

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

CWP No. 20946 of 2015
Date of decision: 01.10.2015

Kamaljeet Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Vivek K. Thakur, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

The petitioner is claiming the benefit of military service rendered by him during the second emergency from 03.12.1971 to 25.03.1977 for purposes of adding his increments and for the purposes of pension. For the said benefit, reliance has been placed upon the Division Bench judgment of this Court in ***CWP No. 17661 of 2013, Rajinder Singh vs. State of Punjab and others*** decided on 13.11.2014 wherein, the benefit of military service rendered was granted to the petitioner for the purposes of pension.

It is the case of the petitioner herein also that after serving in the Armed Forces from 20.08.1976 till 22.08.1989, the petitioner had joined the Punjab Police Department as Constable on 02.11.1989 and has retired on 31.03.2015 and thus entitled for the above benefits for the purposes of increments and pension.

Counsel submits that for the said benefit, legal notice dated 01.07.2015 (Annexure P-5) has also been served upon the Commissioner of Police, Jalandhar and a decision is still awaited.

Keeping in view the limited relief sought, the above writ petition is disposed of without calling upon the respondents to file reply with a direction to the Commissioner of Police, Jalandhar to take a decision on the legal notice served by the petitioner keeping in view the factual aspect as to when he joined and his entitlement as per the provisions of the Punjab Recruitment of Ex-Servicemen Rules, 2009 (as duly amended). The judgment of the Division Bench referred to above will also be kept in mind while disposing of the said legal notice. Needful be done within a period of 3 months from the date of receipt of certified copy of the order and in case the petitioners are found entitled to the benefits, the same be paid within 2 months thereafter. Nothing said herein is on the merits of the case and whether the petitioners are entitled for the same and the respondent shall take a decision on the entitlement on the merits of the case.

01.10.2015
shivani

(G.S. SANDHAWALIA)
JUDGE