
(2010) 10 UK CK 0100
In the Uttarakhand High Court
Case No : Writ Petition (S/S) No. 728 of 2003

Prem Prakash

APPELLANT

Vs

Chief Conservator of Forest, Garhwal Region and Others

RESPONDENT

Date of Decision : 29-10-2010

Acts Referred:

Citation : (2010) 10 UK CK 0100

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Judgement

Sudhanshu Dhulia, J.—The case of the petitioner in the present writ petition is that he is a Forest Guard in the Forest Department in the State of Uttarakhand and seeks promotion to the post of Deputy Ranger.

2. No counter affidavit has been filed by the State, although directions were given to the State Counsel as long back as on 1.8.2003.

3. Heard Mr. J.S. Bisht, Advocate for the petitioner and Mr. N.P. Sah, Standing Counsel for the State of Uttarakhand.

4. The petitioner states that he was appointed as a Forest Guard on 31.12.1970, and since then, he is continuing on the said post. His juniors have been promoted to the post of Deputy Ranger, and therefore, he is also liable to be promoted to the said post. It is also an admitted case of the petitioner that a disciplinary proceeding was initiated against him, in which there was finding recorded against him and subsequently as a measure of punishment an adverse entry was recorded in the service record of the petitioner. This was done vide order dated 1.1.2003. The petitioner further contends that the recording of censure entry in the service record was itself bad and no reliance can be placed on that. This contention of the petitioner is entirely misconceived. However, since now we are in the year 2010 and it has not been stated by the learned Standing Counsel as to whether the censure entry would still stand in the way of the petitioner getting promotion to the next higher post itself, the writ petition is

disposed of with the following directions:

In case the petitioner makes a representation before respondent No. 1 within a period of three weeks from today, respondent No. 1 shall consider the entire facts relating to the present petitioner including the fact that a punishment order was passed against the petitioner way back in the year 2003. He will also consider all the relevant records and the law applicable in the present case and decide as to whether the petitioner is liable to be promoted, since the censure entry itself pertains to the year 2003 and more than seven years have passed since then, it is therefore open for the Chief Conservator of Forest to pass an order in accordance with law relating to promotion of the petitioner preferably within a period of four months from the date of production of a certified copy of this order before him.

5. No order as to costs.