

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: 27.09.2016

CWP No.1002 of 1996

A.S.Bajwa & others

...Petitioners

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sanjeev Thakur, Advocate, for
Mr. Shireesh Gupta, Advocate, for the petitioners.

Ms. Shruti Jain Goel, AAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

The petitioners who are rankers could not claim seniority over a direct recruit and could be promoted only when vacancies arose in their own quota w.e.f. 01.08.1988. It is from that date the services of the petitioners is reckonable towards seniority only after they became members of Haryana Forest Service on substantive promotion and came to be regularized by the State Government vide retrospective orders passed on 02.12.1997 during the pendency of this writ petition. The order was re-confirmed by the State Government on 03.11.1998. The method of recruitment to Haryana Forest Service Class II is governed by the provisions of the Haryana Forest Department (State Service Group-B) Rules 1980 (for short 'the Rules'). Rule 9 prescribes the method of recruitment to Class II service. The ratio is 66 : 33 i.e. 2/3 per cent by promotion amongst the Forest Rangers and 1/3 per cent by direct recruitment. This is the case as far as petitioner No.1 is concerned. As far as petitioner No.2 is concerned, his date of regularisation

is 21.04.1982 while the services of petitioner No.3 are regularised on 23.05.1990. They all belong to promotee quota.

The impugned order confirmed direct recruit officers against permanent vacant posts in the Haryana Forest Service Class II w.e.f. 06.04.1987. The seniority was, however, left to be determined from the date of their length of continuous service vis-à-vis the promotee officers after their promotions are made regular with the approval of the Haryana Public Service Commission as per Rule 13 of the Rules. To my mind the Government committed no error in confirming the direct recruits to service and making them senior to the promotees as per rules, whose services were regularized later on. Therefore the petitioners cannot claim seniority over the direct recruits within advertised vacancies available to them in the Class II cadre.

For the foregoing reasons, I find that no life is left or was in this petition for the relief of quashing of Annex P-7, which is the order dated 21.12.1995. Consequently, the present petition is dismissed.

27.09.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*