and decided to recommend his promotion to Conservator Grade as the officer has been rated as "Good" in the period 01-04-2006 to 06-01-2007 by the Reporting and Reviewing Officers."

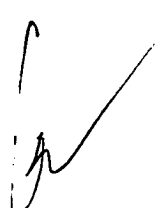
11 The decision of the Screening Committee is under consideration of Government as per Rule 14 of the General Guidelines prescribed by the Government of India and a decision will be taken after the disposal of this O.A."

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The provisions of Rule 14 referred to in para-11 is as under:-

14 PROCESSING OF RECOMMENDATIONS OF THE COMMITTEES.

14.1 The recommendations of the Committee are advisory in nature and should be duly placed before the State Government for approval. There may, however, be occasions when the State Government may find it necessary to disagree with the recommendations. In any case, however, the decision



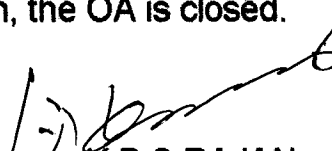
to agree or disagree with the recommendations should be taken within a period of three months from the date the Committee forwards its recommendations.

14.2 Where the State Government proposes to disagree with the recommendations of the Committee, it may refer the matter again to the Committee for reconsideration of their earlier recommendations. If the Committee re-iterates its earlier recommendations giving also the reasons in support thereof, the State Government shall take a decision either to accept or to vary the recommendations of the Committee, by giving reasons to be recorded in writing, and such a decision shall be final."

4 In view of above, the grievance of the applicant in this OA has been redressed.

5 However, it may be stated that the final decision of the Government is yet to come and it is hoped that the time limit prescribed by Rule-14.1 shall be adhered to by the Government. If the decision, for any reason, goes against the applicant, the applicant may take necessary recourse as per law. With the above direction, the OA is closed.


K.NOORJEHAN
ADMINISTRATIVE MEMBER


K.B.S.RAJAN
JUDICIAL MEMBER

abp