

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 351/2001

Monday, this the 1st day of April, 2002.

CORAM :

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE T.N.T. NAYAR, ADMINISTRATIVE MEMBER

P.K. Surendranathan Asari,
Aged 56 years, S/o Late K.K. Achari,
Principal Chief Conservator of Forest
(Development and Projects),
'Surasindu', T.C. No.9/2228,
Kurups Lane, Sasthamangalam,
Thiruvananthapuram. Applicant

(By Advocate Mr. P.V. Mohanan)

Vs

1. Union of India,
rep. by Secretary,
Ministry of Forest and Wild Life,
New Delhi.
2. The State of Kerala rep. by
Chief Secretary,
Government of Kerala,
3. Shri V.K. Sinha,
Chief Conservator of Forest(Wild Life),
Thiruvananthapuram.
4. Dr. Mehar Singh,
Conservator of Forest(Wild Life),
Olavakkode. Respondents

[Mr. S. Krishnamoorthy, ACGSC(R-1)
Mr. Renjit A., GP(R-2)
Mr. P.V. Surendranath(R 3-4)]

The application having been heard on 1.4.2002, the Tribunal on the same day delivered the following :

ORDER

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN

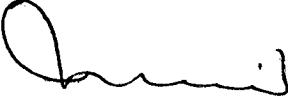
Shri P.K.Surendranathan Asari, Principal Chief Conservator of Forest(Development and Project) has filed this application challenging the legality, propriety and correctness of A2 order dated 9.4.2001 by which memorandum of charges was served on him initiating disciplinary proceedings under Rule 8 of All India Services(Discipline & Appeal) Rules, 1969 as also an order dated

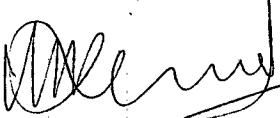
10.4.2001 A3 placing him under continued suspension under Rule 3(7) (b) of the All India Services(Discipline & Appeal) Rules, 1969. The respondents have filed reply statement. Since the suspension of the applicant has been revoked and the applicant was reinstated in service, the challenge against A3 has become redundant. The applicant has filed an MA 1127/01 seeking a direction to respondents 1 and 2 to consider and pass orders on the representation submitted by the applicant on 18.7.2001. A copy of the representation produced along with the MA is brought on file as Annexure A22 in the OA. The counsel on either side state that the application now be disposed of directing the respondents 1 and 2 to consider the representation of the applicant(A22) in the light of the facts made in the representation and in the light of rules and the instructions contained in letter No.11018/8/81-AIS(III) dated 25.11.81 issued under AIS Rules, keeping the disciplinary proceedings in abeyance, within a period of three months from the date of receipt of a copy of this order leaving open to the applicant to seek appropriate reliefs in case he would not be satisfied at the outcome of the representation.

2. In the light of the above submission made by the counsel on either side, we dispose of this application with a direction to respondents 1 and 2 to consider the A22 representation of the applicant in the light of facts in the representation of the applicant and in the light of the instructions contained in letter No.11018/8/81-AIS(III) dated 25.11.81 and to give the applicant appropriate reply within a period of three months from

the date of receipt of a copy of this order. We further direct that the disciplinary proceedings be kept in abeyance till the decision on his representation is communicated to the applicant. If the applicant would find aggrieved by the outcome of the representation, he would be at liberty to seek reliefs in accordance with law. No costs.

Dated the 1st April, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1 : True copy of G.O.Rt.No.99/2001/Vig. dt.21.3.2001 issued by the Principal Secretary in charge Home & Vigilance.
2. A-2 : True copy of proceedings No.27709/SPI.C1/01/GAD dated 9.4.2001 issued by 2nd respondent.
3. A-3 : True copy of G.O.(Rt) No.2838/01/GAD dated 10.4.2001 issued by the 2nd respondent.
4. A-4 : True extract Rules 35,36, 37 Form No.13,14,15,16 and explanatory Note by Enactments relating to wildlife and important Rules and Notification issued.
5. A-5 : True copy of D.O. Lr.No.2/7592/90 dated 15.10.92 by applicant.
6. A-6 : True copy of D.O. Lr.No.10420/87 dated 3.10.92 by Divisional Forest Officer, Kannur.
7. A-7 : True copy of certificate of ownership dated 2.2.93 issued by the Chief Wild Life Warden.
8. A-8 : True copy of proceedings No.WL(2) 7592/90 dated 17.2.93 by Chief Wild Life Warden.
9. A-9 : True copy of proceeding No.WL2-7592/90 dated 27.2.93 issued by the applicant.
10. A-10: True copy of proceedings No.G.4995/98 dated 11.8.2000 issued by the Divisional Forest Officer, Kannur.
11. A-11: True copy of Explanation dated 26.8.2000 submitted by the applicant to the Principal Secretary to Government.
12. A-12: True copy of order No.WL8-4175/97 dated 6.12.2000 issued by the 3rd respondent.
13. A-13: True copy of proceedings No.18094/F2/99/Fam WLD dated 24.7.2000 issued by the Principal Secretary to Government.
14. A-14: True copy of interim order in O.P.No.15419/2000 dated 12.12.2000 passed by the Hon'ble High Court of Kerala.
15. A-15: True copy of interim order in O.P.No.15419/2000 dated 18.12.2000 passed by the Hon'ble High Court of Kerala.

Applicant's Annexures:

16. A-16: True copy of report dated 16.12.2000 submitted the applicant to the Principal Secretary to Government.
17. A-17: True copy of list of elephants for which ownership certificate are issued.
18. A-18: True copy of the Judgement dated 5th April, 2001 in O.P No.10479 of 2001 passed by Hon'ble High Court of Kerala.
19. A-19: True copy of the Order dated 17.04.2001 in O.A 298 OF 2001 of the Central Administrative Tribunal Ernakulam Bench.
20. A-20: True copy of the representation dt.17.4.2001 filed by the applicant before the 2nd respondent.
21. A-21: True copy of report of the magistrate dated 10.12.2000 at 5.20 P.M.
22. A-22: True copy of the representation dated 18.7.2001 to the 1st and 2nd respondents by the applicant.

Respondents' Annexures:

1. R-3(1): True attested photocopy of the Lr.No.23/47/94-CZA dated 27.4.1998 of the Central Zoo Authority of India.
2. R-3(2): Photo copy of Order No.WL8-4175/97 dated 27.6.2000 of the Chief Conservator of Forests (WL), Thiruvananthapuram.
3. R-3(3): Photocopy of the Rehabilitation Plan of Animals kept at Parassinikkadavu Snake Park, Kannur.
4. R-4(1): True copy of the order of Chief Wildlife Warden Letter No.WL-8-4175/97 dated 7.12.2000.

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