

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

CWP No. 3677-2018

Date of decision : 29.01.2019

Balbir Singh

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. J.S.Saneta, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana

RITU BAHRI, J. (Oral)

Petitioner is seeking a writ in the nature of mandamus for issuance of direction to the respondents to issue appointment letter to the petitioner for the post of Welfare Organizer advertised by respondent No. 3 vide advertisement dated 01.12.2015.

On notice of this petition, a short reply has been filed by respondent No. 2 stating therein that one Balbir Singh bearing roll No. 1150300636 has already been selected, as per final result declared by the Commission. The recommendation list qua petitioner has already been sent to the department concerned for further necessary action (R-2/1).

Thereafter, an affidavit dated 07.05.2018 has been filed by respondent No. 5 stating therein that the petitioner was not retired as Junior Commissioner Officer. He was retired from Army in the Rank of Havaldar on 31.12.2015 and was granted honorary rank of Naib Subedar. As per Haryana Government instructions, the Welfare Organizer in the District and Ardh Sainik Welfare Department, is recruited through HSSC, in which one

of the many qualifications, is the Ex-Junior Commissioned Officer, while on active service and who has retired as Junior Commissioned Officer from service (R-1) Further Junior Commissioned Officer is not equal to Junior Commissioned Officer as per defense service regulations, regulation from the army, volume-I, revised edition 1987; 178 (P-4).

Heard learned counsel for the parties.

The petitioner has not filed any replication to the reply filed on behalf of respondent no. 2 and a bare perusal of letter dated 12.06.2009 (P-10) shows that the President of India has decided that Honorary Rank of Naib Subedar granted to Havaldars will be notionally considered and benefit of fitment in the pay band and the higher grade pay will be allowed notionally for the purpose of fixation of pension only. The notional fixation of pay in the rank of Naib Subedar will not be taken into account for payment of retirement gratuity, encashment of leave, composite transfer grant etc.

In view of the above factual position, no ground is made out for issuance of direction to the respondents to issue appointment letter to the petitioner for the post of Welfare Organizer.

Dismissed.

29.01.2019

G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No