

GOVERNMENT OF ODISHA

FOREST, ENVIRONMENT & CLIMATE CHANGE DEPARTMENT

NOTIFICATION

Bhubaneswar dated the 1st May 2023

No. FE-FE2-CASE-0004-2022 8949/FE&CC; Whereas a Meeting of the Departmental Promotion Committee for promotion of Forest Rangers to the rank of Assistant Conservator of Forests was held on 22.02.2014 & 24.02.2014.

And whereas, the findings of the Departmental Promotion Committee in respect of Sri Mahendra Patra, Forest Ranger (Now Retd.) was kept in "Sealed Cover" due to the pendency of 01 Vigilance case (SBP Vig. P.S. case No. 16/1997) against him.

And whereas, Sri Patra filed an OA No. 2692 of 2015 with a prayer to direct the respondents to open the seal cover containing the recommendation of the DPC proceeding dated 22.02.2014 & 24.02.2014 & give promotion to the rank of ACF retrospectively w.e.f 30.05.2014 and to grant all consequential with other financial benefits within the specified time limit.

And whereas, Hon'ble Tribunal disposed of the O.A. No. 2692/2015 with direction to Respondent no. 1 to open the sealed cover in respect of the Applicant relating to DPC dated 22.02.2014 & 24.02.2014, and in case he is found suitable the Applicant be given promotion Notionally, w.e.f. the date from which his immediate junior got a promotion and the financial benefit from the date the Applicant assumes charge which shall be on an ad-hoc basis and respondents shall be at liberty to vary the same after the final decision of the Vigilance case SBP Vig. P.S. Case No. 16/1997 under P.C. Act and IPC started in the year 1997 and charge-sheeted in 2000 and cognizance was taken on 22.06.2000.

And whereas, the State filed an Appeal vide W.P.(C) No. 12308/2016 challenging the Order passed by the OAT in O.A. No. 2692/2015.

And whereas, the Hon'ble High Court in its Order dated 03.11.2016 disposed of the W.P.(C) No. 12308/2016 by setting aside the Order of the Hon'ble OAT & directing the petitioners to consider the case of Sri Patra for promotion following the Circular dated 04.07.1995 of G.A. Department.

And whereas, the promotion case of Sri Patra was rejected vide this Department Office Order No. 7683/F&E dated 17.04.2017 due to the pendency of SBP Vig. P.S. Case No. 16/1997.



And whereas, Sri Patra again filed an OA No. 1195 of 2017 with the following prayer:

1. Quashing of the order dated 17.04.2017 wherein the claim of Sri Patra for promotion to the rank of Assistant Conservator of Forests was rejected as being devoid of merit &
2. to direct the respondents to consider the case of the applicant for promotion to the rank of ACF w.e.f. 30.05.2014 and to grant all consequential and financial benefits within the specified time limit.

And whereas, the OA No. 1195 of 2017 filed by Sri Patra was subsequently transferred to the Hon'ble High Court of Orissa & renumbered as WPC (OAC) 1195/2017.

And whereas, Hon'ble High Court vide order dated 28.07.2021 have disposed of the WPC(OAC) 1195/2017 with direction as follows :-

" Court in disposal of the writ petition directs the Principal Secretary to Govt. of Odisha, Forest and Environment Department, Bhubaneswar-O.P. No.1 to give promotion to the petitioner to the rank of Asst. Conservator of Forest from the date of his juniors and batchmates got such promotion. However the promotion of the petitioner as per direction of this Court shall be subject to the ultimate outcome in the Vigilance Proceeding. Further it is also clarified that the promotion given to the petitioner to the rank of Asst. Conservator of Forest shall not confer equity in the event, he will ultimately lose the Vigilance Proceeding. Entire exercise shall be completed within four weeks from the date of communication of this Order. It is also clarified that upon promotion, petitioner shall also be entitled to all consequential benefits. "

And whereas, the advice of the Law Department was sought for filing of Writ Appeal before the Hon'ble High Court.

And whereas, the Law Department opined that due to the expiry of the stipulated time period of limitation of 30 days to file a Writ Appeal, the filing of Writ Appeal at this stage is not recommended. Furthermore, the A/D was advised to implement the Order dated 28.07.2021 passed in WPC(OAC)No. 1195/2017.

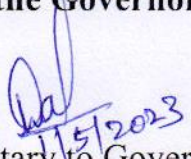
And whereas, the Scaled Cover containing the findings of the Departmental Promotion Committee dated 22.02.2014 & 24.02.2014 in respect of Sri Patra has been opened on 29.04.2023.

Hence, after careful consideration, the Government have been pleased to promote (Notionally) Sri, Mahendra Patra, Forest Ranger (Retd.) to the rank of Assistant Conservator of Forests, OFS (JB) w.e.f. 30.05.2014 i.e. the date his immediate junior Sri NSJP Singh got promoted to the rank of Assistant Conservator of Forests, OFS (JB).

Sri Mahendra Patra will not be eligible for any arrear financial benefits for the period from 30.05.2014 to 31.05.2022 i.e. the date of his retirement from Government Service on attaining the age of superannuation.

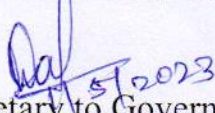
The promotion (notionally) of Sri Mahendra Patra Forest Ranger (Retd.) to the rank of Assistant Conservator of Forests, OFS (JB) w.e.f. 30.05.2014 is subject to the final outcome of SBP Vig. P.S. Case No. 16/1997.

By Order of the Governor


Additional Secretary to Government

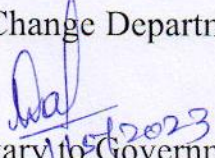
Memo No. 8950 /FE&CC, Date 01.05.23

Copy forwarded to the Accountant General (A&E)/ Audit, Odisha/ GA & PG (Vigilance) Deptt. / GA& PG(SE) Deptt. /GA & P.G (Rent) Deptt./ OPSC, Cuttack for information & necessary action.


Additional Secretary to Government

Memo No. 8951 / FE&CC, Date 01.05.23

Copy forwarded to the P.S to the Hon'ble Minister, Forest, Environment & Climate Change Department, Odisha / P.S to the Chief Secretary, Odisha/ P.S to the Additional Chief Secretary to Govt. Forest, Environment & Climate Change Department / 10 spare copies to the Guard file for kind information.


Additional Secretary to Government

Memo No. 8952 / FE&CC, Date 01.05.23

Copy forwarded to Principal Chief Conservator of Forests, Odisha / Principal Chief Conservator of Forests (KL) Odisha / Principal Chief Conservator of Forests (WL) & CWLW, Odisha/All RCCFs/ All DFOs for information and necessary action.


Additional Secretary to Government

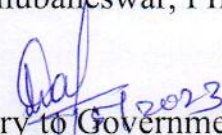
Memo No. 8953 / FE&CC, Date 01.05.23

Copy forwarded to OE (IT Cell), Forest, Environment & Climate Change Department with a request to publish this Notification on the website of the Forest, Environment & Climate Change Department.


Additional Secretary to Government

Memo No. 8954 / FE&CC, Date 01.05.23

Copy forwarded to Sri, Mahendra Patra, Forest Ranger (Retd.), AT- Ashirbad Plaza, Flat No.- A/205, 2ND Floor, Kalarahanga, Patia Station Road, Bhubaneswar, PIN-751024 for information only.


Additional Secretary to Government