

IN THE HIGH COURT OF PUNJAB ANDHARYANAAT
CHANDIGARH

CWP No. 20289-2018
Date of decision:-11.01.2019

GAGAN DEEP

.....Petitioner

vs.

STATE OF HARYANA AND OTHERS

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Surender Pal , Advocate
for the petitioners.

Mr. Gaurav Jindal, Addl. A.G. Haryana

Mr. H.N. Mehtani, Advocate
for the Commission

RITU BAHRI, J.(Oral)

The present petition is for quashing the action of the respondent vide which the petitioner has been denied the eligibility certificate for employment against the reserve category for war widows dependents of who killed/disabled in war/ESM/DESM of Haryana.

The short point for consideration in the present case is that the petitioner whose husband Mahavir Singh while posted in 39 Rashtriya Rifle (Grenadiers) died in counter insurgency operational area, can be treated as dependent, as per advertisement dated 02.08.2018

The petitioner has placed on record the Battle Casualty certificate dated 23.09.2015 and this certificate is not in dispute between the

parties.

The respondents are denying the benefit to the petitioner, as the petitioner does not fall within the category of ESM/DESM. She is not eligible to be considered for the posts reserved for ESM/DESM in view of Point No. 3 (IV) (b) on instructions for candidates and as per Haryana Government letter dated 01.12.2003 where the income limit for DESM is Rs.6000/- per month. The petitioner who is working as Lecturer and is earning more than Rs.6000/- per month cannot be thus treated as DESM, in view of instructions dated 01.12.2003 (R-2).

Learned counsel for the petitioner submits that even though the petitioner is working as Lecturer and is earning more than Rs.6000/- per month, she has a preferential right of appointment as per advertisement (P-4) as the petitioner is a war widown and has never got an appointment against the quota reserved for the war widows/ dependents of who killed/disabled in war.

Reference at this stage can be made to advertisement dated 02.08.2018 wherein it has been stated that the reservation of ESM will be utilized in the order given below:

- (i) Disabled Ex-servicemen with disability between 20% to 50%.
- (ii) Up to two dependents of Service personnel killed/disabled beyond 50%
- (iii) Other ex-servicemen.

The case of the petitioner can be considered as per (ii) condition but since she is earning more than Rs.6000/-, she has rightly been

not given certificate, keeping in view instructions dated 01.12.2003 (R-2).

Accordingly, the writ petition stands dismissed.

11.01.2019
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No