

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.10882 of 2015 (O&M)
Date of decision: 28.04.2016**

Jasbir Singh and another

.....Petitioners

Versus

State of Haryana and others

**.....
Respondents**

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Aftab Singh Khara, Advocate,
for the petitioners.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Ritu Bahri, J.

The petitioners are seeking a writ of certiorari for quashing the order dated 12.11.2014 (Annexure P-6), whereby their claim for appointment in the Police Department and cash award has been rejected by respondent No.2.

As per petitioners, they have a right to be appointed in the Police Department as such benefit has already been extended to Mamta Sodha-respondent No.5.

Earlier the petitioners had approached this Court by filing CWP No.13789 of 2014, which was disposed of vide order dated 18.07.2014 (Annexure P-5) by giving direction to the Financial Commissioner & Principal Secretary to Government of Haryana to look into the matter with

regard to claim of the petitioners. Thereafter, vide order dated 12.11.2014

(Annexure P-6), respondent No.2 rejected the claim of the petitioners.

A perusal of impugned order dated 12.11.2014 (Annexure P-6) shows that Jasbir Singh and Raju Sindhu-petitioners were serving in the Indian Air Force and have retired from service on January, 2012. Their case for appointment consequent upon scaling the Mount Everest, has been rejected on the ground that there is no provision for appointment in Group A, B or C post in the policy dated 20.08.2013 and 15.07.2014. The petitioners haven't been found eligible for the cash award of Rs.5 lacs as they are not in Government service.

In their written statement, respondent Nos.2 and 3 have not disputed the fact that Mamta Sodha-respondent No.5 was given appointment in the Police Department. However, it is being reiterated that this appointment was given by the Council of Ministers treating it to be a special case. This appointment was not made on the basis of any policy of Department of Sports & Youth Affairs or on the basis of recommendation of the Department of Sports & Youth Affairs, Haryana. Even the cash award of Rs.21.00 lacs was awarded to respondent No.5 by the respondents as a special case. Reference has been made to a policy decision dated 02.05.2013 (Annexure R-1), whereby approval has been granted to one time cash award of Rs.5.00 lacs to those sports persons of Haryana, who have successfully scaled Mount Everest since 2005, subject to the condition that they are not Government employees and have not been provided Government job on this account. Case of the petitioners is not covered under the Policy/Notification dated 20.08.2013 and 15.07.2014 (Annexures R-2 & R-3). The petitioners are seeking appointments on the posts of ASI as per the notification (Annexure P-8) issued by the Home Department,

Haryana.

In a separate written statement filed by respondent No.1, it is being reiterated that the petitioners were employed with Indian Air Force, hence they were not entitled for the cash award of Rs.5.00 lacs as per policy decision dated 02.05.2013 (Annexure R-1). Mamta Sodha was given appointment by taking it to be a special case on the sue moto decision taken by the Chief Minister. In view of the decision dated 08.12.2010 given in CWP No.21872 of 2010 (Neha Rathee Vs. State of Haryana and others), the order dated 12.11.2014 (Annexure P-6) does not require any interference.

Even the case of the petitioners for cash award has been denied on the ground that they are not in Government service.

After hearing learned counsel for the parties and going through the contents of petition and written statements, it is apparent that after granting approval on 10.05.2012, the case of the petitioners for appointment was forwarded to the Director General of Police, Haryana, vide 28.05.2012 (Annexure P-2). No satisfactory reply has been given with regard to this approval by respondent No.1 in his written statement. At the same time, the respondents have not denied that Mamta Sodha has been given appointment along with cash award of Rs.21.00 lacs by treating it to be a special case on approval by then then Chief Minister, Haryana. Once, respondents have given cash award to Mamta Sodha-respondent No.5 for scaling the Mount Everest, the same benefit cannot be denied to the petitioners, who had also scaled the Mount Everest way back in 2011. Hence, their genuine claim could not be rejected by passing the impugned order dated (Annexure P-6) simply on the ground that mountaineering is not included in the category of sports as per sports policy dated 20.08.2013 and 15.07.2014 (Annexures R-

2 & R-3).

In view of the above, this petition is allowed and the respondents are directed to consider the case of the petitioners for grant of cash award as well as appointments as per recommendations dated 28.05.2012 (Annexure P-2).

28.04.2016
ajp

(RITU BAHRI)
JUDGE