

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10152 of 2011

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Gaurchandra Saha, Aged About 59 Years , son of Sri Sachindra Nath Saha, resident of Suryapur Colony, P.S., Pipra Kothi, Distt. - East Champaran, at present in the office of Monor Forest Produce Project Division Giridih.

.... Petitioner

Versus

1. The State of Bihar through Secretary-cum-Commissioner, Forest and Environment Department, Sinchai Bhawan, Patna.
2. The Bihar State Forest Development Corporation through its Managing Director, Patliputra Colony, Patna-13
3. The Chief Conservator of Forest-cum- Managing Director, Forest Development Corporation, Patliputra Colony, Patna-13
4. The Deputy Director, Bihar State Forest Development Corporation 13, Patliputra Colony, Patna-13

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra

For the Respondent/s : Mr. AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

10 20-07-2016

Heard Sri Uma Shankar Verma, learned counsel,

who was assisted by Sri Binod Kumar Mishra, learned counsel for the petitioner, learned AC to GP-18 as well as Sri R.K.Shukla, learned counsel for the Respondent nos.2 and 3.

The petitioner, invoking writ jurisdiction under Article 226 of the Constitution of India, has mainly prayed for quashing of an order dated 19.11.2010 passed by the Managing Director, Bihar State Forest Development Corporation. By the said order, the representation filed by the petitioner pursuant to an order passed in C.W.J.C.No. 3623 of 2010 was examined and

turned down.

The petitioner had earlier approached this Court for direction to the Respondents to consider his case for being promoted as Range Officer. The writ petition was disposed of granting liberty to the petitioner to file representation before the Managing Director of the Corporation and, thereafter, the authority concerned was directed to examine the same and pass appropriate order in accordance with law within the specified time. Thereafter, the case of the petitioner was examined and final order was passed on 19.11.2010 vide Annexure-9 to the writ petition, which has been assailed in the present writ petition.

Learned counsel for the petitioner tried to persuade the Court that the claim of the petitioner for being promoted as Range Officer has primarily been rejected on the ground of pendency of the departmental proceeding. He submits that one departmental proceeding was pending since 1991 itself and last departmental proceeding, which was initiated in the year 1995 is still pending and no final decision has been taken, on the ground of pendency of the departmental proceeding. He submits that the petitioner may not be denied his promotion as Range Officer on the ground of pendency of the departmental proceeding. Learned counsel for the petitioner has relied on a Judgment of this Court

passed in C.W.J.C.No.9980 of 1996 dated 6th May,2009. He submits that the petitioner of the said case, namely, Braj Bhushan Sahay was much junior to the petitioner, against whom departmental proceeding was also pending, even this Court has directed for granting promotion. He submits that since Braj Bhushan Sahay has already been granted promotion to the post of Range Officer, the petitioner is also entitled for the same relief, whereas Sri R.K.Shukla, learned counsel appearing on behalf of Respondent nos.2 and 3 submits that the Managing Director of the Corporation has rejected the representation of the petitioner for grant of promotion to the post of Range Officer since for some irregularity, departmental proceeding was initiated against the petitioner, which is till pending. He submits that the petitioner was also made accused for misappropriation of government fund and, as such, F.I.R. was lodged and the case is still pending. He has also referred to paragraph-4 of the impugned order i.e. running page -46 and submits that in the year 1995 itself it was noticed that the petitioner was involved in misappropriation of Rs.13, 38, 304 and odd. However, after some argument, learned counsel for the petitioner submits that after passing the order impugned i.e. order dated 19.11.2010 by the Respondent/ Managing Director, Bihar State Forest Development Corporation, the petitioner, by way of

filing representation before the same authority i.e. Managing Director, Bihar State Forest Development Corporation Ltd. requested for re-examining the matter and passing appropriate order. However, till date no decision was taken on his representation and, as such, he makes a prayer for disposal of the present writ petition with a direction to the Respondent no.2/ Managing Director, Bihar State Forest Development Corporation to take final decision on his representation i.e. Annexure-10 to the writ petition.

Without recording any opinion on the merit of the case, the Court proposes to dispose of the writ petition with an observation that Respondent no.2 may take final decision on the representation of the petitioner i.e. Annexure-10 to the writ petition, which was filed by the petitioner. In any event, Respondent no.2 is directed to take final decision on his representation within a period of three months from the date of receipt /production of copy of this order.

With above observation and direction, the writ petition stands disposed of.

(Rakesh Kumar, J)

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