

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 5279 of 2005**

Uday Narayan Singh, S/o Late Shiv Dhari Singh, aged about 54 years, Occupation-Service, Posted-Forester Special Duty, Surajpur Range, R/o Gandhi Nagar, Ambikapur, presently posted Range Assistant, Bansipur, Tahsil Surajpur, District Surguja (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Department of Forest, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Principal Chief Conservator of Forest, Chhattisgarh Raipur (C.G.)
3. Conservator of Forest, Surguja Circle, Ambikapur, District Surguja (C.G.)
4. Divisional Forest Officer, Special Aforestation Division Ambikapur, Surguja (C.G.)
5. Divisional Forest Officer, South Surguja Forest Divn. Ambikapur, Surguja (C.G.)
6. Nagesh Mishra, Forest Guard, South Surguja, Forest Divn. Ambikapur, Surguja (C.G.)

---- Respondents

For Petitioner	: Mr. Bhupendra Singh, Advocate.
For State	: Mr. Ratan Pusty, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****12/02/2018**

(1) Learned counsel appearing for the petitioner would submit that the petitioner was initially appointed on 15.11.1969 as Coupe Guard in the Forest Department, thereafter, he was absorbed on the post of Forest Guard on 10.03.1997 and he was also given seniority with effect from 15.11.1969 and then he was promoted on the post of Forester in the

year 2001 but later on, on the objection made by respondent No. 6, he was reverted back on the post of Forest Guard, against which he preferred writ petition No. 3096 of 2003 before this Court and this Court by order dated 03.03.2004, directed the respondent No. 2- Chief Conservator of Forests to examine and pass reasoned and speaking order in accordance with law but neither speaking order nor reasoned order has been passed and only one line order has been passed rejecting representation of the petitioner.

(2) On the other hand, counsel for the State would support the impugned order.

(3) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.

(4) According to the petitioner, though he was working on temporary basis but on the fixed pay scale and, therefore, he is entitled for seniority on the post of Forest Guard with effect from 15.11.1969 as the similarly situated employees were given seniority from the date of their appointment but the case of the petitioner has not been considered on this aspect despite order passed by this Court as to whether the petitioner is entitled for seniority with effect from 15.11.1969 or 10.03.1997 and, therefore, the impugned order dated 29.09.2005 is liable to be and is hereby set aside. The matter is remitted back to the Principal Chief Conservator of Forests, Raipur for hearing and disposal in accordance with law expeditiously preferably within a period of two months from the date of receipt of certified copy of this order. The petitioner is at liberty to take all the pleas before the said authority, and the said authority would consider and decide the same in accordance

with law.

(5) With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

(Sanjay K. Agrawal)

Judge

D/-