

Commerce (hereinafter referred to as – the Bank) as a Clerk. As per the policy of the Bank, he was given weightage of two years for military service at the time of consideration of his case for promotion from the post of Clerk to the post of Bank Officer. After having served the Bank for 26 years and 03 months, he superannuated on 30.04.2012.

Learned counsel for the petitioner submits that once the petitioner is given the benefit of two years for his past military service while considering the case of his promotion, the same period of two years should also be added to his pensionable service. In support of his submissions, reliance has been placed on a Division Bench judgment of this Court in **C. W. P. No. 12581 of 2007 – Sumer Singh vs. State of Haryana**, decided on 13.05.2008.

I have heard learned counsel for the parties and with their able assistance, have also gone through the record of the case.

A perusal of the policy of the Bank dated 20.03.1987, under which weightage of two years for military service rendered by the petitioner was given to him, shows that such weightage can be afforded only once in the cadre promotion in the entire career. As per the policy, weightage for military service is to be given to an ex-serviceman, while considering his case for promotion and that too, only once in his career. There is no provision in the policy, which provides that past military service rendered by an ex-serviceman, who joined the service of the respondent Bank, would

count towards qualifying service for pension. Rather, as per Regulation 24 of the Oriental Bank of Commerce (Employees) Pension Regulations, 1995 (hereinafter referred to as – the Regulations), there is a clear bar with regard to the counting of military service towards qualifying service for pension. Regulation 24 of the Regulations is reproduced below for ready reference :-

“24. *Military Service*

An employee who has rendered military service before appointment in the Bank shall continue to draw the military pension, if any, and military service rendered by the employee shall not count as qualifying service for pension.”

In view of the above Regulation, which remains un-assailed by the petitioner, past military service rendered by the petitioner cannot be allowed to count as qualifying service for pension.

In **Sumer Singh's** case (*supra*), relied upon by learned counsel for the petitioner, facts are completely distinguishable. That case pertains to interpretation of Punjab Government National Emergency (Concession Rules), 1965, wherein it has been specifically provided that military service could count towards increments/seniority and pension. In the case in hand, the position is totally contrary as Regulation 24, as quoted earlier, bars the

counting of military service towards qualifying service for pension.

In view of the above, finding no merit in the present writ petition, I order dismissal of the same.

No costs.

(DEEPAK SIBAL)
JUDGE

Pronounced On : 13.07.2015
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