

APHC010330102023



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3208]

THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 16883/2023

Between:

1. SK MD YASIN, AGED ABOUT 50 YEARS, MUSLIM PRESENTLY WORKING AS FOREST BEAT OFFICER, TANGIRALA, BEAT OF VINUKONDA RANGE, VINUKONDA MANDAL PALNADU DISTRICT (GUNTUR DISTRICT)

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF THE FOREST FORCE, ANDHRA PRADESH FOREST DEPARTMENT ARANYA BHAVAN, MANGALAGIRI, GUNTUR DISTRICT.

2. THE DISTRICT FOREST OFFICER, OFFICE OF THE DISTRICT FOREST OFFICER (T) TERRITORIAL FOREST DIVISION, GUNTUR.

3. THE DISTRICT FOREST OFFICER, PALNADU (T) FOREST DIVISION, PALNADU DISTRICT.

4. THE DEPUTY DIRECTOR, PROJECT TIGER, MARKAPURAM.

5. J VENKATA RAO, FOREST BEAT OFFICER, AT LOYAPALLI BEAT VELLDURTHI SECTION OF MACHERLA RANGE PALNADU (T) DIVISION, PALNADU DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus by declaring action of the respondents 1 to 4 as illegal, arbitrary, irregular. irrational for not considering the seniority of the petitioner who is the senior most among the seniority list while considering the promotion as well as while promoting the 5th respondent as Forest Section Officer by issuing the promotion proceeding with vide Service orders i.e., S.O. No. 12/2023/S2 dated 3-7-2023 by the 2nd respondent without considering the seniority list dated 24-3-2023 with vide Rc no. 329/2023/S1 by violating the Articles 14, 19, and 21 of the constitution of India and violation of principle of natural justice to set aside the Promotion orders i.e., S.O. No. 12/2023/S1 dated 3-7-2023 with vide Rc No. 3787/2022/S2 and consequently direct the respondents to consider the petitioner for promotion to the post of Forest Section officer basing on the seniority list as per records and pass

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend on the impugned Promotion orders i.e., S.O. No. 12/2023/S1 as per vide Re. No. 3787/2022/S2 issued in favour of the 5nd respondent pending disposal of the main writ petition and also pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to grant leave to the petitioners/Respondent in WP No. 16883 of 2025 to file Rejoinder to the counter affidavit by condoning the delay and consequently order to receive the Rejoinder on record and pass

Counsel for the Petitioner:

1.G.SAI LOCHAN

Counsel for the Respondent(S):

1.GP FOR SERVICES I

2.P V RAMANA

The Court made the following:

ORDER:

1. The writ petition is filed to declare the action of the respondents 1 to 4 as illegal for not considering the seniority of the petitioner while considering the petitioner for promotion as well as for promoting the 5th respondent as Forest Section Officer vide proceedings dated 03.07.2023 by the 2nd respondent without considering the seniority list dated 24.03.2023, as illegal and arbitrary and consequently direct the respondents 1 to 4 to consider the petitioner for promotion to the post of Forest Section Officer basing on the seniority list as per records.

2. The case of the petitioner is that initially he was appointed as Forest Beat Officer at Tangirala Beat of Vinukonda Forest Range, Palanadu Forest Yerirorial Division, Palanadu District. While working, the petitioner was transferred vide proceedings dated 15.06.2023 from existing Tangirla beat of Vinukonda range to Sirigiripadu Beat of V.P. South Range, WLM, Markapuram. The said transfer proceedings were challenged before this Court in W.P.No.14012 of 2023. This Court has considered the merits of the case and passed the interim order on 15.06.2023 by suspending the transfer orders as the same are contrary to the instructions issued in G.O.Ms.No.71 dated 17.05.2023.

3. Based on the above, the respondents 2 and 3 have bore grudge against the petitioner and hence they have not considered the case of the petitioner and bypassing the seniority of the petitioner, the respondents 2 and 3 considered the case of the 5th respondent for promotion to the post of Forest Section Officer vide proceedings dated 03.07.2023. Aggrieved by the said action, the present writ petition is filed.

4. After notice, the respondents have filed the counter. According to the counter, the respondents have considered the case of the petitioner as well as the 5th respondent and in view of having currency of punishment for a panel year 2022-23, the petitioner's case was not considered and with regard to 5th respondent as he stood at Sl.No.2 and having no charges against him, his case was considered for promotion to the post of Forest Section Officer.

5. Further, it is also averred in the counter that there are punishments awarded against the petitioner during the current panel year 2022-23 due to the following punishments/charges which are in force up to 2025. The following are the punishments:

"a. Awarded stoppage of two increments with cumulative effect vide the proceedings of 2nd respondent Rc.No.1212/2011/S6, dated 20.12.2012.

b. Awarded stoppage of three increments with cumulative effect vide the proceedings of the 2nd respondent Rc.No.2997/2017/S6, dated 31.03.2012.

c. Awarded stoppage of two increments without cumulative effect vide the proceedings of the 2nd respondent Rc.No.3666/2017/S5, dated 12.09.2018.

d. Awarded punishment of 'Censure' vide the proceedings Rc.No.1695/2018/S5 dated 11.12.2019 of the 2nd respondent."

6. In view of the currency of punishment was against the petitioner for the panel year 2022-23, the petitioner is not eligible for consideration of the promotion. Accordingly, his case for promotion was deferred.

7. Reply to the above said submissions, the petitioner has filed reply affidavit. Along with reply affidavit, the learned counsel for the petitioner has also placed service book of the petitioner, which was obtained through Right to Information Act and in that the punishment which is referred at Sl.No.'a' that the award of stoppage of two increments with cumulative effect dated 20.12.2012 is not reflecting. Rest of the contentions are concerned, though the petitioner was not considered for promotion, no notice was given and no order was passed. Hence, the same is contrary to law.

8. Considering the submissions, this Court directed the learned Government Pleader to produce written instructions from the respondents with regard to the disputed punishment. Further, the District Forest Officer, Guntur Division has placed instructions on 12.02.2026. In that instructions, it was categorically submitted that the stoppage of two increments with cumulative effect, order dated 20.12.2012 was not reflected in the service register, but the articles of charges under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules,1991 framed against the petitioner and findings were recorded on 23.11.2012 and accordingly the proceedings were issued on 20.12.2012.

Though the said punishment was not reflected in the service register, but it was duly entered in the punishment register maintained in the Forest Office, Guntur Division and accordingly he has placed the said entries made in the punishment register. Apart from, they have placed notice issued on 24.11.2012 along with enquiry report of the petitioner.

9. Learned counsel appearing on behalf of the 5th respondent has made his submission that despite having knowledge about the punishment awarded against the petitioner but the same was not disclosed in the present writ petition.

10. Considering the said material as the currency of punishment at the time of consideration for the panel year 2022-23 against the petitioner, this Court is not inclined to interfere with the impugned orders.

11. Accordingly, the writ petition is dismissed. No order as to costs.

12. It is needless to mention that if the currency of punishment is over, let the petitioner's case may also be considered for promotion, if he is otherwise eligible in the next panel year.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE D.RAMESH

Date:19.02.2026

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THE HONOURABLE SRI JUSTICE D.RAMESH

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Dated:19.02.2026

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