

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.12606 of 2018

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue a Writ, Order or direction more in the nature of Mandamus declaring the action of the Respondents in not reckoning the seniority of the petitioner from the date of his initial appointment on par with his batchmates with effect from 18.1.2002 in spite of the orders passed by the Hon'ble High Court in W.P.No.1519 of 2002 dated 28.6.2005 and the orders of the Hon'ble Tribunal in O.A.No.5601 of 2002 dated 9.7.2003 and granting seniority only from 11.9.2003 and denying the case of the Petitioner for promotion to the post of Forest Section Officer on par with juniors is illegal, arbitrary and in violation of Articles 14, 16 and 21 of the Constitution of India and consequently declare that the Petitioner is entitled for seniority from the date of his appointment with effect from 18.1.2002 and promotion with effect from 2009 on par with one Mr Kursam Rajulyu who is immediate junior got promotion in the post of Forest Section Officer with all consequential benefits”

Heard Mr.P.V.Ramana, learned counsel for the petitioner and the learned Government Pleader for respondents.

It has been contended by the petitioner that he was appointed as Forest Beat Officer on 17.01.2002 and he stood at S.No.1 in the merit list and is a member belonging to Scheduled Tribe Community. To that effect, the petitioner has produced certificate of local Scheduled Tribe. While he was discharging his duties, the Tahsildar has cancelled the local Scheduled Tribe Certificate vide order dated 21.01.2002. Consequent upon cancellation of the said local Schedule Tribe Certificate, the respondents have terminated the services of the petitioner on 21.01.2002. Challenging the cancellation of the local Schedule

Tribe Certificate, the petitioner has filed W.P.No.1519 of 2002 and challenging the termination order, the petitioner has filed O.A.No.5601 of 2002 before the Tribunal. This Court was pleased to allow the said writ petition on 28.06.2005 by setting aside the order passed by the Tahsildar. The Tribunal was also pleased to allow O.A.No.5601 of 2002 vide order dated 09.07.2003. Pursuant to the order passed by this Court as well as the Tribunal, the petitioner was reinstated into service with effect from 10.09.2003.

The grievance of the petitioner is that though he was reinstated into service on 10.09.2003, the respondents have not restored his seniority on par with his batchmates. The petitioner has submitted a representation to the respondents seeking to restore his seniority on par with his batchmates and pursuant to the said representation, the respondents have issued show-cause notice to 13 affected persons vide proceedings dated 12.08.2018.

Learned counsel for the petitioner submits that having initiated action on the representation submitted by the petitioner for restoration of his seniority on par with his batchmates, the respondents are not concluding the said proceedings. Therefore, appropriate orders be passed in the writ petition directing the respondents to finalize the matter pursuant to the show-cause notice dated 12.08.2018 within a reasonable period of time.

Learned Government Pleader appearing for the respondents contended that basing on the representation submitted by the petitioner, the respondents have initiated action to restore the seniority of the petitioner on par with his batchmates and accordingly a show-cause notice was issued to the affected persons on 12.08.2018. After receiving objections from the affected

persons, the case of the petitioner will be considered and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing respondents 1 to 3 to pass appropriate orders, pursuant to show-cause notice dated 12.08.2018 and consider the case of the petitioner for granting seniority on par with his batchmates within a period of three months from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 05-07-2019
Prv



