IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION No………….OF 2019

Guriqbal Singh and another ........Petitioners.

Versus

State of Punjab and others ……Respondents.

Court fee stamps of Rs…………… are affixed hereunder.

CHANDIGARH (MUNISH BHARDWAJ)

DATED 25.01.2019 ADVOCATE

COUNSEL FOR THE PETITIONERS

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION No……………OF 2019

Guriqbal Singh and another ........Petitioners.

Versus

State of Punjab and others ……Respondents.

LIST OF DATES/EVENTS

|  |  |
| --- | --- |
| 15.10.2016 | State of Punjab issued an advertisement No.2 dated 15.10.2016 for filling 750 posts of Male Constable (Driver) in District Police Cadre of Punjab Police. The Advertisement No.2, dated 15.10.2016 is attached herewith as **Annexure P-1**. |
| 04.11.2016 | As per advertisement, 2% seats i.e. 15 seats out of total 750 vacancies were reserved for Wards of Police Personnel. The last date of submission of application was till 04.11.2016. |
|  | The educational qualification was that the candidate is required to be 10+2 from recognized University/Board and candidate must have passed his Matriculation examination with Punjabi. The candidates were also required to be of minimum 5’-7” in height apart from having valid Driving License to drive LMV/LMV-NT/HMV at the time of applying for the aforesaid post of Male Constable (Driver). |
|  | The selection process was consisting of Substance Abuse Test (in short SAT), Physical Measurement Test (in short PMT) and Physical Screening Test (in short PST). Short listed candidates who qualified the aforesaid test were to appear in written test comprising of 50 marks. Eventually, the department was to call the double number of candidates who clear the written test for driving proficiency test according to the merit of written examination. |
|  | It is worth mentioning that the recruitment process and Advertisement dated 15.10.2016 is governed by Standing Order No.12 of 2016 issued under Section 4(d) and Section 45(g) of Punjab Police Act, 2007. The true copy of the standing order No.12 of 2016 is attached herewith as **Annexure P-2**. The standing Order No.12 of 2016 lays down the criteria to claim benefit under the category reserved for “Wards of Police Personnel”. |
|  | Petitioner No.1 being fully eligible as per advertisement, applied for the post of Male Constable (Driver) within stipulated period against the 15 reserved seats for Wards of Police Personnel and he was issued Roll No.91715110662. |
|  | It is relevant to mention here that father of petitioner No.1 namely Karnail Singh-petitioner No.2 is presently working on the post of Assistant Police Inspector (ASI) in Punjab Police at Ropar. He has rendered commendable contribution in fighting terrorism in the State of Punjab during 1991 till 2004 while he was posted with Sh.Sarabjit Singh, IAS who worked as (Inspector General of Police) Computerization and Inspector General of Police (Operations) and thereafter also promoted as Director General of Police by providing valuable intelligence to the Anti-Terrorist Front. The intelligence inputs provided by petitioner No.2 were of key importance in battling terrorism in the State of Punjab. The same is apparent from the recommendation given by Sh.Sarabjit Singh (IPS) Director General of Police and Director General of Police BPR and D, MHA since retired wherein he specifically stated that petitioner No.2 was working with him and made substantial contribution by providing valuable intelligence inputs to Anti-Terrorist Front. The recommendation is attached herewith as **Annexure P-3**. |
|  | Petitioner No.1 while applying for the post of Male Constable (Driver) duly appended the aforesaid recommendation with his application. Petitioner No.1 was treated as eligible and he duly appeared in the test conducted by the respondents. |
|  | Subsequently, the provisional merit list of driver (Constable) in District Police Cadre for category of Wards of Police Personnel was issued and the petitioner No.1 was shown at Sr.No.5 in the Merit List having score of 30 marks in written test with merit rank 1144. The true photocopy of the merit list in the Category of Wards of Police Personnel is attached herewith as **Annexure P-4**. |
| 27.12.2016 | As stated above, there were 15 vacancies reserved for Wards of Police Personnel and petitioner No.1 was at Sr.No.5 and accordingly he was selected by the office of the Director General of Police, Administration Wing, Punjab Police and respondent No.4 was conveyed accordingly and information is also given to the petitioner No.1. Thereafter, medical examination and police verification of the petitioner No.1 was also got conducted which was found satisfactory. The Medical Certificate dated 27.12.2016 and Police Verification of petitioner No.1 are attached herewith as **Annexure P-5 and P-6**, respectively. |
