

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR,
JABALPUR

Original Application No. 182 of 2005

Jabalpur, this the 9th day of March, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

L.R. Dohare, IFS, Aged about 54 years,
S/o. late C.L. Dohare, DCF/Manager
(Marketing & Administration), Chattisgarh Rajya
Van Vikas Nigam Ltd., D-252/253, Sector-5,
Devendra Nagar, Raipur – 492 009. Applicant

(By Advocate – Shri S.K. Nagpal)

V e r s u s

1. Union of India, Through : The Secretary,
Ministry of Environment & Forest,
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi.
2. State of Chhattisgarh, Through : The
Principal Secretary (Forest), Govt. of
Chhattisgarh, DKS Bhawan, Raipur. Respondents

O R D E R (Oral)

By M.P. Singh, Vice Chairman –

Heard the learned counsel for the applicant.

2. By filing this Original Application the applicant has claimed the following main reliefs :

- “i) quash the impugned order dt. 9.3.2004 Annexure A-1,
- ii) direct the respondents to grant selection grade (Rs. 14300-400-18300) to the applicant w.e.f. 23.8.2001 (i.e. the date from which junior Shri Rakesh Chaturvedi of 1985 batch has been granted the aforesaid scale) with all consequential benefits including arrears of pay and allowances,
- iii) direct the respondents to promote the applicant to the post of Conservator of Forests Scale 16400-450-20000 from 20.5.2002 (i.e.

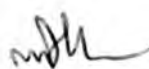
the date from which his batch mates were promoted) with all consequential benefits including arrears of pay and allowances.”

3. The brief facts of the case are that the applicant is a member of the Indian Forest Service of Chhattisgarh cadre. He was served with a charge sheet by the Government of Madhya Pradesh alleging irregularity in purchasing of forms/Parivar Coupons. An enquiry has been held and the charges leveled against him were partially proved. The disciplinary authority after considering the representation of the applicant as well as the finding of the enquiry officer imposed the penalty of stoppage of three increments with cumulative effect. The applicant submitted an appeal to the Principal Secretary, Forest, Government of Chhattisgarh challenging the order of the disciplinary authority. The appellate authority has not yet taken any decision on the appeal submitted by the applicant on 19th April, 2004 (Annexure A-22).

4. In the facts and circumstances of the case we deem it appropriate to direct the appellate authority to consider and decide the appeal of the applicant. From the appeal filed by the applicant we find that he has submitted the appeal to the Government of Chhattisgarh where at present he is working, but in fact the appeal should have been addressed to the Ministry of Forest and Environment, Government of India. Therefore, we direct the applicant to submit a fresh appeal to the Ministry of Forest and Environment, Government of India within a period of four weeks from the date of receipt of a copy of this order. If he complies with this, the appellate authority is directed to consider and decide the said appeal of the applicant within a period of three months from the date of receipt of such appeal, by passing a speaking, detailed and reasoned order. The appellate authority will not take the ground of limitation while considering the appeal of the applicant.

5. With the above observations the Original Application stands disposed of at the admission stage itself.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman