

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

**CWP No. 7021 of 2021
DATE OF DECISION : 08.09.2021**

Vivek Mehta

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sharanjeet Singh, Advocate,
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

Mr. Kanwal Goyal, Advocate,
for respondent No.2.

ARUN MONGA, J. (ORAL)

Grievance of the petitioner, an employee of Municipal Corporation of Union Territory, Chandigarh, is qua non-grant of relaxation of age upto the age of 45 years so as to enable him to compete in the selection process of Haryana Civil Services (Executive), which is underway and for which the preliminary examination is slated to be held on 12.09.2021 by Haryana Public Service Commission.

2. Reliance, *inter-alia*, essentially is on Rule 12 (3) of the Haryana Civil Service Rules, 2008, whereby relaxation of age upto the age of 45 years is permitted to certain categories of serving employees. For ready reference, the relevant Rule is reproduced as below :

“A Government servant, who is holding an appointment either in a substantive or officiating (excluding ad-hoc) capacity under the Haryana Government or the High Court or any Court

subordinate thereto, shall be eligible to appear in the examination if he possesses a degree of Bachelor of Arts, Bachelor of Science or Bachelor of Commerce or an equivalent degree of a recognized University, and has not attained the age of forty-five years and also has not less than four years service whether in a substantive or officiating (excluding ad-hoc) capacity under the Haryana Government or the High Court or any Court subordinate thereto, on or before the 1st day of January, next preceding the last date for the submissions of applications subject to a limit of three chances in addition to those which he might have availed of under sub-rule (2). Any person, who is eligible under this sub-rule and wishes to appear in the examination, shall submit his application in the prescribed form through the Head of his Office, to the Commission.”

3. A perusal of the aforesaid Rule clearly reflects that in order to seek relaxation of age only three category of employees have been specified therein i.e.

a) an employee of Haryana Government;

b) an employee of Punjab and Haryana High Court

and

c) an employee of any Court subordinate to the Punjab and Haryana High Court.

4. Learned counsel for the State as well as respondent No.2 argue in unison that the petition has been filed on a complete wrong premise, inasmuch as, neither the petitioner is covered by any of the prescribed categories as per Rules, nor even otherwise, it is the case of petitioner that any employee of Union Territory is given any concession of age of relaxation. They argue that for once an employee of Union Territory itself is not entitled to relaxation, the petitioner, working for a corporation of UT, cannot seek any parity ostensibly, with a UT employee not entitled to any such relaxation. Concededly, the petitioner works for an independent legal

entity (Municipal Corporation of Chandigarh), which is an independent body and is to be treated as State within the meaning of Article 12 of the Constitution of India.

5. The second leg of the aforesaid argument of Municipal Corporation being an independent body within the meaning of Article 12 of Constitution of India, though may not be strictly applicable, in view of Division Bench judgment rendered by this Court in CWP No. 12589 of 2012, where, in somewhat different circumstance, it was that once State Government employee is granted concession of age relaxation then employees of Corporations or Boards of the same State can also seek age relaxation by seeking parity with the parent State employee.

6. Clearly, the case in hand is not on similar footing, inasmuch as, once it is conceded position that an employee of the parent State i.e Union Territory herein, are not being given any benefit of age relaxation then the questions of giving such a concession to a Corporation/Board of Union Territory does not, therefore, arise.

7. As regards interpretation of the Rules, the neither the same is not in dispute nor is there any challenge qua vires thereof in the present proceedings. Being so, no ground for interference by this Court is made out.

8. Dismissed.

SEPTEMBER 08, 2021
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No