

Central Administrative Tribunal
Jabalpur Bench

OA No. 550/05

Jabalpur, this the 14th day of November 2006.

CORAM

Hon'ble Dr.G.C.Srivastava, Vice Chairman
Hon'ble Mr.A.K.Gaur, Judicial Member

Gand Lal Padam, IFS
S/o Shri Naval Shah Padam
Conservator of Forests (Retd.)
Bhagat Singh Marg, Tikari Road
Betul (MP).

Applicant

(By advocate Shri R.C.Tiwari)

Versus

1. The Union of India through
The Secretary
Environment and Forests
CGO Complex, Lodhi Road
New Delhi.
2. The State of M.P.
Through the Principal Secretary
Forests, Vallabh Bhawan
Bhopal (MP).
3. The Chief Conservator of Forests
Administration Gazetted
Satpura Bhawan, Bhopal.
4. The Accountant General
Madhya Pradesh
Gwalior.

Respondents.

(By advocate Shri A.P.Khare for respondents 1-3)
(By Shri P.Shankaran for respondent 4.)

O R D E R (oral)

By Dr.G.C.Srivastava, Vice Chairman

This Original Application has been filed mainly to get relief in:
terms of the order passed by the State Government on 28.11.97 (A-6)

whereby the applicant was given notional promotion as Surveyor of Forests w.e.f. 6.4.1989. The submission of the learned counsel for the applicant is that the pay of the applicant has not yet been fixed in terms of this order and his pension has also not been revised in accordance with such re-fixation.

2. In the reply, the respondents 2, 3 & 4 have stated that the pension and pay could not be re-fixed as disciplinary proceedings are still pending against the applicant and no decision by the Central Government has been taken on the report of the inquiry officer, which has already been submitted. In this connection, our attention has been drawn to this Tribunal's order in OA 131/01 and MA No.235/04, according to which, the disciplinary proceedings stand dropped because they were not finalized within the specified period indicated by the Tribunal. In view of this, the reply submitted by the respondents is perfunctory in nature and it amounts to contempt of the Tribunal. However, since the applicant is an old pensioner and the cause of action is recurring one, we are not inclined to take note of contempt aspect of the reply submitted by the respondents, but we merely direct the respondents to make payment in terms of the order dated 28.11.97 (A-6) within a period of three months from the date of receipt of this order. As already indicated, the disciplinary proceedings having been dropped as per the order of the Tribunal can no longer be cited as a ground for non-payment of dues.

3. With these observations and directions, the OA is disposed of.

A.K. Gaur
(A.K. Gaur)
Judicial Member

Dr. G.C. Srivastava
(Dr. G.C. Srivastava)
Vice Chairman

aa.

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

प तिलिपि अये दित:-

- (1) सचिव, उच्च न्यायालय काउंसिलर, जबलपुर
- (2) आवेदक श्री/श्रीमती/श्री.....के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती/श्री.....के काउंसल
- (4) न्यायालय, के.प्र.अ., जबलपुर न्यायाधीश

सूचना एवं आवश्यक कार्यवाही हेतु

रजिस्ट्रार

R.C. Tiwari 22/11/06
A.P. Khare 22/11/06
P. Anand 22/11/06
R.K. 1-3
Ry-4

288ms
on 17/11/06
2

17/11