

230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 15826 of 2016(O&M)
Date of Decision: 09.05.2017

Sandhya and others

..... Petitioners

Versus

The State of Haryana and others

..... Respondents

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

Present: Mr. Mahavir Sandhu, Advocate
for the petitioners.

Mr. Ravi Partap, AAG, Haryana.

P. B. BAJANTHRI J. (ORAL)

In the instant writ petition, the petitioners have questioned validity of order dated 21.03.2016 (Annexure P-5) passed by respondent No.2 by which the petitioners' claim for considering their candidature for the post of Forester in view of the ranking (1st position) result in the Forest Guard Training of 94th batch has been rejected. Petitioners are entitled for the post of Forester in view of the Rule 9 of the Haryana State Forest Executive Section (Group-C) Service Rules, 1998 (Annexure P-1) (for short Rules, 1998).

The petitioners are candidate for the recruitment to the post of Forest Guard of 94th batch. The petitioners' ranking in the result of Forest Guard Training Course 2004 assigned at Sr. No. 290 and onwards. The learned counsel for the petitioners submitted that in view of Appendix-E under Rule 10 of 1998, Rules condition No.8 stipulates “ ***number of trainees will be about 30 trainees in each training***”. Since 464 candidates have been selected in which the petitioners' ranking is Sr. No.290 and onwards. The contention of the petitioners is that with reference to

condition No.8 (supra) read with 464 candidates who have been selected for the post of Forest Guard and have undergone training successfully, they have to proportionately identified for the purpose of implementing Rule 10 (4) of Rules 1998 which is required to be taken into consideration. Since, condition No.8 (Supra) stipulates that there will be about 30 trainees in each training, the entire training undergone by 464 is required to be adjusted appropriately for the purpose of sending a Forest Guard training or Forester training from the Forest School shall be appointed in the next higher rank against a direct quota post. Therefore, rejection of the petitioners' claim by the respondents wrongly interpreting Rules 1998, it is arbitrary and illegal.

Learned counsel for the respondents, with reference to Annexure P-5, contended that Sub-Rule 4 read with Appendix E of Rule 8 is required to be taken into consideration as one training. The entire 464 candidates who have undergone training for the post of Forest Guard had come to training. Therefore, among 464 candidates, who stood first is entitled for appointment to the next higher post namely Forester. Rule does not stipulate for every 30 trainees one would be appointed as Forester. Therefore, petitioner's claim has been rejected appropriately.

Heard the learned counsel for the parties.

The question for consideration in the present petition is that the petitioners who have undergone successful training in the Forest Guard and who stood at Sr. No.290 and onwards, among 464 candidates, petitioners are entitled to be appointed to the next higher rank post of Forester or not? Method of recruitment to the post of Forest Guard and training and bond agreement are stipulated under Rules 9 and 10 of Rule 1998 which reads as under :-

“ 9. Method of recruitment:- (1) Recruitment to the Service shall be made,-

(a) in the case of Forest Ranger:-

(i) 33 per cent by promotion from amongst the Deputy Rangers; and

(ii) 67 per cent by direct recruitment; or

(iii) by transfer or deputation of an officer/official already in the service of any State Government or the Government of India.

(b) in the case of Deputy Ranger,-

(i) 50 per cent by promotion from amongst the Foresters; and

(ii) 50 per cent by direct recruitment; or

(iii) by transfer or deputation of an officer/official already in the service of any State Government or the Government of India;

(c) in the case of Forester;-

(i) 67 per cent by promotion from amongst the Forest Guards; and

(ii) 33 per cent by direct recruitment; or

(iii) by transfer or deputation of an officer / official already in the service of any State Government or the Government of India.

(d) in the case of Forest Guard-

(i) 20 per cent by promotion from amongst the Head Malies / Malies; and

(ii) 80 per cent by direct recruitment; or

(iii) by transfer or deputation of an officer / official already in the service of any State Government or the Government of India.

(2) All promotions, unless otherwise provided shall be made on seniority-cum merit basis and seniority alone shall not confer any right to such promotions.

10. Training and Bond Agreement- *(1) The Forest Rangers appointed by direct recruitment to the Service will be required*

to undergo a preliminary training for a period up to three months in Forests of Haryana State before joining the Forest College. Thereafter the candidates will be sent for further training to the Forest College for a period as prescribed by the Government of India.

(2) Deputy Rangers and Forester appointed by direct recruitment or Foresters appointed by promotion to the Service, shall undergo Forester training for a period of 11 months and Forest Guards appointed by direct recruitment or by promotion to the Service shall undergo Forest Guard training for a period of 5-1/2 months at the Forest School according to the conditions laid down in Appendix "E".

(3) The member of the Service, who is unable to pass the Forester training or Forest Guard training,-

(a) will be discharged if appointed by direct recruitment; or

(b) will be reverted to lower rank if appointed by promotion; or

(c) will be reverted to his parent department if appointed by transfer or deputation.

*(4) The member of the Service, who possess the academic qualifications prescribed for appointment for next higher rank by direct recruitment, and had **obtained first position in the final examination of the Forest Guard training** or Forester training from the Forest School shall be appointed in the next higher rank against a direct quota post.*

Extract of Appendix E

8. Number of trainees-*There will be about 30 trainees in each training."*

Rule 10 (4) is crystal clear that member of the service, who had obtained first position in the final examination of the Forest Guard Training or Forester Training from the Forest School shall be appointed in the next higher rank against a direct quota post. The first position in the final

examination of the Forest Guard Training for the purpose of 94th batch is required to be taken into consideration. The person who stood first in the result of the Forest Guard Training Course 2014 rule do not provide that each one of the first candidate for 30 trainees is required to be sent for training. Rule is very specific that in the final examination of the Forest Guard Training who stood first position is entitled to the next higher rank namely Forester in present case. Therefore, contention of the petitioners that the 464 candidates are required to be proportionally divided by 30, with reference to condition No.8 of the Appendix E, cannot be accepted having regard to Sub-rule 4 of Rule 10 Rules, 1998 which is very specific to the extent that first position in the final examination of the Forest Guard Training.

Petitioners have not made out case. Accordingly, petition stands dismissed.

(P. B. BAJANTHRI)
JUDGE

09.05.2017
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Whether speaking/reasoned Yes

Whether reportable Yes