

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

CWP-12511-2000 (O&M)

Date of decision: May 24, 2022

Ajit Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, for issuance of a writ in the nature of Certiorari seeking to quash impugned order dated 01.03.2000 (Annexure P-2) whereby the claim of the petitioner that he be confirmed as Inspector Wildlife prior to respondent No.5, being his senior has been rejected. Issuance of a writ in the nature of Mandamus is also sought commanding the respondents No.1 to 3 to confirm the petitioner w.e.f. 1.8.96 i.e. the date from which Sh. Mangat Ram-respondent No.4 was confirmed.

2. Petition was admitted for hearing on 23.04.2002.

3. When taken up for final adjudication, there is no representation on behalf of the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 21 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

4. In any case, from perusal of the record/pleadings, it appears that even on merits, claim of the petitioner is not admissible. Reference may in

particular be had to the stand taken in the preliminary objection and Paras-6 & 9 of reply on merits of the reply filed by respondents No.1 to 3.

5. It appears that the claim of the petitioner is misplaced inasmuch as Sh. Mangat Ram is not junior but senior to petitioner. The date of birth of Sh. Mangat Ram 13.4.1947 has been incorrectly mentioned in the pleadings, whereas the actual date of birth of Sh. Mangat Ram Inspector Wild Life is 13.4.1948.

6. I am in agreement with the stand taken by the respondents. Neither any replication has been filed to the afore-noted stand of the respondents nor any additional affidavit of any kind to controvert the same.

7. Learned State counsel has canvassed arguments on similar lines as the defense taken in the written statement.

8. Relevant Rules of Wild Life Preservation Department is reproduced below:-

Seniority, inter se of members of the Service shall be determined by the length of continuous Service on any post in the Service. (c) in the case of members appointed by promotion or by transfer seniority shall be determined according to the seniority of such member in the appointments from which they were promoted or transferred. (Annexure – R-I).”

9. As per the Rules of Wildlife Preservation Department that in the case of appointment by promotion or by transfer, seniority shall be determined according to the seniority of such member in the appointment from which they were promoted or transferred. Also the condition for being promoted as Inspector Wildlife is matriculate plus experience of 10 years.

10. It is not disputed that respondent No.4 was promoted as Wildlife Inspector on 03.03.1982, being already matriculate. It is also not in dispute that

having qualification of Matric is a pre-requisite for being promoted to the post of Wildlife Inspector.

11. Petitioner was under matric when he joined service and acquired qualification of matriculation during service. Accordingly, the petitioner had been promoted as Inspector Wild Life on 15.7.1992 w.e.f. 25.07.1989 while respondent No.4 Sh. Mangat Ram was promoted as Inspector Wild Life on 3.3.1982. Sh. Mangat Ram being senior by several years to the petitioner on this post i.e. Inspector Wild Life.

12. In view of the aforesaid, no grounds are made out to interfere.

13. Dismissed.

(ARUN MONGA)
JUDGE

May 24, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No