

LPA No. 136 of 2014 (O&M)

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

LPA No. 136 of 2014 (O&M)

Date of Decision: January 19, 2015

State of Haryana & others

...Appellants

Versus

Smt. Khazani Devi & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE S. J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

**Present: Mr. Amar Vivek, Additional Advocate General, Haryana
for the appellants.**

**Mr. Raman B. Garg, Advocate
for the respondents.**

S. J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

The respondents are the legal representatives of one Ravi Dutt. The only question is whether the services of said Ravi Dutt in the military between 15.03.1963 to 14.03.1970 are to be taken into consideration while computing his pension and other benefits upon his having obtained voluntarily retirement. The issue was decided by the learned single Judge in favour of the respondents on the basis of a judgment of this Court in **Nishan Singh Versus Transport Commissioner, Haryana, Chandigarh & another, 1993 (1) RSJ, 519.**

2. The appellants had already given the respondents the benefit of military services while conferring upon him the benefit of pay etc. by letter dated 20.04.1987. The letter expressly stated that pursuant to the instructions contained in the communication of the Government of Haryana, the

LPA No. 136 of 2014 (O&M)

respondents had been given an assumed date of appointment of 07.05.1968. This was stated to be on account of benefit of military services during the national emergency. Consequently upon the fixation of pay would regulate subsequent increments under the Rule. It is too late in the day now to take a different view. What is important to note is that the respondents had been given an assumed date of appointment itself as 07.05.1968. The appointment letter for all purposes should be considered from that date. The impugned order, therefore, warrants no interference.

3. It was not contended before the learned Single Judge that the benefit of Clause 4 (iii) cannot be extended in the cases of voluntarily retirement.

4. Presuming this to be so, it was fairly conceded that the services of the respondents (Ravi Dutt) must be computed at 24 years 7 months and 11 days. The respondents' dues shall now be computed accordingly and paid latest by 31.03.2015, failing which, they shall be entitled to interest at the rate of 9% per annum.

5. The appeal stands disposed of, accordingly.

(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE

(AUGUSTINE GEORGE MASIH)
JUDGE

January 19, 2015
Harish