

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00904/2019

Jabalpur, this Thursday, the 10th day of October, 2019

HON'BLE SHRI RAMESH SINGH T HAKUR, JUDICIAL MEMBER

D.S.Kanesh, S/o Shri Hari Singh Kanesh,
Aged about 59 years, Conservator of Forest,
Forest Division (General), Khandwa,
District Khandwa (M.P.)-450001

-Applicant

(By Advocate –Shri S. Ganguly)

V e r s u s

1. Union of India, Through its Secretary,
Department of Environment, Forest and Climate Change Indira
Paryavas Bhawan, Jorbag Road, Aliganj, New Delhi 110003

2. State of Madhya Pradesh, Through its Secretary,
Department of Forest, Mantralaya, Vallabh Bhawan
Bhopal (MP)-462001

-Respondents

O R D E R (ORAL)

This Original Application has been filed against the inaction of the respondents for not considering the representation Annexure A-6 and further not implementing the Annexure A-7.

2. Precisely the case of the applicant is that the applicant was inducted in the State Forest Services on 01.03.1990. Thereafter, the Central Govt. by exercising the powers as conferred in Sub Regulation 3 of Regulation 7 of the Indian Forest Service (Appointment by Probation) Regulation, 1966

has prepared a list for promotion of State Forest Service Officers to Indian Forest service in which the committee prepared a select list of all members to confer the IFS as on 01.01.2006. Copy of the notification dated 23.08.2006 is annexed as Annexure A-1. Thereafter the final notification dated 09.11.2006 was issued wherein the name of the applicant was not shown. Copy of which is annexed as Annexure A-2.

3. The submission of the applicant is that at the relevant point of time, one FIR had been registered in which when the Forest Officers looking to their safety while conducting a seizure drive of illegal cutting of trees, when the officers were protested by the local residents/accused, then for safety, certain counter action has been taken by the Forest Officers for which certain criminal proceedings have been initiated in Police Station Barla, District Badwani & one Crime No. 23/2001 was registered. On 17.09.2008 the Judicial Magistrate First Class Badwani has observed that there is no evidence against the applicant, thus the khatma report was accepted by him. Copy of the relevant order/remarks dated 17.09.2008 is marked herewith as Annexure A-3.

4. Due to the pendency of the aforesaid Crime No. 23/01 registered under Section 302/34 of IPC in District Badwani, the

claim of the applicant got prejudiced while issuing the final notification dated 09.11.2006 (Annexure A-2) but subsequently on 20.03.2009, the applicant was inducted into IFS. The applicant was continuously representing the department and pointed out that once the Khatma has been filed which was accepted by the competent judge, in these circumstances, now there is no embargo against the applicant to give the benefit of Annexure A-1 but nothing has been stated by the respondent department.

5. It has been further submitted by the applicant that many juniors of the applicant were benefited in their career. Copy of gradation list is annexed as Annexure A-4.

6. It has been specifically submitted by the applicant that State Govt. vide Annexure A-7 dated 23.10.2017 has written a letter to the Govt. of India and has recommended the case of the applicant for necessary action as per rules and the representation of the applicant was also sent to the respondent No.1. The representation dated 03.09.2019 (Annexure A-6) has also been made to the State Govt.

7. At this stage the counsel for the applicant submits that the applicant will be satisfied if the respondent No.1 is directed to take action as per Annexure A-7.

8. This Tribunal is of the view that the applicant has been discharged by the Judicial Magistrate First Class Badwani and Khatma report was accepted by him as per Annexure A-3. Therefore it is a fit case that the respondents can be directed to decide the matter of applicant.

9. Resultantly, respondent No.1 is directed to decide the case of the applicant as per Annexure A-7 within a period of 60 days from the date of receipt of a certified copy of this order.

10. Needless to say that this Tribunal has not touched the merits of the case.

11. Needless to say that decision shall be a speaking order and as per law.

12. With this observation this Original Application is disposed of at the admission stage itself.

(Ramesh Singh Thakur)
Judicial Member

rn