

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

CWP No.22347 of 2014.

Date of Decision: 16.05.2018.

Iqbal Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Surinder Gaur, Advocate,
for the petitioner.

Ms. Monica Chhiber, Sr. DAG, Punjab.

Ms. Gagan Deep Grewal, Advocate,
for respondent No.3.

None for respondent No.4.

Mr. Gaganeshwar Walia, Advocate,
for respondent No.5.

JITENDRA CHAUHAN.J.

Through the instant civil writ petition, the petitioner seeks quashing of action of respondent No.3 vide which the petitioner has been considered as overage for the post of Fireman under the Ex-serviceman category. The petitioner seeks further direction in the nature of mandamus to respondent No.3 to appoint him as Fireman under Ex-servicemen category.

The petitioner is an Ex-serviceman. He had served the Indian Army from 20.10.1995 to 30.11.2012. Municipal Council,

Faridkot/respondent No.3 had issued an advertisement inviting applications for the posts of Fireman on contract basis. Out of the total ten vacancies, one post was reserved for Ex-servicemen category. The petitioner submitted his candidature for the post of Fireman under Ex-serviceman category. The petitioner appeared in the physical fitness test however, he was not called for the interview. He was informed by the officers of the Municipal Council, Faridkot/respondent No.3 that the petitioner being over-age, his candidature was not considered.

It is contended that as per rule 6 of the Punjab Recruitment of Ex-servicemen Rules, 1982 (hereinafter referred to as the “1982 Rules”), an Ex-serviceman shall be allowed to deduct the period of his service in the Armed Forces of the Union from his actual age and if the resultant age does not exceed the maximum age limit prescribed for direct appointment to such a vacancy in the concerned service rules, by more than three years, he shall be deemed to satisfy the condition regarding age limit. The date of birth of the petitioner is 04.12.1976 and on the relevant date, he was 38 years of age. If the service period rendered by the petitioner with Indian Army for about 17 years is deducted, his age will come to 21 years for the purpose of appointment.

On the other hand, the stand taken by Municipal Council, Faridkot/respondent No.3 is that the petitioner appeared in the physical test however, he could not qualify the test of lifting the hook

ladder to a vertical position to 3rd and 6th round and climbing rope to a

height of 8 to 10 feet from the surface, therefore, he was declared unsuccessful in 4th and 5th round in physical test and as such, he was not called for the interview.

Heard.

As the petitioner could not qualify the physical test, therefore, he was rightly not called for interview. There is no relaxation clause in the advertisement for Ex-serviceman with regard to physical fitness test, therefore, the Court finds no merit in the petition.

Dismissed.

16.05.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

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