



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

203

Date of Decision: **January 09, 2026**

1)

CWP-2775-2020

Sandeep Singh

.....Petitioner

VERSUS

Haryana Vidyut Parsaran Nigam Limited (HVPNL) and others

...Respondents

2)

CWP-24320-2019

Sandeep Singh

.....Petitioner

VERSUS

Uttar Haryana Bijli Vitran Nigam and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. A.P.S Sandhu, Advocate for the petitioner(s).

Mr. Gaurav Jindal, Advocate for respondents No.1 to 3.

Mr. Piyush Khanna, Addl. AG Haryana.

HARPREET SINGH BRAR, J. (Oral)

1. This order shall dispose of the above-mentioned writ petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from **CWP-2775-2020**.



2. The present writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of *Certiorari* for quashing the impugned order dated 14.01.2020 (Annexure P-8), whereby the offer of appointment for the post of Grid Substation Operator (GSO) issued to the petitioner has been cancelled. The petitioner further seeks a direction to the respondents to maintain status quo regarding the said post.

3. Learned counsel for the petitioner *inter alia* contended that the petitioner, being an eligible candidate under the Dependent of Ex-Serviceman (hereinafter 'DESM') category, applied for the post of Clerk vide Advertisement No. 10/2015 dated 24.11.2015. During the pendency of this recruitment, the petitioner also applied for the post of Grid Substation Operator (GSO) under the same category pursuant to Advertisement No. 3/2016 dated 20.02.2016.

4. It is submitted that the petitioner appeared in the written examination for the post of GSO and was declared successful on 07.09.2017, thereby qualifying for the next stage of the selection process, namely the interview. However, due to an interim stay granted by this Hon'ble Court in CWP No. 4728 of 2017, the interview and subsequent selection process for the GSO post were significantly delayed. In the interim, the results for the post of Clerk were declared, and the petitioner was issued an appointment letter dated 16.03.2018.



5. Learned Counsel further emphasized that the petitioner, being unemployed at the time and facing uncertainty due to the ongoing litigation regarding the GSO post, accepted the appointment and joined as a Clerk in the Public Health Engineering Department on 24.05.2018 after availing a legitimate extension.

6. Subsequently, the stay regarding the GSO recruitment was vacated, and the HVPNL issued an offer of appointment to the petitioner for the post of GSO on 28.08.2018. However, joining was again delayed due to a fresh stay in CWP No. 21544 of 2018, which was eventually vacated on 06.02.2019. When the petitioner approached the respondents to join as GSO, he was verbally denied on the ground that he had already availed the DESM benefit by joining as a Clerk. Aggrieved by the aforesaid denial, the petitioner approached this Court vide CWP-24320-2019. This Court issued notice to the respondents and during the pendency of the writ petition, the respondents passed the impugned order dated 14.01.2020 (Annexure P-8) whereby the appointment letter issued to the petitioner was cancelled on the ground that the benefit of defendant of Ex-serviceman is to be given once in a lifetime and someone who avails such benefits for any posts ceases to be dependent of Ex-serviceman.

7. Learned counsel places reliance on the official memorandum dated 14.08.2014 (Annexure P-7) by the Government of India, Ministry of Personnel, Public Grievances and Pension, Department of personnel and training wherein it is stipulated that if an Ex-Serviceman applies for multiple



vacancies before joining any civil employment, he/she can avail the benefit of reservation for any subsequent employment, provided an undertaking is given to the employer regarding the details of application for various vacancies. The attention of this Court is further drawn to the communication dated 13.04.2022 issued by the Government of Haryana, Human Resource Department, wherein it has been clarified that the aforesaid benefit shall also extend to the dependants of Ex-Servicemen.

8. Moreover, learned counsel submitted that the controlling/supervisory authority of the posts reserved for Ex-serviceman and their dependants, i.e., Zila Sainik Board Ambala, in its reply dated 01.05.2019 (Annexure P-6) specifically clarified that they had “no objection” if the petitioner joined the higher post of GSO since the said post was published and test was done prior to the post of Clerk. Learned counsel further placed reliance on the judgement of the coordinate Bench of this Court in **CWP No. 18941 of 2009**, titled as '*Harpreet Kaur vs. State of Punjab.*'

9. *Per Contra*, learned counsel for respondents contended that according to the guidelines issued by the Rajya Sainik Board, Haryana dated 11.10.2001 (Annexure R-6), the benefit of the DESM category can be availed only once in a lifetime. Once a person secures employment (adhoc, contract, or regular) using this quota, they cease to be a dependent for future appointments. It was further submitted that since the petitioner was working



as a Clerk on the date of document verification (15.03.2019), he was no longer a “dependent”.

10. Moreover, the respondents argued that the DOPT instructions dated 14.08.2014 and the subsequent notification by the Ministry of Defense dated 31.03.2017 (Annexure P-15 in CWP 24320-2019) are specifically applicable to Ex-Servicemen (ESM) and not to their dependents (DESM).

