

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.1220 of 1997

Date of Decision:-14.12.2016

Amrik Singh.

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- None for the Petitioner.

Mz. Sudeepti Sharma, Deputy Advocate General, Punjab
assisted by Mr. Satish Kumar, Senior Assistant,
O/o RCS, Punjab, Chandigarh.

JASWANT SINGH, J (ORAL)

Petitioner after rendering Military Service from 28.10.1965 to 23.4.1973 joined the Cooperation Department as Inspector on 15.04.1975. He has been given the benefit of admissible military service by ante dating his date of induction w.e.f. 25.3.1971 i.e. after passing his Graduation which was the minimum qualification for the post of Inspector.

By filing the present petition he is seeking writ of Mandamus for benefits of military service under Rule 5 of the Demobilised Rules, 1968 with all consequential benefits towards increment and seniority. The stand of the respondent-State is that the minimum qualification for the post of Inspector was, *inter alia*, a Graduation Degree and the petitioner concededly has passed his graduation in April 1970. The direct recruitment to the post

of Inspectors prior to the petitioner joining on 15.04.1975 was made on 1.5.1970. As per the scheme of the Demobilised Rules, 1968 first opportunity available for recruitment to the petitioner thus becomes available after 1.5.1970 and when he fulfills the essential qualification for the post of Inspector. Accordingly, the admissible benefits have been released to the petitioner.

After the petition was “Admitted”, the petitioner is stated to have superannuated and gone abroad.

Pursuant to the orders dated 28.04.2016 for securing presence of the petitioner, the affidavit dated 25.07.2016 has been filed on behalf of Registrar Cooperative Societies indicating the steps taken to serve and summon the petitioner.

Inspite of sufficient steps taken, the petitioner has chosen neither to put in appearance himself or through his counsel inspite of due intimation. It appears that the petitioner is no longer interested in pursuing his petition.

Dismissed in default.

(JASWANT SINGH)
JUDGE

December 14, 2016
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>