

LPA No. 825 of 2019 (O&M)

1

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

LPA No. 825 of 2019 (O&M)

Date of decision: 03.05.2019

Haryana Staff Selection Commission, through its Secretary

... Appellants

Versus

Vineet Kumar Chauhan and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

**Present: Mr. Deepak Balyan, Additional A.G., Haryana,
for the applicant-appellant.**

KRISHNA MURARI, CHIEF JUSTICE (Oral)

CM-1974-LPA-2019

This is an application seeking condonation of delay of 132 days in filing the accompanying appeal.

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 132 days in filing the accompanying appeal is condoned.

Application stands disposed of.

LPA No. 825 of 2019

This intra-court appeal, under Clause X of the Letters Patent, is directed against a judgment and order dated 30.10.2018, passed by the learned Single Judge, allowing the writ petition filed by the petitioner-respondent.

The issue raised herein is with respect to the consideration of the respondent-petitioner as a General Category candidate, in the absence of having failed to produce the certificate of being dependent of an ex-serviceman.

It is not in dispute that the benefit of reservation to be made available to a dependent of an ex-serviceman, was neither availed nor given to the respondent-petitioner. It is only because he described himself to be a dependent of an ex-serviceman, but subsequently failed to produce the certificate in that regard, his candidature was not being considered, though he was allowed to appear in the examination.

The learned Single Judge, after perusing the records produced by the appellant-Commission, found that the respondent-petitioner has secured 164 marks in the written examination and 14 marks in viva-voce, total being 178 marks, whereas, the last select candidate from General Category, has secured total 176 marks. Thus, it is clear that the petitioner has qualified, but has been non-suited by the appellants only on the ground that though he applied under the Category of Ex-serviceman, but subsequently failed to produce the certificate in that regard.

At this juncture, we may also note that father of the petitioner, undoubtedly, was an ex-serviceman and even the appellant does not dispute this fact. The authorities denied him the certificate only on the ground that after being discharged from the defence services, he took up an employment somewhere else being an ex-serviceman, and therefore, ceased to be an ex-serviceman. However, no such rule has been produced before us to demonstrate that once the ex-serviceman takes up a job after being discharged from the defence services, he ceases to be an ex-serviceman and

LPA No. 825 of 2019 (O&M)

3

his dependents would not be entitled for the benefit of said reservation. The issue being raised herein is squarely covered by a judgment of the learned Single Judge in Ankita Sheoran Vs. State of Haryana and another passed in CWP No. 19614 of 2017, decided on 11.9.2018 against which LPA No. 672 of 2019 was preferred, which was disposed of on 30.4.2019, and thus, judgment in that case stands affirmed.

In view of the abovesaid discussion, we find no infirmity in the view taken by the learned Single Judge, which may require interference. The appeal is devoid of any merit and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

May 03, 2019
AK Sharma

Whether speaking / reasoned:	YES
Whether Reportable:	NO