

**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: 24409 OF 2020

Between:

M.Vani, D/o M.Ramulu, Aged about 41 years, Occ. Deputy Range Officer, Narsapur (West) Section, Nirmal Range, Nirmal Division, Nirmal District (Erstwhile Adilabad District), Telangana State.

...PETITIONER(S)

AND

1. The State of Telangana, Rep. by its Principal Secretary to Government, Environment, Forests, Science and Technology Department, Secretariat, BRKR Bhavan, Hyderabad - 500 029.
2. The Principal Chief Conservator of Forests and Head of the Forest Force (HoFF), Telangana, Aranya Bhavan, Saifabad, Hyderabad - 500 004.
3. The Conservator of Forests/ Chief Conservator of Forests, Adilabad Circle, Adilabad, Telangana State.
4. The Conservator of Forests/ Chief Conservator of Forests, Kawal Tiger Reserve Project, Nirmal Circle, Nirmal, Telangana State.
5. The Forest Divisional Officer, (Erstwhile Divisional Forest Officer) Bellampally Division, Bellampally, Mancherial District, Telangana State.
6. The District Forest Officer, Nirmal District, Nirmal Telangana State.

...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 particularly one in the nature of a Writ of Mandamus declaring the action of respondents in issuing Article of Charge in Rc.No.5874/2017/M1(i) dated 04/05/2018 under Rule 20 of A.P. Civil Services (Classification, Control and Appeal) Rules, 1991 pertaining to the allegations for the year 2009-2010 for the abnormal delay caused in framing Article of Charges for alleged minor issue of $\frac{1}{2}$ acre (0.21 hectares) area of short fall without any proper evidence contrary to the number of plants shown as 5,555 which comes in an area of 5 hectares as arbitrary, illegal and set aside the same

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 direct the respondents to consider and promote the petitioner to the post of Forest Range Officer for the panel year 2020-2021 without reference to the Article of Charges issued in Rc.No.5874/2017/M1 (i) dated 04/05/2018 by the third respondent in terms of G.O.Ms.No.257, dated 10/06/1999, pending disposal of the above writ petition

Counsel for the Petitioner: SRI GUNDRATI RAMAN GOUD

Counsel for Respondents: GP FOR FORESTS

The Court made the following: ORDER

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.24409 of 2020

ORDER

This Writ Petition is filed seeking the following relief:

“to issue a Writ order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of respondents in issuing Article of Charge in Rc.No.5874/2017/M1(i) dated 04/05/2018 under Rule 20 of A.P. Civil Services (Classification, Control and Appeal) Rules, 1991 pertaining to the allegations for the year 2009-2010 for the abnormal delay caused in framing Article of Charges for alleged minor issue of 1/2 acre (0.21 hectares) area of short fall without any proper evidence contrary to the number of plants shown as 5,555 which comes in an area of 5 hectares as arbitrary, illegal and set aside the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri G.Raman Goud, learned counsel appearing for the petitioner, and learned Government Pleader for Forest appearing for the respondents.

It is the case of the petitioner that she is working as Deputy Range Officer, and that though she is eligible for promotion to the post of Forest Range Officer, the respondents are not considering her case on the premise that Article of Charge *vide* Rc.No.5874/2017/M1(i), dated 04.05.2018 is pending against her.

Learned counsel appearing for the petitioner contends that the State Government has taken a policy decision in

terms of G.O.Ms.No.66, General Administration (Services.C) Department, dated 30-01-1991, wherein it was directed that in respect of the employees who are facing disciplinary proceedings and whose cases fall under the group referred in para 2 (iii) of the said GO, the promotion/appointment by transfer to the next higher post shall be deferred only when a charge of misconduct was framed by the competent authority and served on the delinquent officer concerned or a charge sheet has been filed against him in a criminal Court as the case may be. Learned counsel further contends that the State Government has taken a policy decision in G.O.Ms.No.257, dated 10.06.99, wherein it was directed to consider the case of the employees against whom disciplinary proceedings are pending in accordance with the guidelines framed thereunder.

Learned Government Pleader appearing for respondents contends that case of the petitioner would be considered in terms of G.O.Ms.No.257, dated 10.06.1999 and that appropriate orders would be passed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that ends of justice would be met if a direction is given to the respondents to consider the case of the petitioner for promotion to the post of Forest Range Officer.

Accordingly, the Writ Petition is disposed of, directing the respondents to consider the case of the petitioner for promotion to the post of Forest Range Officer strictly in terms of G.O.Ms.No.257, dated 10.06.1999 and also G.O.Ms.No.66, dated 30.01.1991 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

//TRUE COPY//

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR
KS
SECTION OFFICER

To,

1. The Principal Secretary, Environment, Forests, Science and Technology Department, State of Telangana Secretariat, BRKR Bhavan, Hyderabad - 500 029.
2. The Principal Chief Conservator of Forests and Head of the Forest Force (HoFF), Telangana, Aranya Bhavan, Saifabad, Hyderabad - 500 004.
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5. The Forest Divisional Officer, (Erstwhile Divisional Forest Officer) Bellampally Division, Bellampally, Mancherial District, Telangana State.
6. The District Forest Officer, Nirmal District, Nirmal Telangana State.
7. One CC to Sri Gundrati Raman Goud Advocate [OPUC]
8. Two CCs to GP For Forests, High Court for the State of Telangana. [OUT]
9. Two CD Copies

MBC



HIGH COURT

DATED: 31/12/2020



ORDER

WP.No.24409 of 2020

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

SSV
11 Copies
Dt 08/01/2021