

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 22.02.2019****CWP No.13916 of 2015 (O&M)**

Kulbhushan Kohli

...Petitioner

Vs.

The State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. C.M.Chopra, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)**CM No.829 of 2019**

Application is allowed. Order dated 20.09.2018 passed in the case of one Ved Prakash, Deputy Forest Ranger is taken on record.

CWP No.13916 of 2015

The petitioner claims promotion on the post of Deputy Forest Ranger w.e.f. 2003 on the ground that he was senior to Ved Parkash in the feeder cadre. While Ved Parkash has been promoted he has been ignored. The prayer of the petitioner was declined for the reason that he had retired from service in the year 2009 and, therefore, antedated promotion could not be given to him. However, by recent order dated 20.09.2018, Ved Parkash has been given antedated promotion w.e.f. 27.10.2003 after the retirement of the petitioner. In these changed circumstances he asserts that his claim for promotion from the due date should be revived and he should be considered for promotion from the date his junior was promoted as Deputy Ranger.

It may be marked out that Ved Parkash was earlier promoted w.e.f. 27.10.2003 vide order dated 12.06.2009. However, as a result of the present writ petition, Government withdrew order dated 12.06.2009 vide order dated 29.08.2011 (Annex P-15), which resulted in reversion of Ved Parkash and he was shown promoted w.e.f. 19.02.2010. However, by order dated 20.09.2018 [which is placed on record today by way of CM No.829 of 2019], the Additional Chief Secretary to Government of Haryana, Forests & Wildlife Department, Haryana, while accepting the departmental appeal preferred by Ved Parkash, quashed the order dated 29.08.2011 passed by the Principal Chief Conservator of Forests, Haryana.

There has been material change in the circumstances with the retrospective promotion of Ved Parkash taking the date prior to the retirement of the petitioner. If this is the factual background and given that the seniority list was final and has withstood time, then this petition deserves to be disposed of with a direction to the respondents to reconsider the claim of the petitioner for promotion from the date his junior Ved Parkash was promoted.

Accordingly, the instant petition is partially allowed. The respondents are directed to pass a fresh order in accordance with law after hearing the petitioner, if found necessary, within a period of two months from the date of receipt of certified copy of this order.

The impugned orders dated 09.12.2013 (Annex P-25) and 07.10.2014 (Annex P-26) will not stand in the way of reconsideration of petitioner's case. In case, retrospective promotion is found due, then financial benefits will be given notionally as a consequence by way of re-fixation of pay and pension etc.

It is made clear that while passing this order, this Court expresses no opinion on the merits of the case.

22.02.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>