

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.23865 of 2014

Date of Decision: March 24, 2015

Deepak Kumar Singh

.....Petitioner

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present:Mr.Rohiteshwar Singh, Advocate,
for the petitioner.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioner's claim for reinstatement in service and the grant of consequential benefits by accepting him as an 'ex-serviceman' has been turned down by the Tribunal holding that since the petitioner voluntarily left the army service after 11 years and 7 months, namely, less than 15 years of service, he does not fall within the definition of ex-serviceman. That order is under challenge in this writ petition.

Learned counsel for the petitioner relies upon the definition of ex-serviceman given in the Punjab Recruitment of Ex-servicemen Rules, 1982, as amended vide notification dated 22.09.1992. He, however, fairly concedes that the aforesaid rules were not cited before the Tribunal and no argument with reference thereto, was raised.

In this situation, it appears to us in the interest of justice and equity to permit the petitioner to move an appropriate application before the Tribunal so as to make out a case that he indeed falls in the category of ex-servicemen.

With liberty afore-mentioned, the writ petition is disposed of at this stage.

Dasti.

[SURYA KANT]
JUDGE

March 24, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE