

H.C. ARORA

ADVOCATE

PUNJAB & HARYANA HIGH COURT

MOBILE: 9814013764

EMAILS ADDRESS:-

H.NO. 2299,
SECTOR 44-C,
CHANDIGARH-160045

hcarora.highcourt@gmail.com

Dated: 25.6.2020

To,

1. Chief Secretary, Government of Punjab, Punjab Civil Secretariat, Chandigarh.
2. Secretary, Government of Punjab, Department of Social Justice, Empowerment and Minority Welfare (Reservation Cell), Punjab Civil Secretariat-II, Chandigarh. (pswscbc@punjab.gov.in)

Subject:- Representation for seeking relaxation of upper age limit for the candidates belonging to EWS (Economically Weaker Sections of Society).

By E-mail

Sir,

Kindly refer to letter dated 28.5.2019 issued by Reservation Cell, Department of Social Justice, Empowerment and Minorities (addressee No.2). In this context, I have to submit as under:-

1. That vide the aforesaid letter, in exercise of the enabling power conferred on the Government under Article 15 (6) and Article 16 (6) of the Constitution of India (103rd Amendment), the Government has granted reservation to the extent of 10% of the number of posts for candidates belonging to Economically Weaker Sections of the Society. However, it appears that there is no conscious application of mind by the Government to the requirement of giving age relaxation beyond the normal upper age limit of 37 years, to the candidates of EWS Category . On the other hand, there is age relaxation up to 5 years for the Backward Class Citizens.
2. That my submission on the issue is that both Backward Classes as well as the candidates of EWS Category have been granted 10% reservation. However, the provision for age relaxation has been incorporated in the Punjab Civil Service (General and Common Conditions of Service) Rules, 1994, which empowers the Government to grant age relaxation in case of SC and Backward Class candidates only, and no to those of EWS category. However, it appears that in the absence of any provision for reservation at the time the aforesaid

Rules were enacted or amended from time to time, no provision was made by way of enabling power to empower the Government to grant age relaxation to candidates of EWS Category. Thus, despite correction of a historical wrong against the Economically Weaker Sections of Society, full and complete justice has not been given to them, as the candidates of EWS Category who are beyond the upper age limit are not being extended any benefit of age relaxation, though they are otherwise at par with the candidates of Backward Class Category. Thus, there is discrimination against the candidate of EWS Category vis-à-vis the candidates of Backward Class Category. This discrimination needs to be undone.

I would therefore, call upon you to kindly consider this issue with open mind, and to consider the case of candidates of Economically Weaker Sections of Society also for grant of relaxation of 5 years in maximum age, at par with the candidates belonging to the Backward Class.

Meanwhile, please acknowledge receipt of this Representation.

Yours sincerely,

(H.C. ARORA)
ADVOCATE