

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
O.A.No.10/08**

Friday this the 14 th day of March, 2008.

CORAM:

**HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE Dr.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

K.Bhasmakara Rao IFS, (now under suspension)
Forest Officers Quarters,
Vazhuthacaud, Thiruvananthapuram. Applicant

(By Advocate Shri. P.Sanjay)

Vs.

1. Union of India represented by Secretary,
Department of personnel and Training,
Public Grievances, Government of India,
New Delhi.
2. State of Kerala rep. By
Chief Secretary to Government,
Secretariat, Thiruvananthapuram.
3. The Principal Chief Conservator of Forests,
Forest and Wildlife Department,
Vazhuthacaud, Thiruvananthapuram.
4. Mr.Surendran Asary (now retired),
The then Principal Chief Conservator of Forests,
Forest and Wildlife Department,
Vazhuthacaud, Thiruvananthapuram.
5. Secretary, Ministry of Environment and Forests,
Government of India,
B-Block CGO Complex,
Lodi Road, New Delhi-110 003. Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC(R-1)
(By Advocate Shri R.PremSanker, GP(R2&3)

The application having been heard on 14 th March, 2008,
the Tribunal on the same day delivered the following:

ORDER

HON'BLE Dr.K.S.SUGATHAN, ADMINISTRATIVE MEMBER

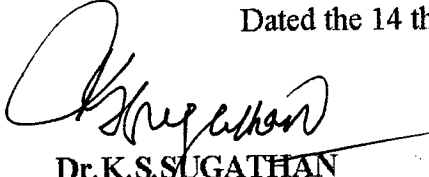
Heard the learned counsel for applicant.

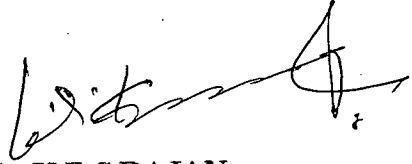
The applicant is seeking a direction to the respondent No.5, Secretary.
Ministry of Environment & Forests to dispose of the representation made at

Annexure A-10. On perusal of the records it is seen that the representation at A-10 is not a statutory appeal which is provided for under Rule 16 of the All India Services (Discipline & Appeal) Rules. As per Rule 17 of the said rule an Appeal can be filed before the competent authority within 45 days from the date of receipt of a copy of the suspension order. It also provides for the Appellate Authority to entertain the Appeal after the expiry of the said period, if it is satisfied that the appellant has sufficient cause for not referring the appeal in time. When these provisions were pointed out to the learned counsel for the applicant he sought permission to withdraw the O.A. to enable him to file a proper statutory appeal. Permission is granted. He is at liberty to agitate the prayers which are not related to suspension, through a separate O.A.

O.A. is dismissed as withdrawn. No costs.

Dated the 14 th March 2008.


Dr. K. S. SUGATHAN
ADMINISTRATIVE MEMBER


Dr. K. B. S. RAJAN
JUDICIAL MEMBER