

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

CWP No. 20948 of 2015
Date of decision: 01.10.2015

Surjan Singh and anotherPetitioner(s)

Versus

State of Punjab and others ...Respondent(s)

AND

CWP No. 20949 of 2015
Date of decision: 01.10.2015

Sulakhan Singh and anotherPetitioner(s)

Versus

State of Punjab and others ...Respondent(s)

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

Present: Mr. Vivek S. Dadwal, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

The present order shall dispose of two writ petitions i.e. CWP Nos. 20948 and 20949 of 2015 since similar direction is being sought to be issued to respondent no. 4, Senior Superintendent of Police, Hoshiarpur.

The petitioners, in the present cases, are claiming the benefit of military service rendered by them during the second emergency from 03.12.1971 to 25.03.1977 for purposes of adding their 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

petitioners for the purposes of pension.

It is the case of the petitioners herein also that after serving in the Armed Forces, the petitioners had joined the Punjab Police Department as Constables and have retired on different dates and are thus entitled for the above benefits for the purposes of increments and pension.

Counsel submits that for the said benefit, legal notice dated 03.08.2015 (Annexure P-5) (colly) (in CWP No. 20948 of 2015) and legal notice dated 20.07.2015 (Annexure P-5) (in CWP No. 20949 of 2015) have also been served upon the Senior Superintendent of Police, Hoshiarpur and a decision is still awaited.

Keeping in view the limited relief sought, the above writ petitions are disposed of without calling upon the respondents to file reply with a direction to the Senior Superintendent of Police, Hoshiarpur to take a decision on the legal notices served by the petitioners in each case keeping in view the factual aspect as to when they joined and their 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 notices. 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