

CM-1657-LPA-2017 in/and  
LPA-775-2017 (O&M)

-1-

HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CM-1657-LPA-2017 in/and  
LPA-775-2017 (O&M)  
Date of Decision: May 18, 2017

Balram Sharma

.....Appellant

Versus

The Chairman, Haryana Staff Selection Commission

.....Respondent

**CORAM: HON'BLE MR.JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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

.....

Present: Mr.Mohit Garg, Advocate  
for the appellant.

Mr.R.D.Sharma, DAG, Haryana.

.....

**SURYA KANT, J.**

Notice of motion.

[2] On our asking, Mr.R.D.Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent. Let copy of the paper-book be handed over to him during the course of day.

[3] This Letters Patent Appeal is directed against the order dated 19.04.2017, whereby learned Single Judge has dismissed the appellant's writ petition.

[4] The controversy before the learned Single Judge was whether the appellant had appended the certificate of being dependent of ex-

serviceman alongwith his application form submitted for the post of Accountant C-Grade.

[5] The Staff Selection Commission took a stand before the learned Single Judge that though the appellant had applied in the category of dependent of ex-serviceman but he did not attach the requisite certificate. On the other hand the appellant relies upon the dependent certificate, dated December 21, 2011 issued by Zila Sainik Board, Ambala, to contend that such certificate was readily available with him and he had appended the same with the application form.

[6] In such a situation where seriously disputed question of facts are involved, learned Single Judge ought to have relegated the petitioner to approach the Civil Court. We, thus, modify the order of learned Single Judge and dispose of the writ petition as well as this appeal relegating the petitioner to approach the Civil Court.

**( SURYA KANT )  
JUDGE**

**May 18, 2017**  
meenuss

**( SUDIP AHLUWALIA )  
JUDGE**

|                                       |               |
|---------------------------------------|---------------|
| <b>1. Whether speaking/reasoned ?</b> | <b>Yes/No</b> |
| <b>2. Whether reportable ?</b>        | <b>Yes/No</b> |