

**ORDER SHEET**  
**LAHORE HIGH COURT, MULTAN BENCH MULTAN**  
**JUDICIAL DEPARTMENT**

W.P. No.1706 of 2015

*Sajjad Hussain**Petitioner***Versus***Govt. of Pakistan, etc.**Respondents*

| S. No. of order/<br>Proceedings | Date of order/<br>Proceedings | Order with signature of Judge and that of<br>Parties, counsel, where necessary                                    |
|---------------------------------|-------------------------------|---|
|                                 | 03.02.2016                    | M/s. Tahir Mahmood and Ch. Muhammad Javaid, Advocates for the petitioner.<br>Malik Muhammad Bashir Lakhesir, AAG. |

On a second thought, learned counsel for the petitioner submits that he does not press the instant writ petition and would be satisfied if a copy of this writ petition alongwith all its annexures be transmitted to respondent No.4 with a direction to treat it as a representation and decide the same in accordance with a letter No.SO(ERB)S&GADI-2/2006 dated 12.12.2006 issued by Government of Punjab regarding recruitment of Ex-Servicemen in the Government Departments Autonomous/Semi-Autonomous Bodies & Corporations in the Punjab, as early as possible.

2. In view of aforementioned request submitted by learned counsel for the petitioner, let a copy of this writ petition alongwith all its annexures be transmitted to respondent No.4 at the expense of the petitioner, with a direction to treat the same as a representation on behalf of the petitioner and decide the same in accordance with letter No.SO(ERB)S&GADI-2/2006 dated 12.12.2006 issued by Government of Punjab regarding

**ATTESTED**  
 EXAMINER  
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 LAHORE HIGH COURT,  
 MULTAN BENCH MULTAN

recruitment of Ex-Servicemen in the Government Departments Autonomous / Semi-Autonomous Bodies & Corporations in the Punjab, after hearing the petitioner and all other concerned, through a well-reasoned speaking order within a period of 30-days. The compliance report be submitted through Deputy Registrar (Judicial) of this Court. The petitioner shall appear before respondent No.4 on 11.02.2016 at 11:00 a.m.

3. Copy Dasti on payment of usual charges. Disposed of accordingly.

*sed*

(SHAHID MUBEEN)  
JUDGE

\*Maqsood\*

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Date of presentation of application 11/4/16

Date of Receipt of fee 11/4/16

No. Of words / pages 27

Copying fee 4

Urgent fee 4

Registration & Postage fee

Agency fee

Court fee on application

Total 6

Name of Depositor

Date of receipt of file 11/4/16

Date of preparation 11/4/16

Date of issuance of Copy

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Spk-Lit-2016  
GOVERNMENT OF THE PUNJAB  
SCHOOL EDUCATION DEPARTMENT

**ORDER**

No. IC(Lit) 1-654/2015. WHEREAS, the Honourable Lahore High Court, Multan Bench, Multan disposed off writ petition No.1706/2015 titled Sajjad Hussain Versus Govt. of the Punjab etc. vide order dated 03.02.2016 with the direction as under:

03-02-16  
D/O  
"In view of aforementioned request submitted by learned counsel for the petitioner, let a copy of this writ petition alongwith all its annexures be transmitted to respondent No.4 at the expense of the petitioner, with a direction to treat the same as a representation on behalf of the petitioner and decide the same in accordance with letter No.SO(ERB)S&GAD1-2/2006 dated 12.12.2006 issued by Government of Punjab regarding recruitment of Ex-Servicemen in the Government Departments Autonomous / Semi-Autonomous Bodies & Corporations in the Punjab, after hearing the petitioner and all other concerned, through a well-reasoned speaking order within a period of 30-days. The compliance report be submitted through Deputy Registrar (Judicial) of this Court. The petitioner shall appear before respondent No.4 on 11.02.2016 at 11:00 A.M"

2. AND WHEREAS, the petitioner has prayed to set aside the order No.738/DCO dated 02.02.2015 issued by DCO, Multan whereby his request for age relaxation was rejected and requested for issuance of direction to the District Recruitment Committee, Multan to consider his application for recruitment as SESE (Physical Education) under Notification No.SOR-I(S&GAD) 9-1/2000 (P-1) dated 11.09.2004 issued by S&GAD, Govt. of the Punjab.

3. AND WHEREAS, S&GAD, Govt. of the Punjab vide notification No.SOR-I(S&GAD)9-1/2000 (P-1) dated 11.09.2004 introduced an amendment in Rule-3, Clause (iii) of the Punjab Civil Servants Recruitment (Relaxation of upper age limit Rules) 1976 under which Ex-Defense Forces Officers / Personnel were granted age relaxation in upper age limit equal to the period of service rendered by them subject to a maximum of 10 years. Therefore, S&GAD, Govt. of the Punjab vide letter No.SO(ERB)S&GAD1-2/2006 dated 12.12.2006 issued instructions to all the departments in the Punjab to ensure its implementation.