| 31.03.2017 | Inspite of medical test and police verification of petitioner No.1 he was not issued the appointment letter. On this, petitioner No.2 approached the respondents for issuance of appointment letter to petitioner No.1 He further requested that he was posted with Sarabjit Singh IPS (Retd.) while he was posted as I.G.P. Communication/Operation and also when he was the Director General of Police, Punjab and performed high risk duty during terrorism. He further requested that even the aforesaid officer has recommended to that effect. In the light of this, petitioner No.2 requested the respondents to issue him the requisite certificate for availing the benefit of 2% quota reserved for Wards of Police Personnel. The letter dated 31.03.2017 is attached herewith as **Annexure P-7**. |
| 16.08.2017 | Petitioner No.2 received a Memo No.1060652 dated 08.09.2017 from the Department of Home Affairs and Justice, Government of Punjab, vide which he was forwarded a letter No.9300/E-1(4) dated 16.08.2017. The letter dated 16.08.2017 and 08.09.2017 are attached herewith as **Annexure P-8 and P-9**, respectively. |
|  | Perusal of letter dated 16.08.2017, reflects that the Office of Director General of Police, Punjab Chandigarh conveyed to the Addl. Chief Secretary, Government of Punjab that as per instructions dated 11.06.1996, the Certificate of 2% quota meant for Wards of Police Personnel cannot be issued to petitioner No.2. Further perusal of letter dated 08.09.2017 and 16.08.2017 shows that no reason has been stated that why Certificate of 2% Quota meant for Wards of Police Personnel cannot be issued to petitioner No.2 when recommendation of Ex-DGP specifically states that petitioner No.2 has been at the forefront of fight against terrorism. |
| 07.02.2018 | Thereafter, respondent No.2 wrote a letter to the respondent No.4 whereby it is stated that petitioner No.1 upon selection has been allocated to District Ropar and it be informed that whether Medical of the candidate and his police verification has been done or not. The letter dated 07.02.2018 is attached herewith as **Annexure P-10**. It clearly shows that petitioner No.1 is duly selected being eligible. |
| 09.04.2018 | In these circumstances, petitioner No.1 also issued a legal notice dated 09.04.2018 to the respondents, a copy of which is attached herewith as **Annexure P-11**. |
| 12.04.2018 | Thereafter, petitioner No.2 again made a representation dated 12.04.2018 to the authorities to issue him the requisite Certificate to avail benefit of 2% quota reserved for wards of police personnel as he duly falls under the Category defined in clause 5 of instructions dated 11.06.1996 because he has worked at the time of terrorism and has performed high risk duty to combat terrorism. A copy of representation dated 12.04.2018 is attached herewith as **Annexure P-12**. |
| 17.04.2018 | On the other hand, petitioner No.2 sought information under RTI to the department to the effect that what documents are required to apply for the Certificate of 2% quota meant for Wards of Police Personnel. The RTI dated 17.04.2018 is attached herewith as **Annexure P-13**. |
|  | Petitioner No.2 also sought information regarding all the persons who have been appointed on the post of Male Constable (Driver) against 15 seats reserved for the Wards of Police Personnel. He also asked for information that the documents on the basis of which these persons have been found eligible for the 2% quota be supplied to him apart from various other documents. The RTI application dt.17.04.2018 regarding this is attached herewith as **Annexure P-14**. |
| 31.05.2018  + | When no action was taken by the respondents, then petitioners filed CWP No.14732 of 2018 in this Hon’ble High Court which was disposed off vide order dt.31.05.2018 with direction to the respondent No.2 to consider and decide the legal notice dt.09.04.2018 of the petitioner No.1 within a period of six weeks from the date of receipt of certified copy of the same and to pass speaking order therein. A copy of order dated 31.05.2018 is attached herewith as **Annexure P-15**. |
| 04.08.2018 | In view of order dated 31.05.2018 passed by this Hon’ble Court, the claim of the petitioner No.1 was considered and vide order dated 04.08.2018 his candidature to the post of Male Constable (Driver) was cancelled on the ground that petitioner No.1 failed to produce requisite Certificate to claim the benefit of 2% quota meant for Wards of Police Personnel. A copy of order dated 04.08.2018 is attached herewith as **Annexure P-16**. |
| 25.01.2018 | Respondent No.4 has illegally cancelled the candidature of the petitioner No.1 without adverting to the facts of the case. Hence the present writ petition. |

CHANDIGARH (MUNISH BHARDWAJ)

DATED 25.01.2019 ADVOCATE

COUNSEL FOR THE PETITIONERS

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION No……………OF 2019

MEMO OF PARTIES

1. Gurikbal Singh aged 26 years son of Karnail Singh resident of village Rasoolpur, Post Office Ropar, District Roopnagar, Punjab.
2. Karnail Singh aged 50 years son of Sajjan Singh resident of village Rasoolpur, Post Office Ropar, District Roopnagar, Punjab.

