

(2011) 09 P&H CK 0155

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 17262 of 2011

Jugraj Singh

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision: Sept. 15, 2011

Hon'ble Judges: K. Kannan, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

K. Kannan, J.

The Petitioner challenges the condition of eligibility prescribed in the brochure for selection of dealership for LPG cylinders under the Rajiv Gandhi Gramin LPG Vitran Yojana (RGGLV). Amongst the eligible category of persons specific preference to army personnel's dependents category is also provided. The relevant clause reads thus:

Defence Personnel Category(DP)

Defence Personnel means personnel of armed forces (viz.,Army, Navy, Airforce) and will cover widows/dependents of those who died in war, war disabled/disabled on duty, widows dependent of those members of Armed forces who died in harness due to attributable causes and disabled in peace due to attributable causes.

Candidate applying under this category should produce Eligibility Certificate issued from Directorate General of Resettlement (DGR), Ministry of Defence, and Government of India sponsoring the candidate for the RGGLV for which he/she has applied. Certificate of eligibility issued for one RGGLV is not valid for another RGGLV and therefore a candidate can be considered to be eligible only if he/she has been sponsored for the particular location with reference to current advisement.

2. The Petitioner is admittedly retired from Armed Forces and his application for securing sponsorship from the Ministry of Defence has been rejected on the ground

that he did not fall within the eligible candidate's category. The reading of the above clause would show that it covers only personnel of Armed Forces who are disabled due to attributable causes of Armed Services or widows/dependents of those Army personnel who died in war, war disabled/disabled on duty. It does not evidently include an able bodied armed personnel who has retired from service. Learned Counsel states that there is no reason for exclusion of such persons and to provide eligibility only for widows and dependents, persons who are disabled in duty or during peace time and that it is an arbitrary classification. I cannot find the restrictive classes of persons made, while defining the eligibility criteria amongst defence personnel category as arbitrary. The LPG dealership is not to afford merely a public utility service for the people at large but choice of dealership is invariably hinged to deserving class of persons who would also make a respectable living by carrying on with dealership. Reserved categories, such as persons belonging to SC/ST or dependents of persons in Army who had shed their lives for nation and army personnel who have incurred disability serving the nation or persons who were dependent on such Army personnel are identified as a distinct class by themselves, a sub category prescribing for only certain classes and excluding able bodied retired armed personnel seeks to achieve the object of making a decent living for their family and at the same time offering public utility services. I find rational basis for the classification and the reasonable nexus that connects to the objective sought to be achieved. I reject the challenge to the eligibility criteria as arbitrary and dismiss the writ petition.