

Central Administrative Tribunal, Lucknow Bench, Lucknow  
Original Application No. 208 of 2007

This the 29th day of May, 2007

HON'BLE SHRI JUSTICE KHEM KARAN, VICE CHAIRMAN

Brijesh Chandra Tewari aged about 50 years son of Sri Murli Dhar Tewari presently posted as Divisional Forest Officer, Shahjahanpur, District- Shahjahanpur

...Applicant

By Advocate: Shri P.K. Khare

Versus

1. State of U.P. through its Principal Secretary, (Forest) Anubagh-1, U.P.Civil Secretariat, Lucknow
2. Principal Chief Conservator of Forest, U.p., Lucknow.
3. Conservator of Forest &Regional Director, Bareilly Division, Bareilly.
4. District Magistrate , Shahjahan pur,
5. Union of India , through Secretary of Forest and Environment, Paryavaran Bhawan, New Delhi.

..Respondents

Versus

By Advocate:- Sri Sudeep Seth for O.P. No. 1 + 4  
Sri Atul Dixit for Dr. Neelam Shukla for R.No.5

ORDER (ORAL)

BY HON'BLE JUSTICE KHEM KARAN, V.C.

Heard Sri P.K. Khare, appearing for the applicant and Sri Sudeep Seth for O.P.No.1 and Sri Atul Dixit for Dr. Neelam Shukla for respondents for O.P. No.5 on admission of this O.A.

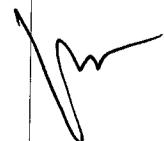
2. The applicant is a member of All India Forest Service . He has field this O.A. challenging the adverse remarks dated 23.12.2006 which were communicated to him in December, 2006 itself. He has tried to say that these adverse remarks are totally ill founded and unjustified, for the reasons stated in the O.A. Shri



Khare has also referred to the letter dated 12.1.207 written by the District Magistrate, Sahjahanpur to Pramukh Sachiv, Forest, Lucknow so as to say that even the District Officer did not find fault on the part of the applicant. This much is admitted in the O.A. that applicant has already given representation (copy of which is annexure 5) to the U.P.Govt. in the Forest Department and according to the applicant no orders have been passed on that representation.

3. Sri Sudeep Seth, counsel for O.P. No.1 has submitted that in view of the provisions contained under Rule 9 and 10 of All India Services (Confidential Rules) Rules 1970, the member of All India Services has right to file representation against adverse remarks which the applicant has already done and decision thereon is awaited and so the O.A. is pre-mature. Shri Khare has tried to say that more than 3 or 4 months have already elapsed to giving the representation to the Govt. against the adverse remarks and so the applicant has rightly come to the Tribunal.

4. Keeping in view the spirit behind the provision contained in Section 20 of the AT Act, 1985 and the facts that the applicant's representation against the said adverse remarks is already before the authority concerned, it seems just and proper to finally dispose of this O.A. with direction to the respondent No.1, to decide the said representation. So, the O.A. is finally disposed of with direction to the respondent No.1 to consider and dispose of the representation (A-5) of the applicant within a period of one month



(3)

from the date a certified copy of this order together with copy of the O.A. is produced before it. In case applicant remains aggrieved even after disposal of the said representation, he may pursue available legal remedy. No order as to costs.

*[Signature]*  
28.5.07  
Vice Chairman

HLS/-