
(2014) 07 P&H CK 0076
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 12918 of 2012

Lakhwinder Singh

APPELLANT

Vs

Punjab National Bank

RESPONDENT

Date of Decision : 14-07-2014

Acts Referred:

Citation : (2014) 07 P&H CK 0076

Hon'ble Judges : Sabina, J

Bench : Single Bench

Advocate : H.C. Arora, Advocate for the Appellant; Ayush Gupta, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Sabina, J.—This petition has been filed by the petitioner challenging the appointment of respondent No. 3 as Armed Guard.

2. Case of the petitioner, in brief, is that respondent No. 2 had invited applications for appointment of Armed Guards through Sainik Welfare Department. Petitioner submitted his application (Annexure P-1) and appeared in the interview on 28.12.2011 before the selection committee. Petitioner cleared the physical test. However, petitioner did not receive any appointment letter, whereas, five persons including respondent No. 3 were selected as Armed Guards. Hence, the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner was 44 years and 4 months old on the relevant date and was liable to be appointed as Armed Guard. As per Annexure P-10, maximum age limit, to all relaxations combined, should not exceed 45 years unless it is so provided in the Government directive. As per Annexure P-11, minimum age had been provided as 18 years, whereas, maximum age had been provided as 45 years. Therefore, petitioner, who was fully eligible for the post of Armed Guard, was liable to be appointed for the said post being more meritorious than respondent No. 3.

4. Learned counsel for the respondent-bank, on the other hand, has submitted that the petitioner was over age and therefore, could not be appointed as Armed Guard. In this regard, learned counsel has placed reliance on the proviso in Annexure P-10, whereby it had been provided that maximum age limit of all relaxations combined should not exceed 45 years.

5. In the present case, facts are not in dispute. Petitioner applied for the post of Armed Guard and was interviewed on 28.12.2011. It is only at the time of interview it transpired that petitioner was over age as per circular Annexure P-10 and the advertisement Annexure P-11. As per Annexure P-10 for recruitment of subordinate staff, age has been provided as minimum 18 years and maximum 24 years as on 1st January of the year if the vacancies are notified up to 30th June and as on 1st July if the vacancies are notified in the second half of the calendar year. So far as Ex-servicemen are concerned, they have to be given relaxation of three years in addition to length of their military service. However, maximum age limit of all relaxations combined should not exceed 45 years unless it is so provided in the Government directive. As per Annexure P-11, 9 posts of Armed Guards were advertised. With regard to age, it was mentioned as under:-

Minimum 18 years and maximum 45 years (after considering all relaxations as stipulated in HRD Division Circular Letter No. 25/08) as on 1st January of the year if the vacancies are notified within 30th June and as on 1st July if the vacancies are notified in the second half of the calendar year.

6. The age of the petitioner as on 1.1.2011 came to 44 years 4 months and 30 days. Petitioner had 17 years and 1 day of military service to his credit. Further the petitioner was also liable to claim 3 years as relaxation in addition to his military service. Thus, after deducting 20 years and 1 day from 44 years, 4 months and 30 days, petitioner was over age by 4 months and 29 days as on 1.1.2011. The argument put forth by the learned counsel for the petitioner that the maximum age of the petitioner should have been taken as 45 years is without any basis. Rather as per Annexures P-10/P-11, maximum age limit of all relaxations combined together should not exceed 45 years. This does not mean that the petitioner could be considered to be eligible as he was less than 45 years of age on 1.1.2011. Since petitioner was over age by 4 months and 29 days on the relevant date, the bank had rightly not considered the case of the petitioner for appointment as Armed Guard. No ground for interference by this Court is made out.

7. Dismissed.