IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 5th OF FEBRUARY, 2024

WRIT PETITION No. 2108 of 2024

BETWEEN:-

DHEERAJ KUMAR SAXENA S/O SHRI PRAKASH NARAYAN SAXENA, AGED 41 YEARS, OCCUPATION: SERVICE (FOREST GUARD) R/O OFFICE OF FOREST RANGE OFFICER GENERAL FOREST DIVISION DISTRICT SHEOPUR (M.P.) (MADHYA PRADESH)

.....PETITIONER

(BY SHRI B.M. PATEL- ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH ITS PRINCIPAL SECRETARY MINISTRY OF FOREST DEPARTMENT VALLABH BHAWAN, BHOPAL (M.P.) (MADHYA PRADESH)**

2. **THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS MADHYA PRADESH VAN BHAWAN TULSI NAGAR, LINK ROAD NO.2 BHOPAL (MADHYA PRADESH)**

3. **CHIEF CONSERVATOR OF FOREST, CIRCLE GWALIOR CENTRAL NURSERY, NEAR CAPTAIN ROOPSINGH STADIUM, DIST. GWALIOR (MADHYA PRADESH)**

4. **FOREST RANGE OFFICER GENERAL FOREST DIVISION SHEOPUR (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI RAVINDRA DIXIT- GOVERNMENT ADVOCATE FOR RESPONDENT/STATE)

This petition coming on for admission this day, the court passed the following:

ORDER

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1. The instant petition has been preferred by petitioner under Article 226 of the Constitution seeking following reliefs:-

> 1- That, the respondents may kindly be directed to decide the representation dtd.29.06.2023(Ann. P/1), the representation dtd. 21.08.2023 (Ann. P/4) and representation dtd.19.12.2022 (Ann.P/17) pending consideration before the respondents.
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> 2- That, any other relief this Hon'ble Court deems fit and proper in the facts and circumstances of the case may also be issued in favor of the petitioner.

2. It is the submission of learned counsel for petitioner that petitioner is working as Forest Guard and suffered in departmental enquiry whereby punishment has been inflicted of stoppage of two increments without cumulative effect. Against the order dated 08.03.2021, petitioner preferred an appeal before the Chief Conservator of Forest, Circle- Gwalior (respondent No.3 herein) but he suffered. Thereafter, second appeal has been preferred by petitioner before the Principal Chief Conservator of Forest (respondent No.2 herein) and the said second appeal is pending since 19.12.2022 and more than one year has passed since then. It is further submitted that because of pendency of the appeal, his case for promotion is not being considered. Petitioner seeks early consideration over his appeal so that depending upon the fate of appeal, he may aspire for promotion subsequently.

3. Learned counsel for respondent/State opposed the prayer, however, fairly submitted that if any appeal is pending consideration, then same shall be taken care of as per law by the appellate authority.

4. Considering the submissions and the fact that appeal is pending consideration for more than one year, this petition is disposed of with a direction to Principal Chief Conservator of Forests (respondent No.2) to

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consider the pending appeal on its own merits and decide the same at an expeditious note preferably within a period of two months from the date of submission of certified copy of this order so that petitioner thereafter can aspire for promotion, if he succeeds in the appeal.

5. Resulting, the petition stands **disposed of** with the aforesaid direction.

(ANAND PATHAK)
JUDGE

Vishal

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