

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.17548 of 2015
Date of Decision: 15.05.2018

Ex. Hav Pritam Lal

..... Petitioner

Vs.

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.S.K. Chauhan, Advocate,
for the petitioner.

Mr.Saurabh Mohunta, DAG, Haryana.

RAKESH KUMAR JAIN, J.

The petitioner is an Ex-servicemen, who has prayed for the issuance of a writ in the nature of certiorari for quashing the circular/policy dated 11.10.2001, 6.6.2003 and 23.1.2008 and has also prayed for the issuance of a writ in the nature of mandamus seeking a direction to the respondents to restore circular dated 21.5.1979 (Annexure P-1) for the purpose of issuance of dependent certificate to the petitioner and not to fill up the vacant post of Ex-servicemen (General Category) after it remained vacant in the quota posts due to non-availability of suitable Ex-servicemen candidates.

In brief, the petitioner joined the Indian Army on 22.10.1977 and was discharged on 30.9.1995 with permanent Low Medical Category (LMC). After his discharge from the Army, he joined the Prosecution

Department of Haryana on 11.5.1999 as ADA and retired from there on 31.3.2015. The petitioner has thus availed the benefit of being an Ex-servicemen for getting a civil post after his discharge from the Indian Army.

The respondents have averred in their reply that on 23.1.2008, it was notified that the Ex-servicemen who had availed the benefit of an employment in Government service/public sector undertaking including Para Military Forces, their dependent sons and daughters would not be considered for appointment against the post for Ex-servicemen and it was also decided by the Government that the Ex-servicemen, who had not availed the benefit of Ex-servicemen in re-employment in any Government Service/public sector undertaking including Para Military Forces, their dependent sons and daughters shall be considered for the appointment on the post for Ex-servicemen to the extent of non-availability of suitable Ex-servicemen provided they fulfill all the required conditions i.e. qualification, age etc. It is further averred in the reply that since the petitioner has already availed the benefit of Ex-servicemen quota, therefore, his dependents would not be entitled to get the same benefit again as the dependent of Ex-servicemen and therefore, he does not have any right to maintain this writ petition.

I have heard learned counsel for the parties and perused the available record.

Learned counsel for the petitioner has not denied the averments made by the respondents in their reply about his availing the benefit of re-employment in Government job after his discharge from the Indian Army in the quota of Ex-servicemen, therefore, he cannot ask for the employment of his dependents in the same quota after himself taken the benefits.

Thus, in my considered opinion, there is hardly any merit in the present petition and hence, the same is hereby dismissed.

15.05.2018
Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned :

Yes/No

Whether Reportable :

Yes/No