

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.562 of 2019

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the 5th respondent in not considering the petitioner's claim to the post of Forest Section Officer under S.T. category by ignoring the seniority list/panel of Forest Section Officers even though the petitioner is fully eligible for promotion to the post of Forest Section Officer and promoting the juniors to the petitioner as per seniority list dated 17.2.2017 as on 1.1.2017 as illegal and arbitrary and sought for a consequential direction to grant promotion to the petitioner with all service benefits including arrears of pay from the date of promotion of his juniors.

Heard Sri. K.L.Manohar, learned counsel for the petitioner and the learned Government Pleader for Services I.

It is the case of the petitioner that he is working as Forest Beat Officer and he is fully eligible and qualified to be promoted as Forest Section Officer. The petitioner submits that in the seniority list dt.17.2.2017, published by the respondents, the name of the petitioner was shown at Sl.No.1. The grievance of the petitioner is

that many of his juniors were promoted to the post of Forest Section Officer ignoring his case on the ground that disciplinary proceedings are pending against him. The petitioner contends one of his junior who was facing disciplinary action, was promoted as Forest Section officer.

Learned counsel for the petitioner contends that the case of the petitioner can be considered for promotion to the post of Forest Section Officer in terms of G.O.Ms.No.257 dated 10.6.1999 and that appropriate orders may be passed directing the respondents to consider the case of the petitioner for promotion to the post of Forest Section Officer without reference to the disciplinary proceedings against him.

Learned Government Pleader for Services I contends that the case of the petitioner will be considered for promotion to the post of Forest Section Officer strictly in terms of G.O.Ms.No.257 dated 10.6.1999 and appropriate orders would be passed.

Considering the submissions made by both the parties, this Court is of the view that this writ petition can be disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Forest Section Officer in the ensuing Departmental Promotion Committee meeting in terms of G.O.Ms.No.257 dated 10.6.1997 and pass appropriate orders within

a period of four weeks form the date of receipt of a copy of this order. With these observations, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 21/01/2019

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