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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-15460-2016 (O&M)
Date of Decision:20.12.2023

SARABJEET SINGH SIDHU
(THROUGH HIS LEGAL REPRESENTATIVES)

.....Petitioner

V/s.

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Gulshan Sharma, Advocate for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

Mr. Rohit Verma, Advocate for respondent No.3.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The petitioner by way of this Writ Petition prays to direct the respondents to consider the case of his grandson-Arshdeep Singh Sidhu for appointment to the post of Deputy Superintendent of Police in view of the instructions dated 24.09.1999 as his son namely Davinder Singh Sidhu laid his life for the Nation on 31.05.1989 while serving as Sub Lieutenant Pilot in the Indian Navy in Operation Pawan in IPKF in Sri Lanka.

2. Learned counsel for the petitioner submits that the grandson of the petitioner Arshdeep Singh Sidhu is a nephew of the deceased martyr-Davinder Singh Sidhu and as the family has lost Davinder Singh Sidhu, and the grandson is a part of the family, he should be considered for appointment in terms of the circular dated 24.09.1999 and instructions dated 19.08.1999 issued by the Department for considering the nephew for appointment.

3. Learned counsel for the petitioner has taken this Court to the affidavit dated 17.11.2022 filed by the Assistant Inspector General of Police, Personnel-II, Punjab, Chandigarh to point out that apart from sons and daughters, nephews of the martyrs have also been appointed in the Police Department. He submits that the grandson of the petitioner is also entitled to be considered for appointment and the High-Powered Committee can examine the educational qualifications and suitability of his grandson for appointment under the Policy issued by the Punjab Government.

4. Learned counsel for the petitioner submits that no distinction should be drawn between the martyrs of Police Department, War Heroes and Martyrs of the Armed Forces. The petitioner's son was a martyr who laid his life for the Nation during operation "Pawan" and in view, thereto his nephew ought to be offered appointment as the only source to take care of the family of the petitioner.

5. *Per contra*, learned State counsel submits that no dependent member of martyrs of army men was provided appointment and it is only the Punjab Police martyrs who were considered. Out of 30 candidates, 27 candidates were appointed which included some who were nephews of the martyrs. However, case of the petitioner has to be considered separately in terms of the instructions and notification dated 24.09.1999 which is with reference to the appointment under Honour & Gratitude Policy.

6. The respondents have also admitted that more than one family member of the martyr have also been appointed in the Police Force, however, it is stated that in CWP-22174-2018 disposed of on 25.02.2019, the Director

General of Police undertook that in future all appointments of wards of police martyrs and seriously injured police officials will be made strictly in accordance with the priority list.

7. I have considered the submissions of the learned counsel for the parties.

8. The stand of the respondents-Police Department taken in the affidavit dated 17.11.2022 cannot be appreciated. A person who laid his life for the Nation and was a defence personnel, cannot be put towards a lower level than that of the Police martyrs. The claim of a family member of a defence personnel, who has laid his life for the Nation, cannot be put towards lower pedestal than that of the family members of the Police martyrs. Though, the Police martyrs are also required to be given the honour and their family members also required to be resettled, different yardsticks cannot be adopted for the martyred Army men. The approach is deprecated having noticed the admitted facts which have come on record with the affidavit dated 17.11.2022 filed by the respondents and having also noticed that previously, the respondents have appointed persons as Deputy Superintendent of Police, who were the sons or daughters of the officers or army men who laid their life for the Nation like Gusharandeep Singh son of Late Major Hardev Singh Grewal and Balwant Kaur daughter of Late Naik Mohinder Singh, the claim of the petitioner's grandson who is the nephew of the martyr officer Davinder Singh Sidhu, Sub Lieutenant Pilot in the Indian Navy in operation Pawan cannot be ignored.

9. In view of the aforesaid discussion, this Writ Petition is allowed.
The respondents are directed to consider the case of the nephew of late Sub Lieutenant Pilot Davinder Singh Sidhu for the post of Deputy Superintendent of Police, Punjab or similar post in the police Department.
10. It is informed that during the pendency of this Writ Petition, the petitioner who is father of late Sub Lieutenant Pilot Davinder Singh Sidhu and grandfather of Arshdeep Singh Sidhu, has also expired. However, petitioner's wife-Kulwant Kaur who is grandmother of Arshdeep Singh Sidhu is still alive. An affidavit shall be given by Arshdeep Singh Sidhu that he will take care of LR's of the petitioner.
11. It is made clear that the exercise shall be made within a period of three months.
12. All the pending applications shall stand disposed of accordingly.

December 13, 2023
Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>