IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(103+251)

CM-8761-CWP-2023 in/and
CWP No. 25491 of 2021
Date of Decision : 18.12.2023

Bimla Devi

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rakesh Nagpal, Advocate for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

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Harsimran Singh Sethi J. (Oral)

CM-8761-CWP-2023

Present application has been filed for placing on record replication to the written statement filed by respondents No. 1 and 2.

Application is allowed and replication is taken on record.

CWP-25491-2021

1. In the present petition, the grievance of the petitioner is that by the impugned order dated 22.08.2021 (Annexure P-8), his claim for the grant of exemption from passing of the departmental examination as envisaged under the rules governing the service for the post of Taxation Inspector, has been declined.

2. Learned counsel for the petitioner argues that on earlier occasions, the exemptions have been granted by the respondent-State, which fact is clear from the orders Annexures P-9 to P-11, whereas the said benefit has been declined to the petitioner and that too without any valid justification.

3. Learned counsel for the respondents submits that the grant of exemption is to be seen keeping in view the facts and circumstances of each case including the age of the employee, number of chances availed for clearing the examination and the post on which the employee is working. Learned counsel further submits that the exemption cannot be claimed as a matter of right and the grant of exemption from passing of departmental examination depends upon various facts stated here-in-before and after considering all the relevant facts including the fact that petitioner had already been granted enough number of chances to clear the departmental exam but still, she failed to clear the said examination, hence, the petitioner cannot be allowed to seek exemption from passing of the departmental examination as envisaged under the rule.

4. Learned counsel for the petitioner submits that even otherwise, as per the instructions, which have been issued by the Government of Haryana, an employee, who has completed 55 years of age, is entitled for exemption from the passing of the departmental examination and the respondents are under an obligation to consider the claim of the petitioner under those instructions for the grant of exemption on completion of 55 years of age by the petitioner.

5. Learned counsel for the respondents submits that in case, the petitioner moves any such representation placing reliance upon any Instructions issued by the Government of Haryana for the grant of relaxation from passing the departmental examination qua the employees, who have already attained the age of 55 years, appropriate decision will be taken within a period of eight weeks of the receipt of any such claim and in case, the claim of the petitioner is found within the four corners of any such instructions of Govt. of Haryana issued, the benefit will also be extended to the petitioner.

6. Learned counsel for the petitioner submits that keeping in view the said statement of learned counsel for the respondents, the present petition may kindly be disposed of having been not pressed any further with liberty to approach the respondents by way of representation.

7. Ordered accordingly.

December 18th, 2023 **(HARSIMRAN SINGH SETHI)**
kanchan **JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No