



W.P.No.23810 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.23810 of 2019

K.Asokan

... Petitioner

Vs.

1.The Principal Secretary to Government,  
Environment and Forest Department,  
Secretariat,  
Fort St. George,  
Chennai-9.

2.The Principal Chief Conservator of Forests,  
Panagal Building,  
Saidapet,  
Chennai-15.

...Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent herein to notionally fix the date of promotion of the petitioner as Assistant Conservator of Forests by including the name of the petitioner in the panel for the year 2007-2008 as per G.O.Ms.No.84 dated 21.08.2008 by including sanctioned up-gradation of 26 posts in G.O.Ms.No.7 dated 04.02.2008



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issued by the 1<sup>st</sup> respondent and consequently, declare that the petitioner is eligible for being considered for Indian Forest Service de-hors the shortage in left over service and include the name of the petitioner in the panel for Indian Forest Service within a reasonable time fixed by this Court.

For Petitioner : Mr.E.V.Arunachalagiri

For Respondents : Mr.Dr.T.Seenivasan  
Special Government Pleader

### **ORDER**

This Writ Petition has been filed seeking for a direction to the 1<sup>st</sup> respondent to notionally fix the date of promotion of the petitioner as Assistant Conservator of Forests by including the name of the petitioner in the panel for the year 2007-2008 as per G.O.Ms.No.84 dated 21.08.2008 by including sanctioned up-gradation of 26 posts in G.O.Ms.No.7, dated 04.02.2008 issued by the 1<sup>st</sup> respondent and consequently, declare that the petitioner is eligible for being considered for Indian Forest Service de-hors the shortage in left over service and include the name of the petitioner in the panel for Indian Forest Service within a reasonable time fixed by this Court

2.The learned counsel appearing for the petitioner would submit that



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the petitioner joined as Forest Apprentices in the year 1984 in the Southern Forest Ranger College at Coimbatore. After the completion of one year period of Condensed Rangers Course, he joined as Ranger. As per G.O.Ms.No.611 dated 22.6.1989, in exercise of the powers conferred by the provision to Article 309 of the Constitution of India, the Governor of Tamil Nadu made the amendments in the Rules i.e., an official shall be eligible for promotion from the post of Ranger to Assistant Conservator of Forest and for which, he has to complete ten years of service as Ranger. The petitioner has rendered 24 years of service as Ranger. He would submit that the 1st respondent issued orders vide G.O.Ms.No.7, dated 04.02.2008, in which the Forest Department proposed for the up-gradation of 77 posts of Ranger to that of Assistant Conservator of Forest to carry out the schemes more effectively and to mitigate the stagnation of the level of Rangers. Subsequently, it has been proposed to upgrade only 26 posts of Ranger to that of Assistant Conservator of Forests, basing on the Government letter Lr.No.5492/FR.1/2006-6, dated 26.02.07, the same was duly concurred of Finance Department vide its U.O.No.543/ADS(JR)/07 dated 14.11.2007.



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The 2nd respondent has justified the need for up-gradation of these 26 posts of Assistant Conservator of Forests. Without considering the G.O.(Ms).No.7, the 1st respondent issued another order in G.O.(Ms) No.84 dated 21.8.2008 stating that the Government has approved the estimated vacancy for the post of Assistant Conservator of Forests for the year 2007-2008 as 15 and promotions were effected vide G.O.D.No.248, dated 30.9.2008, superseding the G.O.Ms.No.7. Due to this order the petitioner could not get his due promotion as Assistant Conservator of Forest. After a lapse of 19 months from the date of issuance of G.O.Ms.No.7, the 1st respondent belatedly considered the name of the petitioner for promotion as Assistant Conservator of Forest vide G.O.(Ms).No.131, dated 30.09.2009. Further, he would submit that these approved 26 up-gradation were not taken into account for the year 2007-2008, even though the order was issued much earlier.

