

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1389 of 2016 (O&M)

Date of Decision: 24.10.2016

Niranjan Kumar

... Appellant

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

- | | |
|--|-----------------|
| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | Yes / No |
| 4. To be referred to the Reporters or not? | Yes / No |
| 5. Whether the judgment should be reported in the Digest? | Yes / No |

Present: Mr. Gaurav Jain, Advocate for
Mr. Sunil Kumar Bhardwaj, Advocate for the appellant

SURYA KANT, J. (Oral)

CM-2912-LPA-2016

For the reasons mentioned in the application, the delay of 314 days in filing the appeal is condoned.

CM stands disposed of.

LPA-1389-2016 (O&M)

(1) This Letters Patent Appeal assails the order dated 24.08.2015 whereby the claim of the appellant for appointment as Conductor in the reserved category of Dependents of Ex-serviceman on priority over the Ex-servicemen, has been turned down by learned Single Judge.

(2) The appellant is admittedly a Dependent of Ex-serviceman. Once there is a minimum standard laid down to adjudge the suitability of candidates and there are Ex-servicemen who have achieved such minimum standard, the respondents have rightly offered appointment to those Ex-servicemen.

(3) The Government circular dated 21.05.1979 enables the Dependents of Ex-servicemen to compete for the post reserved for Ex-servicemen only in the event of “non availability of suitable candidates for the reserved quota”. Once the suitable Ex-servicemen themselves are available, no occasion arises for any priority to a Dependent of Ex-serviceman.

(4) Dismissed.

(Surya Kant)
Judge

24.10.2016
vishal shonkar

(Sudip Ahluwalia)
Judge