
(2004) 08 AP CK 0041

In the Andhra Pradesh High Court

Case No : Writ Petition No. 20338 of 2003

K. Gangadhar

APPELLANT

Vs

Forest Range Officer and Another

RESPONDENT

Date of Decision : 27-08-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2005) 1 ALT 425

Hon'ble Judges : B. Prakash Rao, J

Bench : Single Bench

Advocate : C.H. Satish Kumar, for the Appellant; G.P. for Medical Health and Family Welfare, for the Respondent

Final Decision : Allowed

Judgement

B. Prakash Rao, J.—Heard both sides and their request, the main writ petition itself is taken up for disposal.

2. The petitioner, who is Chair-Person of Ambugaon Vana Samrakshana Samithi, Kuntala Mandal, Adilabad District, filed this writ petition inter alia seeking to assail the impugned notice dated 14-9-2003 issued by the first respondent herein as illegal and without power, authority and jurisdiction.

3. The case of the petitioner is that he has been appointed on the recommendations of the first respondent by the proceedings of the 2nd respondent herein as per the rules framed under G.O.Ms. No. 13, Energy Forest, Environment, Science and Technology (For. MI) Department, dated 12-9-2002 and therefore issuance of any such show cause notice by the first respondent, who is a Forest Range Officer concerned, is totally without power, authority and jurisdiction. Further, it was also pointed out that under the very same show cause notice the respondent No. 1 is virtually taken a decision to conduct election on 25-9-2003, which is called a pre-meditation. Hence, the writ petition.

4. Learned counsel appearing on behalf of the respondents, though sought to

sustain the impugned action of the respondents, however, is not able to point out the source of power under which the first respondent can initiate the proceedings of the nature.

5. Having heard the counsel on either side and on perusal of the material, it is seen that there is no dispute in regard to the factum that the petitioner, as a Chairperson, was appointed by the proceedings of the Divisional Forest Officer under the aforesaid G.O.Ms No. 13, dated 12-2-2002, such appointment is normally being made on the recommendations by the concerned Forest Range Officer. Therefore, the Forest Range Officer is neither appointing nor competent authority to initiate any proceedings. In view of the same, the impugned action is liable be set aside. Even otherwise, the very charge which is accompanied with the notice also predetermines the action and the election as shown to be held on 25-9-2003 which is again interfering in the decision making process. In these circumstances, I do not find any jurisdiction either in law or on facts in regard to the impugned action.

6. Writ petition is accordingly allowed and the impugned notice dated 14-9-2003 is set aside. No costs.