

GOVERNMENT OF ODISHA

FOREST, ENVIRONMENT & CLIMATE CHANGE DEPARTMENT

NOTIFICATION

Bhubaneswar dated the 31.08.23

No. FE-FE2-FE-0014-2023 18636/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 22.05.2018.

And whereas, the findings of the Departmental Promotion Committee in respect of Sri Ashok Kumar Biswal, Forest Ranger was kept in "Sealed Cover" due to the pendency of Sambalpur Vigilance P.S Case No. 49 dated 25.08.2006.

And whereas, Sri Biswal filed a WP (C) No. 17107 of 2021 before the HHC with the following prayer:

"To direct the OP No. 1 i.e. FE & CC Department for opening the 'sealed cover' and to implement the recommendation of the Departmental Promotion Committee held on 22.05.2018 by extending ad-hoc promotion from the rank of OFS-Gr-B to OFS-Gr-A (Junior Branch) with effect from the date of promotion of his immediate junior, for all practical purposes including disbursement of differential amount of pay and other allowances within a stipulated time".

And whereas, the Hon'ble High Court disposed of the WP (C) No. 17107 of 2021 vide its Order dated 20.07.2021 with the following direction:

"The opposite parties to consider the case of the petitioner for promotion by opening the sealed cover, in view of the judgment of this Court in the case of Purna Chandra Das mentioned supra which has been affirmed by the apex Court as well as the judgment of this Court in the case of Somnath Sahoo (supra) and pass appropriate order in accordance with law."

And whereas, in obedience to the advice of Law Department, a Writ Appeal No. 987 of 2022 was filed before the Hon'ble High Court against the Order dated 20.07.2021 passed in WP (C) No. 17107 of 2021.

And whereas, 01 Disciplinary Proceeding initiated against Sri Biswal vide this Department Memorandum No. 6864 dated 27.04.2015 has been closed vide this Department Office Order No. 9151/F&E dated 12.05.2021.

[Signature]
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And whereas, the Court of Special Judge (Vigilance), Sundargarh in its judgement dated 25.03.2023 passed in CTR Case No. 40/288 of 2008-2016 (Arising out of Sambalpur Vigilance P.S Case No. 49 dated 25.08.2006) has acquitted Sri Biswal under Sec. 248 (1) of Cr.PC.

And whereas, Sri Biswal had filed another WP (C) No. 13676 of 2023 before the HHC with the following prayer:

" For opening the 'sealed cover' and to implement the recommendation of the Departmental Promotion Committee held on 22.05.2018, by extending promotion from the rank of OFS-Gr-B to OFS-Gr-A (Junior Branch) in favour of the Petitioner with effect from the date of promotion of his immediate junior, for all practical purposes including disbursement of differential amount of pay and other allowances within a stipulated time xxxxx".

And whereas, the Ld. Advocate General was requested to offer his considered views regarding consideration of promotion case of Sri Ashok Kumar Biswal, Forest Ranger after his acquittal in Sambalpur Vigilance P.S Case No. 49 dated 25.08.2006, as the W.A. 987/2022 against order of Hon'ble Court in WP(C) No. 17107/2021 filed by Ashok Kumar Biswal was listed for hearing on 27.06.2023.

And whereas, the Addl. Govt. Advocate, O/o the AG, Odisha has intimated that:

" It is available in the record that the Writ Appeal being W.A No.987 of 2022 was filed challenging the order dtd.20.07.2021 passed in W.P.(c) No.17107 of 2021 and the above said Writ Appeal has been disposed of remitting the matter to the Hon'ble Single Judge for fresh consideration.

Thereafter, the Petitioner filed another Writ Petition bearing W.P. (C) No.13676 of 2023 and same has been disposed of vide Order dtd.27.03.2023 with a direction to consider the representation of the Petitioner.

Therefore, in view of the acquittal of the Petitioner in the Vigilance Case there is no impediment to open the sealed cover and workout the recommendation of the D.P.C".

And whereas, the Sealed Cover containing the findings of the Departmental Promotion Committee in respect of Sri Biswal was opened by the Additional Secretary to Govt. on 29.08.2023.

And whereas, as per the opinion of Addl. Government Advocate & in accordance to Para-2 of GA Department Office Memorandum No. 29699 dated 01.11.1997 read with Para-6 of GA Department Office Memorandum No. 3928 dated 18.02.1994, Sri Ashok Kumar Biswal, Forest Ranger is found suitable for promotion to the rank of Assistant Conservator of Forests, OFS (JB) w.e.f 22.12.2018 i.e. the date his immediate

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junior Smt. Kiran Bala Samantaray was promoted to the rank of Assistant Conservator of Forests, OFS (JB).

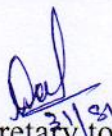
Hence, after careful consideration the Government have been pleased to notionally promote Sri Ashok Kumar Biswal, Forest Ranger, Joshipur Range, Silviculture Division, Bhubaneswar to the rank of Assistant Conservator of Forests, OFS (JB) with usual D.A and other allowances as admissible from time to time w.e.f. 22.12.2018 i.e. the date his immediate junior Smt. Kiran Bala Samantaray got promoted to the rank of Assistant Conservator of Forests, OFS (JB).

The inter-se-seniority of Sri Ashok Kumar Biswal is hereby fixed below Sri Mahendra Kumar Nath at Sl. No. 61 & above Smt. Kiran Bala Samantaray at Sl. No. 62 in the Final Gradation List of Assistant Conservator of Forests, OFS (JB) as on 01.09.2022.

Upon promotion to the post of Assistant Conservator of Forests, OFS (JB), Sri Ashok Kumar Biswal is hereby posted as ACF, Keonjhar (WL) Division, Anandpur in the existing vacancy with immediate effect.

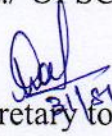
Sri Biswal will be eligible for arrear financial benefits from 22.12.2018.

By Order of the Governor


Additional Secretary to Government

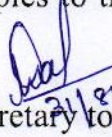
Memo No. 18637/FE&CC, Date 31.08.23

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. 18638/FE&CC, Date 31.08.23

Copy forwarded to the P.S to the Hon'ble Minister, Forest, Environment & Climate Change Department, 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

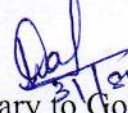
Memo No. 18639 / FE&CC, Date 31.08.23

Copy forwarded to PCCF & HoFF, Odisha / PCCF (KL), Odisha / PCCF (WL)/All RCCFs/All DFOs for kind information & necessary action.


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Additional Secretary to Government

Memo No. 18640 / FE&CC, Date 31.08.23

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.


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Additional Secretary to Government