

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON
&**

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

OP(KAT).No. 208 of 2015 (Z)

**AGAINST THE JUDGMENT IN OA 135/2012 of KERALA ADMINISTRATIVETRIBUNAL,
THIRUVANANTHAPURAM DATED 18-01-2012**

PETITIONER(S):

**N.K. HARIJKRISHANAN AGED 43 YEARS
S/O.M.KESAVAN NAIR, CHARUSREE, RAMESWARAM
AMARAVILA P.O, NEYYATINKARA TALUK
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.KRISHNADAS P. NAIR

RESPONDENT(S):

**1. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
THIRUVANANTHAPURAM 695 001.**

**2. THE CHIEF CONSERVATOR OF FORESTS
OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
CENTRAL CIRCLE, THRISSUR 678 001.**

R BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 21-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

avk

OP(KAT).No. 208 of 2015 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. COPY OF THE OA NO.135/12 PENDING BEFORE THE KERALA
ADMINISTRATIVE TRIBUNAL THIRUVANANTHAPURAM.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE

avk

**P.R.RAMACHANDRA MENON
&
BABU MATHEW.P.JOSEPH, JJ**

O.P.(KAT).NO. 208 OF 2015

Dated this the 21st day of July,2015

JUDGMENT

P.R.RAMACHANDRA MENON, J

The petitioner has approached this Court seeking for a direction to have the O.A.135/2012 preferred by the petitioner and pending before the Kerala Administrative Tribunal,Trivandrum to be finalized within three months.

2. The factual position revealed from the original petition is that, while working as a Forest Guard in the Forest Department, the petitioner was proceeded against, by way of disciplinary proceedings. Initially, he was suspended from service on 22.10.2005 and later,was removed from the service as per the order dated 29.4.2006 passed by the DFO,Munnar. Though the petitioner took up the matter by filing an appeal before the Conservator of the Forest, Kottayam, the same did not turn to be fruitful and the appeal was dismissed on 16.2.2008. It is stated that in the course of further steps pursued by the petitioner, the review petition filed before the Government was considered and allowed directing reinstatement of petitioner in service in a non sensitive post. Accordingly, the petitioner was given placement for joining the service and is continuing as above.

3. While so, the Government effected pay revisions in the year 2004 and 2009, but the benefit was never given to the petitioner with reference to the proceedings as aforesaid. The petitioner filed a representation, but he was informed that the request could not be acceded to, for want of the "service book" of the petitioner to be returned by the Vigilance Department. It is in the said circumstance, that the petitioner has moved the Tribunal by filing O.A.No.135/2012 with the following prayers:

- " i) Issue an order of direction, directing the court below to dispose the Exhibit P1, O.A.No.135/2012 in the Kerala Administrative Tribunal, Thiruvananthapuram, within a time frame of three months, fixed by this Hon'ble Court;*
- ii) Issue such other writ, order or direction that this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

4. It is stated that the respondents are simply getting the matter adjourned, and that the same has very much adversely affected the rights and interests of the petitioner. Hence the original petition.

5. Heard, the learned Govt. Pleader as well; who submits, that there is no wilful lapse of deliberate negligence on the part of the department in giving effect to the pay revision orders as mentioned above. The misconducts committed by the petitioner also amounted to some offenses, which were being inquired into by the Vigilance Department. The service book of the petitioner was taken possession of by the said department and that the same is still to be returned. The learned Counsel for the petitioner submits that, if the

service book is not available or if missing, there is a way out as stipulated in Rule 146 of Part III KSR; whereby a duplicate service book can be constructed/created, which has to be done by the respondents. The delay in sanctioning and disbursing the pay revision benefits to the petitioner, that too of the year 2004 and 2009, is absolutely without any rationale; submits the learned Counsel.

6. Since the only relief sought for in this Original Petition is to cause the O.A to be finalized, we think, we need not go into any other aspects. We are aware that, normally, there is no chance of any delay at the hands of the Tribunal. The circumstances under which the matter was being adjourned is not exactly known to this Court. In the above circumstance, the O.P is disposed of, directing the respondents herein, to put forth their version if any, before the Tribunal in black and white terms within one month, so as to have the matter finalized by the Kerala Administrative Tribunal on the basis of the relevant facts and provisions of law, as expeditiously as possible.

**Sd/-
P.R.RAMACHANDRA MENON
JUDGE**

**Sd/-
BABU MATHEW.P.JOSEPH
JUDGE**

//TRUE COPY//

PA TO JUDGE

avk