



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-13297-2022 (O&M)
Decided on :22.05.2024

DINESH

. .petitioner

Versus

STATE OF HARYANA AND OTHERS

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. S. K. Daaria, Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the petitioner competed for the post of Forest Guard against the advertisement No. 1 dated 06.03.2013, but the petitioner has not been considered for the post in question by the respondents, which action on the part of the respondents is challenged in the present petition.

2. Certain facts needs to be mentioned for correct appreciation of the issue in hand.

3. The petitioner competed for the post of Forest Guard under BC-B category. After the conduct of the written examination for the post of Forest Guard, the result was declared and the petitioner was not selected for the post in question. The said non-selection of the petitioner for the post in



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question was challenged by the petitioner by filing one CWP No. 23762 of 2016. The said writ petition was disposed of by this Court on 02.12.2019 (Annexure P-1) giving directions to the State to act in terms of the affidavit dated 13.05.2019 thereafter, vide order No. 73 dated 05.10.2020, the petitioner was given appointment as a Forest Guard in the category of BC-B.

Learned counsel for the petitioner submits that the appointment has been given to the petitioner prospectively and not retrospectively from the date the lower in merit has been appointed and the appointment has been made without any consequential benefits.

Learned counsel for the petitioner submits that a similarly situated employee namely, Ranbir Singh also claimed the same benefit as being claimed by the petitioner in the present petition by filing the **CWP No. 25157 of 2014 titled as Ranbir Singh v. State of Haryana and others**, which has already been allowed by the Co-ordinate Bench of this Court on 10.07.2017 (Annexure P-3) and it has been directed that the benefit be given to the petitioner- Ranbir Singh of appointment on the post of Forest Guard w.e.f. date candidate lower in merit was appointed alongwith seniority and all consequential reliefs and hence, the petitioner be also extended the same benefit as extended to Ranbir Singh by the Co-ordinate Bench of this Court, copy of the said judgment passed in Ranbir Singh's case (supra) has been appended as Annexure P-3.

Learned counsel for the respondent-State concedes the factum that the petitioner has been appointed in the year 2020. It has also been conceded that the candidate lower in merit in the category in which the petitioner was competing has been appointed prior to the petitioner. It is also



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conceded that benefit being claimed by the petitioner in present petition has already been extended to similarly situated employee namely, Ranbir Singh vide order dated 10.07.2017 by the Co-ordinate Bench of this Court.

Learned counsel for the respondents submits that once the petitioner has only raised the grievance in the year 2016 and his earlier petition i.e. CWP No. 23762 of 2016 was only disposed of to take an appropriate action and no benefit was directed to be given from the date the candidate lower in merit was appointed on the post in question, no grievance can be raised in the present petition.

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

Once, the respondents on their own conceded the factum that the petitioner was entitled for selection and appointment as Forest Guard keeping in view the merit obtained by him and it has also been conceded fact that the candidate lower in merit has been appointed prior to the date of appointment of the petitioner, hence, the petitioner becomes entitled for appointment on the post in question with retrospective effect from the date candidate lower in merit has been appointed alongwith consequential benefits i.e. seniority etc.

Merely that while deciding the earlier writ petition i.e. CWP No. 23762 of 2016, the only direction was given to dispose of claim of the petitioner will not bind the petitioner so as not to claim the benefit for which he becomes entitled for keeping in view his merit in selection process for the post in question.

Not only this, similarly situated employee, namely, Ranbir Singh (Supra) has already been allowed the same benefit, which has been claimed



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by the petitioner in the present petition. Once, it is conceded that the benefit as being claimed by the petitioner in the present petition, has already been allowed to Ranbir Singh (Supra), the same benefit cannot be denied to the petitioner, hence, the present petition is also disposed of in the same terms and conditions passed in **Ranbir Singh's case (Supra).**

The present petition stands disposed of.

Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

22.05.2024

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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*