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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT JABALPUR

O.A. No. 746 /2018

Applicant :R.K. Tiwari

Versus

Respondents :Union of India and others.

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNAL ACT, 1985

PARTICULARS OF THE APPLICANT(s):

R.K.Tiwari,
S/o Shri Ramkripal Tiwari,
Aged about 57 Years,
Working as Deputy Conservator of Forest,
Aranya Bhawan,
Naya Raipur (Chhattisgarh) PIN-492002

PARTICULARS OF THE RESPONDENTS:

1. Union of India,
Through its Secretary,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhavan,
Jorbagh Road,
New Delhi - 110 003
2. State of Chhattisgarh,
Through its Principal Secretary,
Department of Forest,
Mahanadi Bhawan,
Naya Raipur (Chhattisgarh) PIN-492002
3. The Secretary,
Department of Forest,
Mahanadi Bhawan,
Naya Raipur (Chhattisgarh) PIN-492002
4. Principal Chief Conservator of Forest,
Aranya Bhawan,
Naya Raipur (Chhattisgarh) PIN-492002

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No. O.A. 350/00746/2018

Date of order: 5.6.2018

Present: Hon'ble Mr. A.K. Patnaik, Judicial Member

For the Applicant : Mr. S. Ganguly, Counsel

For the Respondents : None

ORDER (Oral)

A.K. Patnaik, Judicial Member:

Heard Mr. S. Ganguly, Ld. Counsel for the applicant.

2. This OA has been filed by Shri R.K. Tiwari, Son of Shri Ramkripal Tiwari, praying for the following reliefs:

- "i) Summon the entire relevant record from the possession of the respondents for its kind perusal;
- ii) This Hon'ble Court be pleased to hold that due to long delay of departmental enquiry and in view of the favourable report as indicated in the facts the charge memorandum Annexure A-1 has lost its efficacy.
- iii) Direct the respondent authorities to grant the benefit of Senior Selection Grade to the applicant from 1.1.2012 and consider the case of the applicant for grant of promotion to the post of Conservator of Forest from 1.1.2014 and also to consider his promotion to the post of Chief Conservator of Forest without prejudice to the aforesaid departmental enquiry.
- iv) Any other order/orders, which this Hon'ble Court deems, fit proper.
- v) Cost of the original application may also kindly be awarded."

3. The facts in a nut shell as per Mr. Ganguly, Ld. Counsel for the applicant, are that the applicant, who is an officer of Indian Forest Services of 1998 batch is aggrieved because due to pendency of departmental enquiry wherein despite favourable reports in favour of the applicant, till date the charge sheet, which has been issued in the year 2010, has not been finalized and he has been deprived from promotion to Selection Grade coupled with his promotion to the post of Conservator of Forest and thereafter to the post of Chief Conservator of Forest, which is going to be held shortly. The applicant made several representations, the last one being on 4.7.2017, which is still pending consideration.

4. Mr. Ganguly, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is

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passed by directing the concerned authority i.e. respondent No. 2 to consider and dispose of the representation dated 4.7.2017 within a specific time frame.

5. Therefore, I dispose of this O.A. by directing the respondent No. 2 that, if any, such representation as claimed by the applicant has been preferred on 4.7.2017 and the same is still pending consideration, then the same may be considered and disposed of within a period of four weeks from the date of receipt of this order.

6. Though I have not entered into the merits of the case still then I hope and trust that after such consideration, if the applicant's grievance is found to be genuine, then expeditious steps may be taken by the concerned respondent No. 2 within a further period of four weeks from the date of such consideration to extend the benefits to the applicant. However, if in the meantime, the said representation stated to have been preferred on 4.7.2017 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order. The Ld. Counsel for the applicant submitted that certain favourable report has already been passed by the authorities. Therefore, I direct the respondents to act upon such favourable report.

7. With the aforesaid observation and direction, the O.A. is disposed of.

8. As prayed for by Mr. Ganguly, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 2 by speed post for which Mr. Ganguly undertakes to deposit necessary cost in the Registry by this week.

(A.K. Patnaik)
Judicial Member