

GAHC010138602023



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

Case No. : WP(C)/3711/2023

NABAJYOTI BORAH
S/O- LATE NORESH CHANDRA BORAH, R/O- MARIANI, JOYMOTI NAGAR,
GANGAPAR, P.O. AND P.S. MARIANI, DIST.- JORHAT, ASSAM, PIN- 785364

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, FOREST
DEPTT., DISPUR, GHY, ASSAM

2:SECRETARY TO THE GOVT. OF ASSAM
ENVIRONMENT AND FOREST DEPTT.
DISPUR
GHY-06

3:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
(ADMIN AND VIGILANCE)
PANJABARI
GHY-37

4:THE ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS
(ADMIN AND VIGILANCE)
PANJABARI
GHY-37

5:CONSERVATOR OF FORESTS
UPPER ASSAM SOCIAL FORESTRY CIRCLE
NAGAON

6:DIVISIONAL FOREST OFFICER
SOCIAL FORESTRY DIVISION
SIVASAGA

Advocate for the Petitioner : MR. T J MAHANTA

Advocate for the Respondent : SC, FOREST

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

17.11.2023

Heard Ms. P. Bhattacharyya, learned counsel for the petitioner. Also heard Mr. I. Borthakur, learned Standing Counsel, Forest Department.

This petition is filed by the petitioner aggrieved by not being considered for the next higher post i.e. Forest Ranger. The petitioner is presently working as Deputy Ranger at Social Forestry Division, Sivasagar Division. The learned counsel for the petitioner submits that in the cadre of Deputy Ranger, when the draft gradation list was prepared, the petitioner was shown at serial no. 143. Subsequently, for the reasons best known to the Department, when the final gradation list was published, the petitioner was shown at serial no. 153.

It is the grievance of the petitioner that the persons placed from 144, above the petitioner, are all persons who are junior to the petitioner in service and therefore, as the petitioner being placed at 153 in the final gradation list it will affect his seniority because his juniors in service are placed above the petitioner.

Learned counsel for the petitioner submits that this downgrading of the petitioner in the gradation list is entirely at the whims and fancies of the department and without any rhyme or reason. Being aggrieved, the petitioner preferred a representation dated 20.03.2023 before the Principal Chief Conservator of Forest and Head of Forest Force. The said representation dated 20.03.2023 was received by the Office of the Principal Chief Conservator of Forest and Head of Forest Force on 22.0.2023. However, no reply has been received by the petitioner on his representation.

It is the further grievance of the petitioner that the persons junior to the petitioner have already been promoted to the post of Forest Ranger and the said promotion order is enclosed as Annexure-12. Learned counsel for the petitioner submits that the petitioner ought to have been given the benefit of promotion like the other persons, who were similarly situated like the petitioner. However, the claim of the petitioner has been consistently overlooked. Having no alternative, the present petition has been filed.

Notice in this matter was issued by this Court on 26.06.2023 making it clear that pendency of this writ petition shall not be a bar for the respondents to redress the grievances of the petitioner, in accordance with law. The respondents were also granted opportunity to obtain their instructions.

Today, when the matter is called up, the learned Standing Counsel, Forest Department submits that no instructions have been received and he prays for further time.

Considering the issues involved in the matter, and also taking note of the fact that a representation has also been preferred by the petitioner ventilating the grievances of the petitioner before the competent authority, which is stated to be pending before the authority, this Court is of the considered view that the writ petition can be closed with the direction to the respondent no.3 the Principal Chief Conservator of Forests (Admin & Vigilance) to dispose of the representation dated 20.03.2023 preferred by the petitioner. The Conservator of Forest will look into the grievances of the petitioner and thereafter, will pass an appropriate speaking order. The petitioner may also be heard by the authority concerned prior to passing of the order as directed. This exercise be completed by the respondent no.3 within 30 (thirty) days from the date of receipt of a certified copy of this order

In terms of the above, the writ petition stands disposed of.

JUDGE

Comparing Assistant