4. **AND WHEREAS**, in compliance of the Court's order, the petitioner, was afforded personal hearing and heard at length. The available record was perused and following facts revealed;

i. DCO, Multan advertised posts of different categories of Educators for recruitment under Recruitment Policy 2014. The prescribed age limit under Recruitment Policy 2014 is as under:

- Minimum age limit 20 years.
- Maximum age limit 30 years.
- Five years general age relaxation in maximum age limit across the board for male & female candidates.
- Three years special age relaxation across the board for female candidates only, over and above 5 years general age relaxation.
- In case of working Government Servant, the period of his continuous service as such, shall, be excluded from his / her age, for the purpose of upper age limit (30 years). Provided the upper age limit shall not exceed 35 years for males and 38 years for females.
- No further age relaxation will be allowed in any case.
- Age limit shall be determined from the Matric certificate.

ii. The petitioner is ex-serviceman and served as Lance Naik in Pakistan Army for 18 years w.e.f 03.04.1994 to 03.04.2012. He applied against the post of SESE (Physical Education) and also passed NTS test conducted by National Testing Service and secured 58 marks;

iii. The date of birth of petitioner is 01.03.1975 and at the time of closing date for submission of application, his age was 39 years, 10 months and 25 days;

iv. As per Recruitment Policy 2014, no such age relaxation is accorded in favour of Ex-Service man. Further as per policy *ibid*, the upper age limit for Govt. servants was fixed 30 years and after exclusion of continuous service his upper age shall not exceed 35 years. As the petitioner's case was not covered under the policy *ibid* so his application for the post of SESE (Physical Education) was rejected;

v. Rule 3 (v) of the Rules *ibid* provide as under:

"In the case of a candidate already working as a Government servant, the period of his continuous service as such shall for the purpose of upper age limit prescribed under any service rules of the post for which he is candidate, be excluded from his age.

Provided the upper-age limit shall not exceed 35 years for recruitment to any post to be filled in on the recommendations of the Punjab Public Service Commission on the basis of the combined competitive examination (competitive examination)".



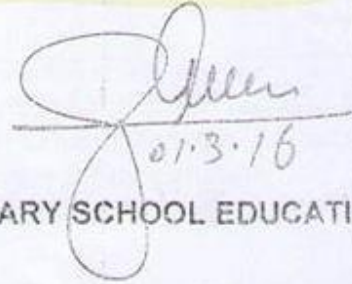
The honourable Court vide order dated 04.12.2013 passed in writ petition No.19421/2012 titled Mr. Shaukat Ali versus District Coordination Officer etc. was pleased to allow relaxation in upper age limit in favour of the petitioner in that case as per provision in Rule 3(v) of the Punjab Civil Servants Recruitment (Relaxation of upper age limit) Rules 1976; and

- vii. The department in compliance of the orders passed by the honourable Court in writ petition Nos. 19421/2012 & 18145/2015 has already accepted the representation of the petitioners concerned under rule 3(v) of the Punjab Civil Servants Recruitment (Relaxation of upper age limit) Rules 1976 and directed the EDOs (Edu) concerned to place the cases of the petitioners before DRC for re-consideration.

5. **AND WHEREAS**, it revealed from perusal of the record that the petitioner served in Pakistan Army for about 18 years. He applied against the post of SESE (Physical Education), advertised under Contract Recruitment Policy 2014 by DCO, Multan but his application was rejected by District Recruitment Committee, Multan due to overage by more than 04 years whereas the petitioner has passed NTS test being pre-requisite for induction as SESE (PET). Govt. of the Punjab, S&GAD has made an amendment in Rule-3, Clause (iii) of the Punjab Civil Servants Recruitment (relaxation of upper age limit) Rules 1976 vide notification No.SOR-I(S&GAD) 9-1/2000 (P-1) dated 11.09.2004 under which the Ex-Defense Forces Officers / Personnel are entitled for age relaxation in their upper age limit equal to the period of service rendered by them subject to maximum of 10 years. At the time of closing date for submission of application against the post of SESE (Physical Education), the age of the petitioner was above 35 years; however, if the service rendered by the petitioner is excluded under Rule-3, Clause (iii) of the Punjab Civil Servants Recruitment (Relaxation of upper age limit) Rules 1976, the age of the petitioner comes out below 35 years on closing date for submission of application.

6. **NOW THEREFORE**, I, Secretary School Education, keeping in view the orders passed by the Honourable Court in writ petition Nos. 18145/2015 & 19421/2012 and the amendment made by S&GAD, Govt. of the Punjab vide notification dated 11.09.2004 in Rule-3, Clause (iii) of the Punjab Civil Servants Recruitment (Relaxation of upper age limit) Rules, 1976 and reiteration in circular

No.SO(ERB)S&GAD1-2/2006 dated 12.12.2006, hereby accept the representation of the petitioner and set-aside the order No.738/DCO dated 02.02.2015 passed by DCO, Multan. EDO (Edu) Multan is directed to include the name of the petitioner in the recruitment process by excluding his continuous service, served as Ex-Serviceman, for the purpose of upper age limit in accordance with notification No.SOR-I(S&GAD) 9-1/2000 (P-1) dated 11.09.2004 issued by S&GAD, Govt. of the Punjab and place his case before the District Recruitment Committee, Multan for necessary action.

  
01.3.16

SECRETARY SCHOOL EDUCATION

Dated Lahore, the

01.3.2016

No. & date even

1. The Assistant Registrar (Writ) for Additional Registrar (Judicial) Honourable ~~High~~ High Court, Multan Bench, Multan w/r to writ petition No. 1706/2015.
2. The District Coordination Officer, Multan.
3. The Executive District Officer (Education), Multan.
4. District Education Officer (M-EE) Multan.
5. Sajjad Hussain s/o Muhammad Sadiq r/o New Shalimar Colony Neil Kot, Near Model Town-B off Bosan Road, Multan.

  
SECTION OFFICER (LITIGATION)

1.3.16

CC:

1. PS to Secretary School Education.
2. PA to Additional Secretary (Schools).
3. PA to Additional Secretary (General).