

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

M.A.NO.117 OF 2009 IN O.A. NO.63 OF 2009

Tuesday, this the 10th day of February, 2009.

CORAM:

**HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

G.Rennen Sen IFS
Conservator of Forests (Now under suspension)
Central Circle, Vanapriya Complex
Paravattani PO, Trichur - 5
Residing at TC 7/459 (1),
Kattathara Saras
Karunya - 130, Ulloor, Medical College PO
Trivandrum - 695 011 ... **Applicant**

(By Advocate Mr. N.Nandakumara Menon, Senior
with Mr.P.K.Manoj Kumar)

versus

1. The State of Kerala represented by the Chief Secretary
Government of Kerala, Secretariat
Thiruvananthapuram
2. The Principal Secretary to Government
Forest and Wildlife Department
Secretariat
Thiruvananthapuram
3. The Chief Conservator of Forests (Vigilance)
Forest Head Quarters, Vazhuthakad
Thiruvananthapuram
4. The Principal Chief Conservator of Forests (Vigilance)
Forest Head Quarters, Vazhuthakad
Thiruvananthapuram
5. Union of India represented by its Secretary
Ministry of Environment and Forest
Pariyavarun Bhavan
CGO Complex, Lodhi Road
New Delhi ... **Respondents**

(By Advocate Mr.R.Premsanker, GP (R1-4)

08

ORDER

HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER

The Original Application is filed by the applicant, who is under suspension, challenged Annexure A-1 suspension order dated 06.01.2009. The applicant had taken so many grounds in the OA for quashing Annexure A-1 suspension order. When the application came up for admission on 30.01.2009, this Tribunal without admitting the OA directed the Government counsel to get instructions from the Government and posted the matter. On 09.02.2009, this Tribunal directed the applicant to file the statutory appeal as the OA cannot be admitted at this stage. Consequently, the applicant has filed Annexure A-15 appeal before the Appellate Authority under Rule 16 (1) of the All India Service (Discipline and Appeal) Rules, 1969 and by filing MA No.117/09 the applicant prayed the following from this Tribunal :

(1) Issue appropriate direction to the 5th respondent to expedite the consideration of Annexure A-15 Appeal and to pass final orders thereon after hearing the applicant within a time frame to be stipulated by this Hon'ble Tribunal.

(2) To direct the State Government to re-instate the applicant if Annexure A-15 Appeal filed by the applicant is not disposed of by the 5th respondent within the time frame stipulated by this Hon'ble Tribunal.

(3) This Hon'ble Tribunal may kindly be pleased to issue appropriate direction to the 1st respondent to consider the applicant for promotion to the post of C.C.F dehors Annexure A-1 order of suspension.

2. Today heard the Learned Senior Counsel Mr.N.Nandakumara Menon, appearing for the applicant and the Government Pleader, Mr.R.PremSanker on the matter. We have also perused the averments in the OA. However, as the applicant has already filed Annexure A-15 appeal before the Appellate Authority, we are of the view that without

08

considering the merit of the grounds urged in the OA, it is only proper for this Tribunal, at this stage to issue an interim order by directing the 5th respondent to dispose of Annexure A-15 appeal within a reasonable time frame. It is made clear that since the applicant is an aspirant for promotion to the next higher post, Chief Conservator of Forests, it is only proper for the Appellate Authority to expedite the appeal and also the selection process, if any, for promotion to the next higher cadre. Since the suspension order alone is challenged, we are not inclined to consider the matter on merit.

3. In the above circumstances, this Tribunal directs the 5th respondent to consider Annexure A-15 appeal within 30 days as aforesaid, with notice to the applicant and if the appeal is not disposed of within the specified time, the applicant shall represent the matter for reinstatement of him as per rules and in such case, such representation shall also be considered by the competent authority, as per law.

Ordered accordingly.

Dated, the 10th February, 2009.


K.NOORJEHAN
ADMINISTRATIVE MEMBER


JUSTICE K.THANKAPPAN
JUDICIAL MEMBER

VS

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

ORIGINAL APPLICATION NO:63/2009.
DATED THE 26th DAY OF AUGUST, 2009.

CORAM:

HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms K NOORJEHAN, ADMINISTRATIVE MEMBER

G.Rennen Sen IFS
Conservator of Forests (Now under suspension)
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1. The State of Kerala represented by the Chief Secretary
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5. Union of India represented by its Secretary
Ministry of Environment and Forest
Pariyavarhan Bhavan
CGO Complex, Lodhi Road
New Delhi **Respondents**

(By Advocates: Mr.R.Premankar, GP (R1-4)
Mr TPM Ibrahim Khan SCGSC (R5)



This application having been heard on 26.08.2009 the Tribunal on the same day delivered the following

(ORDER)

HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER

The applicant has filed this OA challenging the Annexure A-1 suspension order issued by first respondent. Learned counsel for applicant has submitted that during the pendency of this OA, on the basis of the appeal, the Appellate Authority has held that the aforesaid suspension order is not sustainable. He has also submitted that the applicant has since been reinstated in service and nothing else survives in this OA.

This OA is therefore, dismissed as infructuous. There shall be no orders as to costs.


K NOORJEHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

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