

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No. 3923/2014

(SUNIL SHRIRAM SADBHAYYA VERSUS THE GOVT. OF MAH. & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri N.W. Almelkar, counsel for the petitioner.
Shri S.M. Bhagde, A.G.P. for the respondents.

CORAM : SMT.VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATED : APRIL 09, 2015.

By this petition, the petitioner seeks a direction to the respondents to consider the petitioner as an Ex-Serviceman, in terms of the direction of the Central Government dated 23.11.2012. The petitioner seeks a direction to the respondents to take steps for appointing and posting the petitioner as a Police Constable from the category of Ex-Servicemen.

The petitioner was an ex-employee of Central Reserve Police Force. The petitioner sought voluntary retirement from the services. An advertisement was issued by the respondent nos.1 and 3 inviting applications from persons desirous of seeking employment as Police Constables. The petitioner applied for the post earmarked for the "Ex-Servicemen". The petitioner was permitted to appear in the examination provisionally as it was not clear to the respondents, whether C.R.P.F. employees could be considered as Ex-Servicemen. It is the case of the petitioner that the petitioner had successfully passed in the written examination and also the physical test but, he was held to be ineligible for appointment on the ground that an employee of C.R.P.F. cannot fall in the category of "Ex-Servicemen". The petitioner has challenged the rejection of the candidature and has sought the aforesaid directions.

On hearing the learned counsel for the parties, it appears that a declaration that the petitioner is an “Ex-Serviceman”, he being an Ex-Central Armed Police Force Personnel in terms of Central Government directions dated 23.11.2012 and 19.02.2013, cannot be granted. By the Office Memorandum dated 23.11.2012, the Central Government has merely asked the State Governments and the Union Territories to consider extending suitable benefits to the Central Armed Police Force Personnel on the lines of the benefits extended by the State/Union Territory Governments to the Ex-Servicemen of Defence Forces. By a communication issued by the Ministry of Home Affairs of the Government of India to the Chief Secretaries of the States/ Union Territories, the State Governments and the Union Territories were asked to consider allowing similar benefits, as are available to the Armed Forces. After these communications and Office Memorandum are issued by the Central Government, the State Government has issued a Circular dated 11.09.2014, stating therein that the C.R.P.F. employees do not fall in the category of “Ex-Servicemen” as they do not belong to the defence forces. In the absence of any material on record to show that the State Government has considered C.R.P.F. employees to fall in the category of Ex-Servicemen or has equated them with the Armed Forces, the relief sought by the petitioner, cannot be granted. In view of the Circular dated 11.09.2014, it is clear, that the State Government has decided not to consider the employees of the C.R.P.F. as the members of the defence forces or as “Ex-Servicemen”. In view of the Circular dated 11.09.2014, the petitioner cannot seek the declaration, as sought. No fault can be found in the action of the respondents in rejecting the candidature of the petitioner.

Since there is no merit in the writ petition, the same is dismissed with no order as to costs.

JUDGE

JUDGE

APTE