

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

(110)

CWP-1044-2017

Decided on: February 27, 2017.

Surinder Singh

.... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Hakam Singh, Advocate, for the petitioner.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

M.M.S. BEDI, J (ORAL)

The petitioner claims that he being resident of village Dhudianwali, Tehsil Rania, District Sirsa for a period of six years, had been issued a Haryana Resident Certificate Annexure P-5 on 15.03.2016 which has been cancelled vide order Annexure P-6 dated 27.07.2016.

The cancellation report Annexure P-6 indicates that on verification by Patwari it was found that the petitioner had been living in Haryana for 2/3 years and before that he was residing in Punjab. The reason mentioned in Annexure P-6 for cancellation of the resident certificate is that the mandatory condition that the individual must be residing in Haryana for the last 15 years is not being fulfilled by the petitioner.

The petitioner claims that on the basis of Haryana Resident Certificate, he has been able to get recruitment in Indian Army. The Army authorities had sent all the certificates issued by issuing authorities for verification but on the basis of the cancelled resident certificate, a prejudice has been caused to the petitioner.

I have heard learned counsel for the petitioner as well as counsel for the respondents.

With the written statement of respondents, Annexure R-3 has been appended, laying down parameters for grant of Resident Certificate. The relevant portion of said letter reads as follows:

“Henceforth the following categories of persons would be eligible for the grant of Resident Certificate:

i) Candidates who have passed the examination qualifying there for selection in an institution from a school/college in Haryana;

ii) Children/wards (if parents are not living)/dependents:

a) of the regular employees of Haryana State posted in or outside Haryana State or Working on deputation;

b) of the regular employees of the statutory bodies/Corporations established by or under an act of the State of Haryana who are posted in Chandigarh or in Haryana or outside Haryana;

c) of the regular employees of the Government of India posted in Chandigarh or in Haryana in connection with the affairs of the Haryana Government.

(iii) Children/Wards (if parents are not living)/dependents of persons who, after retirement, have permanently settled in Haryana, and draw their pensions from the treasuries situated in the state of Haryana.

(iv) Children/wards (if parents are not living)/dependents of pensioners of Haryana Govt., Irrespective of the fact that the original home of the retiree is in a state other than Haryana or he has settled after retirement in or outside Haryana;

(v) Children/wards (if parents are not living)/dependents of persons who have permanent home in Haryana and include persons who have been residing in Haryana for a period of not less than 15 years or who have permanent home in Haryana but on account of their occupation they are living outside Haryana;”

The petitioner had passed the matriculation examination from Haryana as is apparent from certificate Annexure P-2 as such he fulfills the first qualification.

State counsel has tried to bring the case of the petitioner in category (v) of the above said instructions.

The various categories of the persons who are eligible for the resident certificate, are to be considered independently. Even a bare perusal of condition (v) indicates that the said provision is applicable to the children/wards of the persons who are not resident of Haryana but have permanent home in Haryana and would include a person who have been residing in Haryana for a period of not less than 15 years or who have permanent home in Haryana but on account of their occupation they are living outside Haryana. The case of the petitioner does not at all fall in condition (v).

Be that as it may, the order cancelling the certificate of the petitioner without giving him an opportunity of hearing, is violative of rules of natural justice.

Learned counsel for the petitioner has submitted that rules of natural justice have been violated as an opportunity of hearing has been given to the petitioner after cancellation of the certificate.

I find force in the contention as post decision/hearing is not in consonance with the rules of natural justice.

The petition is allowed. The order cancelling the Resident Certificate of the petitioner vide Annexure P-6 dated 27.07.2016, is hereby

set aside. It is directed that the petitioner will be issued a fresh Resident Certificate in case the earlier certificate has been cancelled within a period of one week after the receipt of certified copy of this order.

February 27, 2017
harsha

(M.M.S. BEDI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No