

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

CWP No. 9056 of 2017

Date of decision : 19.03.2019

Rajesh Kumar

....Petitioner

V/s

State of Punjab & ors.

....Respondents

**BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. S.K. Choudhary, Advocate for the petitioner.

Mr. Nikhil Chopra, Addl. A.G. Punjab.

**RAJAN GUPTA J.**

Petitioner who was serving in the Assam Rifles seeks that he ought to be equated with ex-servicemen personnel for the purpose of selection as Constable in the District Police cadre. According to him, proposal, Annexure P-9 was sent by Government of India for equating them in this manner. Learned State counsel has opposed the plea. He has referred to Standing Order 1 of 2016. Same reads as under:-

*“Reservation Policy*

*The Punjab Government instructions regarding reservations for Scheduled Castes/Scheduled Tribes, Backward Classes, Ex-Servicemen (including wife/a dependent child of Ex-Servicemen, where applicable), Wards of Freedom Fighters and Wards of Punjab Police Personnel shall be strictly followed during the recruitment process and the Board will ensure that the guidelines laid down on the Reservation Policy by the State Government are complied with.*

*An Ex-serviceman means a person:*

*(i) who has served in any rank whether as a combatant or non-combatant in the, Naval, Military and Air Forces of the*

*Union of India, and (a) who either has been retired or relieved or discharged from such service whether at his own request or being relieved by the employer after earning his or her pension or (b) who has been relieved from such service on medical grounds attributable to military service or circumstances beyond his control and awarded medical or other disability pension; or (c) who has been released from such service as a result of reduction in establishment;*

*Note: The personnel of Central Para-Military Forces (BSF, CRPF, ITBP, CISF, SSB etc) are not eligible to be considered under the Ex-Servicemen category.”*

It is evident that proposal, if any, sent by the Government has not been accepted till now. The Rules are very clear that personnel who have served in the Para Military Forces cannot be considered as ex-servicemen. There is, thus, no merit in the petition. Same is hereby dismissed.

March 19, 2019

*Ajay*

(RAJAN GUPTA)  
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No