

**Sr. No.109
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.1747 of 2019 (O&M)

Date of Decision: 30.09.2019

Surjit Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Inderjit Sharma, Advocate,
for the petitioner.

Ms. Anu Chatrath, Senior Advocate with
Ms. Ambika Bedi, AAG, Punjab.

ARUN MONGA, J.(ORAL)

Grievance of the petitioner herein is that he has not been given the benefit of a special case reservation though his father (Deputy Superintendent of Police, Punjab Police) had participated in a police encounter, so as to give him the benefit of being enlisted as a Constable in terms of Policy dated 11.06.1996 (Annexure R-2).

2. In the return filed by the respondents-State, the claim of the petitioner has been resisted on the ground that the entire emphasis as laid down by the petitioner is that his father had participated in an encounter while he was serving as DSP on 25.04.2010. But a detailed inquiry into the said encounter as borne out from the impugned order dated 11.07.2017 (Annexure P-21) reflects that the father of the petitioner did not participate in an encounter and he had reached the spot after the encounter was

over.

3. Be that as it may, even it is assumed, for the sake of arguments, (though denied by the respondent-State) that the petitioner's father participated in an encounter as per the contents of FIR No.25 dated 23.04.2010 (Annexure P-1) even then the petitioner cannot be given the benefit of Policy dated 11.06.1996 (Annexure R-2) which envisages in clause 2(d) of the Policy that only those wards of the police personnel are entitled to the benefit of 2% reservation who have taken part at least in 3 encounters with terrorists.

4. Confronted with the situation, learned counsel for the petitioner submits that even if the petitioner's father had not participated in 3 encounters, he is entitled to the benefit of clause 2 (e) which envisages that if in the opinion of the Director General of Police, a police personnel has otherwise been in the forefront of the fight against terrorism then his ward is entitled to the benefit of reservation.

5. Clause 2 (e) is quite self explanatory that the benefit of the reservation can be given to wards of personnels who have not participated in 3 encounters only in the event of the Director General being of the opinion that he has been in the forefront of the fight against terrorism. That is not the case herein as reflected from order dated 11.07.2017 impugned herein (Annexure P-21).

6. On a query posed by this Court, learned Senior Counsel representing the State submits that other than 2% reservation policy (Annexure R-1), there is no other mode of

granting any benefit to the wards of police personnel who have participated in any encounter or are found otherwise entitled to the benefit based on the opinion of the Director General that they have been on the forefront of fight against terrorism as more elaborately stated in para 4 of the preliminary objections contained in the return filed on behalf of the respondents.

7. In my opinion, in the present case, the impugned order dated 11.07.2017 (Annexure P-21) does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction vested under Article 226 of Constitution of India.

8. Petition is, accordingly, dismissed.

9. Pending application, if any, shall also stand disposed of.

30.09.2019
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No