

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.4318 of 2015

Date of Decision: March 25, 2015

Piara Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

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

Present:Mr.D.S.Pheruman, Advocate, for the petitioners
Mr.Aman Bahri, Additional AG, Punjab.

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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)

Notice of motion.

On our asking, Mr.Aman Bahri, learned Additional Advocate General, Punjab, accepts notice on behalf of the respondents.

Let four copies of the writ petition be supplied to the learned State counsel during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, there is no need to seek any counter-reply from the respondents at this stage.

The challenge in the instant writ petition is to Sub-Clause (iii) of Clause (b) of para No.8-B of the Punjab

Recruitment of Ex-Servicemen Rules, 1982, whereby cut off date has been fixed for granting the benefit of military service rendered during Second National Emergency, towards pension and other benefits.

During the course of hearing, it transpires that identical controversy has been resolved by a Coordinate Bench in a bunch of writ petitions including CWP No.17661 of 2013 (Rajinder Singh versus State of Punjab and others) which have been allowed in part vide order dated 13.11.2014 to the extent that the benefit of military service rendered during Second National Emergency has been directed to be counted for pension but the same has been declined towards increments.

The instant writ petition is also disposed of in terms of the above-cited decision in Rajinder Singh's case supra) and other connected cases.

Liberty is granted to the authorities to verify the eligibility of each petitioner and then pass appropriate orders in conformity with the cited decision.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

March 25, 2015
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[P.B.BAJANTHRI]
JUDGE