

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

THURSDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 22473 OF 2020

Between:

Ch.M.M.Krishna Prasad, S/o.Yatirajan. Age 38 years, Working as Forest Range Officer, G.H.M.C. Hyderabad, Hyderabad District.

...PETITIONER

AND

1. The State of Telangana. Rep. by its Special Chief Secretary, Environment, Forests, Science And Technology Department, Telangana Secretariat, Hyderabad.
2. The Principal Chief Conservator of Forests, Aranya Bhavan, Saifabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ. Order or direction more in the nature of Mandamus declaring the action of the 1st Respondent in not granting notional promotion to the post of Assistant Conservator of Forests to the petitioner after dropping Disciplinary Proceedings in G.O.Rt.No.65 EFS & T (FOR.III) Dept. dt.22/6/2020 inspite of submitting proposals by the 2nd Respondent on par with his juniors w.e.f. 28/3/2020 and not implementing G.O.Ms.No.424 G.A. (Serv.C) Dept 25/5/1976 as illegal, arbitrary and violation of Article 14, 16 and 21 of Constitution of India and consequently declare that the petitioner is entitled for promotion in the cadre of Assistant Conservator of Forests w.e.f. 28/3/2020 with all consequential benefits in the interests of justice

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue Interim Direction directing the respondent to forthwith consider the case of the petitioner for notional promotion to the post of Assistant Conservator of Forests w.e.f. 28/3/2020 duly considering the representation dt.3/7/2020 as per G.O.Ms.No.424 GA (Serv.C) Dept dt.25/5/1976 pending disposal of the Revision

Counsel for the Petitioner: SRI P. V. RAMANA

Counsel for Respondents: GP FOR SERVICES – I

The Court made the following: ORDER

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.22473 of 2020

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 1st respondent in not granting notional promotion to the post of Assistant Conservator of Forests to the petitioner after dropping Disciplinary Proceedings in G.O.Rt.No.65 EFS and T (FOR.III) Dept dt 22.6.2020 in spite of submitting proposals by the 2nd respondent on par with his juniors w.e.f 28/3/2020 and not implementing G.O.Ms.No.424 G.A (Serv.C) Dept 25/5/1976 as illegal, arbitrary and violation of Articles 14, 16 and 21 of Constitution of India and consequently declare that the petitioner is entitled for promotion in the cadre of Assistant Conservator of Forests w.e.f 28/3/2020 with all consequential benefits in the interests of justice and to pass such other order or orders as this Hon'ble High Court may deem fit and proper in the circumstances of the case."

Heard Sri P.V.Ramana, 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 that he is working as Forest Range Officer. He is fully eligible and promoted to the post of Assistant Conservator of Forests. While so, the disciplinary authority had initiated disciplinary proceedings against him and issued a charge sheet on 19.06.2019, for which, the petitioner has submitted his explanation. After

conducting detailed enquiry, the disciplinary authority submitted its report stating that the charges levelled against the petitioner were not proved. Based on the said report, the 1st respondent *vide* G.O.Rt.No.65, dated 22.06.2020 dropped the charges against the petitioner.

The grievance of the petitioner is that during pendency of the disciplinary proceedings, many of his juniors have been promoted to the post of Assistant Conservator of Forests. After dropping of charges, the petitioner has submitted a representation on 03.07.2020 to the 2nd respondent to promote him as Assistant Conservator of Forests on par with his juniors in terms of G.O.Ms.No.424 G.A (Scr.C) Dept, dated 25.05.1976. But, so far, no orders have been passed thereon.

Learned counsel appearing for the petitioner submits that appropriate orders be passed in the writ petition directing the 2nd respondent to consider the representation submitted by the petitioner on 03.07.2020 by duly taking into consideration G.O.Ms.No.424 G.A (Scr.C) Dept, dated 25.05.1976.

Learned Government Pleader appearing for the respondents contended that since the representation of the petitioner is pending with the 2nd respondent, the 2nd respondent would consider the same and pass appropriate orders in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be disposed of directing the 2nd respondent to consider the representation dated 03.07.2020 submitted by the petitioner and pass appropriate orders by duly taking into consideration G.O.Ms.No.424 G.A (Ser.C) Dept, dated 25.05.1976, within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

//TRUE COPY//

SD/-K.AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

- To,
1. The Principal Chief Conservator of Forests, Aranya Bhavan, Saifabad, Hyderabad.
 2. One CC to Sri P V Ramana Advocate [OPUC]
 3. Two CCs to GP For Services, High Court for the State of Telangana. [OUT]
 4. Two CD Copies

MBC



HIGH COURT

DATED: 31/12/2020



ORDER

WP.No.22473 of 2020

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

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RMA
07/01/2021