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

**CWP NO.15754 OF 1999 (O&M)
DATE OF DECISION : 14.07.2022**

S.S. Rathee

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. R.K. Malik, Sr. Advocate
with Mr. Sandeep Dhull, Advocate
for the petitioner.

Mr. R. D. Sharma, D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of certiorari to quash impugned order dated 03.11.1998 (Annexure P-2) whereby the private respondents have been shown senior to the petitioner in the department of Haryana Forest Service.

2. Succinct facts first. Petitioner was appointed in Haryana Forest Service on adhoc basis on 16.12.1974 and services of the petitioner were regularized w.e.f. 24.04.1980 after the indulgence of this Court. Thereafter, the impugned seniority list was finalized on 03.11.1998 wherein the private respondents have been shown senior to the petitioner though their appointments were made later than the petitioner.

3. It is borne out from the record that substantive posts on the basis of which the petitioner is claiming seniority became available to the petitioner only on 08.06.1985 as against the private respondents who were

recruited by way of direct recruitment and were assigned seniority as per their appointment on permanent basis in the year 1982 and 1983 which is prior to that of the petitioner. It is not disputed that on the date when permanent post became available, unamended rules held the field and accordingly the competent administrative authority was bound to comply with the judgments of the Supreme Court in *Y.V. Rangaiah and others vs. J. Sreenivasa Rao and others, 1983(3) SCC 264* and *P. Ganeshwar Rao & Co vs. State of Andhra Pradesh and others, AIR 1988 SC 2068* and therefore, the seniority was assigned to private respondents in accordance with the unamended rules as on the date permanent posts became available on which they were appointed.

4. Reply has been filed. In view of para No.3 of the reply on merits read with para No.4 of the preliminary objections, wherein the aforesaid judgments of the Supreme Court have been relied upon, and to which no answer has been given in the course of arguments, I find no reason to interfere either in facts or in law as no illegality has been committed while carving the seniority.

5. Petition is dismissed.

6. Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

JULY 14, 2022
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No