

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 67 OF 2011

Thursday, this the 12th day of April, 2012

CORAM:

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

C.Balachandran Nair IFS (KL:84)
Chief Conservator of Forests
Social Forestry
Kozhikode

... Applicant

(By Advocate Mr. O.V.Radhakrishnan, Senior
Advocate Mr.D.Anil Kumar)

versus

1. State of Kerala represented by its
Chief Secretary
Government Secretariat
Thiruvananthapuram – 695 001
 2. Union of India represented by its Secretary
Nministry of Environment and Forests
Paryavaran Bhavan
New Delhi – 110 011
 3. Principal Chief Co0nservator of Forests & Head Of Forest Force
Forest Headquarters, Vazhuthakad
Thiruvananthapuram – 14
- ... Respondents

(By Advocate Mr. P.M.Saneer, Sr.GP
Advocate P.K.Abdul Rahiman, GP(R1&3)
Advocate Mr.Sunil Jacob Jose, SCGSC (R-2))

The application having been heard on 12.04.2012, the Tribunal
on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The prayers made in this OA is as follows:

- (i) *To declare that Annexure A-1 G.O(Rt) N.606/2011/GAD dated 22.01.2011 order of suspension as illegal, ultra vires and without authority of law, having been passed in the purported exercise of power under Rule 3 (1) of the All India Services (Discipline & Appeal) Rules. 1969*



before commencing the Departmental Proceedings and as one issued as part of initiating disciplinary action.

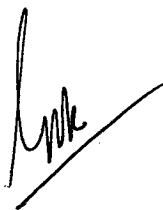
(ii) *To call for the records leading to Annexure A-1 GO dated 22.01.2011 and to set aside the same,*

(iii) *To issue appropriate direction or order directing the respondents to allow the applicant to continue as Chief Conservator of Forests, Social Forestry, Kozhikode without regard to Annexure A-1 GO dated 22.01.2011 and to allow him to retire on 31.01.2011."*

2. The applicant was suspended in contemplation of some disciplinary action against him. He retired from service on attaining superannuation on 31.01.2011. Before his retirement no disciplinary action was initiated. In the above circumstances, the learned Government Pleader submits that there is no scope for taking any further disciplinary action. The question of taking any disciplinary action does not arise since initiation was not done.

3. In the circumstances, OA is **closed** recording the above submissions. The period of suspension may be regularized as early as possible. No costs.

Dated, the 12th April, 2012.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R. RAMAN
JUDICIAL MEMBER