

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.20516 of 2020

Date of Decision : 02.12.2020

Mohan Datt

...Petitioner

Versus

State of Haryana and others

...Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jasbir Mor, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G. Haryana.

Harsimran Singh Sethi, J. (Oral)

The grievance, which is being raised by the petitioner in the present writ petition is that the petitioner has cleared the required examination/selection process to be appointed against the post of Physical Training Instructor but, his candidature has been rejected by terming the petitioner ineligible. Learned counsel for the petitioner submits that the petitioner has been declared ineligible on the ground that on the date of the advertisement, the petitioner was in active service of the Armed Forces and, therefore, could not have been treated as ex-servicemen so as to be appointed as Physical Training Instructor.

Learned counsel for the petitioner further submits that as per the instructions issued by the Government of India, the personnel working

in the Armed Forces are eligible for applying for the civil posts in the last year of their service and, therefore, the petitioner, who was in the last year of his service, at the time of advertisement in the year 2006, was fully eligible as per the rules and regulations and reliance is placed on the clarification dated 05.10.2020 (Annexure P/19).

Learned counsel for the petitioner further submits that the petitioner has already represented the respondents with regard to the claim as raised in the present petition by filing a representation dated 12.10.2020 (Annexure P/24), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said representation keeping in view the clarification given by the Government of India on 05.10.2020 (Annexure P/19).

Notice of motion.

Ms. Rajni Gupta, Addl. A.G. Haryana accepts notice on behalf of respondent-State and raises no objection in deciding the representation dated 12.10.2020 (Annexure P/24) submitted by the petitioner in a time bound manner by passing an appropriate speaking order in the light of clarification given by the Government of India on 05.10.2020 (Annexure P/19).

In view of the above, without expressing any opinion on the merits of the case or the claim being made by the petitioner, the respondents are directed to decide representation dated 12.10.2020 (Annexure P/24) in light of clarification given by the Government of India on 05.10.2020 (Annexure P/19) by passing a speaking order within a period of one month from the date of receipt of a certified copy of this order.

Present writ petition stands disposed of.

December 02, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

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