



CWP-7150-2026

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

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Date of Decision: 10.03.2026

SUKHWINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Aashish Sood, Advocate on behalf of
Mr. Gopal Singh Nahel, Advocate for petitioner

Mr. Aman Dhir, D.A.G., Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 03.02.2026 whereby respondent has rejected his request to issue Lineal Descendant Certificate in favour of his son.

2. The petitioner claims that he is an Ex-serviceman. He has retired from Indian Army. He had rendered service in Indian Army from 05.05.1987 to 30.04.2020 and at present is drawing pension. His son is working with Excise and Taxation Department, State of Punjab as Senior Assistant. He filed application before respondent seeking issuance of Lineal Descendant Certificate. The respondent by impugned order has rejected his request.



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3. Learned State counsel submits that as per Rule 4 of Punjab Recruitment of Ex-servicemen Rules, 1982 (for short '1982 Rules'), Lineal Descendant Certificate cannot be issued who is already in service. The petitioner's son is already in service, thus, he cannot be issued Lineal Descendant Certificate. The said certificate is issued for a particular purpose, thus, it cannot be issued in general.

4. Heard the arguments and perused the record.

5. From the perusal of impugned order, it is evident that petitioner's request for Lineal Descendant Certificate has been rejected on the sole ground that his son is already in service. The respondent has relied upon Rule 4 of 1982 Rules. For the ready reference Rule 4 is reproduced as below:-

"4. Reservation of Vacancies.(1) Subject to the provision of rule 3, 13% of vacancies to be filled in by direct appointment in all the State Civil Services and posts connected with the affairs of the State of Punjab shall be reserved for being filled in by recruitment of Ex-servicemen;

(Note : As per Pb Govt. Letter No. 15/25/2001-4DW/1591 dated 21.05.2002, an Ex-serviceman is allowed the benefit of Reservation for the second time and even thereafter in subsequent recruitments in accordance with the provisions of these Rules).

Provided that where an Ex-serviceman is not available for recruitment against a reserved vacancy, such a vacancy shall be reserved to be filled in by recruitment of the wife or one dependent child of an Ex-serviceman, who has neither been recruitment against a reserved vacancy under these rules;

Provided further that the wife or the dependent child of the ex-serviceman shall be recruited against the reserved vacancy subject to the conditions that:-



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(i) he or she possesses the prescribed qualifications and is within the prescribed age limits;

(ii) he or she is not already in service;

(iii) he or she will be eligible to avail the benefit only once in life:

Provided further that when an ex-serviceman, is not available for recruitment against a reserved vacancy and further no wife or dependent child of an Ex-serviceman is available for recruitment against a reserved vacancy, such a vacancy shall be reserved to be filled in by recruitment of the grand child of a Gallantry Award Winner, in case the benefit of reservation has not been availed of by any of the children or dependents of such winner or by the winner himself subject to the conditions specified in the second proviso;

Explanation: For the purpose of this proviso, Gallantry Award Winner includes the winner of the Paramvir Chakra, the Mahavir Chakra, the Vir Chakra, the Sena or Nao Sena or Vayu Sena Medal and Mention-in-Despatches.

Provided further that the total number of reserved vacancies including those reserved for the candidates belonging to the SCs, STs and BCs shall not exceed fifty of the posts to be filled in a particular year.”

6. From the perusal of above-quoted Rule, it is evident that a ward of an Ex-serviceman is not eligible for appointment if he is already in service. The petitioner's son is not entitled to service at this stage in view of aforesaid Rule, however, he cannot be denied Lineal Descendant Certificate because there is no such restriction in aforesaid Rule.

7. In the wake of above discussion and findings, the respondents are hereby directed to issue Lineal Descendant Certificate to petitioner with respect to his son namely Mr. Gursharan Singh. Let the needful be done within four



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weeks from today. It is made clear that aforesaid Certificate *per se* would not create right of employment.

- 8. Allowed in above terms.
- 9. Pending Misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

10.03.2026
SDK

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No