

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 121 of 1997

11.10.1999
DATE OF DECISION.....

Shri S.N. Buragohain, IFS

(PETITIONER(S))

Mr B.K. Sharma, Mr D.S. Bhattacharyya

and Mr S. Sarma

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

The Union of India and others

RESPONDENT(S)

Mr A. Deb Roy, Sr. C.G.S.C.,

Dr Y.K. Phukan, Sr. Government Advocate,

ADVOCATE FOR THE

Assam, Mrs M. Das, Government Advocate, Assam.

RESPONDENTS.

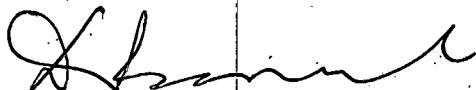
Mr C.K. Sarma, Baruah and Ms M. Hazariká.

THE HON'BLE MR. JUSTICE D.N. BARUAH, VICE-CHAIRMAN

THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.121 of 1997

Date of decision: This the 11th day of October 1999

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri Surendra Nath Buragohain, IFS,
Divisional Forest Officer,
Northern Afforestation Division,
Diphu, Karbi Anglong.

.....Applicant

By Advocates Mr B.K. Sharma,
Mr D.S. Bhattacharyya and Mr S. Sarma.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Environment, Forests and Wild Life etc, New Delhi.
2. The Secretary to the Government of India, Ministry of Personnel, New Delhi.
3. The State of Assam, represented by the Commissioner & Secretary to the Government of Assam, Forest Department, Dispur, Guwahati.
4. The State of Meghalaya, represented by the Chief Secretary to the Government of Meghalaya, Shillong.
5. The Union Public Service Commission, Represented by its Chairman, New Delhi.
6. S. Srinivasa Rao,
DFO, Karbi Anglong, West Division,
Karbi Anglong.
7. Anindya Swargiary,
DFO, Kachon Forest,
Division Silchar.
8. Y. Suryanarayana,
DFO, Digboi Division,
Tinsukia.

.....Respondents

Mr A. Deb Roy, Sr. C.G.S.C.,
Dr Y.K. Phukan, Sr. Government Advocate,
Assam, Mrs M. Das, Government Advocate,
Assam and Mr C.K. Sarma Baruah and
Ms M. Hazarika.

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O R D E R

BARUAH, J. (V.C.)

In this O.A. the applicant has challenged the Annexure 4A order dated 19.10.1995 giving his year of allotment as 1990.

2. The grievance of the applicant is that his year of allotment should have been given as 1987. According to the applicant this had happened only because yearwise panel was not prepared. He further states that as per the the decision of the Selection Committee meeting held on 30.3.1993 and reconvened on 7.3.1994 he was recommended for promotion under the provisions of Indian Forest Service (Appointment by Promotion) Regulations, 1966. Because of the lapses on the part of the authority the applicant was awarded a wrong year of allotment. Feeling aggrieved, the applicant submitted Annexure 6 representation dated 26.2.1996 to the Secretary to the Government of India, Ministry of Environment and Forests, New Delhi. In the said representation the applicant gave details of his claim. This representation was not disposed of till the date of filing of the present application.

3. We have heard all. Mr S. Sarma, learned counsel for the applicant submits that the applicant was awarded the year of allotment as 1990 wrongly and contrary to the provisions of the rules applicable to him. He also submits that the representation of the applicant was also not considered by the authority. Mr A. Deb Roy, learned Sr. C.G.S.C. admits that the representation has not yet been disposed of. Ms M. Das, learned Government Advocate,

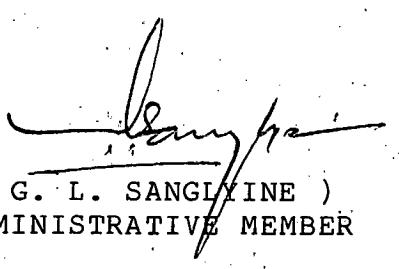
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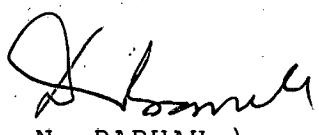
Assam, submits that the Government of Assam had already forwarded the case of the applicant and it is for the Union of India to decide the case. Mr C.K. Baruah assisted by Ms M. Hazarika, learned counsel for the respondent Nos. 6, 7 and 8, on the other hand, submits that the year of allotment was rightly awarded to the applicant and no interference is called for. According to Mr C.K. Baruah, under the rules the applicant is entitled to the year of allotment as 1990. However, he submits that on the records available now the representation of the applicant seems to have been not disposed of.

4. On hearing the learned counsel for the parties we feel that the Union of India- respondent No.1 should dispose of the representation meeting all the points raised by the applicant. As this has not been done and also because of the paucity of materials before this Tribunal it is difficult for us to come to any definite conclusion.

5. In view of the above we dispose of this application with direction to the respondents to dispose of the representation of the applicant as early as possible, at any rate within a period of three months from the date of receipt of this order. If any party is aggrieved by the decision of the Union of India in disposing of the representation may approach this Tribunal.

6. The application is accordingly disposed of. No order as to costs.


(G. L. SANGALINE)
ADMINISTRATIVE MEMBER


(D. N. BARUAH)
VICE-CHAIRMAN