

**235 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.18977 of 2016 (O&M).
Date of Decision: 03.07.2019**

Sukhchain Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Mr. H.S. Dhindsa, Advocate for
Ms. Rachna Rudra, Advocate,
for the petitioner.

Ms. Anju Sharma Kaushik, DAG Punjab.

JITENDRA CHAUHAN J.

The petitioner has sought quashing of letter dated 10.07.2014 (Annexure P-9) vide which the claim of the petitioner for appointment on compassionate grounds was rejected.

The father of the petitioner, Gurmail Singh served Punjab Police Department for 35 years. He died in harness while he was holding the post of Assistant Sub Inspector. After the death of Gurmail Singh, his wife represented the Senior Superintendent of Police, Barnala for appointing her son (petitioner) as Constable by giving relaxation in age as he was overage by 4 years, 11 months and 22 days. Thereafter, SSP, Barnala sent a letter dated 21.01.2013 (Annexure P-6) to Deputy Inspector General of Police, Patiala Range, Patiala for

granting relaxation in age regarding enrollment on compassionate grounds. The case was further forwarded to DGP, Punjab vide letter dated 30.05.2013 (Annexure P-7). However, vide letter dated 10.07.2014, (Annexure P-9) the claim of the petitioner was rejected citing that his case was not covered by the instructions dated 22.11.2002 (Annexure P-10).

It is further contended that three other similarly situated persons, namely, Kirpal Singh son of P.R. Ghukker Singh, Lakhvir Singh son of Bhagwan Singh and Gurbakshish Singh son of Chamkaur Singh had been appointed on compassionate grounds by giving relaxation in age. The case of the petitioner is at par with the aforementioned persons.

On the other hand, on behalf of the respondents, it is contended that it is admitted that father of the petitioner had died in harness. The case for appointment of the petitioner as Constable was initiated by the respondents however, the petitioner being over age is not eligible for appointment. As regards the similarly situated candidates, it is contended that in the case of Kirpal Singh and others who had been given relaxation in age, the decision to give relaxation was taken by the Principal Secretary whereas, in the case of the petitioner, the approval had been declined.

Heard.

From the record, it emanates that father of the petitioner had died in harness on 23.10.2012 after serving Police department for

about 35 years. Immediately, thereafter, his wife applied for appointment of the petitioner as Constable. The case of the petitioner was declined on the sole ground of his being overage. It has also come on the record that similarly situated persons, namely, Kirpal Singh son of P.R. Ghukker Singh, Lakhvir Singh son of Bhagwan Singh and Gurbakshish Singh son of Chamkaur Singh had been appointed on compassionate grounds by giving relaxation in age. The petitioner has been declined relaxation on the flimsy ground that the approval of Principal Secretary has not been received. The plea raised by the respondents that the Administrative Department relaxes the upper age limit in deserving cases only, being without basis deserves rejection. It has not been explained as to how the cases of Kirpal Singh, Lakhvir Singh and Gurbakshish Singh were 'deserving cases' and case of the petitioner is not so. The State cannot discriminate against its citizens without any basis. There is no mention of any justifiable criteria for treating the case of the petitioner different from that of the persons indicated by the petitioner. The petitioner who is at par with said Kirpal Singh and others cannot be denied the benefit of relaxation in age unless his case is different or distinguishable on some rationale basis.

In view of the above, the present civil writ petition is allowed. The letter dated 10.07.2014 (Annexure P-9) is hereby quashed. The respondents are directed to consider the case of the petitioner for appointment on compassionate grounds by giving

relaxation in age. The necessary exercise be completed within two months from the date of receipt of certified copy of the judgment.

03.07.2019.

(JITENDRA CHAUHAN)
JUDGE

SN

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