

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1867 of 2019**

Shrinivas Upadhyay S/o Trilokram Upadhyay Aged About 71 Years R/o
Quarter No. 99/8, Rampal Enclave Modiwara, Police Station Civil Lines,
District- Jabalpur, Chhattisgarh., Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Forest, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. The Principal Chief Conservator Of Forest, Aranya Bhawan, Jail Road, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Conservator Of Forest Surguja Forest Circle, Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
4. The Director Guru Ghasidas National Park Baikunthpur, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
5. The Joint Director Treasury Accounts And Pension, Division Surguja, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sunil Pillai, Advocate
For State	:	Mr. Rahul Mishra, Dy. GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15/03/2019**

1. The Petitioner through the present writ petition has sought for a direction to the respondents to consider the case of the petitioner for grant of consequential benefits/ time bound pay scale/ Kramonnati as the case may be.
2. The facts of the case is that the petitioner while working as a Game Guard was imposed upon with a punishment of stoppage of four

annual increment with cumulative effect and the punishment also had the effect of disentitling the petitioner for further promotion. The said order dated 20/07/2004 was appealed before the appellate authority who in turn vide his order dated 28/03/2005 partly allowed the appeal to the extent that punishment was reduced from stoppage of four annual increment to stoppage of two annual increment and remaining part of the punishment was kept intact. The petitioner thereafter had preferred a review application before the authorities in the year 2006 itself. The respondents did not take a decision on the said review application. The petitioner also did not take any further steps thereafter. In the year 2015, and for the first time the petitioner preferred a writ petition seeking for a direction to the respondents to decide the review application. The said writ petition i.e. WPS No. 4327/2015 got allowed and disposed off by this Court on 23/11/2015, the competent authority in the department thereafter considered the review application and passed Annexure (P-8) dated 06/04/2017 and allowed the review application and ordered for setting aside of the two earlier orders passed by the disciplinary authority and the appellate authority and reduced the punishment to only a minor punishment of stoppage of one annual increment without cumulative effect. At the same time, the order of disentitling the petitioner for further promotion part also was set aside by the reviewing authority. As a consequence of the order of the reviewing authority dated 06/04/2017 the petitioner now stands subjected to punishment of only stoppage of one annual increment without cumulative effect which by itself would mean it is only an minor punishment which was imposed upon the petitioner. In compliance of the order passed by the

reviewing authority, the respondents have calculated the dues payable to the petitioner and made certain payments on 29/01/2018.

3. The grievance of the petitioner is that since allowing of the review application, the two orders passed by the disciplinary authority and the appellate authority having been set aside, for all consequential purpose, the petitioner would had been entitled for the benefit of promotion/Kramonnati/ time bound pay scale as was given to any of the immediate juniors to the petitioner or persons similarly placed in the department.
4. According to the petitioner the imposition of the minor punishment would not come in the way of the petitioner in getting the said benefit which has been extended to his immediate juniors and similarly placed persons.
5. Subsequent to the order passed by the reviewing authority and making of some payments by the concerned authorities, the petitioner has made a detailed representation to the concerned authorities for grant of the aforementioned relief of promotion/Kramonnati/time bound pay scale. There does not seem to be any decision taken by the authorities in this regard.
6. Considering the age of the petitioner, at this juncture, this Court is of the opinion that no fruitful purpose would be served in keeping the writ petition pending rather ends of justice would meet if respondents No. 2 to 4 are directed, as the case may be, to immediately process the case of the petitioner and consider whether the petitioner would have been entitled for the benefits that he has sought for of promotion/kramonnati/ time bound pay scale and pass a suitable order within a period of four months from the date of receipt of copy

of this order. While deciding the claim, the authorities would definitely take into consideration the similarly placed persons, and also the immediate juniors to the petitioner for deciding the entitlement of the petitioner keeping in view the rules and regulations governing the field.

7. The writ petition stands accordingly disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rohit