

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Letters Patent Appeal No. 366 of 2016 (O&M)
Date of decision: 10.3.2016

State of Punjab and others

.. Appellants

v.

Kirandeep Kaur and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Ms. Munisha Gandhi, Addl. Advocate General, Punjab with
Ms. Harleen Kaur, Assistant Advocate General, Punjab.

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Rajesh Bindal J.

The State has preferred the appeal against the judgment of the learned Single Judge, vide which respondent No. 1 was allowed to change her category from General to Freedom Fighter. Along with the appeal, application for condonation of delay of 295 days in filing thereof has been filed.

In the “Online Application Form” filed by respondent No.1, she filled up her category as 'General' inadvertently though she belonged to Freedom Fighter Category. When she appeared for physical fitness test, she produced all the certificates in support of her claim that she, in fact, belonged to Freedom Fighter Category. The same was not considered by the authorities. However, the learned Single Judge, while referring to the judgments of Hon'ble the Supreme Court and this Court, opined that respondent No. 1 be permitted to stake her claim in Freedom Fighter Category, as maternal grand-father of respondent No. 1 was awarded “Tamra Patra”, being a freedom fighter. She being in merit was selected.

None suffered any loss as even the other candidate, namely, respondent No. 2 was got selected and appointed in her merit in Ex-servicemen Category. The reasoning assigned by the learned Single Judge do not call for any interference in the present appeal as the issues raised have been considered and the opinion has been expressed in terms of settled position of law. While concurring with the findings recorded by the learned Single Judge, we do not find any merit in the present appeal. The same is accordingly dismissed.

As there is no merit in the present appeal, the application seeking condonation of delay of 295 days in filing the appeal is also dismissed.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

10.3.2016
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