

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

**CWP No.474 of 2014 (O&M)
Date of decision: 03.03.2016**

Ramesh Kumar Kundu

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioner.

Mr. Ravi Partap Singh, AAG, Haryana.

Mr. P.K. Mutneja, Advocate,
for respondent No. 3.

Mr. S.K. Rattan, Advocate,
for respondent No.4.

RITU BAHRI , J.

The petitioner is seeking quashing of appointment letter dated 30.03.2013 (Annexure P-4), whereby respondent No.4 has been appointed as Security Officer by respondent No.3.

Vide advertisement dated 13.03.2013 (Annexure P-1), the Karnal Cooperative Sugar Mill Limited, Karnal, advertised one post of Security Officer in General Category. As per Annexure P2, necessary qualification for appointment of Security Officer is as under:-

“Qualification: Academic: Graduate. JCO from Army or Civil not below the rank of Subedar Major. Experience Minimum 10 years satisfactory service in the Army. Knowledge of computer is necessary. Computer course upto 'O' level will be preferred.”

Pursuant to the aforesaid advertisement, petitioner applied for the said post as he had served as a Petty Officer in the Indian Navy. The petitioner got an information under the Right to Information Act, 2005 (Annexure P-3), as per which, respondent No.4 was 49 years old as his date of birth was 12.07.1964 and was not even eligible to apply for the post of Security Officer. The selection of respondent No.4 is being sought to be quashed on this very ground.

Along with the written statement filed by respondent No.3, a letter dated 07.03.2014 issued by the Secretary, Zila Sainik Board has been placed on record as Annexure R-3/1, in which it has been specifically stated that the rank of Petty Officer in Indian Navy is not equivalent to the rank of Subedar Major in the Indian Army. Hence, the petitioner was not eligible to be appointed as Security Officer. A further clarification has been given in Para No.2 of the written statement with regard to the objection of upper age limit of respondent No.4. Reference has been made to Rule 46 of the Service Rules for the employees of Cooperative Sugar Mills, which provides that the upper age limit for recruitment of Chief Engineer, Chief Chemist, Cane Manager, Chief Accounts officer will be 50 years and the relaxation will be given as per Government Instructions (Annexure R-3/2) issued from time to time.

In view of the aforesaid instructions, for the post of Ex-serviceman (General Category), upper age limit is calculated as 40 years + continuous service + 3 years. Hence, respondent No.4 has been rightly appointed by extending him the benefit of

Government Instructions (Annexure R-3/2).

After going through the written statement filed by respondent No.3, no case for interference in the selection of respondent No.4 is made out.

Dismissed.

03.03.2016
ajp

(RITU BAHRI)
JUDGE