



CWP-4797-2017

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

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CWP-4797-2017

Date of decision: 30.10.2025

SURAJ BHAN

...Petitioner

Versus

STATE OF HARYANA AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: None for the petitioner.

Mr. Ravi Pratap Singh, DAG, Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking directions to respondents to issue him appointment letter in the Ex-Servicemen category.

2. The petitioner pursuant to advertisement dated 08/2015 dated 19.07.2015 applied for the post of Constable. He had retired from Border Security Force as Constable on 31.07.2014 after discharging 21 years service. He applied under Ex-Servicemen category. He was issued admit card for interview-cum-personality test. He qualified physical test and other steps of selection process. His name figured in final result dated 29.10.2016 but he was not issued appointment letter.

3. On 15.03.2019, the following order was passed:

"Learned State counsel is directed to file an affidavit disclosing its stand on the office memorandum of Govt. of India, Ministry of Home Affairs, Police Divison-II (Resettlement and Welfare Directorate) dated 23.11.2012 enabling State Govt. to



extend suitable benefits to the Central Armed Police Personnel on the same lines of benefits extended to ex servicemen and defence forces. Affidavit will also disclose rules/regulation defining ex-serviceman in the prevailing rules on reservation of posts of the dependents of ex-servicemen.

Post this matter on 4.4.2019.

To be shown in the urgent list."

4. As per affidavit dated 23.04.2019 of DGP and 20.02.2023 of Under Secretary, Haryana Staff Selection Commission, the State Government has not adopted instructions dated 23.11.2012 issued by Government of India. The relevant extracts of affidavit dated 20.02.2023 are reproduced as under:

"2. That in furtherance of above order, it is submitted that the petitioner is relying on the Office Memorandum of Government of India Memo. No. 27011/100/2012-R&W (AnnexureP-3) and relevant part of such letter is reproduced as under:-

"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).

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"

With regard to the above letter, it is submitted that the above letter is only a proposal and not the instructions binding in nature Further a clarification dated 24.04.2019 has been issued by Government of India and it was clarified the definition of ex



serviceman. The operative part of the clarification of letter dated 24.04.2019 (Annexure R-1) is reproduced as under-
"Ex-Serviceman" was described and it was clarified that personnel of CRPF, BSF, ITBP, Assam Rifles, CISF etc. are not covered under the definition of Ex-Serviceman and it was requested that vacancies reserved for "EX-Serviceman" in State Government jobs filed up only from those persons who are covered under the aforesaid definition of 'Ex-Serviceman.'

Therefore, in view of the above it is clarified that the personal of BSF are not covered under the definition of Ex-Serviceman and hence accordingly the claim of the petitioner also cannot be considered in ESM Category."

5. The petitioner concededly had retired from BSF i.e. Para-Military Force. The State Government has not adopted instructions issued by Government of India. As per instructions of Government of India, officers retired from CRPF, BSF, CISF, ITBP and SSB may be considered as Ex-Central Armed Police Force personnel and may be extended benefit on the lines of Ex-servicemen of Defence Forces. The respondent-State has not adopted instructions of Government of India and in the absence of decision of State Government to include ex-servicemen of Para-Military Forces in the definition of ex-servicemen of Defence Forces, this Court cannot ask respondents to issue appointment letter to the petitioner.

6. In the wake of above discussion and findings, the instant petition deserves to be dismissed and accordingly **dismissed**. The petitioner is at liberty to move an appropriate application within three months from today, if cause survives.

(JAGMOHAN BANSAL)
JUDGE

30.10.2025

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No