

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14244 of 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus, declaring the action of respondents in not promoting the petitioner to the post of Forest Section Officer despite dropping the charges against the petitioner vide proceedings dated 25.10.2017 by 6th respondent and promoting those who are far juniors to the petitioner vide proceedings dated 05.02.2018 by 5th respondent, as arbitrary, illegal and against the principles of natural justice and sought a consequential direction directing the respondents to 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.

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

It has been contended by the petitioner that he is working as Forest Beat officer and he is fully eligible and qualified to be promoted to the post of Forest Section Officer. Petitioner further submits that disciplinary action was initiated against him and finally the disciplinary authority has dropped the charges vide proceedings dated 25.10.2017. The grievance of the petitioner is that though the charges have been dropped against the petitioner

vide proceedings dated 25.10.2017, the case of the petitioner is not being considered for promotion to the post of Forest Section Officer and the respondents have further promoted far juniors to the petitioners as Forest Section Officers vide proceedings dated 05.02.2018. Petitioner contend that now that the charges have been dropped against him vide proceedings dated 25.10.2017, the respondents are bound to consider his case for promotion to the post of Forest Section Officer. Counsel appearing for petitioner contend that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for promotion to the post of Forest Section Officer.

The learned Government Pleader appearing for respondents contend that the charges against the petitioner were dropped on 25.10.2017 and his case will be considered for promotion to the post of Forest Section Officer in accordance with his seniority and eligibility and appropriate orders will be passed in accordance with law.

This Court, having considered the rival submissions of the parties, is of the considered 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 by duly taking into account the fact that the disciplinary authority has dropped the charges against the petitioner vide proceedings

dated 25.10.2017 and consider the case of the petitioner for promotion to the post of Forest Section Officer in accordance with eligibility and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

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

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

30th January 2019

ajr