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Hon'ble Manoj K. Tiwari, J.

Mr. Aditya Singh, Advocate for the petitioners.

Mr. I.P. Kohli, Standing Counsel and Mr. Devesh Ghildiyal, Brief Holder for the State of Uttarakhand.

Heard learned counsel for the parties through video conferencing.

Since common questions of fact and law are involved in these writ petitions, therefore these petitions are clubbed together and are being heard & decided together. However, for the sake of convenience, facts of WPSS No. 3250 of 2018 are being considered.

By means of this writ petition, petitioner has sought following reliefs:-

“(i) Issue a writ, order or direction, in the nature of certiorari quashing the impugned purported enquiry report dated 13.4.2018 issued by the respondents contained as Annexure no. 1 to the writ petition.

(ii) Issue a writ, order or direction, in the nature of mandamus commanding the respondents to issue appointment letter to the petitioner on the post of Forest Guard in Rajaji National Park, Dehradun.”

According to the petitioner, he participated in a selection for direct recruitment quota post of Forest Guard, against vacancies available in Rajaji Tiger Reserve. Appointment to the post of Forest Guard is governed by Statutory Rules, known as 'U.P. Lower Subordinate Forest Service Rules, 1980'. Vacancies available in direct recruitment quota post of Forest Guard are required to be filled 25% by open selection and 65% by regular appointment of seasonal Workers. "Seasonal Workers" has been defined in Rule 3(j) of the said Rules, according to which, such Stump Moharrirs, Gate Keepers, Fire Watchers, Tractor Drivers, Cleaners and such other persons, who are paid wages through vouchers on monthly basis and who have worked as such for minimum three seasons, shall be treated as Seasonal Worker.

According to the petitioner, he was recommended by the Selection Committee; but, the Competent Authority did not issue any appointment letter in his favour. Thus, feeling aggrieved, petitioner filed WPSS No. 73 of 2017, which alongwith other similar petitions was allowed by Co-ordinate Bench of this Court vide judgment dated 05.04.2017. The operative portion of the said judgment is extracted below:-

"The fact of the matter is that once the selection process has commenced, it should have been taken to its logical end by implementing/executing the letter dated 12.05.2016, instead of circumventing the order itself. The petitioners do not have any indefeasible right for appointment but denial for the appointment should be

on the basis of cogent and convincing reasons. These reasons are lacking in the present case.

Accordingly, all the writ petitions are allowed. The respondents are directed to consider and offer appointment letters to the petitioners within a period of four weeks from today with all consequential benefits.”

It appears that, pursuant to the judgment of this Court, a Committee was constituted to verify the documents relied by the petitioner and other similarly situate persons. The said Committee, after examining the documents, found that petitioner is not eligible to be appointed under 65% quota available to Seasonal Employees, inasmuch as he has not served as a Seasonal Employee for three seasons. Feeling aggrieved by the report of the Inquiry Committee, petitioner has filed this writ petition.

In the present writ petition, petitioner has relied upon a cheque alleged to have been issued by a Forest Range Officer. Based on the said document, learned counsel for the petitioner contends that payment of wages was done through cheque to the petitioner, therefore, the stand taken by the respondents for non-suiting the petitioner gets belied. He has also relied upon a certificate issued by Forest Range Officer, Haridwar Range.

Learned Standing Counsel submits that the documents enclosed by the petitioner alongwith his application for appointment were found to be forged and fabricated and petitioner was asked by the Inquiry Committee to produce valid documents in support of his claim that he

has worked as seasonal employee for three seasons; but, despite several opportunities, petitioner failed to appear before the Committee. He further submits that the Contempt Petition filed by the petitioner for enforcement of the judgment passed in his earlier writ petition was also dismissed in view of the statement made in the compliance affidavit that, despite several opportunities, petitioner failed to appear before the Inquiry Committee for verification of his documents.

Learned Standing Counsel has further drawn attention of this Court to the report of the Inquiry Committee, which is enclosed at page No. 21 to the counter affidavit. In the said report, there is a finding that interpolation has been made in the Daily Cash Book held by the then Forest Range Officer, namely, Shri Brij Bihari Sharma and certain pages of the Daily Cash Book were removed and, in their place, other pages were pasted. There are some other observations, which indicate that petitioner has not served as Seasonal Employee for three seasons in Forest Department. Rule 3(j) of U.P. Lower Subordinate Forest Service Rules, 1980 is reproduced below for ready reference:-

“3(j) “*Seasonal Workers*” means Stump Moharrirs, Gate Keepers, Fire Watchers, Tractor Drivers, Cleaners and others, whose wages are distributed on monthly basis through vouchers and who have worked as such during at least three seasons.”

A perusal of the aforesaid provision indicates that a Seasonal Employee is the one, who has been paid wages on monthly basis through vouchers.

Learned Standing Counsel submits that petitioner does not fulfill the condition of Rule 3(j) of the said Rules, as he has not been able to prove that he has been paid wages on monthly basis through vouchers.

This Court finds substance in the contention made by learned Standing Counsel.

There is no dispute that the selection in question was held for supplying vacancies under 65% quota meant for Seasonal Employees. The case of the respondents is that petitioner has not been able to prove that he is eligible to be appointed under 65% quota. Petitioner has not been able to substantiate his contention before this Court that he is a seasonal employee, therefore, eligible for such appointment.

Moreover, petitioner has not alleged malice or ill-will against any officer of the Forest Department.

Learned counsel for the petitioner admits that other Seasonal Employees, who were recommended by the Selection Committee, have been appointed. In the absence of allegation of malice against the Officers concerned, the only inference that can be drawn would be that they have acted strictly according to applicable Rules/Orders.

Thus there is no scope for interference in the matter.

Accordingly, the writ petitions fail and are hereby dismissed.

There will be no order as to costs.