



**CM-2614-CWP-2024 in/and
CWP-13978-2000 (O&M) 1**

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

**(101+216) CM-2614-CWP-2024 in/and
CWP-13978-2000 (O&M)
Date of Decision : July 22, 2024**

Tarlok Singh and others .. Petitioners

Versus

State of Punjab and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gaurav Rana, Advocate, for the petitioner.

Mr. Satnam Preet Singh, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

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Present application has been filed for fixing the main writ petition at an early actual date.

As the main case has already been listed today, present application has become infructuous.

CM stands disposed of as infructuous.

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1. In the present writ petition, the grievance being raised by the petitioners is that the petitioners were in waiting list qua the selection to the posts of Forest Guard which were advertised by the respondent-State on 15.05.1995.

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2. Learned counsel for the petitioners submits that 52 names were recommended to be filled from the waiting list but after appointing 32 candidates, rest 20 of the waiting list candidates were not given appointment, which is causing prejudice to the petitioners as the petitioners are in the next 20 to be appointed to the post of Forest Guard.

3. The argument of the learned counsel for the petitioners is that though there were vacancies but as ban was imposed on direct recruitment, the petitioners could not be appointed but later on, the said direction has already been clarified to the extent that any selection which was made prior to the year 2000, candidates in the waiting list has to be given appointment and there is no impediment qua seeking of approval of the Department of Finance.

4. Learned State counsel, on the other hand, argues that though, 52 candidates, who were in the waiting list, were recommended for appointment but after accommodating 32 candidates, all the advertised posts of Foresters got filled up and the remaining 20 candidates could not be granted appointment due to the said fact.

5. Learned State counsel controverts the plea of the petitioners that the appointment to the petitioners was withheld on account of ban imposed upon the direct recruitment.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. It is a conceded fact that the petitioners could not get appointment initially against the advertised posts. Later on, out of the 52

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candidates in the waiting list in the General category, who were recommended for appointment, only 32 could be appointed. After appointing 32 candidates, all the posts required to be filled in the General category, out of the advertised, got filled up. The reply of the respondents is categoric qua the said fact. In paragraph 9 of the reply, the respondents have stated the said fact, which has gone un-rebutted.

8. Not only this, in the year 2012, a supplementary affidavit has been filed by the Principal Chief Conservator of Forests, Punjab giving the details of the number of posts available in the cadre of Forest Guard as well as Forester as on 30.09.1998 i.e. upto the validity of the select list/waiting list according to which affidavit, all the posts available with the Department had already been filled up prior to 30.09.1998. The averments made in the affidavit have also gone un-rebutted. Keeping in view the fact that all the posts advertised and available with the Department, had already been filled up upto the validity of the waiting list hence, the petitioners, who are in the waiting list, cannot claim appointment merely that their names was forwarded in the waiting list.

9. At this stage, learned counsel for the petitioners submits that the vacancy position is to be seen in the year 2000 and not in the year 1998.

10. It may be noticed that the select list remain valid for a period of six months and the result of the post was declared in March 1998 and that is why, on the expiry of six months, the vacancy position was sought, which have been detailed above, according to which, all the posts available with the Department had already been filled up hence, the question that in the



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year 2000 after the expiry of waiting list, certain posts have come available, the benefit of appointment cannot be extended to the petitioners qua the post which became available after expiry of the waiting list.

11. Keeping in view the above, no ground is made out for any interference by this Court in the present case.

12. Dismissed.

13. Any civil miscellaneous application pending if any, also stands disposed of.

July 22, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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