

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A. No. 260/00834 of 2016

Cuttack this the 2nd Day of January, 2017

CORAM
HON'BLE SHRI R.C. MISRA, MEMBER(A)

.....

Sri Pradeep Raj Karat, aged about 53 years, S/o. Late Palliyil Chundethodiyil Rajagopalan Nair, working as Joint Project Director in the Office of the Odisha Forestry Sector Development Project, At/P.O. Bhubaneswar, Dist-Khurda.

..... Applicant.

By the Advocate(s)-M/s. C.A. Rao, S.K. Behera.

-VERSUS-

1. State of Odisha, represented through its Principal Secretary to Government, Forests and Environment Department, At/P.O. Bhubaneswar, Dist. Khurda.
2. State of Odisha, represented through its Special Secretary to Government, General Administration Department, At/P.O. Bhubaneswar, District – Khurda.
3. Union of India, represented through its Secretary, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh, Aliganj Road, New Delhi- 110003.
4. Principal Chief Conservator of Forests, Odisha, At/P.O. Bhubaneswar, District- Khurda.

.....Respondents

By the Advocate(s)- Mr. S. Behera, for Respondent No.3.

ORDER(Oral)

R.C. MISRA, MEMBER(A):

Heard Mr. C.A. Rao, Ld. Counsel for the applicant and Mr. S. Behera, Learned SCGPC appearing for the Respondent No.3 on whom a copy of this O.A. has been served and perused the materials placed on record. Since the State Government Counsel has not appeared to-day, a copy of the O.A. may be served on him at the earliest.

2. Applicant is an officer of Indian Forest Service is presently working as Joint Project Director in the Office of the Odisha Forestry Sector Development Project, Bhubaneswar being an officer of the Odisha cadre. The applicant being an officer of 1992 batch had joined the service on 01.01.1993.

On 20.08.2013 while the applicant was posted as Conservator of Forests (Wildlife), he was placed under suspension by Govt. of Odisha, F & E Dept, pending disciplinary proceedings. On 28.10.2013 the Departmental Proceedings were drawn up against the applicant and charge memo was served on him. Thereafter, the applicant submitted his detailed explanation denying all charges with a request to drop the proceedings. Disciplinary Authority (Respondent No.1) appointed the Enquiry Officer to investigate into the charges. Three proceedings had been initiated against the applicant and it is stated that after submission of inquiry report in respect of the 1st proceeding dt. 07.08.2013, he has been exonerated from the charges and as on today two other proceedings are pending against him. In this connection, it is submitted that inquiry reports in respect other two proceedings have already been submitted.

3. The grievances of the applicant is that even though the inquiry was completed and reports were submitted in respect of other two proceedings, the State Government is not passing any final orders as a result of which the applicant's interest is being greatly prejudiced and thereby his juniors have been promoted to the rank of CCF, whereas his case for promotion has been ignored. The Ld. Counsel for the applicant further submitted that the charges actually leveled against the applicant in this proceedings pertain to the year 2006 and therefore, he submitted that since the matter is pending for a long time, the proceedings are not further maintainable and the applicant is entitled for promotion to the next higher grade. I also find that in the meantime, the applicant has made representations to the Chief Secretary to the Government of Odisha, the Principal Secretary to the Government of Odisha, Department of Forest and Environment and also the Development Commissioner-cum-

Additional Chief Secretary, Govt. of Odisha, F & E Department ventilating his grievance for early finalization of the proceedings. It is also noted that the Principal Secretary to the Government of Odisha, F & E Department has been impleaded as Respondent No.1 in this particular case. In this view of the matter, it is considered expedient that when a representation has been made and apparently is still pending with the concerned authorities, it is incumbent upon them to take a view on this matter and communicate a decision to the applicant expeditiously. It is also noted that vide letter dated 23.08.2016 (Annexure-A/10) the applicant has represented to the Principal Secretary, Forest & Environment Department, Government of Odisha (Respondent No.1) in which he has made the relevant submissions and has also submitted that the Vigilance Court, Keonjhar has not yet taken cognizance of the case against him for want of required sanction from the Central Government. Having regard to the above facts and circumstances, I am not inclined to issue notice asking the respondents to file their counter. Therefore, without going into the merit of the matter, I dispose of this O.A. at this admission stage by directing Respondent No.1 i.e., the State Government represented through the Principal Secretary to Government, Forests and Environment Department, Bhubaneswar to consider the aforesaid representation, if at all filed and is still pending consideration, as per rules and regulations in force and communicate the result thereof to the applicant by way of a well reasoned order within a period of three months from the date of receipt of a copy of this order.

4. With the aforesaid observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

5. On the prayer made by Mr. C.A. Rao, Ld. Counsel appearing for the applicant, copy of this order along with paper book be communicated to the Respondent Nos.1 & 3 by Speed Post at the cost of the applicant, for which Mr. Rao, undertakes to file the postal requisites by 05.01.2017.

(R.C.MISRA)

MEMBER(A)

K.B.