3.The learned counsel appearing for the petitioner would submit that subsequently, the petitioner was promoted as Deputy Conservator of Forests



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by the 1st respondent vide G.O.(D)No.01, dated 02.01.2015. The petitioner not only lost the seniority in the cadre of Assistant Conservator of Forests but also in the cadre of Deputy Conservator of Forests and lost the chances of Indian Forest Service post. The Principal Chief Conservator of Forests has justified the need for up-gradation of these 26 posts of Assistant Conservator of Forests. The Government accordingly direct that 26 posts of Rangers in the forestry Extension Centres be up-graded as Assistant Conservator of Forests. 26 Assistant Conservator of Forests were sanctioned on 04.02.2008. The petitioner is covered within 26 posts for the year 2007-2008 for promotion to Assistant Conservator of Forests. Without implementing the G.O.Ms. No.7, another G.O.Ms.No.84, dated 21.8.2008 was issued by the 1st respondent by reducing the number of post to be considered for the post of Assistant Conservator of Forests. The petitioner not only lost the seniority in the cadre of Assistant Conservator of Forests but also in the cadre of Deputy Conservator of Forests and lost the chances of Indian Forest Service post. In as much as the rules require a left over service of two years for being considered for Indian Forest Service. Due to



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the inordinate delay caused by the respondents in promoting the petitioner, he does not have the requisite left over service for being considered for Indian Forest Service. Due to non-implementation of the G.O.Ms. No.7 dated 04.2.2008 within reasonable time, the petitioner lost 19 months of service period and because of the same, now he is short of left over period for the promotion to the post of Indian Forest Service. Therefore, the petitioner sent representations on 27.07.2015, 23.06.2018 and 30.01.2019 to the respondents seeking to implement the order of 1st respondent in G.O.Ms. No.7 dated 04.2.2008. Hence this writ petition.

4.The learned Special Government Pleader appearing for the respondents would submit that as per G.O.Ms.No.611, dated 22.06.1989. an official shall be eligible for promotion from the post of Ranger to Assistant Conservator of Forests for which he has to complete 10 years of service as Ranger. The petitioner had completed 24 years of service as Forest Range Officer. The Panel of Forest Range Officers fit for promotion as Assistant Conservator of Forests are drawn up every year based on the estimate of



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vacancies arising during the estimation period only. Accordingly, the name of the petitioner was considered for promotion as Assistant Conservator of Forests in the panel year 2008-2009 vide G.O.(Ms)No.131, dated 30.09.2009 as per rules in existence. The 2nd respondent had initially sent proposals to the Government dated 02.03.2006 for the upgradation of 77 posts of Ranger to that of Assistant Conservator of Forests, to carry out the schemes of Forest Department more effectively and to mitigate the stagnation at the level of Rangers. Subsequently, it was proposed to upgrade only 26 posts of Ranger to that of Assistant Conservator of Forests to place them to Forestry Extension Centres in 26 Districts in view of the integrated Afforestation Projects under implementation. There are 19 Extension Centres out of which only 4 Forestry Extension Centres at Trichy, Krishnagiri, Madurai and Tirunelveli are manned by the Assistant Conservator of Forests and the remaining 15 Centres are manned by Rangers. These Centres were created under Tamil Nadu Afforestation Project. Under the Scheme, 11 more Extension Centres have been created during second phase for remaining 11 Districts and these centres are also



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manned by Rangers. The prime objective of upgrading 26 Forest Ranger Posts to that of Assistant Conservator of Forests in G.O.Ms.No:07, dated 04.02.2008 is to facilitate the process of achieving 33% total area of the State under forest cover by 2012 in accordance with the National Forest Policy. There is no ground to consider the upgraded 26 Ranger posts for the promotional year 2007-2008 based on the following facts:

“(a)The Number of post of vacancies were arrived between 19.01.2007 to 18.01.2008 only. The crucial date for the promotional panel year 2007-2008 was 15.08.2006. But the Government Order for the upgradation of the 26 Ranger posts was issued only on 04.02.2008 well after the crucial date.

(b) The estimate of vacancy for the post of Assistant Conservator of Forests by recruitment by transfer for the year 2007-2008 was approved as 15 vide Government letter No. 28340/FR.1/2006-06, dated 16.08.2007. The estimation period for the Assistant Conservator of Forests panel for the 2007-2008 was 19.01.2007 to 18.01.2008. But, 26 posts of Assistant Conservator of Forests were sanctioned only on 04.02.2008, vide G.O(Ms) No.7, Environment and Forest Department, dated 04.02.2008 and hence these new posts should not be considered for 2007-2008 panel.”

