

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

LPA No.2319 of 2017

Date of Decision : 14.02.2019

Braham Prakash

....Appellant

Versus

Chief Secretary, Govt. of Haryana and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE LALIT BATRA

Present: Mr.Anil Rathee, Advocate
for the appellant.

MAHESH GROVER, J.(O)

The appellant is aggrieved of the judgment of the learned Single Judge dated 04.09.2017.

Before the writ court the appellant came up questioning the charge-sheet dated 30.12.2009 and consequent order of removal dated 18.05.2012, which had the effect of removing him from service. Appeal against the said order was also dismissed.

The Haryana Public Service Commission invited applications on behalf of Haryana State Pollution Control Board for filling up 21 posts of Assistant Environmental Engineer and 4 posts of Environmental Engineer. One of the eligibility conditions was that an aspirant should not be less than 17 years or more than 40 years of age on or before the first day of the month next preceding the last date of submission of application to the Commission which was subsequently clarified by a corrigendum that the age should not be less than 17 years or more than 40 years. A stipulation was also inserted that 5 years relaxation would be admissible to those employees who are in service of Government/Board/Corporation. The appellant was employed as a Junior Engineer on ad hoc basis with the

Panchayat Department in the year 1984 and regularised on the same post in 1986. Claiming his date of birth as 06.10.1961 he applied and was selected. On 30.12.2009 the appellant completed his probation period but a charge-sheet was issued to him of his being overage as on 14.10.2004. It is thereafter that the process was initiated by the department resulting in the impugned orders.

It is not in dispute that proper opportunity of hearing was given before passing the said orders. The grievance stems from the fact that the appellant was eligible to be appointed in view of the corrigendum which envisaged 5 years relaxation to Government employees.

The learned Single Judge noticed that there were three other persons appointed as Environmental Engineers under similar circumstances and under the same advertisement whose writ petition was dismissed when a similar relief was sought before the writ court. The Letters Patent Appeal Nos.1309, 1357 and 1374 of 2014 preferred against the said judgment in LPA met the same fate on 06.10.2015. Consequently, placing reliance on the findings of the LPA Bench the writ petition of the appellant was also dismissed on the ground of parity.

We would have no reason to disagree with the opinion of the learned Single Judge in view of the fact that the writ petition was dismissed on the basis of a precedent in the cases of similarly situated persons, more particularly when the SLP against the said judgment was also dismissed. The learned Single Judge also noticed that the corrigendum was issued contrary to the statutory rules which prescribed the maximum age of 40 years. Consequently, we decline interference in the Letters Patent Appeal but leave the appellant to his remedies in law in case he has any grievance against his past service etc.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

14.02.2019
dss

(LALIT BATRA)
JUDGE

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