………Petitioners.

Versus

1. State of Punjab through its Home Secretary, Civil Secretariat, Punjab, Chandigarh.
2. Director General of Police, Police Headquarter, Sector 9, Chandigarh.
3. Chairman, Central Recruitment Board-cum-Director Bureau of Investigation, Punjab, Police Headquarter, Sector 9, Chandigarh.
4. Senior Superintendent of Police, District Roopnagar, Punjab.

…….Respondents.

CHANDIGARH (MUNISH BHARDWAJ)

DATED 25.01.2019 ADVOCATE

COUNSEL FOR THE PETITIONERS

Civil Writ Petition under Article 226 of the Constitution of India for the issuance of writ in the nature of certiorari for setting aside the order dated 16.08.2017 (**Annexure P-10**) issued by respondent No.2 vide which the respondent No.2 conveyed to the Addl. Chief Secretary, Govt. of Punjab that petitioner No.2 cannot be issued the certificate enabling him to get the benefit of 2% quota reserved for “Wards of Police Personnel” for appointment of petitioner No.1 as Male Constable (Driver) and further to quash the impugned speaking order dt.04.08.2018 (**Annexure P-16**) passed by respondent No.4 vide which candidature of petitioner No.1 as Male Constable (Driver) has been cancelled;

Issue writ of mandamus directing the respondents to issue requisite certificate to the petitioner No.2 enabling petitioner No.1 to claim the benefit of 2% quota reserved for “Wards of Police Personnel” and further directing the respondents to issue the appointment letter to the petitioner No.1 as Male Constable (Driver) against the seats reserved for “Wards of Police Personnel” as petitioner No.1 stood at Serial No.5 in the merit list (**Annexure P-4**) of candidates falling under the category of “Wards of Police Personnel”;

Issue any other writ, order or direction which this Hon’ble Court deems fit and proper under the facts and circumstances of the case.

Respectfully Showeth:-

1. That petitioners are Citizen of India and resident of State of Punjab, hence they are entitled to invoke the extra-ordinary jurisdiction of this Hon’ble Court for the enforcement of their legal and Constitutional rights under Article 226 of the Constitution of India.
2. That briefly stated the facts of the case are that State of Punjab issued an advertisement No.2 dated 15.10.2016 for filling 750 posts of Male Constable (Driver) in District Police Cadre of Punjab Police. The Advertisement No.2, dated 15.10.2016 is attached herewith as **Annexure P-1**.
3. That as per advertisement, 2% seats i.e. 15 seats out of total 750 vacancies were reserved for Wards of Police Personnel. The last date of submission of application was till 04.11.2016. The educational qualification was that the candidate is required to be 10+2 from recognized University/Board and candidate must have passed his Matriculation examination with Punjabi. The candidates were also required to be of minimum 5’-7” in height apart from having valid Driving License to drive LMV/LMV-NT/HMV at the time of applying for the aforesaid post of Male Constable (Driver).
4. That the selection process was consisting of Substance Abuse Test (in short SAT), Physical Measurement Test (in short PMT) and Physical Screening Test (in short PST). Short listed candidates who qualified the aforesaid test were to appear in written test comprising of 50 marks. Eventually, the department was to call the double number of candidates who clear the written test for driving proficiency test according to the merit of written examination.
5. That it is worth mentioning that the recruitment process and Advertisement dated 15.10.2016 is governed by Standing Order No.12 of 2016 issued under Section 4(d) and Section 45(g) of Punjab Police Act, 2007. The true copy of the standing order No.12 of 2016 is attached herewith as **Annexure P-2**. The standing Order No.12 of 2016 lays down the criteria to claim benefit under the category reserved for “Wards of Police Personnel” and the relevant part is reproduced here below for the ready reference of this Hon’ble Court:-

According to instructions No.1/211/94-2H1/10176 dated 11.6.96 issued by Punjab Government, those employees who are covered under following points, are issued 2% quota certificates:-

1. Who have suffered casualties of one or more of the following relatives:-
2. Father;
3. Mother;
4. Sister/Brother;
5. Son/daughter;
6. Any other dependent family member.

OR

1. Who has suffered permanent disability on account of action against terrorists or attack by terrorists.

OR

1. who has been awarded President’s Police Medal for Gallantary for showing bravery in action against terrorists;

OR

1. who has taken part in at least 3 encounters with terrorists.

