

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 5523 of 2011**

Devnandan Tiwari, S/o Late Shri R.P. Tiwari, Aged about 44 years, Working as Forest Guard, Bastar Forest Division, Jagdalpur, Distt. Bastar, Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh, through its Secretary, Forest Department, Mantralaya, D.K.S. Bhawan, Raipur, Chhattisgarh.
- 2.The Principle Chief Conservator of Forest (C.G.), Aranya Bhawan, Medical College Road, Raipur, Chhattisgarh.
- 3.The Conservator of Forest, Jagdalpur, Distt. Bastar, Chhattisgarh.
- 4.Divisional Forest Officer, Forest Division Dantewada, Distt. Dantewada, Chhattisgarh.

--- Respondents

Writ Petition (S) No. 5524 of 2011

Rajendra Singh Kushwaha, S/o Late Shri J.S. Kushwaha, Aged about 45 years, Working as Forest Guard, Bastar Forest Division, Jagdalpur, Distt. Bastar, Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh, through its Secretary, Forest Department, Mantralaya, D.K.S. Bhawan, Raipur, Chhattisgarh.

2. The Principle Chief Conservator of Forest (C.G.),
Aranya Bhawan, Medical College Road, Raipur,
Chhattisgarh.
3. The Conservator of Forest, Jagdalpur, Distt.
Bastar, Chhattisgarh.
4. Divisional Forest Officer, Forest Division
Dantewada, Distt. Dantewada, Chhattisgarh.

--- Respondents

For Petitioners	:-	Mr. Vinod Deshmukh, Advocate
For State	:-	Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board (Through Video Conferencing)

11/08/2021

1. Since common question of fact and law is involved
in both these writ petitions, they have been
heard together and are being decided by this
common order.
2. The petitioners herein call in question the order
dated 15/06/2010 (Annexure P/1) whereby order
dated 10/06/2010 (Annexure P/8) by which
petitioners were promoted on the post of Forester
has been annulled/revoked.
3. Mr. Vinod Deshmukh, learned counsel for the
petitioners, would submit that the impugned order

(Annexure P/1) has been passed in complete violation of principles of natural justice as without issuing show cause notice and without affording a reasonable opportunity of hearing to the petitioners to explain their stand, their order of promotion on the post of Forester has been annulled on the ground that their promotion is not based on the recommendation of Departmental Promotion Committee whereas it was based on the recommendation of the said Committee and if the opportunity of hearing was given to the petitioners, they could have demonstrated the same and explained their stand, therefore, the impugned order deserves to be set aside.

4. Mr. Ravi Bhagat, learned State counsel, would submit that since petitioners' promotion was not backed by the recommendation of the Departmental Promotion Committee, therefore, as per instruction dated 16/08/2007, their order of promotion has been annulled by the impugned order.

5. I have heard learned counsel for the parties at length and perused the records.

6. It is not in dispute that petitioners were promoted on the post of Forester from the post of

Forest Guard, but their order of promotion has been annulled by impugned order dated 15/06/2010 (Annexure P/1) on the ground that their promotion is not backed by the recommendation of the Departmental Promotion Committee and neither any show cause notice was issued to the petitioners nor any opportunity of hearing was afforded to them while annulling

7. It is the case of the petitioners that it is not the case that their promotion was not backed by the recommendation of the Departmental Promotion Committee and purely on a wrong and incorrect notion, their order of promotion has been revoked holding it not to be backed by the recommendation of the said Committee.

8. Since petitioners' important right of holding the promotional post of Forester has been taken away by the respondents, that too, without issuing any show cause notice to them and without giving minimum opportunity of hearing to them to demonstrate their stand, therefore, in the considered opinion of this Court the impugned order dated 15/06/2010 (Annexure P/1) is in complete violation of principle of natural justice and it deserves to be and is hereby set

aside. Matter is remitted to the Conservator of Forest, Jagdalpur to afford an opportunity of hearing to the petitioners and after getting their reply, consider the matter afresh and decide it within 2 months from the date of receipt of copy of this order by passing a reasoned and speaking order. Petitioner is at liberty to file additional submission in support of their stand. It is made clear that this Court has not expressed any opinion on the merits of the matter.

9. Accordingly, the instant writ petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet