

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.109/98

Tuesday, this the 3rd day of February, 1998.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR SK GHOSAL, ADMINISTRATIVE MEMBER

R.S.R.Prasad,
Conservator of Forests(Planning),
Office of the Chief Conservator of
Forests(Development),
Trivandrum.

- Applicant

By Advocate Mr KRB Kaimal

Vs

1. Union of India represented by
the Secretary to Government,
Ministry of Environment and Forests,
New Delhi.

2. The Union Public Service Commission,
represented by its Secretary,
New Delhi.

3. The State of Kerala represented by
the Chief Secretary,
Government of Kerala,
Trivandrum.

4. The Secretary to Government,
General Administration(Spl C) Department,
Secretariat, Trivandrum.

- Respondents

By Advocate Mr TPM Ibrahim Khan, SCGSC(for R.1&2)

By Advocate Mr CT Ravikumar, G.P(for R.3&4)

The application having been heard on 3.2.98 the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicant who is a member of the Kerala cadre
of the Indian Forest Service has been facing a departmental
proceedings initiated in the year 1986. A final report of the

Enquiry Authority is said to have been received by the third respondent in the year 1989. On account of certain disagreements between the Union Public Service Commission and the State of Kerala, a final order in the disciplinary proceedings has not yet been passed, with the result that the applicant is being overlooked in the matter of promotion. While his juniors have been promoted, the recommendation pertaining to him is said to be kept in the sealed cover. The applicant has therefore filed this application for a direction to the respondents 3 and 4 to grant him promotion in accordance with his seniority as if the departmental proceedings are not pending against him and in the alternative, for a direction to the respondents 3&4 to pass final orders in the disciplinary proceedings initiated by A-4 and to consider and pass orders in the matter of his promotion in the light of the final order in the disciplinary proceedings.

2. When the matter came up for hearing, Shri CT Ravikumar appeared for respondents 3&4 and Shri TPM Ibrahim Khan, SCGSC appeared for respondents 1&2.

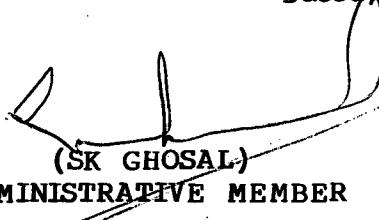
3. We have heard the learned counsel on either side.

4. The prayer of the applicant for a direction to the respondents 3&4 to grant him promotion in accordance with the seniority as if no departmental proceedings is pending against him is obviously misconceived, as the departmental proceedings which is pending, cannot be ignored. However, learned counsel on either side agreed that the application may be disposed of with appropriate direction to the respondents for passing final order in the departmental proceedings at the earliest and to

consider the applicant's promotion in the light of the recommendations of the Departmental Promotion Committee depending on the result of the disciplinary proceedings. Taking note of the fact that the consultation among the State Government and respondents 1&2 may probably be involved, the counsel agreed that a final order would be passed in the disciplinary proceedings and further action in the matter of promotion would also be carried out within a period of three months.

5. In the light of the above submission made by the learned counsel, we dispose of this application with a direction to the respondents 3&4 to pass final order in the departmental proceedings pending against the applicant on the basis of A-4 in consultation, if necessary, with respondents 1&2 who are also directed to give the necessary recommendation/advice as expeditiously as possible to facilitate passing an order within the aforesaid period of three months. We also direct respondents 3&4 that depending on the result of the disciplinary proceedings, the claim of the applicant for promotion shall also be considered and appropriate order passed within a period of one month thereafter. No costs.

Dated, 3rd February, 1998.


(SK GHOSAL)
ADMINISTRATIVE MEMBER


(AV HARIDASAN)
VICE CHAIRMAN

LIST OF ANNEXURE

1. Annexure A4: Memo of charge No.65331/Spl C3/85/GAD dated 5.2.1986 issued by Agri. Production Commissioner & Secretary to Govt, of Kerala.

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