

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16103 of 2011(O&M)
Date of decision: 09.08.2016

Umed Singh

.....Petitioner

versus

State of Haryana & Ors.

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr. Chanderhas Yadav, Advocate for the petitioner.
Mr. Naveen Sheoran, DAG, Haryana.
Mr. Prateek Gupta, Advocate for respondent No.4.

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

Petitioner served in the Indian Army from 7.11.1968 to 30.11.1996. Thereafter, he was appointed as Welfare Officer in Zila Sainik Board w.e.f. 13.03.2000, from where he retired on 30.11.2009, after rendering the service of about 9 years 8 months 10 days. To qualify for the pension, he must have rendered at least 10 years service. Petitioner made a representation (Annexure-P-6) to the respondents, claiming the benefit of second Emergency from 3.12.1971 to 03.07.1977, which was declined vide impugned order (Annexure-P-8) on the ground that there are no rules of the Haryana Government regarding which the benefit of second Emergency can be given to the petitioner.

I have heard learned counsel for the parties and have also carefully gone through the file.

Learned counsel for the petitioner has failed to point out any rules of the Haryana Government under which the benefit of second Emergency in the service can be given to the petitioner. In the absence of the rules, claim of the petitioner for benefit of second emergency was rightly denied. The petitioner did not render minimum ten years service to qualify for the pension. Therefore, the pension order (Annexure-P-4) was rightly revised by order (Annexure-P-5) wherein no pension was granted to the petitioner. There is no illegality or infirmity in the impugned order.

Resultantly, the present writ petition is dismissed.

09.08.2016
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes/ No

Whether Reportable:

Yes/No