

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

219

Date of decision : 03.02.2020**CWP-25534-2016 (O&M)****MANGAT SINGH & ORS.****.....Petitioner(s)****Vs.****STATE OF PUNJAB & ORS.****.....Respondent(s)****CWP-25595-2016 (O&M)****VIJAY KUMAR & ANR****.....Petitioner(s)****Vs.****STATE OF PUNJAB & ORS.****.....Respondent(s)****CWP-26562-2016 (O&M)****GAGANDEEP SINGH AND ANR.****.....Petitioner(s)****Vs.****STATE OF PUNJAB & ORS.****.....Respondent(s)****CWP- 26727-2016****DALJEET SINGH AND ORS.****.....Petitioner(s)****Vs.****STATE OF PUNJAB & ORS.****.....Respondent(s)****CWP-26330-2016****TALWINDER SINGH AND ANR.****.....Petitioner(s)****Vs.****STATE OF PUNJAB & ORS.****.....Respondent(s)**

CWP- 25800-2016**GAGANDEEP SINGH AND ORS.****.....Petitioner(s)****Vs.****STATE OF PUNJAB & ORS.****.....Respondent(s)****CWP-57 -2017****GURJINDER SINGH AND ANR****.....Petitioner(s)****Vs.****STATE OF PUNJAB & ORS.****.....Respondent(s)****CWP- 274 -2017****AMRIK SINGH & ANR****.....Petitioner(s)****Vs.****STATE OF PUNJAB & ANR.****.....Respondent(s)****CWP- 4638-2017 (O&M)****PARAMJIT SINGH****.....Petitioner****Vs.****STATE OF PUNJAB & ORS.****.....Respondent(s)****CWP- 4642-2017 (O&M)****SARABJIT SINGH AND ORS.****.....Petitioner(s)****Vs.****STATE OF PUNJAB & ORS.****.....Respondent(s)****CWP-5281-2017****GURJEET SINGH****.....Petitioner****Vs.****STATE OF PUNJAB & ORS.****.....Respondent(s)**

CWP- 9076-2017**PRABHJOT SINGH****.....Petitioner****Vs.****STATE OF PUNJAB & ORS.****.....Respondent(s)****CWP- 7201-2017****SHIV NATH SINGH****.....Petitioner****Vs.****STATE OF PUNJAB & ORS.****.....Respondent(s)****CWP- 20689 -2017****BHAGAT SINGH & ANR.****.....Petitioner(s)****Vs.****STATE OF PUNJAB & ORS.****.....Respondent(s)****CWP-18403-2019****RANJIV KUMAR****.....Petitioner****Vs.****STATE OF PUNJAB & ORS.****.....Respondents(s)****Coram: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH.****Present :** Mr. P.S. Jammu, Advocate
for the petitioner(s) in CWPs-25534, 25595, 25800, 26727,
26562 and 26330 of 2016; CWP-57, 4642 and 20689 of 2017.Mr. Yash Pal Sharma, Advocate
for the petitioner in CWP-9076-2017.Ms. Harjeet Kaur, Advocate for
Mr. Mandeep K. Dhot, Advocate
for the petitioner(s) in CWP-274/2017
and for the respondent(s) in CWP-25534-2016Mr. Rakesh Sobti, Advocate
for the petitioner in CWP-5281-2017

Mr. Tarun Sharma, Advocate for
Mr. R.S. Bajaj, Advocate
for the petitioner in CWP-7201-2017.

Mr. J.S. Sandhu, Advocate
for the petitioner in CWP-4638-2017.

Mr. Amit Arora, Advocate
for the petitioner in CWP-18403-2019

Ms. Anu Pal, DAG, Punjab

None for the remaining respondent(s).

AUGUSTINE GEORGE MASI, J. (Oral)

As common issue is involved in all the above-said writ petitions, the same are being disposed of by this common order.

Petitioners have approached this Court with a grievance that because of the selection process having not been initiated/carried out during the period of 2006 to 2016, as no advertisement was issued, petitioners who had passed the Diploma course in Multipurpose Health Worker did not get an opportunity to participate/apply for the said post.

It is in the year 2016 that an advertisement has been issued by the respondents for appointment to the post of Multipurpose Health Worker (Male) when 1263 posts were advertised and the petitioners applied for the same. Petitioners in pursuance to the advertisement and going through the process of selection have been selected for appointment to the post of Multipurpose Health Worker. Petitioners merely because they do not have the requisite age i.e. having exceeded the age of 37 years in case of General category and 42 years in case of Reserved category have been left out. That is why the petitioners have approached this Court by way of present writ petition with a prayer for exercising the powers of relaxation which is

provided for in the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994 (hereinafter referred to as 'Rules'). Counsel for the petitioners have referred to Rule 19 of the said rules. Prayer has, thus, been made that the petitioners be granted the benefit of relaxation in age, and appointed to the Post of Multipurpose Health Worker (Male).

Respondents have taken a plea that the petitioners do not have the requisite age, rather have exceeded the maximum age prescribed as per the advertisement and the statutory rules and thus cannot be appointed to the post of Multipurpose Health Worker (Male).

It has also been asserted that the relaxation in upper age limit cannot be provided once specified age has been provided in the advertisement, which is as per the Rules. It has further been stated that relaxation can only be provided in the case of persons, who are already in Government service as per Rule 5 of the Rules, 1994.

I have considered the submissions made by the counsel for the parties and with their assistance have gone through the pleadings and the respective stands taken by them.

The grievance of the petitioners, as has been highlighted on facts, with regard to there being no selection process/appointment during the period 2006-2016 is not in dispute. Obviously, candidates who intended to be appointed against the post of Multipurpose Health Worker (Male) have lost the chance for applying/participating in the selection process. Petitioners in such peculiar circumstances have approached this Court with a prayer for relaxation in the upper age limit for appointment to the post of Multipurpose Health Worker (Male), as advertised.

In these circumstances, this Court is of the opinion that the

respondents should consider the prayer of the petitioners sympathetically and if some force is found therein, which would justify granting relaxation in the upper age limit, the said decision be taken within a period of four weeks from today.

The decision so taken be conveyed to the petitioners and in case, the request of the petitioners is accepted, further steps be taken in accordance with law.

In view of the above, all the the writ petitions stand disposed off.

CM-2513-CWP-2017 and CM-10654-CWP-2018

Since the main case has been disposed of, therefore, no order is required to be passed in the present applications.

(AUGUSTINE GEORGE MASIH)
JUDGE

03.02.2020
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No