

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.1803 of 2008**

Yashwant Sahu S/o Sri M.R. Sahu, aged 44 years, Occupation- Government Servant, Presently Posted as Forest Guard Machkot Range, Bastar Forest Division Jagdalpur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Forest, Mantralaya, D.K.S. Bhawan, Raipur (CG)
2. Principal Chief Conservator of Forest, Tanmay Bhavan, Medical College Road, Raipur (CG)
3. Conservator of Forest, Jagdalpur Circle, Jagdalpur (CG)

---- Respondents

Writ Petition (S) No.1759 of 2008

S.K. Rajpoot, S/o. Shri S.R. Singh, aged 58 years, Occupation Service posted as Deputy Ranger, Machkot Range, Bastar Division, Jagdalpur Circle, Jagdalpur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Forest, Mantralaya, D.K.S. Bhawan, Raipur (CG)
2. Principal Chief Conservator of Forest, Tanmay Bhavan, Medical College Road, Raipur (CG)
3. Conservator of Forest, Jagdalpur Circle, Jagdalpur (CG)

---- Respondents

Writ Petition (S) No.1835 of 2008

Rakesh Choubey S/o Late U.S. Choubey, aged about 32 years, Occupation Service presently posted as Deputy Ranger, Range Rajnandgaon, Rajnandgaon Division, Durg Circle, Durg (Chhattisgarh)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Forest, Mantralaya, D.K.S. Bhawan, Raipur (CG)
2. Principal Chief Conservator of Forest, Tanmay Bhavan, Medical College Road, Raipur (CG)
3. Conservator of Forest, Durg Circle, Durg (CG)

---- Respondents

And

Writ Petition (S) No.1882 of 2008

Suresh Kumar Yadav, S/o. Shri Dharmdev Yadav, aged about 50 years, Occupation-Government Servant, Presently Posted as Forest Guard Machkot Range, Bastar Forest Division Jagdalpur Circle, Jagdalpur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Forest, Mantralaya, D.K.S. Bhawan, Raipur (CG)
2. Principal Chief Conservator of Forest, Tanmay Bhavan, Medical College Road, Raipur (CG)
3. Conservator of Forest, Jagdalpur Circle, Jagdalpur (CG)

---- Respondents

 For Petitioners : Mr. Ashish Shrivastava, Advocate.
 For Respondents : Mr.Dhiraj Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

31/01/2017

1. Since common question of law and fact are involved, therefore, these cases are heard analogously and are being decided by this common order.

2. Learned counsel appearing for the petitioners would submit that the petitioners are working as Forest Guard and Deputy Ranger for a fairly long time and they are entitled for out of turn promotion in accordance with Rule 15-A(1) of the Chhattisgarh Class III (Non-Ministerial) Forest Service Recruitment Rules, 1967 (hereinafter called as "Rules of 1967"), but the respondents are not considering the cases of the petitioners for out of turn promotion in view of the circular dated 21.4.2008 by which the Government has stayed the effect and operation of Rule 15-A(1) of the Rules of 1967. He would further submit that the memo dated 21.4.2008 has been set aside by this Court in WP (S) No.1775 of 2008 (Devnandan Tiwari & another Vs. State of Chhattisgarh & others), decided on 21.4.2010, therefore, the respondents be directed to consider the cases of the petitioners for out of turn promotion in accordance with Rule 15-A(1) of the Rules of 1967.
3. On the other hand, learned Government Advocate appearing for the respondents/State, would oppose the writ petitions.
4. The fact remains that the petitioners were not considered for out of turn promotion in view of the order/memo dated 21.4.2008 passed by the State of Chhattisgarh by which the State Government has stayed the effect and operation of Rule 15-A(A) of the Rules of 1967. Thereafter, this Court in the matter of Devnandan Tiwari (supra) has set aside the

circular/memo dated 21.4.2008. In that case it was also observed that the petitioners are entitled to consequential benefits flowing from this order, in accordance with the Rules, 1967.

5. In the case in hand, the State has filed its return holding that since the operation of Rule 15-A(1) of the Rules of 1967 has been arrested by memo dated 21.4.2008, therefore, cases of the petitioners cannot be considered.
6. Since, the circular/memo dated 21.4.2008 has already been set aside by this Court, there is no impediment in considering the cases of the petitioners for out of turn promotion in accordance with Rule 15-A(1) of the Rules of 1967, therefore, the respondents are directed to consider the cases of eligible candidates including the petitioners for out of turn promotion as per rules as early as possible preferably within a period of three months from the date of receipt of copy of this order, if already not considered. However, it is made clear this Court has not expressed any opinion on merits of the case.
7. With the aforesaid observation, the writ petitions stand finally disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-