In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 2753 of 2023

Date of Decision: 10.02.2023

Gulshan Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ravinder Singh Randhawa, Advocate
for the petitioner(s).

Mr. R.K.Kapoor, Additional Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. The petitioner prays for issuance of a writ in the nature of certiorari to quash the decision dated 27.06.2022. In essence, the petitioner claims that he is entitled to be appointed on a priority basis, being the son of a martyr, in Group "A" or "B" services of the State under the Honour and Gratitude Policy adopted by the State of Punjab on 19.09.1999 which has been amended on 24.09.1999 so as to include the Group "A" and "B" services.

2. The petitioner claims that his father, who was serving in the Indian Army, martyred in the Uri Sector of Jammu and Kashmir State on 21.10.1998 after he had liquidated two terrorists. He claims to be a Post Graduate in Business Management after completing his graduation in Commerce (B.Com.). The petitioner has annexed the order dated 27.06.2022 when the petitioner was offered Group "B" post i.e. Inspector, Excise and

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Taxation, however, he refused.

3. Heard the learned counsel representing the petitioner, at length and with their able assistance, perused the paper-book.

4. The learned counsel representing the petitioner, while referring to Clause (15) of the unamended Honour and Gratitude Policy and Clause(2) of the amended policy, contends that the petitioner is entitled to be considered for Group “A” and Group “B” services. He, while referring to the assertions made in para 2(i) and 3(h) submits that the respondents are orally offering only Group “C” post. He further contends that previously, such persons have been recruited as the P.C.S. officers in Group “A” services.

5. This Court has considered and analyzed the submissions made by the learned counsel representing the petitioner.

6. As per the normal rule, the recruitment to all the civil posts is required to be made after granting an opportunity to the candidates to participate in the competition by way of various tests conducted by the appropriate authority, to all the eligible candidates who are willing to compete. However, in order to tide over the extraordinary situation, the State frames a policy so as to take such posts out of the purview of any such competition. With a view to achieve this object, the State has adopted the Honour and Gratitude Policy. However, the appointment under this policy cannot be claimed as a matter of right. It is, at the most, a concession extended by the State in order to express its gratitude to the war heroes for their bravery and sacrifice. However, the dependent of a war hero cannot claim that he has an ultimate/exclusive right over a Class “A” or Class “B” post. The educational qualification of such dependent cannot be the sole criteria to determine which post could be offered to him/her. Moreover, 25

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years have elapsed from the time his father laid down his life for the country. Such policy is adopted by the appropriate government in order to help the family members immediately to enable them to tide over their situation on account of the death of their bread-earner so that they do not undergo any hardship because of the unlikely death of their breadwinner.

7. Keeping in view the aforesaid facts, this Court does not find any reason to exercise its extraordinary writ jurisdiction. Consequently, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

February 10, 2023
"DK"

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

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