

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL**

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

OP (CAT).No. 1882 of 2013 (Z)

OA 661/2012 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
.....

PETITIONER(S):

**C.K. ANTONY, IFS (RETD.), AGED 73 YEARS,
S/O. LATE C.D.KURUVILLA, RESIDING AT CHAKIATH HOUSE,
PLOT NO.M/8, CHANGAMPUZHA NAGAR P.O, KALAMASSERY,
KOCHI-682 033.**

**BY ADVS.SRI.G.D.PANICKER
SMT JEENA JOSEPH**

RESPONDENT(S):

- 1. THE STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN-695 001.**
- 2. PRINCIPAL SECRETARY,
FOREST AND WILD LIFE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN-695001.**
- 3. PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
FOREST HEAD QUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM
PIN-695 001.**
- 4. UNION OF INDIA REPRESENTED BY THE SECRETARY TO
GOVERNMENT OF INDIA,
MINISTRY OF ENVIRONMENT AND FORESTS,
PARYAVARAM BHAVAN, CGO COMPLEX, LODI ROAD,
NEW DELHI - 110003.**

**R4 BY ADV. SRI.PPARAMESWARAN NAIR, ASG OF INDIA
R1 BY SR. GOVERNMENT PLEADER SRI.P.M. SANEER
R1 BY ADV. SRI.N.NAGARESH, ASG OF INDIA (NO MEMO)**

**THIS OP (CAT) HAVING BEEN FINALLY HEARD ON 30-03-2015, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:**

OP (CAT).No. 1882 of 2013 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: TRUE COPY OF O.A.NO.661/2012.

EXHIBIT P2: TRUE COPY OF THE REPLY STATEMENT FILED BY THE 1ST RESPONDENT.

EXHIBIT P3: TRUE COPY OF THE REJOINDER FILED BY THE PETITIONER, DTD. 08.10.2012.

EXHIBIT P4: TRUE COPY OF THE M.A.NO.924/2012, DATED 03.09.2012.

**EXHIBIT P5: TRUE COPY OF THE ORDER OF THE CENTRAL ADMINISTRATIVE TRIBUNAL
PASSED ON 9.1.2013.**

RESPONDENT(S)' EXHIBITS :NIL

OKB

TRUE COPY

P.A. TO JUDGE

THOTTATHIL B. RADHAKRISHNAN & K. HARILAL, JJ.

O.P.(CAT) No.1882 of 2013

Dated this the 30th day of March, 2015.

JUDGMENT

Thottathil B. Radhakrishnan, J.

1. This original petition under Article 227 of the Constitution of India is against the rejection of an application filed under the provisions of the Administrative Tribunals Act, 1985, on the ground that it is barred by limitation.
2. Heard the learned counsel for the petitioner and the learned Senior Government Pleader.
3. The Tribunal proceeded as if the applicant, who retired from service on 31/8/1996, had been repeatedly making representations and was, therefore, bound to move the Tribunal within the time fixed under clause (b) of Section 21 of the Administrative Tribunals Act. But the fact of the matter remains that, for whatever it is worth, Annexure-A3 order was issued on 10/11/2011 stating that the Review Selection Committee met on 17/1/2000 and reviewed the select list from 1985 to 1994-1995 and found that the applicant is not eligible for promotion to IFS

from the select list of 1985. That is the final decision of the Government. That was rendered and communicated only on 10/11/2011. A challenge to that decision will be governed by clause (a) of Section 21 of the Administrative Tribunals Act insofar as limitation is concerned. The original application was instituted within a period of one year from the date of receipt of Annexure-A3 order dated 10.11.2011. So much so, the original application before the Tribunal was not barred by limitation.

4. For the aforesaid reasons, this original petition succeeds. The impugned order of the Tribunal is vacated and, resultantly, the Tribunal will take up O.A. No.661 of 2012 and treat it as one which is not barred by limitation and shall decide upon in accordance with law on the merits of the matter, after affording the parties sufficient opportunities of hearing. Parties are directed to mark their appearance before the Tribunal on 27th of May, 2015.

Original petition is ordered accordingly.

Sd/-

THOTTATHIL B. RADHAKRISHNAN, JUDGE

Sd/-

K. HARILAL, JUDGE

okb.