

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.37050 of 2017

ORDER:

The petitioner was working as Forest Beat Officer and while working as such, a Charge Memo was issued to him on 09.07.2012 in respect of an incident that occurred in the year 2010. In the Charge Memo, it was alleged that the petitioner was negligent in discharge of his duties and failed to prevent the illegal mining of Iron Ore from Reserve Forest areas of Bayyaram Range. The petitioner submitted an explanation on 03.09.2012 denying the Charges and an Enquiry Officer was appointed and he conducted enquiry and submitted enquiry report on 03.05.2014 holding that the charge was not proved. However, the second respondent issued a show cause notice on 21.07.2014 enclosing the enquiry report and the petitioner was asked to submit the explanation within 15 days. Since the enquiry report reveals that the charge was not proved, the petitioner did not submit any explanation. Without dropping the Departmental Proceedings and without considering the case of the petitioner for promotion when promotions were effected, the present writ petition was filed.

2. Even after granting sufficient time, learned Government Pleader could not get instructions and in the circumstances, this Court feels that the Writ Petition can be disposed of directing the second respondent to pass appropriate orders in respect of the Charge Memo, dated 09.07.2012, culminating the Enquiry Report, dated 03.05.2014, and consider the case of the petitioner for promotion, if he is otherwise eligible.

3. The Writ Petition is, accordingly, disposed of. Miscellaneous petitions, if any, pending in this petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

DECEMBER 05, 2017
YVL



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Date: 05.12.2017

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