OR

1. who otherwise in the opinion of the Director General of Police has been in forefront of the fight against terrorism.

The wards proposed to be covered would be:

1. Dependent son; or
2. Dependent daughter; or
3. Dependent brother; or
4. Dependent sister; or

Any other dependent family member

1. That petitioner No.1 being fully eligible as per advertisement, applied for the post of Male Constable (Driver) within stipulated period against the 15 reserved seats for Wards of Police Personnel and he was issued Roll No.91715110662. It is relevant to mention here that father of petitioner No.1 namely Karnail Singh-petitioner No.2 is presently working on the post of Assistant Police Inspector (ASI) in Punjab Police at Ropar. He has rendered commendable contribution in fighting terrorism in the State of Punjab during 1991 till 2004 while he was posted with Sh.Sarabjit Singh, IAS who worked as (Inspector General of Police) Computerization and Inspector General of Police (Operations) and thereafter also promoted as Director General of Police by providing valuable intelligence to the Anti-Terrorist Front. The intelligence inputs provided by petitioner No.2 were of key importance in battling terrorism in the State of Punjab. The same is apparent from the recommendation given by Sh.Sarabjit Singh (IPS) Director General of Police and Director General of Police BPR and D, MHA since retired wherein he specifically stated that petitioner No.2 was working with him and made substantial contribution by providing valuable intelligence inputs to Anti-Terrorist Front. The recommendation is attached herewith as **Annexure P-3**.
2. That petitioner No.1 while applying for the post of Male Constable (Driver) duly appended the aforesaid recommendation with his application. Petitioner No.1 was treated as eligible and he duly appeared in the test conducted by the respondents. Subsequently, the provisional merit list of driver (Constable) in District Police Cadre for category of Wards of Police Personnel was issued and the petitioner No.1 was shown at Sr.No.5 in the Merit List having score of 30 marks in written test with merit rank 1144. The true photocopy of the merit list in the Category of Wards of Police Personnel is attached herewith as **Annexure P-4**.
3. That as stated above, there were 15 vacancies reserved for Wards of Police Personnel and petitioner No.1 was at Sr.No.5 and accordingly he was selected by the office of the Director General of Police, Administration Wing, Punjab Police and respondent No.4 was conveyed accordingly and information is also given to the petitioner No.1. Thereafter, medical examination and police verification of the petitioner No.1 was also got conducted which was found satisfactory. The Medical Certificate dated 27.12.2016 and Police Verification dt.01.01.2017 of petitioner No.1 is attached herewith as **Annexure P-5 and P-6**, respectively.
4. That inspite of medical test and police verification of petitioner No.1 he was not issued the appointment letter. On this, petitioner No.2 approached the respondents for issuance of appointment letter to petitioner No.1 He further requested that he was posted with Sarabjit Singh IPS (Retd.) while he was posted as I.G.P. Communication/Operation and also when he was the Director General of Police, Punjab and performed high risk duty during terrorism. He further requested that even the aforesaid officer has recommended to that effect. In the light of this, petitioner No.2 requested the respondents to issue him the requisite certificate for availing the benefit of 2% quota reserved for Wards of Police Personnel. The letter dated 31.03.2017 is attached herewith as **Annexure P-7**.
5. That petitioner No.2 received a Memo No.1060652 dated 08.09.2017 from the Department of Home Affairs and Justice, Government of Punjab, vide which he was forwarded a letter No.9300/E-1(4) dated 16.08.2017. The letter dated 16.08.2017 and 08.09.2017 are attached herewith as **Annexure P-8 and P-9**, respectively.
6. That perusal of letter dated 16.08.2017, reflects that the Office of Director General of Police, Punjab Chandigarh conveyed to the Addl. Chief Secretary, Government of Punjab that as per instructions dated 11.06.1996, the Certificate of 2% quota meant for Wards of Police Personnel cannot be issued to petitioner No.2. Further perusal of letter dated 08.09.2017 and 16.08.2017 shows that no reason has been stated that why Certificate of 2% Quota meant for Wards of Police Personnel cannot be issued to petitioner No.2 when recommendation of Ex-DGP specifically states that petitioner No.2 has been at the forefront of fight against terrorism. Thereafter, respondent No.2 wrote a letter to the respondent No.4 whereby it is stated that petitioner No.1 upon selection has been allocated to District Ropar and it be informed that whether Medical of the candidate and his police verification has been done or not. The letter dated 07.02.2018 is attached herewith as **Annexure P-10**. It clearly shows that petitioner No.1 is duly selected being eligible.
7. That in such circumstances, petitioner No.1 got issued a legal notice dated 09.04.2018 to the respondents, a copy of which is attached herewith as **Annexure P-11**. Thereafter, petitioner No.2 again made a representation dated 12.04.2018 to the authorities to issue him the requisite Certificate to avail benefit of 2% quota reserved for wards of police personnel as he duly falls under the Category defined in clause 5 of instructions dated 11.06.1996 because he has worked at the time of terrorism and has performed high risk duty to combat terrorism. A copy of representation dated 12.04.2018 is attached herewith as **Annexure P-12**.
8. That on the other hand, petitioner No.2 sought information under RTI from the department to the effect that what documents are required to apply for the Certificate of 2% quota meant for Wards of Police Personnel. The RTI dated 17.04.2018 is attached herewith as **Annexure P-13**. Petitioner No.2 also sought information regarding all the persons who have been appointed on the post of Male Constable (Driver) against 15 seats reserved for the Wards of Police Personnel. He also asked for information that the documents on the basis of which these persons have been found eligible for the 2% quota be supplied to him apart from various other documents. The RTI application dt.17.04.2018 regarding this is attached herewith as **Annexure P-14**. It has also come to the knowledge of the petitioners that similar situated persons have got double benefit under the category of Wards of Police Personnel.
9. That when no action was taken by the respondents, then petitioners filed CWP No.14732 of 2018 in this Hon’ble High Court which was disposed off vide order dt.31.05.2018 with direction to the respondent No.2 to consider and decide the legal notice dt.09.04.2018 of the petitioner No.1 within a period of six weeks from the date of receipt of certified copy of the same and to pass speaking order therein. A copy of order dated 31.05.2018 is attached herewith as **Annexure P-15**.
10. That in view of order dated 31.05.2018 passed by this Hon’ble Court, the claim of the petitioner No.1 was considered and vide order dated 04.08.2018 his candidature to the post of Male Constable (Driver) was cancelled on the ground that petitioner No.1 failed to produce requisite Certificate to claim the benefit of 2% quota meant for Wards of Police Personnel. A copy of order dated 04.08.2018 is attached herewith as **Annexure P-16**.
11. That respondent No.4 has illegally cancelled the candidature of the petitioner No.1 without adverting to the facts of the case. Petitioner No.1 is duly entitled to avail benefit of 2% quota meant for Wards of Police Personnel as he has duly attached the recommendation of Ex-DGP, Punjab who has specifically stated that petitioner No.2 father of petitioner No.1 has been in the forefront of fighting terrorism as he remained pivotal in fight against terrorism by providing valuable intelligence inputs to Anti-Terrorist front. The case of petitioner No.2 is fully covered under clause 5 of Standing Order No.12 of 2016 and department is duty bound to issue requisite certificate to him so that petitioner No.1 can avail benefit of 2% quota of Wards of Police Personnel. Moreover, letter dated 08.09.2017 and 16.08.2017 respectively are totally non-speaking in nature and have been passed without stating any reason as to why petitioner No.2 is not eligible for Certificate and how his case is not covered under the instructions. Due to illegal action of the respondents, valuable right of the petitioners have been affected and they could not avail the benefit of 2% quota meant of Wards of Police Personnel inspite of the fact that petitioner No.1 is duly eligible and is found suitable for the selection. Further, it has come to the knowledge of the petitioner No.2 that number of employees in the Police Department have taken benefit of 2% Quota for two times whereas this benefit is admissible for once.
12. That following question of law are involved in the present writ petition for the kind consideration of this Hon’ble Court:-
13. Whether letter dated 08.09.2017 and 16.08.2017 are totally non-speaking and the claim of the petitioner No.2 requesting for issuance of Certificate for enabling petitioner No.1 to get eligible for 2% quota reserved for wards of Police Personnel has been rejected without assigning any reason?
14. Whether letter dated 08.09.2017 and 16.08.2017 are against the standing order dated 12 of 2016 and claim of the petitioner No.2 is duly covered under clause 5 of aforesaid standing order and thus he is entitled to issue of Certificate to claim benefit of 2% quota meant for Wards of Police Personnel?
15. Whether cancellation of candidature of the petitioner No.2 to the post of Male Constable (Male) on the ground that he failed to submit the requisite certificate to claim benefit of 2% Quota meant for Wards of Police Personnel is totally illegal?
16. Whether petitioner No.1 is entitled to be appointed as Male Constable (Driver) against the quota meant for Wards of Police Personnel.
17. That petitioners have no other alternative remedy of appeal or revision except to approach this Hon’ble Court by way of filing the present writ petition under Articles 226 of the Constitution of India.
18. That petitioners have not filed any such or similar writ petition either in this Hon’ble Court or in the Hon’ble Supreme Court of India except CWP No.14732 of 2018 which has been disposed off vide order dated 31.05.2018.

**PRAYER**:-

It is therefore, respectfully prayed that this Hon’ble Court may pleased to issue:-

1. Writ in the nature of certiorari for setting aside the order dated 16.08.2017 (**Annexure P-10**) passed by respondent No.2 vide which the respondent No.2 conveyed to the Addl. Chief Secretary, Govt. of Punjab that petitioner No.2 cannot be issued the certificate enabling him to get the benefit of 2% quota reserved for “Wards of Police Personnel” for appointment of petitioner No.1 as Male Constable (Driver) and further to quash the impugned speaking order dt.04.08.2018 (**Annexure P-16**) passed by respondent No.4 vide which candidature of petitioner No.1 as Male Constable (Driver) has been cancelled;
2. Writ of mandamus directing the respondents to issue requisite certificate to the petitioner No.2 enabling petitioner No.1 to claim the benefit of 2% quota reserved for “Wards of Police Personnel” and further directing the respondents to issue the appointment letter to the petitioner No.1 as Male Constable (Driver) against the seats reserved for “Wards of Police Personnel” as petitioner No.1 stood at Serial No.5 in the merit list (**Annexure P-4**) of candidates falling under the category of “Wards of Police Personnel”;
3. Any other writ, order or direction which this Hon’ble Court deems fit and proper under the facts and circumstances of the case;
4. Exempt the petitioners to serve advance notice to the respondents;
5. Exempt the petitioners to file certified copies/typed copies of the Annexures;
6. Award the cost in favour of the petitioners and against the respondents.

CHANDIGARH PETITIONERS

DATED: 23.01.2019

Through Counsel

(MUNISH BHARDWAJ)

ADVOCATE

COUNSEL FOR THE PETITIONERS

VERIFICATION: -

Verified that the contents made in para No.1 to 16 and para No.18 & 19 of the petition are true and correct to my knowledge and those of Para No.17 are based on legal advice sought and believed to be true. No part of it is false and nothing material has been concealed therein.

CHANDIGARH PETITIONER S

DATED: 25.01.2019

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION No………….OF 2019

Guriqbal Singh and another ........Petitioners.

Versus

State of Punjab and others ……Respondents.

Affidavt of Gurikbal Singh aged 26 years son of Karnail Singh resident of village Rasoolpur, Post Office Ropar, District Roopnagar, Punjab.

I, the above named deponent do hereby solemnly affirm and declare as under:-

* 1. That the deponent is petitioner No. 1 in the above noted writ petition and thus well conversant with the facts of the case.
  2. That averments made in para No.1 to 16 and para No.18 & 19 of the petition are true and correct to my knowledge and those of Para No.17 is based on legal advice sought and believed to be true.
  3. That no such or similar writ petition has ever been filed by the petitioner in this Hon'ble Court or in the Hon'ble Supreme court of India claiming the same relief.

CHANDIGARH DEPONENT

DATED 25.01.2019

VERIFICATION

Verified that contents of para No.1-3 of my affidavit are true and correct as per my knowledge. No part of it is false and nothing has been concealed therein.

CHANDIGARH DEPONENT

DATED 25.01.2019

Annexure P-3

Sarabjit Singh, IPS

Director General of Police, Punjab Retd.

Director General, BPR & D MHA Retd.

To,

The Director General of Police,

Punjab.

Sir,

A.S.I. Karnail Singh, 2683/W served with me on my security staff when I was D.G.P. Punjab. His son Guriqbal Singh has applied for the post of Constable driver in the Punjab Police. His regd. No.90023484 and roll No. is 91715110662. A.S.I. Karnail served with me for many years from the time I was I.G. Computerisation in 1992 till I was D.G.P. Punjab and from time to time provided valuable intelligence on the anti terrorist front which brought good results. I therefore, recommend for his son to be recruited on special grounds.

Regards,

Sarabjit Singh, I.P.S. (Retd.)

True Copy

Advocate

Annexure P-13

To,

The C.P.I.O/P.I.O.

o/o Director General of Police, Punjab,

Chandigarh.

Sub: Information regarding Performa to get the benefit of 2% in the Category Wards of Police Personnel.

Sir,

Kindly, provide the following information under R.T.I. Act:-

Kindly provide me as such Performa/Form on which basis we can apply to take the benefit of Category, Wards of Police Personnel. As per the notification No.1/211/94-2G/1/10176 dated 11.06.1996.

Detailed information, which documents are mandatory to apply the certificate of 2% quota? On the basis we can take the benefit of Category Wards of Police Personnel.

I am affixing the postal orders of Rs.50/- with this request and undertake to provide more postal orders if required.

Dated 17.04.2018

True Copy

Advocate

From your office, application of ASI Karnail Singh No.2683/W regarding issue of Certificate under 2% Quota is received in this office, the perusal of which shows that the case of the employee is not covered under aforesaid instructions. Therefore, employee will not be issued Certificate under 2% quota of Wards of Police Personnel.

Suptd. Estb-1

Through Director General of Police, Punjab

True Translation Copy

Advocate

Annexure P-16

OFFICE OF THE SENIOR SUPERINTENDENT OF POLICE, RUPNAGAR

ORDER

In response to the advertisement dated 15/10/2016 through NET regarding appointment of 750 constables (drivers) in Punjab Police was issued, the applicant Gurikbal Singh S/o Karnail Singh R/o Village Rasoolpur Distt. Rupnagar applied through NET for the advertised post of constable (driver) as Ward of Police personnel. He was allotted Roll No. 91715110662, Regn. No. 90023484 for the purpose of trial/test conducted at Police Lines Rupnagar by the Committee headed by DIG, Rupnagar, appointed for conducting the trial. The result was sent by the Committee to the office of In charge Recruitment Cell headed by Director Bureau Investigation, Punjab, and Chandigarh, which prepared Merit list after conducting written test of all the applicants for the post of constables (drivers). As per Merit List, prepared by the Recruitment Cell, through mail, the office of the Undersigned was informed about the 20 candidates selected and allocated for joining them in the Distt. Police Rupnagar vide dated 26-12-2016 which was received in my office vide no. 75743/OSI by the concerned branch. Copy of this letter was issued to all the selected 20 candidate including Gurikbal Singh for completing the formalities before joining them as Constables (Drivers) in the Distt. Police Rupnagar and during scrutiny of the certificates of Gurikbal Singh on 26-12-2016, it was found that Gurikbal Singh applied for the said post as ward of police personnel, but he was not having the said certificate issued by the competent authorities. He gave in writing on the same date that his father is trying to obtain the required certificate and sought some days for the production of certificate as ward of police personnel, so the required medical examination and police verification examination was also got conducted in respect of Gurikbal Singh. After conducting his medical examination for the purpose of joining Govt. service on 27-12-2016, thereafter Gurikbal Singh failed to submit the required certificate of ward of police personnel. Thereafter, letter No. 5395/OSI Dt. 27-01-2017 and thereafter, letter No. 10821 dt.3.3.2017, again Letter No.18535/OSI Dt.20/3/2017, again letter No.38936 Dt.17-6-17, again Letter No.74996/OSI Dt.27-12-2017 were issued to Gurikbal Singh for production of the required certificate of ward of police personnel. Even, on 20-06-2017, Karnail Singh ASI, father of Gurikbal Singh candidate appeared and gave in writing an application that he has applied in the office of DGP for issuance of required Certificate as ward of police personnel and assured to produce the same before the undersigned. Inspite of issuance of repeated reminders to Gurikbal Singh candidate for production of ward of Police Personnel, certificate till date Gurikbal Singh or his father Karnail Singh failed to produce the said certificate. By misleading his counsel Jasbir Singh Mohri Advocate issued Legal notice to the DGP Pb- and myself as well as Chairman recruitment Committee. My office replied to the legal notice sent by Jasbir Singh Mohri advocate vide No.38668/Recruitment cell dt.5-6-2018 giving true facts and sent the reply through regd. Post and copy to the DGP office Punjab.

Now, as per letter No. 2953-54 LA-5 dt. Chg.3/7/18 and Reminder No. 8310 dated 19-7-2018 received from the office of DGP Punjab, mentioning therein that Gurikbal Singh has filed Civil Writ Petition No. 14732/2018 before the Hon’ble Pb. & Hry. High Court and the Hon’ble Court has passed the order dated 31-5-2018, wherein ordered the competent authority ‘in case on consideration, the competent authority reached to the conclusion that benefit claimed by the petitioner is admissible to them in such eventuality, the consequential relief be allowed to them within a period of 6 weeks thereafter. However, in case, the competent authority feels the relief claimed by the petitioner is not admissible or made out, in that case, a speaking order be passed in the matter.’

