

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 553 of 2013**

- C D Pandey S/o. Shri Suryamani Pandey Aged About 50 Years Deputy Ranger, Range Assistant Non-Barra, Range: Champa, Korba Division, Headquarters, Non Barra, Dist.: Bilaspur, (CG)

---- Appellant

Versus

1. State of Madhya Pradesh Through Secretary, Forest Department, Vallabh Bhawan, Bhopal, (MP).

....Respondent No.1

2. Chief Conservator of Forests (Admn. Non Gazetted) Office of The PCCF Madhya Pradesh Satpura Bhawan, Bhopal (MP)

....Respondent No.2

3. Conservator of Forest, Bilaspur Circle, Bilaspur, (MP) (Now CG)

....Respondent No.3

For Appellant	:	Shri N. Naha Roy, Advocate
For Respondents/State	:	Shri Prafull N. Bharat, Additional Advocate General

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Prashant Kumar Mishra, J.

Order On Board**Per Navin Sinha, Chief Justice****21/08/2015**

1. The present appeal arises from order dated 2-4-2013 dismissing writ petition (S) No.589/2005. The learned Single Judge held that the Appellant having been considered for promotion to the post of Deputy Ranger with effect from 18.2.1977 by the review DPC for re-fixation of his seniority and not having been found fit, his claim for re-fixation of seniority on plea of his juniors

having been promoted as Forest Ranger merited no consideration.

2. Learned counsel for the Appellant submitted that there was no proper consideration for fixation of his seniority as Deputy Ranger by the review DPC dated 27-1-1992. His consideration as a forester was itself belated because of which his plea for re-fixation of seniority as Deputy Ranger was partially acceded to on 16.11.1987 placing him at serial No.60-A.
3. Learned Additional Advocate General submitted that the juniors over whom the Appellant claimed seniority as Forest Ranger had not been impleaded as party respondents. They were in fact senior to the Appellant with upgraded gradation list. The case of the Appellant was placed before the review DPC for re-fixation of his seniority as Deputy Ranger from 18.12.1977 instead of 22.12.1977. Based on his Annual Confidential reports the review DPC did not find him fit. There was no challenge to the decision of the review DPC.
4. We have considered the submissions on behalf of the parties.
5. The Petitioner was granted promotion as Forest Ranger. The seniority of the Petitioner as Deputy Ranger *w.e.f.* 22-12-1977 was appropriately corrected by order dated 16.11.1987, placing him at serial no.60-A. The seniority of those he claims were his juniors was reviewed for the post of Deputy Rangers and granted from 16.12.1977. The claim of the petitioner for re-fixation his seniority from the date his juniors were granted the same was considered by the review DPC and he was not found fit on 27-1-1992. There was no challenge to the proceedings of the review DPC dated 27-1-1992.
6. Once the Respondents brought on record the review DPC proceedings, the Petitioner was required to amend his writ application and lay out a separate

challenge to it. Additionally he was required to implead his juniors as party respondents. In absence of his having done we do not consider it appropriate exercise of appellate jurisdiction to start a fresh examination with regard to correctness of the review DPC proceedings dated 27-1-1992 finding the Appellant unsuitable, specially when the Additional Advocate General contends that the entire materials had been placed before the review DPC.

7. The appeal is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(Prashant Kumar Mishra)
JUDGE