

RSA No. 1571 of 2002(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 1571 of 2002(O&M)
Date of Decision : 11.05.2016

Satbir Singh

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

- 1) *Whether Reporters of the local papers may be allowed to see the judgment?*
- 2) *To be referred to the Reporters or not?*
- 3) *Whether the judgment should be reported in the Digest?*

Present: Mr. Samrat Malik, Advocate for the appellant.

Mr. Raj Kumar Makkad, Deputy Advocate General,
Haryana.

P.B. Bajanthri, J.(Oral)

In the instant regular second appeal, the appellant has questioned the validity of the judgments and decrees dated 12.12.1997 passed by learned Civil Judge (Junior Division), Bhiwani and dated 07.01.2002 passed by learned Additional District Judge, Bhiwani respectively.

Brief facts of the case are that the appellant is stated to have been appointed as Peon in the Forest Department on 02.01.1978. The Department proceeded for recruitment to the post of Forest Guard. Name of the appellant was not considered on two counts :-

(i) the appellant has not discharged and do not have five years' experience as a Mali,

(ii)appellant is a physically handicapped person

Aggrieved by the decision, the appellant filed a suit before the trial Court. Suit and appeal of the appellant turned down the claim of the appellant. Hence, the appellant has presented this regular second appeal.

Crux of the matter is whether the appellant is eligible to the post of Forest Guard or not?

It is an admitted fact that the appellant is suffering from physical disability (one of the limb is not functioning). For the purpose of discharging the duties of Forest Guard, one must be physically fit and the nature of duties and responsibility would be in the field. Physically disabled person cannot discharge field duties in the forest. Therefore, rightly the department has rejected claim of the appellant.

Learned State counsel submitted that he has other source of channel of promotion under which, he has been promoted to the post of Clerk. Hence, the appellant's claim has rightly been rejected.

The appellant has not made out the case so as to interference in the orders of the Courts below.

Accordingly, the appeal stands dismissed.

May 11, 2016.
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(P.B. BAJANTHRI)
JUDGE