

COCP No.1034 of 2016 (O&M)

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

COCP No.1034 of 2016 (O&M)

Date of Order: 23.1.2017

Partap Singh Birthal

....Petitioner

Versus

Amit Jha

....Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rajiv Atma Ram, Sr. Advocate with
Ms. Pulkrit Verma, Advocate for the petitioner.

Mr. Rohit Arya, AAG, Haryana.

Mr. GPS Bal, Sr. Advocate with
Mr. ADS Bal, Advocate for the intervenor.

JASWANT SINGH, J (ORAL)

The petitioner has retired from the rank of District Forest Officer on attaining the age of superannuation (58 years) on 31.12.2016). He alleges that the order dated 04.4.2014 (**P.3**) passed by a Division Bench of this Court in CWP No.4891 of 2013, wherein the petitioner was impleaded as respondent and was extended the protection *qua* his date of regularization (09.07.1999) and confirmation (01.04.2000) in the rank of District Forest Officer being a member of Class-II Service governed under the Haryana Forest Department (State Service Group B) Rules 1980 (for short "the Rules"), has been violated by denying/withdrawing his dates of regularization as also dates of confirmation vide subsequent

orders dated 25.5.2011 **(P.1)** and 05.11.2012 **(P.2)**.

Upon notice, the stand of the respondent-State is that in compliance of subsequent order dated 29.9.2014 **(P.5)** passed in CWP No.20245 of 2014, a fresh exercise for fixing the dates of regularization and confirmation as also finalizing the seniority of the members of Haryana Forest Service Class-II was undertaken in the light of the interpretation given to the Recruitment Rules by the Court, as a result, revised tentative seniority list with changed dates of regularization **(P.7)** came to be passed, thus, there is no wilful disobedience.

At the time of hearing today, learned counsel for the petitioner submits that based on the protection granted to the petitioner in the judgment dated 04.4.2014 **(P.3)**, his case for promotion to Indian Forest Service (Haryana Cadre) towards Select Lists for the year 2008 and 2009 has been forwarded by the Department to UPSC vide memo dated 09.11.2016 and supplemented by the subsequent memo dated 19.1.2017. He, thus submits that nothing survives in this contempt petition for proceeding any further and prays for dismissal of the same.

In view of the above, present contempt petition is dismissed as having become infructuous and the rule is discharged.

January 23, 2017
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No