

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

105

**CWP-19550-2021(O&M)
Date of Order: 09.02.2022**

MAKHAN SINGH

..Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Akshit Chaudhary, Advocate
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

Mr. Sachin Ladwa, Advocate
for respondent No.4.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for issuance of a writ in the nature of certiorari to quash the order dated 20.07.2021, passed by the Commissioner of Police, Jalandhar. In substance, the petitioner's claim for appointment as Constable Driver in District Police Cadre (Male) Category Ex-Serviceman (SC), has been rejected. The petitioner claims that he served in Central Reserve Police Force (CRPF) for a period of 23 years before retiring voluntarily. Pursuant to recruitment notice issued by the State of Punjab, the petitioner applied for the post of Constable Driver in District Police Cadre under Ex-Serviceman category. The petitioner filed two previous writ petitions i.e. CWP-1721-2017 and CWP-3909-2021, which were disposed of.

The Commissioner of Police, Jalandhar, has considered the claim of the petitioner and rejected the same on the ground that the

personnel of Central Reserve Police Force are not included in the expression 'Ex-servicemen'. Reference in this regard has been made to standing order No.12 of 2016, the operative part whereof is extracted as under:-

The operative part is extracted as under:-

“Definitions Ex Serviceman: 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”

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.”

The learned counsel representing the petitioner while referring to the office memorandum dated 23.11.2012, issued by the Ministry of Home Affairs, submits that the Central Government has included the personnels of Central Armed Police Force in the expression 'Ex-Central Armed Police Force' personnel. He further refers to communication dated 06.08.2004.

The office memorandum dated 23.11.2012, reads as under:-

“OFFICE MEMORANDUM

Subject: Designating the retired Central Armed Police Force (CAPF i.e. CRPF, BSF, CISF, ITBP and SSB) personnel as “Ex-Central Armed Police Force personnel (Ex-CAPF personnel).”

There has a demand from various fora that the retired Central Armed Police Force (CAPF) personnel may be given the status of Ex-CAPF personnel. Accordingly a proposal was sent to the Government for their consideration. Cabinet Committee on Security has approved the proposal of this Ministry to declare retired Central Armed Police Force personnel from Central Reserve Police Force (CRPF), Border Security Force (BSF), Central Industrial Security Force (CISF), Indo-Tibetan Border Police (ITBP) and Sashastra Seema Bal (SSB) as “Ex-Central Armed Police Force personnel” (Ex-CAPF personnel).

2. Based on such designation, the State/UT Governments concerned may extend suitable benefits to

them on the lines of the benefits extended by the State/UT Governments to the Ex-Servicemen of Defence Forces.”

It is evident from the reading of para 2, that the respective State Governments were given discretion to extend the suitable benefits, on the lines of benefits extended by the State/UT Governments to the Ex-Servicemen of the Defence Forces.

The learned counsel representing the petitioner admits that till date no such decision has been taken by the Punjab Government. However, he contends that various other State Governments have extended such benefits.

In the present case, the State of Punjab has issued recruitment notice. The decision, if any, is required to be taken by the State Government. As, the learned counsel representing the petitioner admits that no such decision has been taken, the Court does not find it appropriate to compel the State of Punjab to include the Ex-personnels of the Central Reserve Police Force in the expression 'Ex-Servicemen of Defence Forces'.

Even in the impugned order, the Commissioner of Police, Jalandhar, has specifically stated that the Ex-Personnel of Central Reserve Police Force have not been included within the expression 'Ex-Servicemen of Armed Forces'.

In view thereof, finding no merit in the writ petition, the same is dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

February 09th, 2022

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No