

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5359 of 2017

Abdul Sattar S/o Late Shri Abdul Kadar, Aged About 72 Years Occupation Retired Forester, R/o Rounak Palace, Bairan Bazar, Raipur, District Raipur Civil & Revenue District Raipur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Forest Department, Mantralay, Naya Raipur District Raipur Chhattisgarh.
2. The Principle Chief Conservator Of Forest, Aranya Bhawan, Jail Road, District Raipur Chhattisgarh.
3. The Divisional Forest Officer, Mahasamund Forest Division, District Mahasamund Chhattisgarh.
4. The Under Secretary, Forest Department, Vallabh Bhawan, Govt. Of Madhya Pradesh, Bhopal Madhya Pradesh.
5. The Additional Chief Conservator Of Forest (Administration & Gazetted), Satpuda Bhavan, Government Of Madhya Pradesh, Bhopal Madhya Pradesh.

---- Respondents

Shri Azad Siddiqui, counsel for the petitioner/s.
Shri A.S.Kachhawaha, Addl. A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/10/2017

This petition has been filed by the petitioner seeking a direction to consider the case of promotion of the petitioner to the post of Ranger during the period, the petitioner remained in service. The petitioner has further prayed that a direction may also be issued to consider the case of promotion to the post of Assistant Conservator of Forest from the due date when he remained in service.

2. The petitioner was superseded in the year 1991 when he was working as Forest Guard. He was promoted as Forester in the year 1996. He then filed a writ

petition before this Court which was disposed off on 13/08/2015 in which direction was issued for consideration of petitioner's case for promotion on the post of Forester from 1991. In that petition, neither any prayer was made nor any relief was granted by this Court for consideration of promotion to the next higher post of Ranger and Assistant Conservator of Forest. The petitioner remained content with that order. In compliance of the order of this Court dated 13/08/2015, the pay of the petitioner was also revised and notionally fixed vide order dated 16/10/2015. Now, after two years, this petition has been filed seeking that the petitioner should be considered for promotion to the next higher post.

3. In the opinion of this Court, this relief was available to be claimed by the petitioner in the earlier pending petition. In the order which was passed by this Court, it was clearly held in para 8 as below -

“8. In view of above, the respondents are directed to consider petitioner's case for promotion on the post of Forester as on the date when other officers were considered for promotion in the year 1991. The consideration would be based on criteria which was applicable and taken into consideration in the year 1991. If ultimately, the petitioner is found fit, he will be entitled to notional promotion as Forester with effect from appropriate date. As far as actual pay of that period is concerned, I am not inclined to grant that benefit to the petitioner except notional fixation of pay at different stages. Except this relief, no other relief can be granted to the petitioner.”

4. Therefore, no direction can be issued to consider petitioner's case for further promotion. Otherwise also, it is found that the petitioner has approached this Court with delay. In the result, the petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge