



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

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**CWP-14368-2017 (O&M)**

**Date of Decision: 21.07.2025**

Sahil Kaushal

...Petitioner

Vs.

Punjab Police and Others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Arjun Pratap Atma Ram, Advocate and  
Mr. Gulmehak Chandhok, Advocate for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

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**JAGMOHAN BANSAL, J. (ORAL)**

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to appoint him as Constable in Punjab Police.

2. The State of Punjab issued Policy dated 11.06.1996 with respect to reservation of 2% posts in direct recruitment for Wards of deserving policemen. The said policy was amended from time to time including vide memo dated 12.09.2016. As per memo dated 12.09.2016, dependants of Policeman are entitled to 2% reservation in direct recruitment if they comply with terms and conditions of said memo. The petitioner's father was part of Punjab Police Force. The petitioner claims that his father was performing secret duty with Ajaib Singh, Deputy Superintendent of Police (Detective), Batala. He during 1993-1994 and 1994-1995 collected intelligence with respect to terrorists and supplied to Ajaib Singh. On the basis of said intelligence, three encounters were

carried out and militants were killed. As petitioner's father supplied information to Ajaib Singh, he complies with terms and conditions of memo dated 12.09.2016 and is entitled for 2% reservation.

3. Mr. Arjun Pratap Atma Ram, Advocate submits that petitioner's father vide letter dated 12.12.2016 requested Senior Superintendent of Police, Batala to issue requisite certificate to avail 2% reservation. In the said letter, it was pointed out that petitioner's father has indirectly participated in three encounters wherein militants were slain. Ajaib Singh, Deputy Superintendent of Police (Detective), vide letter dated 12.12.2016 confirmed that petitioner's father provided secret information which led to three encounters. Commissioner of Police, Jalandhar vide letter dated 12.12.2016 confirmed that petitioner's father remained posted as Gunman with Ajaib Singh. He performed secret duty and may be considered for reservation of 2%. SSP, Batala vide letter dated 12.12.2016 recommended petitioner's case to Director General of Police, Punjab that name of petitioner did not figure in three FIRs underscored by petitioner. DGP vide order dated 03.02.2023 rejected claim of petitioner on the ground that there is no documentary evidence to indicate that petitioner's father actively participated in encounter with terrorists. The petitioner's father was instrumentality of encounters is underscored in different letters on record, thus, petitioner is entitled to reservation under Wards of Police Personnel quota.

4. *Per contra*, Mr. Aman Dhir, DAG, Punjab submits that petitioner's father never participated in encounters. He is claiming that he supplied secret information which led to encounters. The benefit of policy

is available to Police Personnel who participated in the encounters. He was Gunman of DSP and no jurisdictional SSP has confirmed participation on the part of petitioner's father in encounters. The documents relied upon by petitioner have not been issued by competent authority.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. From the perusal of documents relied upon by petitioner, it is evident that petitioner's father was Gunman of DSP. He never participated in the encounters with militants. The petitioner is claiming that his father supplied information to DSP which led to encounters. The petitioner is primarily relying upon certificate dated 12.12.2016 issued by Ajaib Singh, DSP (Retd.) and letter dated 12.12.2016 issued by Commissioner of Police, Jalandhar. From the perusal of letter dated 12.12.2016 of DSP as well as Commissioner of Police, Jalandhar, it is evident that they have confirmed that petitioner's father was posted as Gunman with Ajaib Singh, DSP and he performed secret duty. He was never participated in the encounter.

7. The petitioner is claiming benefit on the basis of policy of 12.09.2016. Relevant extracts of the policy read as:

*"2. The Governor of Punjab is pleased to accord sanction to reserve 2% posts for the wards of deserving policemen for recruitment as Constables, Asstt. Sub-Inspectors and Inspectors out of direct recruitment quota only in respect of active field posts, which were previously meant for handicapped persons:-*

*The term "deserving" will cover wards of the*

*following police personnel:-*

*1) Who have suffered casualties of one or more of the following relatives:-*

- a. Father*
- b. Mother*
- c. Sister/Brother*
- d. Son/daughter*
- e. Any other dependent family member:*

*OR*

*ii) Who has suffered permanent disability on account of action against terrorists or attack by terrorists.*

*OR*

*iii) Who has been awarded president's Police Medal For Gallantry or police Medal for Gallantry for showing bravery in actions against terrorists.*

*OR*

***(iv) Who has taken part in atleast 3 encounters with terrorists.***

*OR*

*(v) Who otherwise in the opinion of the Director General of Police has been in the forefront of the fight against terrorism.*

*The "Wards" proposed to be covered would be dependent son, dependent daughter, dependent brother, dependent sister or any other dependent family member."*

8. From the perusal of Clause (iv) of the aforesaid memo dated 12.09.2016, it is evident that benefit of reservation is available if Police Personnel has taken part in at least three encounters with terrorists. The documents placed on record indicate that petitioner's father was Gunman of DSP. He never participated in encounters with terrorists. This Court cannot add or subtract any word from the policy. The respondent in the policy has underscored that Police Personnel should have taken part in

encounters with terrorists. Petitioner's father might have supplied information but he never participated in encounters with terrorists. Participation in encounter with terrorists cannot be treated at par with supplying information. Unless and until, policy extends benefit to informer, this Court cannot extend said benefit to a person who has not taken part in encounters with terrorists. The name of Police official may not be appearing in FIR but there should be some evidence on record disclosing that he had participated in encounters. The evidence on record are disclosing that petitioner's father might have supplied secret information, however, there is no evidence that petitioner's father participated in encounter with terrorists.

9. DGP has power to form an opinion that a Policeman was forefront in the fight against terrorism. The DGP in the instant case has passed order whereby he has held that petitioner's father was never posted in CID or Special Branch and there is no documentary evidence to indicate that he actively participated in encounter with terrorists. The DSP has passed order taking into consideration evidence on record and role of petitioner's father. This Court does not find any patent irregularity or infirmity in the order of DGP warranting interference.

10. In the wake of above discussion and findings, this Court is of the considered opinion that instant petition deserves to be dismissed and accordingly dismissed.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**21.07.2025**  
Prince Chawla

Whether Speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No