Sr. No. 10

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

SWP No. 2962/2002
IA No. 2816/2002

Madan Lal ……Petitioner (s)

Through :- Mr. M.K Bhardwaj, Sr. Advocate with
Mr. Ajay Abrol, Advocate.

.

v/s

Union of India and others ……Respondent (s)

Through :- Mr. Eishan Dhadichi, CGSC

Coram: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

ORDER

1. Heard learned counsel for the parties and perused the record.

2. The grievance projected by the petitioner in this petition against the appointment of respondent No. 3 as Carpenter in the Command Hospital, Northern Command, C/O 56 APO is that the respondent No. 3, on the cut-off date mentioned in the advertisement notification, was over aged having crossed the maximum age of 25 years prescribed for the post. Reference in this regard is invited to the terms and conditions of the advertisement notification issued by the respondents on 18.01.2001, which prescribes minimum age as 18 years and maximum as 25 years for the post of Carpenter.

3. The respondents have filed their objections and have taken a stand that the petitioner was, though, over aged on the cut-off date mentioned in the advertisement notification and had crossed maximum age of 25 years

but he was given the benefit of 05 years relaxation in age under the provision of Government of India, Ministry of Personnel Public Grievances and Pensions letter No. 15012/7/91-Estt (D) dated 08.04.1997 being domiciled in the State of Jammu and Kashmir. The respondents have also placed on record the aforesaid communication of the Ministry of Personnel Public Grievances and Pensions as also the domicile certificate issued by the competent authority in favour of the petitioner.

4. Respondent No. 3 has also filed objections and has placed on record a copy of the matriculation certificate, which indicates his date of birth as 13.03.1972.

5. In view of the aforesaid, admittedly, the petitioner, at the relevant point of time, was more than 25 years and, therefore, could not have been considered for appointment being an over aged candidate but for the Government circular providing for relaxation of 05 years in the case of persons domiciled in the State of Jammu and Kashmir during the period w.e.f 01.01.1980 to 31.12.1989. However, it is not disputed before me that the petitioner is a permanent resident of the State of Jammu and Kashmir and this fact has been certified by the Tehsildar (Executive Magistrate), Udhampur by his certificate dated 06.05.2002.

6. In view of the aforesaid, I find no merit in the submission of learned counsel for the petitioner that the respondent No. 3, at the time of his appointment or on the cut-off date, was over aged and, therefore, could not have been appointed. Admittedly, in the selection process, respondent No. 3 has been found to be more than meritorious than the petitioner and, therefore, was entitled to the appointment.

7. For the foregoing reasons, I find no merit in this petition and the same is, accordingly, dismissed.

(Sanjeev Kumar)
Judge

Jammu
12.03.2020
Tarun

Whether the order is speaking? Yes/No
Whether the order is reportable? Yes/No

HIGH COURT
JAMMU & KASHMIR

TARUN KUMAR GUPTA
2020.03.13 16:12
I attest to the accuracy and
integrity of this document