

(2011) 02 UK CK 0090

In the Uttarakhand High Court

Case No : Writ Petition No. 1034 of 2010 (S/S)

Bahadur Singh Bisht

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 14-02-2011

Acts Referred:

Citation : (2011) 02 UK CK 0090

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J.—. Heard Mr. M.C. Kandpal, Senior Advocate assisted by Mr. S.S. Chaudhary, Advocate for the Petitioner and Mr. Dinesh Gahtori, Standing Counsel for the State of Uttarakhand.

2. The Petitioner, admittedly, is a daily wage employee in the Forest Department. An advertisement was issued by the Forest Department, Tarai East, Haldwani on 31.12.2008, whereby applications were invited from registered candidates as well as seasonal employees working in the Uttarakhand Forest Development Corporation for the post of Forest Guards.

3. The contention of the Petitioner is that he had applied for the post, yet his application was rejected and on seeking information under the Right to Information Act, he has been informed that his application has been rejected as he was over-age for the post of Forest Guard. The counsel for the Petitioner Sri M.C. Kandpal, Senior Advocate contends that the Petitioner cannot be declared as over-age because at the relevant time i.e. on 31.7.2008, the age of the Petitioner was 41 years, 8 months and six days. The maximum age for the post was 35 years for the normal candidate, but for the candidate who had been already working on the daily rate basis in the Forest Department, the age was relaxed depending upon the years of service one has put in on daily rate basis. According to the Petitioner, it is admitted case of the Respondent Forest

Department that the Petitioner has been working in the Department since 1.9.2001. The Petitioner contends that since he was working in the department on daily rate basis, therefore, he should have been given the benefit of seven years, which he has not been granted. This argument of the Petitioner, however, is entirely misconceived, inasmuch as, such benefit could only be granted to seasonal employees of the Forest Department as the condition in the advertisement clearly says that those seasonal employees, who have been working in the Department will be granted further relaxation in the age depending upon the number of years they have put in as seasonal employees. In other words, the age relaxation will be 35 + the number of years put in as seasonal employee. For illustration, in case an employee has worked for seven years, then the maximum age limit in his case would be 35 + seven years = 42 years. The Petitioner, however, is only a daily rate worker and was not liable to be given the benefit of age relaxation, which is only applicable to seasonal workers. Therefore, the instant writ petition has no merit and is liable to be dismissed and is hereby dismissed.

4. No order as to costs.

5. Interim order, if any, stands vacated.