

GOVERNMENT OF ODISHA

FOREST, ENVIRONMENT & CLIMATE CHANGE DEPARTMENT

OFFICE ORDER

Bhubaneswar dated the 30.11.23

No. PT2-FE-FE2-FE-0011-2020 24939/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 16.05.2017.

And whereas, the findings of the Departmental Promotion Committee in respect of Sri Shiva Prasad Samal, then Forest Ranger, Now Assistant Conservator of Forests wa kept in "Sealed Cover" due to the pendency of 01 Disciplinary proceeding initiated vide this Department Memorandum No. 5490/F&E dated 18.03.2017 against him.

And whereas, the Departmental Proceeding initiated against Sri Samal vide this Department Memorandum No. 5490/F&E dated 18.03.2017 was finalized vide this Department Office Order No. 2854/FE&CC dated 10.02.2020 with imposition of the following penalties:

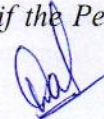
1. One increment be stopped with cumulative effect,
2. Recovery of the appropriate license fee for the period of his unauthorized occupation of Govt. Quarter,
3. Censured for future.

And whereas, Sri Samal filed one OA No. 2191/2018 with a prayer to direct the Respondent No. 1 to promote the applicant to the post of ACF on the basis of findings of DPC dated 16.05.2017 w.e.f. 20.10.2017 i.e. the date of promotion of his juniors with all service and financial benefits within the stipulated time.

And whereas, Sri Samal filed one WP (C) No. 10984/2020 challenging this Department Office Order No. 2854/FE&CC dated 10.02.2020 wherein the aforesaid penalties were imposed upon him.

And whereas, the Hon'ble High Court vide its Order dated 05.07.2023 passed in WPC (OAC) No. 2191 of 2018 & WP (C) No. 10984 of 2020 directed as follows:

"Accordingly this Court is inclined to quash the order dtd. 10.02.2020 which is the subject matter of challenge in W.P.(C) No. 10984 of 2020. While quashing the same, this Court directs O.P. No. 1 to conclude the proceeding taking into account the enquiry report available under Annexure 9 and/or 11 within a period of two (2) months from the date of receipt of this order. If the proceeding will not be disposed of within the aforesaid time period, then opp. Party No. 1 will open the sealed cover of the DPC dtd. 16.05.2017 and extend the benefit of promotion, if the Petitioner has been otherwise recommended by the DPC."



And whereas, in obedience to the Orders of the Hon'ble High Court, the Government after careful consideration decided to quash this Department Office Order No. 2854/FE&CC dated 10.02.2020.

And whereas, as per the recommendation of the DPC Meeting held on 01.11.2021, Sri Samal was promoted to the rank of Assistant Conservator of Forests vide this Department Notification No. 19588/FE&CC dated 08.11.2021.

And whereas, in accordance to Para-6 of GA Department Department Office Memorandum No. 3928 dated 18.02.1994 r/w Para-2 of GA Department Department Office Memorandum No. 29699 dated 01.11.2017, Sri Samal is eligible to get promotion to the rank of Assistant Conservator of Forests w.e.f 20.10.2017 i.e. the date his immediate junior Sri Debendra Kumar Behera got promoted to the said rank.

Hence, after careful consideration the Government has been pleased to notionally promote Sri Shiva Prasad Samal 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. 20.10.2017 i.e. the date his immediate junior Sri Debendra Kumar Behera (as per the Tentative Seniority list of Forest Rangers as on 01.01.2017) got promoted to the rank of Assistant Conservator of Forests, OFS (JB).

The inter-se-seniority of Sri Samal is hereby fixed above Sri Debendra Chandra Khuntia & below Sri Tankadar Behera in the Tentative Gradation List of Assistant Conservator of Forests as on 01.10.2023 .

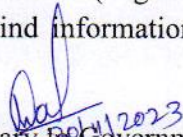
Sri Samal will be eligible for arrear financial benefits for the period from 20.10.2017 to 30.11.2023 i.e. the date of his retirement from Government Service on attaining the age of superannuation.

By Order of the Governor


Additional Secretary to Government

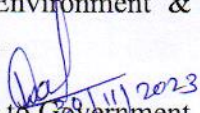
Memo No. 24940 /FE&CC, Date 30.11.23

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 kind information & necessary action.


Additional Secretary to Government

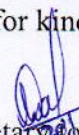
Memo No. 24941 / FE&CC, Date 30.11.23

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 / 05 spare copies to the Guard file for kind information.


Additional Secretary to Government

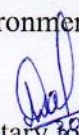
Memo No. 24942 / FE&CC, Date 30.11.23

Copy forwarded to the Additional Secretary, Field Establishment Branch-I, FE&CC Department/Principal Chief Conservator of Forests, Odisha / Principal Chief Conservator of Forests (KL) Odisha / Principal Chief Conservator of Forests (WL) & CWLW, Odisha for kind information and necessary action.


Additional Secretary to Government

Memo No. 24943 / FE&CC, Date 30.11.23

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


Additional Secretary to Government