OBSERVATION & ANALYSIS

11. I have heard the learned counsel for the parties and have perused the record with their able assistance. With regards to the benefit of DESM category, the Secretary, Rajya Sainik Board, Haryana vide letter dated 11.01.2001 (Annexure R-6) had issued guidelines stating that the same can be claimed only once in a lifetime. The relevant guidelines are reproduced as under:

“(i) The benefit of dependent of Ex- Serviceman will be given only once in life time and someone who avails the chance of employment as dependent of Ex-Serviceman for any kind of post i.e. adhoc, contract, regular ceases to be dependent of Ex-Serviceman for appointment.

xx xx xx

“(o) A dependent of Ex-servicemen, who is working in Govt. Department, later on, asks for new eligibility certificate for a higher post will not be issued a dependent certificate.”

12. Thereafter, the fate of Ex-servicemen who had applied for various examination/ vacancies before joining civil posts was considered by the Government of India, Ministry of Personnel, Public Grievances and



pension, Department of personnel and Training and a clarification in this regard vide communication dated 14.08.2014 (Annexure P-7) was issued. Accordingly, it was decided that if an ex-serviceman applies for various vacancies before joining any civil employment, he/she can avail the benefit of reservation as Ex-serviceman for any subsequent employment. However, to avail the benefit, a self declaration/undertaking must be given by the Ex-serviceman as soon as he/she joins the initial civil employment about the date-wise details of application for various vacancies. Relevant part of the communication dated 14.08.2014 (Annexure P-7) is reproduced as under:

“3. An ex-serviceman at the time of his release or discharge from the armed forces normally applies for more than one vacancy, but in case he/she joins any civil employment due to early declaration of results/selection, he/she is not entitled for the benefit of reservation for ex-servicemen for subsequent employment. It has been brought to the notice of this Department that the aforesaid instructions are affecting the chances of ex-servicemen in the case of direct recruitment for subsequent suitable employment.

4. The matter has, therefore, been considered in consultation with Department of Ex- servicemen, Ministry of Defence. It has now been decided that if an ex-serviceman applies for various vacancies before joining any civil employment, he/she can avail of the benefit of reservation as ex-serviceman for any subsequent employment. However, to avail of this benefit, an ex-serviceman as soon as he/she joins any civil employment, should give self-declaration/undertaking to the concerned employer about the date-wise details of application for various vacancies for which he/she had applied for before joining the initial civil employment. Further, this benefit would be available only in respect of vacancies which are filled on direct recruitment and wherever reservation is applicable to the ex-servicemen.”

(Emphasis supplied)



13. Moreover, it must be pointed out that in view of the communication dated 13.04.2022 issued by the Government of Haryana, Human Resource Department, the aforesaid instructions are also applicable to the dependents of the Ex-servicemen. Accordingly, if any dependent of an Ex-serviceman applies for various vacancies before joining any civil employment, he/she can avail the benefit of reservation as dependent of Ex-serviceman for any subsequent employment, provided that he submits the self-declaration/undertaking. The material part of the communication is set out below for ease of reference:

“I am directed to invite your attention to Government instructions of number, dated 9th March, 2022 on the subject cited above in which following provision was made in para 2 (C):-

(C) If an ex-serviceman applies for various vacancies before joining any civil employment, he/she can avail the benefit of reservation as ex-serviceman for any one of the subsequent employments. However, to avail of this benefit, an ex-serviceman as soon as he/she joins any civil employment, should give self- declaration/undertaking to the concerned employer about the date-wise details of application for various vacancies for which he/she had applied for before joining the initial civil employment. Further, this benefit would be admissible only in respect of vacancies which are filled by direct recruitment and wherever reservation is applicable to the ex-servicemen.

2. In the above said instructions the benefit of reservation has been allowed either to the Ex-serviceman himself/herself or one of his family members (son/daughter/spouse) therefore the provision of selection of any one post out of the posts for which application(s) was/were submitted before joining service shall also be applicable to the family members where they are eligible to avail the benefit of reservation under the above said instructions. In other words, para 2(C) above shall also be applicable to the family members of Ex-servicemen also.”



(Emphasis supplied)

14. In view of the above, this Court is of the considered opinion that the letter dated 11.01.2001 (Annexure R-6) issued by the Secretary, Rajya Sainik Board, Haryana, stipulating that the benefit under the DESM category can be availed only once in a lifetime, must be read *subject to* the subsequent communication dated 14.08.2014 (Annexure P-7). As clarified in the said communication, Ex-Servicemen and their dependants often apply for multiple vacancies, and if an applicant joins civil employment due to early declaration of results or selection, he or she would not be disentitled from claiming the benefit of reservation for subsequent employment merely on the ground that such benefit had been earlier claimed. Denial of such benefit would adversely affect the prospects of Ex-Servicemen and their dependents in seeking suitable employment through direct recruitment.

