

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) NO.2267 of 2013**

1. Chandrama Singh Thakur, son of late Mudrika Singh Thakur, aged about 59 years,
2. Shravan Singh Kusare, Son of late Shankar Singh Kusare, aged about 58 years,

Both Deputy Ranger, Range Lailunga, Forest Division, Dharamjaigarh, P.S. Lailunga, Civil and Revenue District Raigarh (CG)

-----Petitioners

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Forest, Mahanadi Bhawan, Mantralaya, Raipur (CG)
2. Chief Conservator of Forest, Department of Forest, Raipur, District Raipur (CG)
3. Conservator of Forest, Circle Bilaspur at Sindhi Colony, Jarhabhata, Bilaspur, District Bilaspur (CG)
4. District Forest Officer, Forest Division, Raigarh (CG)

----- Respondents

For Petitioners	: Mr.K.N.Nande, Advocate
For Respondents/State	: Mr.Sakti Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

28/9/2021

1. Mr.K.N.Nande, learned counsel for the petitioners, would submit that two petitioners were promoted on the post of Deputy Ranger by order dated 5.3.2013 (Annexure P-2), but all of sudden, by order dated 1.7.2013 (Annexure P-1) order dated 5.3.2013 has been withdrawn without giving an opportunity of hearing, which is in violation of principle of natural justice and as such, it is liable to be set-aside.

2. On the other hand, Mr. Sakti Singh, learned Panel Lawyer for the respondents/State, would submit that since the petitioners were not having requisite qualifications for the post of Deputy Ranger, therefore, their order of promotion was withdrawn and as such, the writ petition deserves to be dismissed.
3. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
4. True it is that the petitioners were promoted on the post of Deputy Ranger by order dated 5.3.2013 and that has been withdrawn by order dated 1.7.2013 stating reasons that they were not having requisite qualifications for the post of Deputy Ranger, whereas according to learned counsel for the petitioners, they were having requisite qualifications for the post of Deputy Ranger and therefore, they have rightly been promoted on the post of Deputy Ranger. According to learned counsel for the petitioners, it is duty of the department to send them for training, which is not in their control and therefore, merely on the ground of non-completing training, their order of promotion could not have been withdrawn.
5. Since order of promotion has been passed and they have worked on the said post, therefore, benefit of promotion could not have been taken back without giving an opportunity to explain them that they were having requisite qualifications for the post of Deputy Ranger.

6. Since the order dated 1.7.2013 (Annexure P-1) withdrawing the promotion of the petitioners is in violation of principle of natural justice, therefore, to the extent of petitioners-Chandrama Singh Thakur and Shravan Singh Kusare it is hereby set-aside. Since petitioner No.1-Chandrama Singh Thakur has retired on 31.1.2014 and petitioner No.2-Shravan Singh has retired in the month of July, 2015, the matter is remitted to respondent No.3/Conservator of Forest, Bilaspur Circle, Bilaspur, who will issue notices to both the petitioners and after hearing them pass a fresh order and if they fulfill the requisite qualifications, their cases will be considered for grant of service benefits within a period of two months from the date of receipt of a copy of this order.
7. The writ petition is allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-