



117 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25244-2024 (O&M)

Date of Decision : 01-10-2024

GURBHAWAN SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ORS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Amarpreet Singh Bains, AAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance of the petitioner is that the petitioner competed for the post of Senior Laboratory Attendant/Laboratory Attendant under the Ex-serviceman Category in respect of an Advertisement which was issued by the respondents on 25.10.2013 (Annexure P-3).

While scrutinizing the documents, it came to the notice of the Selecting Agency that the petitioner was competing under the name of '*Gurbhawan Singh*' whereas, all his documents issued by the Defence Forces is in the name of '*Bachan Singh*'.

Keeping in view the discrepancy, the claim of the petitioner was not considered in the reserved category of Ex-serviceman and an order was passed rejecting the claim of the petitioner on 30.07.2014.

Thereafter, the petitioner started efforts to get his documents issued by the Defence Forces corrected so as to include the name as '*Gurbhawan Singh*' instead of '*Bachan Singh*', and the petitioner was successful in this regard only on 11.01.2020. After a period of 4 years, the

present petition has been filed that now the petitioner be treated as eligible to compete in the reserved category of Ex-servicemen qua the Advertisement issued in the year 2013 qua which, the claim of the petitioner was rejected 10 years ago in the year 2014.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

Concededly, at the time when the rejection order was passed, even in the record of the Defence Forces, the petitioner was being named as '**Bachan Singh**' and not '**Gurbhawan Singh**'. That being so, the claim of the petitioner was rightly rejected as there was a dispute with regard to the actual identity of the petitioner. The said identity only got confirmed in January, 2020. Once, the selection process is over and it is a conceded fact that the identity of the petitioner was only clarified/rectified by the Defence Forces in January, 2020, the same cannot relate back to the advertisement of 2013. The petitioner can only claim the benefit prospectively after the rectification of the orders by the Defence Forces. Therefore, no benefit can be given to the petitioner in respect of an advertisement which already stands finalised about a decade back.

No ground is made out for any interference by this Court.

Hence, the present petition is dismissed.

Pending application, if any, also stands disposed of.

01-10-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking : YES/NO
Whether reportable: YES/NO