

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO. 798 OF 2000

DATE OF ORDER: 16.3.2001

Between:

V. Parthasarathy
M.V.S. Prakasa Rao

...Applicants

AND

1. The Union of India rep. by its Secretary, Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi - 110003.
2. The Government of AP., re. by its Chief Secretary to Govt., Secretariat, Hyderabad.
3. The Government of AP rep. by its Secretary to Govt., General Administration, (SC.IFS), Department, Secretariat, AP., Hyderabad.
4. The Principal Chief Conservator of Forests, Govt., of AP, Saifabad, Hyderabad.
5. K.R. Venugopal Rao, aged 54 years, Conservator of Forests, R/O 8-2-674/B/2/A, Road No. 13 A, Banjara Hills, Hyderabad.
6. S.B.L. Misra, aged 44 years, Conservator of Forests, Flat No. K-4/8, Officers Colony, Begumpet, Kundanbagh, Hyderabad.

... Respondents

RR 5&6 impleaded as per Court order dated 6.11.2000 in MA No. 843/2000.

Counsel for the applicant : Mr M. Kesava Rao

Counsel for the respondents : Mr V. Rajeshwar Rao, CGSC
Mr V.V. Anil Kumar, SC for AP
Mr B. Nagi Reddy for RR 5 & 6.

CORAM

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (J)

THE HON'BLE SHRI M.V. NATARAJAN : MEMBER (A)

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O R D E R

(per Hon'ble Shri B.S. Jai Parameshwar, Member (J)).

Heard Mr M .Kesava Rao learned counsel for the applicant and Mr V. Rajeshwar Rao learned standing counsel for Respondent no. 1 and Mr V.V. Anil Kumar standing counsel for respondents 2, 3 & 4.

2. Notice on respondent 5 and 6 servied but called absent.

3. There are 2 applicants in this OA. They are State Forest Service Officers of the State of Andhra Pradesh. They were promoted to the I.F.S. w.e.f. 19.12.83 and were subsequently allotted 1976 as the year of allotment .

4. While complying with the directions given by this Tribunal in certain applications, the respondent no. 1 issued the impugned order dated 25.4.2000 by which their dates of appointment to the I.F.S. were revised from 19.12.1983 to 25.9.1984 and 12.10.1984 respectively and the year of allotment was changed from 1976 to 1981.

5. Being aggrieved, the applicants have filed this application for the following reliefs:-

" to quash the impugned notification No. 17013-1/97 - IFS.II dt 25.4.2000, G.O. Rt.No. 1675 G.A. (SC.IFS) Deptt. , dt 6.5.2000 and Order No. 17013/01/97-IFS II dated 25.5.2000 and consequently restore the original dates of appointment of the applicants to the Indian Forest Service i.e. 19.12.1983 and their year of allotment of 1976 with all consequential benefits".

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6. The respondent no. 1 have filed a reply justifying the action taken by them. It is submitted that the impugned orders came to be issued in compliance with the directions given by this Tribunal in various applications and they submit that since the revision of year of allotment was only a consequential of the directions of this Tribunal, they felt not necessary to give personal hearing to the applicants in this regard.

7. The State of Andhra Pradesh has also filed a reply in detail justifying the action taken by them.

8. The main contention advanced by the learned counsel for the applicants in this regard is that they have not been ^{heard} ~~called~~ before passing the impugned order. For this, the learned standing counsel for the respondent no. 1 submitted that in case the applicants are aggrieved by the impugned order, let them submit a detailed representation making out their grievances and the respondent no. 1 will consider the same in accordance with the rules.

9. Even though the learned counsel for the applicant was not agreeable to the said course of action, we feel that the suggestion is proper, having regard to the fact that the applicant are still having 5 years of service to their credit.

10. The learned counsel for the applicant also, in support of his submission, relied upon the decision of the Hon'ble Supreme Court in the case of Shredhar Vs Nagar Palika, Jaunpur and Others reported in AIR 1990 SC 307.

11. Hence, the applicants may, if so advised, submit a detailed representation against the impugned orders to the respondent no. 1 through the respondent no. 2 within a period of

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one month from the date of receipt of a copy of this order. If such a representation is received from the applicants, the competent authority i.e. Respondent no. 1 shall consider their claim or grievance after giving notice to all the persons to be effected and take decision within 3 months from the date of receipt of the representation.

12. The applicants shall be informed of the decision through a speaking order.

13. With the above directions, the OA is disposed of .
No order as to costs.


(M.V. NATARAJAN)
MEMBER (A)


(B.S. JAI PARAMESHWAR)
MEMBER (J) 16.3.01

DATED 16th March, 2001
Dictated in Open Court

Asl/

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