

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.38269 of 2018

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the impugned G.O.Ms.No.154, dated 14-09-2018, issued by 3rd respondent upgrading 124 Posts of Forest Section Officer (FSO) to that of Deputy Range Officer (DRO) and Suppressing 124 Posts of FSO in the Department of Environment, Forest, Science and Technology, depriving promotional opportunities of the petitioners, as ultra vires, contrary to G.O.Ms.No.87, dated 21-07-2011, and violative of Rule 3 of the Andhra Pradesh Forest Subordinate Service Rules, 2000 and also violative of Articles 14, 16, 19 and 21 of the Constitution of India and consequently strike down the said impugned G.O.

2. Heard Sri M.Surendra Rao, learned Senior Counsel, appearing for Sri Ramesh Bura, learned counsel for the petitioners, learned Government Pleader for Services-I, appearing for respondent Nos.1 to 7 and Sri V.Ravichandan, learned Standing Counsel for impleaded/contesting respondent Nos.8 to 22.

3. The petitioners contend that they are working as Forest Beat Officers (FBOs) and they are fully eligible and qualified for promotion to the post of FSO. They further contend that the G.O.Ms.No.154, dated 14-09-2018, issued by 3rd respondent,

upgrading 124 Posts of Forest Section Officer (FSO) to that of Deputy Range Officer (DRO) and Suppressing 124 Posts of FSO in the Department of Environment, Forest, Science and Technology, is contrary to the earlier G.O.Ms.No.153, dated 14-09-2018 upgrading 230 posts of Assistant Beat Officer (ABO) to that of FBO. They further contend that the total cadre strength of FSO was earlier 858, and out of 858 posts of FSO sanctioned strength, 124 posts were suppressed and the remaining posts were upgraded as Deputy Range Officer (DRO), thereby, the promotional avenues of the petitioners have been reduced as the total cadre strength of FSO has been decreased to 734 posts from out of 858 posts.

4. Learned counsel for the petitioners further contends that whenever a policy decision is taken by the respondents, this exercise should be done in a fair and equitable manner and the respondents cannot decrease the total cadre strength and thereby block the promotional avenues of the petitioners. He further contends that the 6th respondent-Principal Chief Conservator of Forests has submitted proposals to the State Government on 15-10-2018 for upgradation of 550 posts of FBO to that of FSO, but the State Government, without acting on the said proposals, has decreased the total cadre strength of FSO. Therefore, he contends that let the State Government take a final decision on the proposals submitted by 6th respondent so that the cadre strength of FSO will be increased and then the cases of the petitioners can be considered for promotion to the post of FSO.

5. Learned Government Pleader for Services-I appearing for respondent Nos. 1 to 7 submits that the 1st respondent-State Government will pass appropriate orders on the proposals submitted by the 6th respondent on 15-10-2018 and pass appropriate orders in accordance with rules.

6. This Court, having considered the rival submissions made by both the parties, is of the considered view that the Writ Petition can be disposed of directing the 1st respondent-State Government to pass appropriate orders on the proposals submitted by 6th respondent on 15-10-2018, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above observations, the Writ Petition is disposed of. No costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 22-04-2019
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