

120IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24628-2021
Date of Decision: 03.12.2021

RAKESH KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

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

Mr. Saurabh Mohunta, D.A.G., Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of *certiorari* quashing the order dated 30.11.2021, claiming it to be in violation of Haryana Forest Manual Rule 1.15 of Chapter 1 and 8.6 of Chapter-VIII, whereby, it has been prohibited that no Forest Ranger/Deputy Ranger and Incharge of a Range can be posted within his home district and also the Deputy Ranger cannot be given the charge of Ranger.

2. Learned counsel for the petitioner submits that the petitioner joined the respondent-Department as Deputy Ranger in the year 2004 and later promoted as Range Forest Officer in the year 2014. He further submits that the petitioner was transferred vide order dated 20.10.2020 from HFDC, Rewari to Office of Principal Chief Conservator of Forest, Haryana, Panchkula and thereafter, vide order dated 30.09.2021, he was transferred to Incharge, Range Forest Officer, Faridabad. Learned counsel further submits

that the petitioner was dislocated to accommodate respondent No.4, who is not eligible to be posted as Incharge, Range Forest Officer, Faridabad being a Deputy Ranger as the same is prohibited by Forest Manual Rule 1.15 of Chapter 1 and 8.6 of Chapter-VIII.

3. Learned State counsel on advance service appears and on instructions from Sh. Vakeel Singh, Forest Department, Sector 6, Panchkula, submits that the petitioner was posted in Panchkula, the Headquarters of Forest Department, Haryana. He further submits that as the vacancy was available in Faridabad, Forest Range, Haryana, therefore, the petitioner was temporarily transferred from Panchkula to Faridabad. In the meantime, another person on the regular post has been appointed as Deputy Ranger. In any case, the petitioner was transferred in the same district where he was earlier and in the same Forest Range.

4. At this stage, learned counsel for the petitioner states that qua the issue of deputy ranger being given charge of a forest range, let a final decision be taken, either way, by the competent authority by treating the writ petition as a representation, giving reasons thereof.

5. Learned State counsel also submits that competent authority shall take appropriate decision on the writ petition by treating the same as representation.

6. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

7. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioner and also by keeping in view the contentions

raised in the present petition by treating the same as representation and take a decision, in accordance with law.

8. Let the needful be done as expeditiously as possible.

December 03, 2021
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No