5.The learned Special Government Pleader would submit that no junior to the petitioner was included in the promotion panel for the 2007-



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2008. The petitioner name was included in the panel for promotion as Assistant Conservator of Forests vide G.O.(Ms) No.131, dated 30.09.2009. The estimate of vacancies was calculated based on the panel guidelines issued in G.O.Ms.No.368, dated 18.10.1993, which states vacancies which are likely to arise after the panel year should not be considered. Such vacancies should be reckoned only in the next panel year. The panel of Assistant Conservator of Forests by recruitment by transfer for the year 2007- 2008 was drawn based on the estimate of vacancies approved by Government vide Government letter No: 28340/FR.1/2006-06 dated: 16.08.2007. The name of the petitioner was included in the Assistant Conservator of Forests Panel for the year 2008-2009 vide G.O.(Ms.)No.131, dated 30.09.2009. Subsequently, he was included in the Deputy Conservator Forests panel for the year 2014-2015 vide G.O.(Ms) No.139, dated 23.12.2014. Both the selections were made based on the estimate of vacancies approved by the Government as per rules in force. No Junior to the petitioner was selected as Assistant Conservator of forests and subsequent promotion as Deputy Conservator of Forests. Further, he would



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submit that the petitioner was placed under suspension on the verge of his retirement on 29.07.2019 in G.O.(3D) No.24, Environment and Forests (FRI) Department dated 29.07.2019, as a regular case in Cr.No.03/AC/2017/CC-IV, under Section 102 of the Code of Criminal Procedure and 13(2) read with 13(1)(d) of the Prevention of Corruption Act 1988 was registered against the petitioner by the Directorate of Vigilance and Anti Corruption. He was also not permitted to retire from service on the afternoon of 31.07.2019 and retained in service in G.O.(3D) No.25, Environment and Forests (FR1) Department dated 31.07.2019. Challenging the same, the petitioner filed W.P.No.24250 of 2019 which is pending before this Court.

6.Heard the learned counsel appearing on either side and perused the material on record.



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7. On a perusal of the records, it is seen that as per G.O.Ms.No.611, dated 22.06.1989, an official shall be eligible for promotion from the post of Ranger to Assistant Conservator of Forests for which he has to complete 10 years of service as Ranger. The petitioner had completed 24 years of service as Forest Range Officer. The name of the petitioner was considered for promotion as Assistant Conservator of Forests in the panel year 2008-2009 vide G.O.(Ms)No.131, dated 30.09.2009 as per rules in existence. No junior to the petitioner was included in the promotion panel for the 2007-2008. The panel of Assistant Conservator of Forests by recruitment by transfer for the year 2007- 2008 was drawn based on the estimate of vacancies approved by Government vide Government letter No.28340/FR.1/2006-06 dated 16.08.2007. Subsequently, the name of the petitioner was included in the Deputy Conservator Forests panel for the year 2014-2015 vide G.O.(Ms) No.139, dated 23.12.2014. Both the selections were made based on the estimate of vacancies approved by the Government as per rules in force. No Junior to the petitioner was selected as Assistant Conservator of forests and subsequent promotion as Deputy Conservator of Forests. Further, it is seen



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that the petitioner was placed under suspension on the verge of his retirement on 29.07.2019 in G.O.(3D) No.24, Environment and Forests (FRI) Department dated 29.07.2019. A case in Cr.No.03/AC/2017/CC-IV, under Section 102 of the Code of Criminal Procedure and 13(2) read with 13(1)(d) of the Prevention of Corruption Act 1988 was registered against the petitioner by the Directorate of Vigilance and Anti Corruption. He was also not permitted to retire from service on the afternoon of 31.07.2019 and retained in service in G.O.(3D) No.25, Environment and Forests (FR1) Department dated 31.07.2019. Hence, the petitioner filed W.P.No.24250 of 2019 which is now pending before this Court. The petitioner has been given appropriate promotion when he was eligible as per the rules in force by the Government. Therefore, the petitioner's case cannot be considered at this stage.



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Accordingly, this Writ Petition is dismissed. No costs. Consequently,  
connected Miscellaneous Petition is closed.

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Index : Yes/No  
Speaking order: Yes/No  
Neutral citation: Yes/No  
mps

To

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Environment and Forest Department,  
Secretariat,  
Fort St.George,  
Chennai-9.

2.The Principal Chief Conservator of Forests,  
Panagal Building,  
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**V.BHAVANI SUBBAROYAN, J,**

mps

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