

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No. 2501 of 2015

Ramesh Kumar Patel

....

Petitioner

Mr. S.S.K. Subudhi along with Mr.
S.K. Subudhi, Advocate

-versus-

State of Odisha & others

....

Opp. Parties

Mr. S.S. Patra, ASC

**CORAM:
JUSTICE M.S. SAHOO**

**ORDER
06.07.2022**

Order No.

02.

1. This matter is taken up through hybrid mode.
2. The matter was heard at length on 30.06.2022.
3. The writ petition has been registered before this Court on 26th August, 2021, after the original application was transferred from the learned Odisha Administrative Tribunal, Principal Bench, Bhubaneswar upon its abolition.
4. On perusal of the available order sheets of the learned Tribunal, it is indicated that notices were issued on 05.10.2015 and the matter was never taken up/pursued after 29.01.2018, nor there is any further pleadings by any of the parties.
5. The O.A. was filed in the year 2015 by the petitioner, who was aged about 57 years working as Forest Ranger at Keonjhar K.L. Division, Keonjhar inter alia praying for granting him promotion to the post of Asst. Conservator of Forest w.e.f. 22.02.2014. The reason for not granting promotion to the petitioner was that he was convicted in vigilance case bearing T.R. Case No.14 of 1995 vide Judgment and Order dated 06.08.2003 by the learned Special Judge

(Vigilance), Sambalpur.

6. Learned counsel for the petitioner submits that the said judgment of conviction dated 06.08.2003 was challenged in CRLA No.208 of 2003 and this Court has allowed the appeal by order dated 25.11.2021 and set aside the judgment of conviction. Copy of the Judgment and order dated 25.11.2021 passed in CRLA No.208 of 2003 is filed in Court. The same is taken on record.

7. It is submitted that there is no other legal impediment for considering the case of the petitioner for promotion to the post of Asst. Conservator of Forest w.e.f. 22.02.2014. It is further submitted that the petitioner shall draw attention of the authorities by making representation enclosing copies of the judgment passed by this Court setting aside the order of conviction and acquitting the petitioner for consideration of his case for promotion to the post of Asst. Conservator of Forest.

8. Learned ASC fairly submits that after setting aside the order of conviction and the order of acquittal by this Court in CRLA No.208 of 2003, case of the petitioner can be considered for promotion to the post of Asst. Conservator of Forest but he can only be given notional benefit as he has retired on attaining the age of superannuation.

9. Having heard learned counsel for the parties, the writ petition is disposed of with the following observations:-

The petitioner, if so advised shall make a detailed representation to the appropriate authority for considering him for promotion as Asst. Conservator of Forest along with copies of the judgment passed by this Court as well as all relevant documents.

The authority shall do well to take a decision on the same in accordance with law as expeditiously as possible

preferably within a period of six months from the date of communication of the certified copy of this order along with other relevant documents.

The authority shall take note of the fact that the petitioner has already retired from service and also suffered immensely during pendency of the case against him which has ultimately ended in acquittal by the order of this Court in appeal and take a decision as expeditiously as possible.

If, in case the petitioner was considered earlier by the Departmental Promotion Committee for promotion and the results of the DPC(s) was kept in sealed cover the sealed covers shall be opened immediately and be given effect to.

The decision that would be rendered by the authority shall be communicated to the petitioner within two weeks.

If the authority takes a decision to grant promotion to the petitioner, necessary steps shall be taken to grant all the consequential benefits, as due and admissible.

10. It is clarified that this Court has not expressed any opinion on merits of the case, apart from taking note of the fact that CRLA No.208 of 2003 has been allowed by this Court by order dated 25.11.2021 setting aside the order dated 06.08.2003 of the learned trial court.

11. The writ petition is disposed of accordingly.

Urgent certified copy of this order be granted as per rules.

(M.S. Sahoo)
Judge