

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE MRS. JUSTICE ANIS**

WRIT PETITION No. 23205 OF 2015

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ORDER : *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

We are plainly surprised that the State Government has considered it really necessary and appropriate to challenge the order passed by the Andhra Pradesh Administrative Tribunal in O.A.No. 5764 of 2014 setting aside the order passed on 12.05.2014 cancelling the promotion accorded to the 1st respondent applicant as a Forest Section Officer.

The facts, which are not in dispute are these:

The 1st respondent applicant was promoted as a Forest Beat Officer on 12.06.1992 from the rank of Reserve Watcher. He was later on promoted as a Forest Section Officer by proceedings, dated 22.07.2013 by the Divisional Forest Officer, Guntur Division and he retired ultimately, from service on attaining the age of superannuation on the A.N. of 31.08.2013. After his retirement, instead of fixing his pension and other terminal benefits, the impugned order before the Tribunal has been passed on 12.05.2014 cancelling the order of promotion as Forest Section Officer and reverting him back as Forest Beat Officer. The order passed by the Divisional Forest Officer, Guntur on 12.05.2014 has clearly noted that the 1st respondent applicant was promoted as a Forest Section Officer in view of the exigencies of service and of course, the usual conditions were also incorporated therein indicating that the promotion ordered is purely on *ad hoc* basis and that he will not be regarded as a probationer in that cadre and the promotion is liable for review or cancellation at any time. Now it is recorded that there is no temporary/permanent vacancy available at Guntur unit and hence, the order of promotion is cancelled with retrospect effect from 22.07.2013. Firstly, the respondents, who have

passed this order, had not been alive to the fact that the 1st respondent applicant has retired from service nearly in a month's time after his promotion as a Forest Section Officer and consequently, he ceased to be a government servant as the relationship of master and servant has come to an end upon his retirement from service. His status undergoes a change the very next day and he becomes a pensioner. The question of reverting a pensioner normally would not arise, inasmuch as reversion would result in a serving employee to report back and start functioning in an inferior post/post carrying inferior status than the one which he held immediately. Since the 1st respondent applicant had become a pensioner with effect from 01.08.2013, the question of his functioning or reporting to duty would not arise.

Therefore, in our opinion, the conclusion drawn by the Tribunal does not warrant any interference at our hands. In fact, the promotion accorded to the 1st respondent as a Forest Section Officer for a period of less than 40 days would not have impacted the State Government in any manner, significantly at any rate, in the matter of payment of terminal benefits. In such an insignificant matter, the State Government should have refrained from filing a Writ Petition.

Therefore, we have no hesitation to dismiss the Writ Petition and it is accordingly, dismissed at the admission stage. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

ANIS, J

28th July 2015

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