15. Moreover, being unemployed at the time of applying for various vacancies, Ex-Servicemen or their dependents cannot be expected to remain idle in anticipation of uncertain outcomes. It is, therefore, reasonable and just that where an Ex-Serviceman or his/her dependant applies for multiple vacancies prior to joining any civil employment, the benefit of reservation for subsequent employment should be available, subject to the furnishing of an undertaking to the employer disclosing the details of applications made for various posts.

16. Adverting to the facts of the present case, it is undisputed that the petitioner applied for both the post of Clerk (Advt. No. 10/2015) and the



post of Grid Substation Operator (Advt. No. 3/2016) while he was unemployed under the category of dependent Ex-serviceman. The selection process for the GSO post was significantly delayed due to litigation and subsequent stay orders. During this period of uncertainty, the petitioner was offered the post of Clerk on 16.03.2018 and joined the same on 24.05.2018. It was only subsequently, after the vacation of the stay, that the respondent-Nigam issued him an offer of appointment for the GSO post on 28.08.2018.

17. The primary contention of the respondents, that the petitioner ceased to be a “dependent” the moment he joined as a Clerk, is unsustainable in the eyes of law. A coordinate Bench of this Court in *Harpreet Kaur vs. State of Punjab* (CWP No. 18941 of 2009, decision dated 22.07.2011) dealt with an identical situation where a dependent of an Ex-serviceman accepted a lower post (ETT) while awaiting the results of a selection process for a higher post (Social Studies Mistress). In that case, this Court held that an unemployed youth cannot be expected to sit idle and “allow the grass to grow under her feet” while anticipating an uncertain outcome.

18. Following the ratio in *Harpreet Kaur* (supra), the eligibility of a candidate under the DESM category must be considered as of the date when such eligibility was to be determined, which in this case was the date of the original scheduled date of counseling/interview. The petitioner was undeniably a dependent at the time of the original scheduled date of counseling/interview for the post of GSO (23.03.2017). He cannot be



penalized for seeking gainful employment in the interim due to the administrative and legal delays. To hold otherwise would lead to an absurd situation where a candidate is punished for their diligence in seeking employment during an inordinately delayed selection process. Nevertheless, even if the petitioner had joined the post of Clerk prior to the scheduled date of counselling/interview for the post of GSO, his eligibility for the post of GSO would not be affected, provided he had furnished the requisite self-declaration/undertaking at the time of joining the initial post, in accordance with the DoPT Memorandum dated 14.08.2014.

19. Furthermore, the clarification issued by the Zila Sainik Board, Ambala on 01.05.2019 (Annexure P-6) specifically stated they had “no objection” to the petitioner joining the higher post of GSO. The relevant excerpt of the reply dated 01.05.2019 of the Zila Sainik Board, Ambala is reproduced as under:

"It is intimated that there is no objection from this side if individual is permitted to join under the dependent of Ex-serviceman vacancy in higher post as this post was published and test done earlier than clerk vacancy. detail of both posts are enclosed herewith as per Appendix.

DETAILS OF BOTH POSTS

Sr. no	Name of post	Adv No	Date of publication	Date of submission of online application	Closing date of submission of application	Test/ Exam	Result
1.	Grid Sub Station Operator	3/2016	20.02.2016	05.03.2016	04.4.2016	22.6.2016	August 2018



2.	Clerk	10/2015	24.11.2015	10.05.2016	20.5.2016	Sep 2016	March 2018”
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20. In light of the above-mentioned reply of the Zila Sainik Board, Ambala coupled with the DOPT Memorandum dated 14.08.2014 and the Haryana Government instruction dated 13.04.2022, this Court is of the considered opinion that the petitioner in the present case cannot be denied the benefit of DESM category for the post of Grid Sub Station Operator. Consequently, the impugned order dated 14.01.2020 (Annexure P-8), which cancelled the petitioner's appointment on the rigid interpretation of the guidelines dated 11.10.2001 (Annexure R-6), is legally flawed and contrary to the beneficial objective of the reservation policy for Ex-servicemen and their dependents.

CONCLUSION

21. In view of the foregoing discussion, CWP-2775-2020 is allowed. The impugned order dated 14.01.2020 (Annexure P-8) is hereby quashed and set aside. The respondents are directed to permit the petitioner to join as a Grid Substation Operator (GSO) pursuant to the offer of appointment dated 28.08.2018 (Annexure P-2). The petitioner shall be entitled to all consequential benefits, including seniority, deemed date of appointment and notionally fixed pay from the date other candidates in the same selection batch joined, though salary shall be payable to the petitioner only from the date of his actual joining on the post.



22. In light of the relief granted in CWP-2775-2020, the earlier petition CWP-24320-2019 is disposed of as having been rendered infructuous.

23. Pending miscellaneous applications, if any, shall also stand disposed of.

24. Photocopy of this order be placed on the file of the connected case.

**(HARPREET SINGH BRAR)
JUDGE**

January 09, 2026

P.C

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No