

GAHC040012312023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/443/2023

Shri Promod Dutt Tripathy
S/o Late R.L Tripathy retired as Deputy Forest Ranger, Eastern Working Plan,
Namsai, District Namsai, P.O and P.S Namsai, Arunachal Pradesh.

VERSUS

The State of AP and 4 Others
represented by its Secretary of Forests and Environments, Govt. of Arunachal
Pradesh, Itanagar.

2:The Principal Chief Conservator of Forests & Principal Secretary, Department of
Environment and Forests, Itanagar791111.

Age: 0

Occupation :

3:The Chief Conservator of Forests, Department of Environment and Forests,
Itanagar – Govt. of Arunachal Pradesh. 791111.

Age: 0

Occupation :

4:The Conservator of Forests, Eastern Working Plan, Namsai, P.O. & P.S. Namsai,
District Namsai, Arunachal Pradesh – 782108.

Age: 0

Occupation :

5:The Divisional Forest Officer, Eastern Working Plan, Namsai, P.O. & P.S. Namsai,
District Namsai, Arunachal Pradesh – 782108.

Age: 0

Occupation

Advocate for the Petitioner : Abhai Kumar Singh

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 07-09-2023

Heard Mr. A. K. Singh, learned counsel for the petitioner. Also heard Ms. R. Basar, learned Junior Government Advocate for the respondents.

2. This writ petition has been filed seeking a direction to the respondents to consider the case of the petitioner in regularising the case of the petitioner w.e.f. 07.12.1981 to 11.11.1985.

3. The prayer made by the petitioner in the writ petition, as highlighted hereinabove, is not specific and the same is vague. From reading of the prayer made by the petitioner, it cannot be gathered as to what kind of regularisation the petitioner is seeking w.e.f. 07.12.1981 to 11.11.1985.

4. However, on perusal of the materials on record, it transpires that the petitioner had approached this Court earlier by filing a WP(C) No. 455(AP)2016, which was disposed of vide order, dated 26.08.2016. A reading of the order, dated 26.08.2016, passed in WP(C) No. 455(AP)2016, discloses that grievance of the petitioner raised in WP(C) No. 455(AP)2016, was for upgradation and regularisation of the petitioner's salary. At the time when WP(C) No. 455(AP)2016 was filed, the petitioner was working as a Forester, as can be gathered from the first paragraph of the order, dated 26.08.2016, passed in WP(C) No. 455(AP)2016.

5. On the grievance raised by the petitioner in WP(C) No. 455(AP)2016, regarding upgradation and regularisation of the salary of the petitioner, this Court vide order dated 26.08.2016 passed in the aforesaid writ petition, had directed the respondent authorities, more particularly the Principal Chief Conservator of Forest & Principal Secretary to consider the representation dated 02.05.2016, filed by the petitioner. Pursuant to the order dated 26.08.2016, passed in WP(C) No. 455(AP)2016, The PCCF & Principal Secretary (E&F), vide Memo No. FOR224/E-4/B/2016, dated 26th October, 2016, (Annexed as Annexure-9 to the writ petition), after considering the grievance raised by the petitioner, had rejected the prayer of the petitioner for upgradation and regularisation of his salary on merit by passing a speaking order.

6. Though no averments have been made in the writ petition that the petitioner by now has retired from service, Mr. A. K. Singh, learned counsel for the petitioner has submitted that the petitioner, in the meanwhile, has retired from service while working as a Deputy Forest Ranger.

7. As discussed hereinabove, the present writ petition having been filed for regularising the case of the petitioner w.e.f. 07.12.1981 to 11.11.1985, which grievance, the petitioner had already agitated before this Court earlier by filing WP(C) No. 455(AP)2016, which writ petition, was disposed of by an order, dated 26.08.2016 and pursuant thereto, the respondent authorities/ The PCCF & Principal Secretary (E&F) had passed a reasoned and speaking order declining the prayer of the writ petitioner, vide Memo No. FOR224/E-4/B/2016, dated 26th October, 2016 (Annexed as Annexure-9 to the writ petition), which memo has not been put to challenge by the petitioner in the instant writ petition, I am of the view that no further examination is required to be made by this Court, regarding the upgradation and regularisation of the petitioner's

salary, which has already been dealt with by the respondent authorities by passing a reasoned and speaking order, dated 26th October, 2016, vide Memo No. FOR224/E-4/B/2016, by the PCCF & Principal Secretary (E&F) (Annexed as Annexure-9 to the writ petition), pursuant to an order of this Court, dated 26.08.2016, passed in WP(C) No. 455(AP)2016.

8. Resultantly, no notice to the respondents is required to be issued in the instant writ petition and the writ petition stands dismissed at the stage of motion hearing itself, being devoid of merit.

JUDGE

Comparing Assistant