

Central Administrative Tribunal, Lucknow Bench, Lucknow
Original Application No. 209 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. Chief Conservator of Forest (Admn. And Planning)U.P. Lucknow..
4. 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 to 3
Sri Atul Dixit for Dr. Neelam Shukla for R.No. 4

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.1to 3 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 challenging the adverse remarks (Annexure 7) ^{given} even in the year 2006-2007, for the alleged lapses of the year 1995-96, on a number of grounds and one of such ground is that even the reply given by the applicant pursuant to the

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letter of Chief Conservator of Forests, has not been referred to or considered ^{and that} ~~as~~ such adverse remarks, for lapses of 1995-96 could not have been given in the year 2006-2007.

3. It is stated that the applicant made a representation (Annexure No.8) dated 21.8.2006 to the Govt. of U.P., Forest Department for expunging the adverse remarks but till date the matter is pending with the Govt. and no decision has been taken so far. Sri Sudeep Seth, Counsel for opposite party No.1 to 4 has tried to say that the said representation of the applicant is under rule 9 and 10 of the All India Services (Confidential Rule), Rules 1970 and representation being statutory in nature, has to be disposed of and before its disposal, O.A. should not be entertained. Though, Sri Khare has tried to say that since the period of six months has lapsed to giving of the representation, so he has right to come to the Tribunal under Section 19 of the AT Act, 1985.

4. After considering the submissions, the Tribunal is of the view that this O.A. should be finally disposed of with a direction to the respondent No.1 to take a decision on the said representation of the applicant within a period of one month. So the O.A. is finally disposed of with a direction to respondent No. 1 to take a decision on the representation of the applicant within a period of one month from the date ^{of} certified copy of this order together with copy of the O.A. is produced before ^{it} him. In case applicant

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remains aggrieved , after disposal of the representation, he may
pursue available remedy . No order as to costs.

Vice Chairman
29.5.07

HLS/-