I also peruse the instructions issued by the Govt. of Punjab received through DGP Punjab, vide memo no. 10173-10272/E-1(4) Chd dt.12/9/2016 on the subject of Policy to streamline the cases for grant of 2% reservation for “ wards of police personnel” in direct recruitment in Punjab police and I came to the conclusion that Gurikbal Singh applied against the post of 2% reserved for wards of police personnel vide advertisement dated 15/10/2016, he was supposed to having in possession of the said certificate. Gurikbal Singh candidate was even given a period of more than 1 ½ years for production of the said certificate. Inspite of repeated notices, I came to the conclusion that his father may not be eligible in view of the said instructions/policy for issuance of certificate of ward of police personnel, that is why Gurikbal Singh falsely applied and claimed against the post reserved for wards of police personnel for which he is not found eligible. Hence, I considering all the aspects of this case, I cancel the candidature of Gurikbal Singh for the post of constable (driver) as well as his selection for the said post against reserved post as ward of police personnel, being the Appointing Authority.

Sr.Supdt.of Police

Rupnagar.

No. 60717-21/R/Cell Date: 4-8-18

Copy to:

1. Hon’ble Director General of Police, Punjab, Chandigarh for information.
2. Superintendent, Litigation branch, CPO Punjab, Letter No. U.E. &25/L.A-5 Dated 18-6—18 for information.
3. Gurikbal singh S/o Karnail Singh, R/o Village Rasoolpur, Distt. Rupnagar.

Sr. Supdt. Of Police

Rupnagar

True Copy

Advocate

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION No………….OF 2019

Guriqbal Singh and another ........Petitioners.

Versus

State of Punjab and others ……Respondents.

I N D E X

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| S.No | Particulars | Date | Page | C.Fee |
| 1. | Index for court fee | 25.01.2019 | 1 |  |
| 2. | List of Dates/Events | 25.01.2019 | 2-7 |  |
| 3. | Civil Writ Petition alongwith Affidavit | 25.01.2019 | 8-22 | 100/- |
| 4. | Annexure P-1  (Advertisement) | 15.10.2016 | 23-34 | 8/- |
| 5. | Annexure P-2 (Standing Order) |  | 35-47 | 9/- |
| 6. | Annexure P-3 (Recommendation) | - | 48 | 1/- |
| 7. | Annexure P-4 (Provisional Merit List) | - | 49 | 1/- |
| 8. | Annexure P-5 (Medical Certificate) | 27.12.2016 | 50 | 1/- |
| 9. | Annexure P-6 (Police Verification) | 01.01.2017 | 51 | 1/- |
| 10. | Annexure P-7 (Letter) | 31.03.2017 | 52-53 | 2/- |
| 11. | Annexure P-8 (Letter) | 16.08.2017 | 54-56 | 2/- |
| 12. | Annexure P-9 (Letter) | 08.09.2017 | 57 | 1/- |
| 13. | Annexure P-10 (Letter) | 07.02.2018 | 58 | 1/- |
| 14. | Annexure P-11 (Legal Notice) | 09.04.2018 | 59-61 | 2/- |
| 15. | Annexure P-12 (Representation) | 12.04.2018 | 62-63 | 2/- |
| 16. | Annexure P-13 (Application under RTI) | 17.04.2018 | 64 | 1/- |
| 17. | Annexure P-14 (Application under RTI) | 17.04.2018 | 65-66 | 2/- |
| 18. | Annexure P-15 (High Court Order) | 31.05.2018 | 67-72 | 4/- |
| 19. | Annexure P-16 (Impugned Order) | 04.08.2018 | 73-76 | 3/- |
| 20. | Photostat of Annexure P-6 | 01.01.2017 | 77 |  |
| 21. | Photostat of Annexure P-8 | 16.08.2017 | 78-79 |  |
| 22. | Photostat of Annexure P-9 | 08.09.2017 | 80 |  |
| 23. | Photostat of Annexure P-10 | 07.02.2018 | 81 |  |
| 24. | Power of Attorney | 17.01.2019 | 82 | 3/- |
| 25. | Total Court Fees | 25.01.2019 |  | 144/- |

Note: The main law points involved in the present writ petition are contained in para No.17 at page 18-19.

1. Relevant Act/Statute:-

(i) Constitution of India.

(ii) Punjab Police Act, 2007.

2. Any notice of caveat:- Nil

3. Any Similar writ petition, if any: Nil.

CHANDIGARH (MUNISH BHARDWAJ)

DATED 25.01.2019 ADVOCATE

COUNSEL FOR THE PETITIONERS