

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 499 of 1991 (L)

Versus

Hon'ble Mr. Justice U.C.Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C. Trivastava, VC)

No Counter-affidavit has been filed by the respondents, though ample time and opportunities having been afforded to the respondents for the same. It appears that the respondents preferred not to file counter-affidavit. As such the case is being disposed of finally.

2. The applicant who is member of Indian Forest Service has prayed that the charge-sheet dated 20.2.1990 may be quashed and the respondents be directed to open the sealed cover and implement the recommendations therein, made by the Departmental Promotion Committee in March 1991 in case of the applicant for promotion to the post of Chief Conservator of Forests U.P. ignoring the charge-sheet and also the respondents be directed to complete the enquiry and pass a final order before 31.12.1991 so that he may not be superceded by his juniors.

2. The applicant was confirmed in the Indian Forest Service in the year 1967. In the year 1983, the State Government issued order to Vigilance Department to initiate investigation on a complaint lodged by one M.L.A. against ~~the~~ certain officials. After the said, enquiry, the applicant was promoted to the post of Conservator of Forests in the north

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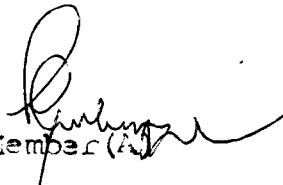
of April, 1984. But subsequently, on 20.2.1990, he was served with a charge-sheet in respect of charges which related to the period 1982-83. Thus, the charge-sheet was served upon him some 8 years after the alleged Act of omission and commission. The applicant denied the correctness of the said charges and submitted his explanation, an enquiry officer was appointed vide order dated 20.6.1990 and was required to submit his report within two months, but the enquiry officer expressed his inability to conduct the enquiry, another G.O. was issued on 4.5.1991 appointing another enquiry officer. Notwithstanding the facts that the enquiry officer was appointed and the applicant was willing and he always co-operated with enquiry, but the enquiry has not concluded, with the result that the applicant is being denied of his promotion. A Departmental Promotion committee met in the month of March 1991 for the promotion to the Post of Chief Conservator of Forests, although, others were promoted, but the applicant's result was kept in sealed cover on the ground that the aforesaid enquiry is pending. Few months have passed, but the departmental enquiry has not proceeded, with the result, that the applicant is being denied of his promotion and has been superceded by his juniors. As the departmental enquiry is started ^{for} and lapsed delay and laches on the part of the government. Merely on that ground, the charge-sheet can not be quashed. The government itself is delaying the matter. The respondent are directed to conclude the enquiry within a period of two months from the date of communication of this order

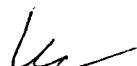
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and the applicant will fully co-operate with the enquiry, if the enquiry is not concluded within the aforesaid specified period, the respondent shall open the sealed cover within a period of 10(ten) days and in case, the recommendations are in favour of the applicant, the applicant shall be promoted without prejudice. In case, the same has not been opened as per directions dated 13.12.1991, we make no observations regarding taking of proceedings under the Contempt of Court Act. With these observations, the application is disposed of finally. No order as to costs.


Member (A)



Vice-Chairman

Lucknow Dated: 6.1.1993

(RKA)