

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-11547-2000 (O&M)
Date of decision: 09.08.2024

Gurnam Singh and others ...Petitioners

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.S. Mamli, Advocate for the petitioners.

Mr. Tapan Kumar, DAG, Haryana.

Mr. Jasbir Singh, Advocate for
Mr. J.S. Maanipur, Advocate for respondent Nos. 4, 8 and 10

AMAN CHAUDHARY, J.

1. The present petition has been filed for quashing the Memo No.2869-F-5-99/10756 dated 31.05.1999, Annexure P-2 and Office Order No.100 dated 23.06.1999, Annexure P-3, whereby the private respondents were promoted to the post of Forester.
2. The petitioners, appointed in the years 1970-91 to the post of Forest Guard, are aggrieved by the promotions granted to the private respondents appointed during the years 1977-91, as against direct recruit post, vide order dated 23.06.1999, under the Haryana State Forest Executive Section (Group C) Service Rules, 1998, (hereinafter referred to as '1998 Rules') that had repealed and replaced Punjab Subordinate Services (Executive Section) Rules, 1944, vide notification dated 28.07.1998.
3. Rule 10(4) of 1998 Rules *ibid*, reads thus:

“10. Training and Bond Agreement

(1) to (3) xxx xxx xxx

(4) The members 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.”

4. The aforesaid is applicable to members of service, which undisputedly the private respondents were and also fulfilled the requirement thereof. Furthermore, as is apparent from their order of promotion, the same was granted only after the coming into force of 1998 Rules *ibid*.
5. The clarification by the Government came about stating that those Forest Guards, who stood first before the enforcement of the 1998 Rules *ibid* in the Course, can also be considered for appointment to the post of Forester against direct quota post, which was in sync with the Rules and not altering the same.
6. As a matter of fact, had the private respondents not been granted the benefit to which they were entitled, having secured first position, they would have been treated rather unfairly.
7. There, apparently is no illegality found in the impugned orders. As such, the present petition fails and is hereby dismissed.

(AMAN CHAUDHARY)
JUDGE

09.08.2024

M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No