

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.2787 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of respondents in not promoting the petitioner to the post of Forest Section Officer despite the completion of punishment by 31.03.2018 and promoting those who are far junior to the petitioner *vide* S.No.21/2018/N2 in Rc.No.4234/2017/N2, dated 26.07.2018 by fourth respondent as arbitrary, illegal and against the principles of natural justice and consequently direct the respondents to consider and promote the petitioner to the post of Forest Section Officer as per the seniority list of Forest Beat Officers of Nirmal Division as on 01.01.2018 for the year 2017-2018 and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Heard Sri G.Raman Goud, learned counsel appearing for the petitioner and learned Government Pleader for Services-I appearing for the respondents.

It is the case of the petitioner that he joined in the Forest Department in the year 1996 and has completed 22 years of service as Forest Beat Officer. While so, charge memo dated 12.8.2014 was issued to him on the ground of dereliction of duty resulting in loss of tree growth, and destruction of forests, which caused loss to the Government to a tune of Rs.1,65,417/-. The disciplinary authority after conducting

detailed enquiry, imposed punishment of recovery of an amount of Rs.82,709/- from the salary of the petitioner @ Rs.1,000/- per month in 81 monthly instalments besides stoppage of two annual grade increments without cumulative effect, *vide* proceedings dated 15-05-2015. Challenging the same, the petitioner preferred an appeal before the appellate authority. The appellate authority *vide* proceedings dated 26.06.2018 modified the punishment imposed by the disciplinary authority to that of stoppage of two annual grade increments without cumulative effect and directed that the recovered amount shall be refunded after obtaining prior permission from the competent authority.

Learned counsel appearing for the petitioner submits that though the currency of punishment imposed by the disciplinary authority against the petitioner has come to an end by 31.3.2018, the respondents are not considering his case for promotion to the post of Forest Section Officer.

Learned Government Pleader for Services-I appearing for the respondents submits that the respondents would consider the case of the petitioner for promotion to the post of Forest Section Officer in the ensuing panel year.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that

ends of justice would be met if a direction is given to the respondents to consider the case of the petitioner for promotion.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Forest Section Officer in the ensuing panel year, along with other eligible candidates and pass appropriate orders, in accordance with law. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

19th February, 2019
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