

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 855 OF 2010**

1. Smt. Shobha Shrivastava W/o Shri Ashok Shrivastava, Occupation - Service, Presently Posted As Assistant Grade -III In The Office Of Divisional Forest Officer, North Forest Division, Ambikapur, District – Surguja (CG).

...Petitioner(s)**Versus**

1. State of Chhattisgarh through the Secretary Department of Forest DKS Bhawan, Mantralaya Raipur (CG).
2. The Chief Conservator Of Forest District - Raipur (CG).
3. The Conservator Of Forest Surguja Circle, Ambikapur, District - Surguja (CG).
4. The Divisional Forest Officer, North Forest Division, Ambikapur, District – Surguja (CG).

... Respondent(s)

For Petitioner	:	Shri Sunil Tripathi, Advocate.
For Respondent-State	:	Shri Ashutosh Pandey, PL.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25.06.2018**

1. The grievance of the petitioner in the instant writ petition is that of not granting benefit of seniority from the initial date of appointment on the post of Lower Division Clerk, reclassified as Assistant Grade-III, w.e.f. 21.04.1980 instead she has been granted seniority w.e.f. 29.07.1982 i.e. date on which the petitioner had joined the office at Ambikapur on her transfer.
2. The facts of the case is that, the petitioner had been appointed as Assistant Grade-III by the Divisional Forest Officer, Jashpur on 21.04.1980. By virtue of the said order, the petitioner had assumed her office on the same day and since then she has been working with the respondents. In between, the petitioner had been transferred on 29.07.1982 from Jashpur to Ambikapur. The said

transfer was within the same forest circle as Jashpur and Ambikapur came within the same forest circle i.e. Surguja. Subsequently, in the gradation list which was published, the seniority of the petitioner has been shown w.e.f. 29.07.1982 instead of 21.04.1980.

3. The grievance of the petitioner is that, since it was within the same circle, the seniority of the petitioner could not have been disturbed and she was entitled for seniority with effect from her initial date of appointment and not from the date of joining at Ambikapur. She made a representation in this regard to the Chief Conservator of Forest who also passed an order in favour of the petitioner on 28.01.2006. In spite of the order of the Chief Conservator of Forest granting seniority to the petitioner from the initial date of her appointment i.e. 21.04.1980, the respondents till date have not made necessary corrections in the gradation list and continued to show the seniority of the petitioner w.e.f. 29.07.1982.
4. The State counsel opposing the petition submits that since the petitioner had moved an application for transfer which was accepted and she was transferred on her own request on 29.07.1982, she lost her seniority from the initial date of appointment and that she will be granted seniority only from the date of assuming the charge at the transferred place, and therefore, the petition deserves to be rejected.
5. However, the State counsel could not give satisfactory explanation to the letter dated 28.01.2006 (Annexure P/5) issued by the Chief Conservator of Forest. The State counsel also does not dispute the fact that at the relevant point of time both Jashpur and Ambikapur came within the same forest circle.

6. Given the facts and circumstances of the case, particularly the fact that at the relevant point of time since Jashpur and Ambikapur came within the same forest circle, the petitioner would not lose her seniority on being transferred from Jashpur to Ambikapur even if it is on her own request. Moreover, there does not appear to be any strong ground available with the State not to act upon the order of the Chief Conservator of Forest dated 28.01.2006 (Annexure P/5).
7. Accordingly, the present writ petition stands allowed and disposed of directing the respondents to take necessary steps for correcting the gradation list available in the department and to grant the petitioner seniority from the initial date of her appointment i.e. w.e.f. 21.04.1980.

Sd/-
(P. Sam Koshy)
Judge