

(2013) 08 P&H CK 0130
In the Punjab And Haryana At Chandigarh
Case No : LPA No. 63 of 2012 O and M

Oriental Bank of Commerce	Vs	APPELLANT
Dayal Chand and Another		RESPONDENT

Date of Decision : 22-08-2013

Acts Referred:

Citation : (2013) 08 P&H CK 0130

Hon'ble Judges : Surya Kant, J; Surinder Gupta, J

Bench : Division Bench

Advocate : Kanwaljit Singh and Mr. Ajayvir Singh, for the Appellant;

Judgement

Surya Kant, J.—This order shall dispose of LPA Nos. 63 and 64 of 2012 as both these appeals have arisen out of a common order passed

by learned Single Judge directing the appellant-Bank to relax parameters for recruitment of ex-servicemen to the post of Clerks and consequently

offer appointment to the first respondent. The facts as noticed by the learned Single Judge are not in dispute.

2. The respondent is an ex-serviceman who applied for the post of Clerk in the reserved category of ex-serviceman in response to an

advertisement issued on 22/28.11.2008, whereby 900 posts of Clerks were advertised. The respondent appear in the written test and thereafter

was called for interview but finally he was not selected. The plea taken by the Bank was that the over-all performance of the respondent was

below the bench-mark, hence he was not found suitable. It was explained that the last candidate selected in the General Category secured 150

marks; of OBC Category 130 marks and the SC Category 123 marks, whereas the first respondent got 115 marks only.

3. The learned Single Judge has observed that since there is deficiency in the scope of ex-serviceman category and the posts reserved for them

have remained unfilled, it was a fit case where the Bank ought to have relaxed the parameters, more so when the appellant did not plead before the

learned Single Judge that further relaxation would affect the level of performance. Consequently, the writ petition was allowed and a direction was

issued to consider the first respondent for appointment as a Clerk against the post reserved for ex-serviceman.

4. We have heard learned counsel for the appellant at some length and gone through the record.

5. The respondent has not put in appearance despite service affected through substituted service, namely, publication in the Newspaper.

6. After going through the record and the order passed by the learned Single Judge, it appears to us that the import of the order under appeal is

that the appellant must consider the desirability of relaxing the standards of recruitment for ex-servicemen who are older in age as compared to the

young candidates competing for appointment as Clerks. Obviously, relaxation in parameters can be without effecting the level of performance

expected from the ministerial staff of the Bank. It, thus, appears to us that the object of making observations by the learned Single Judge appears

to sensitize the appellant Bank the difficulties experienced by the ex-servicemen in meeting with the parameters prescribed for young candidates.

Suffice it would be to observe that if the appellant Bank on reconsideration finds that the notified parameters can be relaxed without compromising

with the quality of efficiency expected from the clerical staff, it may take an appropriate decision in this regard. Further, even if the appellant still

insists for achieving the minimum bench-mark by ex-serviceman candidates also, we hold that the order of the learned Single Judge need not be

construed as a command to it to relax the same.

7. With these observations, we modify the impugned order of the learned Single Judge and dispose of these appeals accordingly. Dasti.