

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

**CWP No.24416 of 2013
Date of decision: 03.05.2016**

Ved Vyas

...Petitioner

versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jaspal Singh Maanipur, Advocate,
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G, Haryana.

RITU BAHRI, J.

The petitioner is seeking to quash the order dated 26.03.2013 (Annexure P-6) passed the Appellate Authority-cum-Principal Chief Conservator of Forests, Haryana-respondent No.2., whereby the benefit of promotion with effect from the date his juniors were promoted, has been denied to the petitioner.

The petitioner joined as Mali on 10.08.1987 in Forest Division, Yamunanagar. On 27.10.2003, a DPC for promotion to the post of Forest Guard was held, wherein juniors to the petitioner were promoted w.e.f. 29.01.2004 (Annexure P-2). Thereafter, the petitioner approached this Court by filing CWP No.19558 of 2009, which was disposed of vide order dated 17.12.2009 by giving direction to the Government to consider the representation of the petitioner for relaxation in accordance with law. Thereafter, the petitioner was promoted by giving him relaxation in height vide order dated 08.07.2011 (Annexure P-3).

Now the petitioner is claiming that in the DPC held on 27.10.2003, he had qualified the walking test, but had been ignored for promotion as no relaxation was given in height. Hence, the promotional order dated 08.07.2011 should relate back to the date when his juniors were promoted i.e. 29.01.2004 (Annexure P-2).

Upon notice, the respondents have filed written statement and have not denied the contends of para No.4 of the petitioner that prior to promotion(s) made on 29.01.2004 (Annexure P-2), they had promoted a number of employees on 02.12.1994, 19.12.1995 and 05.11.1985 by giving them the benefit of relaxation in height.

In the present case, the petitioner has been given promotion after filing of COCP No.1094 of 2011. Once, the respondents have extended the benefit of relaxation in height in favour of a number of employees right from 1985 to 1995, the same benefit should have been extended to the petitioner at the time of DPC on 27.10.2003 when junior to the petitioner were promoted to the post of Forest Guard.

Resultantly, this petition is allowed and impugned order dated 26.03.2013 (Annexure P-6) is set aside. Respondents are directed to promote the petitioner from the date when his juniors were promoted to the post of Forest Guard i.e. with effect from 29.01.2004 along with all consequential benefits.

03.05.2016
ajp

(RITU BAHRI)
JUDGE