

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-15161-2021

Date of decision: 24.09.2021

Harvinder Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Kamalpreet Bawa, Advocate
for the petitioners.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

(the aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court on account of restrictions due to COVID 19)

GIRISH AGNIHOTRI, J. (Oral)

On 10.08.2021, this Court had passed the following order:-

“Petitioners-Harvinder Singh and four others, have jointly filed the present petition inter alia with a prayer for directing the respondents to give an age relaxation to the petitioners for applying against the posts of Constable, for which advertisement has been issued on 06.07.2021 on the ground that the vacancies had come into existence in the years 2017, 2018, 2019 & 2020, but were not advertised.

At the outset, learned counsel for the petitioners relies upon CWP-15061-2021 involving same/similar law points, is now fixed for 31.08.2021.

Notice of motion.

On asking of the Court, Mr. Ayush Sarna, Asst. A.G., Punjab accepts notice on behalf of respondents-State.

Adjourned to 31.08.2021.”

In pursuance thereto, short reply dated 13.09.2021, by way of

an affidavit of Shri Akhil Chaudhary, IPS, Assistant Inspector General, Personnel-2, Punjab, has been filed on behalf of respondents No.1 to 3. In the said reply, it has been inter alia submitted that the proposal for increase of upper age limit of the candidates, was examined by the office. It is however submitted that after due consideration, it was deemed appropriate to issue advertisement with maximum age limit as 28 years.

Learned counsel for the State has further relied upon the notification dated 02.02.1982. Vide this notification, the provision was made to the following effect:-

*“6.***Age- For recruitment to any vacancy in the State Civil Services whether reserved or not under these rules an ex-serviceman shall be allowed to deduct the period of his service in the Armed Forces of the Union from his actual age and if the resultant age does not exceed the maximum age limit prescribed for direct appointment to such a vacancy in the concerned Service Rules, by more than 3 years, shall be deemed to satisfy the condition regarding age limit.”*

Learned counsel has further referred to the standing Order No.02 of 2021, dealing with the recruitment for the post of Police Constable in the cadres of District Police and Armed Police of Punjab Police. It is submitted with emphasis that para 5.2 of the same provides the similar stipulation regarding age relaxation as has been provided in the advertisement, impugned in the present writ petition.

On asking of the Court, learned State counsel has also clarified that in the last advertisement dated 31.05.2016, there was similar provision for age relaxation and similar relaxation as in the present advertisement.

In view of the above, this Court is of the prima facie view that

when the written test is fixed for 25.09.2021, the petitioners are not entitled to seek any interim directions.

At this stage, learned counsel for the petitioners however submits that the petitioners had submitted a representation dated 20.07.2021, seeking relaxation of age to the category namely 'regarding relaxation of age to the wards of Freedom Fighters under Freedom Fighter Quota for recruitment in Police'.

The present writ petition is accordingly **disposed of** with the following directions:-

- (i) The petitioner may file supplementary representation (supported by documents), to claim relaxation in age and for appropriate provision in the rules/standing orders. Liberty is also granted to the petitioners to seek specific relaxation to the category of wards of Ex-serviceman, from the competent authority under the statutory rules.

Let such supplementary representation be submitted to the competent authority within a period of one month from today.

- (ii) The competent authority is directed to examine the claim in the representations and/or on issue of age relaxation in the maximum age provided for the category of wards of Ex-serviceman and pass appropriate orders in accordance with law, within a period of two months from the date of receipt of copy of the representation.

Ordered accordingly.

(GIRISH AGNIHOTRI)
JUDGE

24.09.2021/anju rani

Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No