

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

LPA No. 2145 of 2017 (O&M) in
CWP No. 12071 of 2013

Date of decision: 6.3.2018

State Bank of India and another

.. Appellants

vs

Rajinder Kumar and another

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice B. S.Walia**

Present: Ms. Madhu Dayal, Advocate, for the appellants.

Rajesh Bindal, J.

Order passed by the learned Single Judge allowing the writ petition has been impugned by filing the present intra-court appeal.

The issue pertains to the relaxation of upper age to ex-servicemen. The post for which respondent no.1 applied was Assistant Manager (System). The learned Single Judge directed for grant of age relaxation in terms of Rule 5 (b) and (c) of the Ex-Servicemen (Re-Employment in Central Civil Services and Posts) Rules, 1979 (for short, 'the 1979 Rule'). Rule 5 (b) of the 1979 Rules provides that for appointment to the vacancies in Group-A and B services or the posts filled by direct recruitment, otherwise than on the result of an Open All India Competitive Examination, the upper age limit shall be relaxed by the length of military service increased by three years in case of ex-servicemen and commissioned officers including Emergency Commissioned Officers or Short Service Commissioned Officers.

A perusal of the advertisement in the present case shows that the Open All India Competitive Examination as such is not provided in the selection procedure. As mentioned in the advertisement is that selection of the candidates will be either (i) written tests and interview or (ii) shortlisting and interview. Written test was to be held online, however, when no written test is held, shortlisting and interview will be held.

Respondent no.1 in the present case had served in Indian Air Force from 3.11.1992 to 30.11.2012.

For the reasons mentioned above, we do not find any error in the order passed by the learned Single Judge. The appeal is accordingly dismissed.

(Rajesh Bindal)
Judge

6.3.2018
vs

(B. S. Walia)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No