

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

Writ Petition (PIL) No. 68 of 2018

20TH OCTOBER, 2021

Mr. J.C. Pande, the learned Standing Counsel for the State of Uttarakhand.

ORDER : (per Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan)

Mr. Rajiv Bhartari, the learned Principal Chief Conservator of Forest, has joined this Court through video conferencing. In compliance of the order dated 08.09.2021, Mr. Bhartari has submitted a supplementary affidavit. The same shall be taken on record.

2. According to the said affidavit, in the cadre of Forest Guards, there are a total of 2323 posts, which are lying vacant. Out of these posts, while 2112 posts are direct recruitment posts, 286 posts are promotional posts. The process for filling up the direct recruitment posts has already commenced with the advertisement dated 19.08.2021. According to the affidavit, the written examination and the physical test were taken by the

Uttarakhand Subordinate Service Selection Commission ("*UKSSSC*" for short). Therefore, only interview and physical examination remain to be done. It is hoped that the said selection process will be over by November, 2021 with regard to Phase-I, which would include filling up of 1118 posts. With regard to 894 posts out of 2112 posts, Mr. Bhartari claims that the posts shall be filled up hopefully by June, 2022 by the UKSSSC. Moreover, according to him, there are 286 vacant posts to be filled up by promotion. Out of it, 75 eligible candidates from amongst Class-IV were promoted on the post of Forest Guard in the months of July and August, 2021. The remaining 211 vacant posts cannot be filled up due to lack of eligible candidates among the working Class-IV employees.

3. For the post of Forester, there are 114 vacant posts. However, keeping in mind the possibility of future vacancies arising shortly, a requisition for 314 posts was sent to the UKSSSC. The UKSSSC has advertised the said posts on 18.12.2019. However, according to Mr. Bhartari, this Court has directed the UKSSSC to fill up only one-third of the posts so advertised, as the advertisement is under challenge in a series of Writ Petition before this

Court. A bare perusal of the affidavit clearly reveals that the details with regard to the litigation pending before this Court have not been submitted. Therefore, Mr. Bhartari is directed to submit the details of the litigation pending before this Court in his next affidavit.

4. As far as the post of Assistant Conservator of Forest is concerned, according to the affidavit, there are 45 vacancies. The UKSSSC has conducted the preliminary examination on 03.11.2020, and the main examination on 13-17th March, 2021. According to Mr. Bhartari, results will be declared shortly by the UKSSSC. Moreover, there are 23 vacant posts, as promotional posts. As there is some dispute with regard to the seniority in the cadre of Range Officers, between the promoted and the direct recruited Range Officers, promotion on these posts cannot be made. Again, there are no details of such litigation submitted in the affidavit. Therefore, Mr. Bhartari is directed to inform this Court with regard to the details of the litigation that may be pending before this Court.

5. Although, this Court is dealing with the issue and manner in which the Forest Department has to control the forest fires, which are an annual feature in the State,

this Court is equally concerned about strengthening the Forest Department. Considering the fact that seventy-three percent of the State has a green coverage, considering the fact that the ecology and the environment of the State depends on the health of the Forests, and considering the fact that the Forest Department has a pivotal role to play in maintaining the environmental condition of not only the State, but of the nation as a whole, it is imperative that the Forest Department should be strengthened to its maximum.

6. Therefore, this Court directs Mr. Bhartari, the learned Principal Chief Conservator of Forest, to submit a complete report with regard to the responsibilities, both main and peripheral, bestowed upon the Forest Department, with regard to the budget proposal sent by the Department for the execution of its different projects, and the budget sanctioned for the use of the department, both by the Central and the State Government. The said report shall be filed by Mr. Bhartari on or before 06.12.2021.

7. Mr. Bhartari is directed to appear before this Court through video conferencing on 08.12.2021.

8. List this case on 08.12.2021.

RAGHVENDRA SINGH CHAUHAN, C.J.

ALOK KUMAR VERMA, J.

Dt: 20th October, 2021
RAHUL