

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26417 of 2019

ORDER:

This writ petition is filed seeking the following relief:

“...to issue a writ or direction particularly one in the nature of Writ of Mandamus to direct the respondents to consider the claim of the petitioners for promotion as Assistant Conservator of Forests since the Disciplinary Authority-2nd respondent *prima facie* is of the opinion that no disciplinary enquiry is warranted in this matter and the E.O. pointed out discrepancies in the charges and paused the enquiry, by declaring the action of the respondents in trying to deprive the petitioners of their legitimate due for promotion as Assistant Conservator of Forests as arbitrary, vindictive, illegal and violation of Articles 14, 16 and 21 of the Constitution of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard learned counsel for the parties.

It has been contended by the petitioners that they are working as Forest Range Officers and they are fully eligible and qualified to be promoted to the post of Assistant Conservator of Forests.

The grievance of the petitioners is that the respondents are not considering their case for promotion to the post of Assistant Conservator of Forests on the ground that disciplinary proceedings in the form of charge memos dated 19.06.2019 are pending against them.

Learned counsel for petitioners contended that the State Government has framed guidelines in G.O.Ms.No.257 dated 10.06.1999 to consider the cases of employees for promotion against whom disciplinary proceedings/criminal proceedings are pending. As per G.O.Ms.No.257 dated 10.06.1999, the competent authority must consider the cases of employees against whom disciplinary proceedings/criminal proceedings are pending and pass appropriate orders as to whether they are eligible for promotion. But, in the instant case, the respondents are not considering the case of the petitioners for promotion to the post of Assistant Conservator of Forests in terms of G.O.Ms.No.257 dated 10.06.1999. Therefore, learned counsel for petitioners contended that appropriate orders be passed directing the respondents to consider the case of petitioners for promotion to the post of Assistant Conservator of Forests strictly in terms of para 4 (ii) of G.O.Ms.No.257 dated 10.06.1999 and pass appropriate orders.

Learned Government Pleader appearing for respondents has contended that the case of the petitioners will be considered in terms of G.O.Ms.No.257 dated 10.06.1999 and appropriate orders would be passed.

This Court, having considered the rival submissions, is of the considered view that the writ petition can be disposed of directing the respondents to consider the case of petitioners for promotion to the post of Assistant Conservator of Forests strictly in terms of para 4 (ii)

of G.O.Ms.No.257 dated 10.06.1999 and pass appropriate orders within six weeks 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 SHAVILI, J

Date: 29.11.2019

v v



