

**Central Administrative Tribunal, Lucknow Bench, Lucknow**

**Original Application No. 147/2004**

This the 16<sup>th</sup> day of November, 2009

**Hon'ble Ms. Sadhna Srivastava, Member (J)**

**Hon'ble Dr. A.K. Mishra, Member (A)**

L.R. Bairwa aged about 48 years son of Sri Ram Chandra Bairwa, presently working as DFO/Divisional Director, Social Forestry Division, Etah, resident of B/14, Officers Colony, D.M. Compound, Etah

Applicant

By Advocate: Sri Abhishek Dua for Sri A.R. Masoodi

**Versus**

1. Union of India through Secretary, Ministry of Environment and Forest, New Delhi.
2. State of U.P. through Principal Secretary, Department of Forest, Bapu Bhawan, Civil Secretariat, Lucknow.
3. Principal Chief Conservator of Forests, 17, Rana Pratap Marg, U.P., Lucknow.

Respondents

By Advocate: Sri S.P. Singh

**ORDER (ORAL)**

**Hon'ble Ms. Sadhna Srivastava, Member (J)**


The applicant belongs to Indian Forest Service, Cadre of U.P. He was served with a charge sheet dated 4.9.97, which was received by him on 4.12.1997. Three charges were levelled against him. Out of three charges, the Enquiry Officer found charge No.1 as proved and charge No. 2 and 3 were not established. The applicant was issued a show cause notice dated 29.4.98. He filed reply to the show cause notice on 14.8.98. As per rules, the UPSC was also consulted and thereafter the State Govt. passed punishment order dated 16.4.2003 by which a punishment of 'Censure' and recovery of Rs. 19,748.75/- has been awarded'. Aggrieved by the aforesaid punishment order dated 16.4.2003, the applicant filed an appeal to the Central Govt. on 14.6.2003, copy of appeal is on record

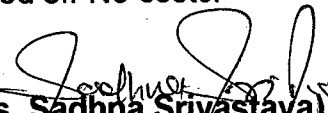


as Annexure No. 12. The appeal has not been decided, hence this O.A.

2. The State Govt. has filed the Counter Affidavit admitting therein that the said appeal dated 14.6.2003 of the applicant is pending at the level of Government of India. However, the respondent No.1 filed Short Counter Affidavit, stating therein that no such appeal has been received through the State Govt. along with the relevant documents, on the basis of which the penalty was imposed on the applicant.

3. In view of the rival submissions made by the counsel for the parties, O.A. is disposed of with a direction to the State Govt. to forward appeal of the applicant along with relevant documents on the basis of which the penalty was imposed on applicant on 16.4.2003. Thereafter, the respondent No.1 shall decide the same in accordance with rules by reasoned and speaking order within a period of 3 months of receipt of copy of appeal. The applicant is also directed to file copy of appeal before the State Govt. along with certified copy of this order within a week. With this direction, O.A. is disposed of. No costs.

  
(Dr. A.K.Mishra)  
Member (A)

  
(Ms. Sadhna Srivastava)  
Member (J)

HLS/-