

GAHC010047002024



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

**Case No. : WP(C)/1375/2024**

JAYANTA DAS  
SON OF- LATE N.H. DAS,  
RESIDENT OF DAYASAGAR APARTMENT,  
F-E-1, CPB PATH, BYE LANE-6,  
PUB SARANIA, P.O.- SILPUKHURI,  
P.S.- CHANDMARI, GUWAHATI-03,  
DISTRICT- KAMRUP(M), ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REPRESENTED BY THE SPECIAL CHIEF SECRETARY TO THE  
GOVERNMENT OF ASSAM,  
ENVIRONMENT AND FORESTS DEVELOPMENT,  
DISPUR, GUWAHATI- 781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF  
ASSAM  
ENVIRONMENT AND FORESTS DEVELOPMENT  
DISPUR  
GUWAHATI- 781006.

3:THE SECRETARY TO THE GOVERNMENT OF ASSAM  
ENVIRONMENT AND FORESTS DEVELOPMENT  
DISPUR  
GUWAHATI- 781006.

4:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF  
FORESTS FORCE  
ASSAM  
PUNJABARI  
GUWAHATI-37.

5:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS  
WILD LIFE AND CHIEF WILD LIFE WARDEN  
ASSAM  
PANJABARI  
GUWAHATI-37.

6:MUJIBUR RAHMAN CHOUDHURY  
DEPUTY CONSERVATOR OF FORESTC/O- OFFICE OF THE PRINCIPAL  
CHIEF CONSERVATOR OF FORESTS  
WILD LIFE AND CHIEF WILD LIFE WARDEN  
ASSAM  
PANJABARI  
GUWAHATI-37.

7:UTTAMANANDA GOSWAMI  
DEPUTY CONSERVATOR OF FORESTS  
C/O- OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FOREST  
WILD LIFE AND CHIEF WILD LIFE WARDEN  
ASSAM PANJABARI  
GUWAHATI-37

8:DEBAJYOTI NATH  
DEPUTY CONSERVATOR OF FORESTS  
C/O- OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS  
WILD LIFE AND CHIEF WILD LIFE WARDEN  
ASSAM  
PANJABARI  
GUWAHATI-37

9:SALIM AHMED  
DEPUTY CONSERVATOR OF FORESTS  
C/O- OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS  
WILD LIFE AND CHIEF WILD LIFE WARDEN  
ASSAM  
PANJABARI  
GUWAHATI-37.

10:JAYANTA KUMAR NATH  
DEPUTY CONSERVATOR OF FORESTS  
C/O- OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS  
WILD LIFE AND CHIEF WILD LIFE WARDEN  
ASSAM  
PANJABARI  
GUWAHATI-3

**Advocate for the Petitioner** : MR. J I BORBHUIYA, MR A HOSSAIN,MR. A B T HAQUE,SMTI  
H DEVI,MRS. K H CHOUDHURY,MR. L MOHAN

**Advocate for the Respondent : SC, FOREST,**

**BEFORE  
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

**30.08.2024**

Heard Shri JI Borbhuiya, learned counsel for the petitioner. Also heard Shri D. Gogoi, learned Standing Counsel, Forest Department.

2. Considering the subject matter and the instructions received by the learned Standing Counsel, which has been placed before this Court, the writ petition is taken up for disposal at the admission stage.

3. The petitioner is working as an Assistant Conservator of Forest (ACF) at Digboi Forest Division, who is aggrieved by a notification dated 22.02.2024 by which 26 nos. of ACF were given the promotion to the post of Deputy Conservator of Forest (DCF). The petitioner could learn that on account of alleged non-submission of Annual Property Return (APR), such promotion has been denied. Shri Borbhuiya, learned counsel for the petitioner has submitted that APR was submitted way back on 06.06.2023 and the same was also forwarded to the Principal Chief Conservator of Forest by his Controlling Officer, namely, DFO, Digboi Division on 21.08.2023.

4. Shri Gogoi, learned Standing Counsel, Forest Department has however informed that as per instructions received, the APR was received only on 18.11.2023 and the DPC had held the meeting on 14.11.2023. The written instructions further states that the case of the petitioner would be placed in the next DPC for consideration.

5. Though promotion may not be a matter of right, a fair consideration is a right for all employees, who are otherwise eligible for such consideration. In the instant case, it appears that on 06.06.2023, the APR was submitted by the petitioner to his Controlling Officer, namely, the DFO Digboi Division, the same was forwarded on 21.08.2023. It is however not understood as to why the said communication was received only on 18.11.2023 after the meeting of the DPC.

6. In that view of the matter, while it is directed that the promotion of the petitioner is required to be considered in the next DPC, a stand which is already conceded in the written instructions, the aspect of giving retrospective effect to such promotion, if the petitioner is found eligible is also to be worked out.

7. The writ petition accordingly stands disposed of.

8. The written instructions are made part of the records.

**JUDGE**

**Comparing Assistant**