

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 7916/2007

Kalu Singh S/O Sh.Nathu Singh Deora, Age 54 years. Resident of
1-P-35/36, Hiran Magri, Sector No.4 Officers Residential Colony,
Udaipur.

-----Petitioner

Versus

1. State of Rajasthan through the Secretary to the Government,
Forest Department, Secretariat, Jaipur.
 2. Principal Chief Conservator of Forest, Van Bhawan, Jaipur.
 3. Deputy Conservator of Forest, Forest Department, Jaipur.
 4. Parbat Singh Chundawat S/o Sh. Dule Singh, by caste Rajput
& resident of Village & Post Payari, Tehsil Salumber, District
Udaipur (Retired).
 5. Hamendra Prakash Chobisa S/o Sh. Parshut Lal
 6. Laxman Singh Rathore S/O Sh.Kesar Singh (Retired).
 7. Laxman Singh S/O Sh. Sukan Singh
 8. Ratan Lal Rot S/O Sh. Laluji
- All through Principal Chief Conservator of Forest, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. Abhimanyu Singh Rathore
For Respondent(s)	:	Mr. Jitendra Kumar Mishra, AGC

HON'BLE MS. JUSTICE REKHA BORANA

Order

09/12/2025

1. The present writ petition has been filed aggrieved of seniority
lists dated 20.09.1993 (Annexure-3) and 31.05.2004 (Annexure-
15) with an averment that the petitioner had been assigned a
seniority lower than private respondent Nos.4 to 8 who were in
fact appointed subsequent to the petitioner on the post of
Forester.

2. Counsel for the respondents raised a preliminary objection to the effect that earlier an appeal was filed by the petitioner before the Rajasthan Civil Services Appellate Tribunal, Jaipur and vide order dated 25.10.1999, learned Tribunal remanded the matter back to the competent authority of the respondent-Department with a direction for reconsideration of the seniority of the petitioner *vis-a-vis* the private respondents.

3. In pursuance to the direction of the learned Tribunal, the competent authority issued/passed communication/order dated 20.12.2000 and held that seniority No.548 as assigned to the petitioner is correct. So far as the private respondents are concerned, it was observed that the notices had been issued to the said respondents and the position of their seniority would be clarified only after the service record of the said respondents been verified and examined.

4. Vide the said order, it was observed that if the seniority of the said respondents is re-determined/undergoes a change, the petitioner would be informed of the same.

5. Above order dated 20.12.2000 passed by the competent authority has not been assailed by the petitioner in the present writ petition but seniority list dated 20.09.1993 has been put to challenge which issue already stood decided vide order dated 20.12.2000.

6. Counsel submits that in absence of a challenge been laid to order dated 20.12.2000, the present writ petition cannot be entertained.

7. Responding to the above preliminary objection, and on merit, counsel for the petitioner submits that private respondents are

those promotees who had initially been appointed as Forest Guards in the year 1970-71 and were subsequently promoted as Assistant Foresters and then as Foresters. The petitioner, though initially appointed as Forest Guard in the year 1976, participated in the regular recruitment process and was appointed as a Forester on 17.03.1978 vide direct recruitment. Therefore, it is the said date of appointment which would determine his seniority in the seniority list qua Forester. The private respondents having been promoted as Foresters subsequent to the appointment of the petitioner, definitely could not have been accorded seniority above the petitioner.

8. So far as order dated 20.12.2000 is concerned, counsel submits that although vide the said order it was observed that the seniority of the private respondents shall be re-determined but without any such determination, the respondent-Department subsequently again proceeded on basis of seniority list dated 20.09.1993 (Annexure-3) only. Therefore, the petitioner being aggrieved of the said original seniority list, was not required to challenge order dated 20.12.2000.

9. Counsel for the respondents however submits that once it was held by the competent authority vide order dated 20.12.2000 that the seniority assigned to the petitioner was correct, the said order ought to have been challenged.

10. So far as the fact of private respondents having been promoted on the post of Forester subsequent to the appointment of the petitioner as Forester is concerned, counsel could not refute the same.

11. Heard the counsels. Perused the record.

12. Dealing with the preliminary objection as raised by counsel for the respondents, a bare perusal of order dated 20.12.2000 reflects that vide the same, it was observed that the seniority of the private respondents was improper. However, the said order does not reflect any re-determination of the seniority of the petitioner as directed by the learned Tribunal. Further, the said is not a final order as vide the same, it was clearly observed that after the re-determination of the seniority of the private respondents, the petitioner would be informed accordingly. Furthermore, it is not disputed that in spite of order dated 20.12.2000 having been passed, the Department again acted upon the initial seniority list dated 20.09.1993.

13. In view of the above facts, this Court is of the clear opinion that the present writ petition without assailing order dated 20.12.2000 is very well maintainable as evidently, despite the said order, the original seniority list has been kept intact by the respondent-Department.

14. Coming on to merit, the fact of the private respondents having been promoted on the post of Forester subsequent to the appointment of the petitioner on the post of Forester through direct recruitment, is neither denied nor disputed. Meaning thereby, it is an admitted fact that the petitioner was appointed on the post of Forester prior to the private respondents having been promoted on the said post. In that event, the seniority list of Foresters definitely was erroneous as the same reflected the private respondents to be senior to the petitioner who came to be appointed as a Forester prior to the private respondents.

15. In view of the above specific admitted fact, the present writ petition deserves to be and is hereby **allowed**. The impugned seniority lists dated 20.09.1993 (Annexure-3) and 31.05.2004 (Annexure-15) are hereby quashed and set aside to the extent private respondent Nos.4 to 8 have been assigned a seniority higher than that to the petitioner.

16. The respondents are hereby directed to assign the appropriate seniority to the petitioner keeping into consideration his date of appointment on the post of Forester i.e. 17.03.1978. After the assignment of the said seniority, the petitioner shall be entitled to all the consequential benefits arising out of the same. It is made clear that the petitioner shall be entitled to the notional benefits arising out of the present order, till date and would be entitled to the monetary benefits only w.e.f. the date of passing of the present order.

17. Admittedly, service on respondent Nos.5 to 8 had been dispensed with vide order dated 23.01.2015. It is also an admitted fact that the petitioner as well as all the private respondents i.e. Nos.4 to 8 have since retired. Therefore, the monetary benefits, if any, already granted to the respondents, shall not be recovered.

18. Appropriate orders be passed within a period of four weeks of the receipt of the copy of the present order.

19. Pending applications, if any, stand **disposed of**.

(REKHA BORANA),J