

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 19589 of 2013

Date of Decision : February 05, 2016

Virender Singh and others Petitioners

vs.

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

* * *

Present : Mr. R. A. Sheoran, Advocate
 for the petitioners.

Ms. Shruti Jain Goyal, AAG, Haryana.

* * *

DEEPAK SIBAL, J. :

The present petition has been filed by the petitioners seeking issuance of a direction to the respondents to grant them the benefit of seniority/pay fixation and Assured Career Progression (ACP) Scale, after giving them the benefit of military service rendered by them.

It is the admitted position that the petitioners joined the Army between the years 1981-86 and were discharged between the years 1996-2011. The prayer for the grant of the benefit of military service rendered by

them is solely based on the Punjab Government National Emergency (Concession) Rules, 1965 (hereinafter referred to as – the Rules), a perusal of which shows that for grant of benefit under the Rules, the military service rendered by an employee, who, after discharge, joins Civil Service, has to come under the definition of “Military Service”. Rule 2 of the Rules, which defines “Military Service” is reproduced below :-

“For the purposes of these Rules the expression Military Service means enrolled or Commissioned service in any of the three Wings of the Indian Armed Forces (including service as a Warrant Officer) rendered by a person during the period of operation of the proclamation of Emergency made by the President under [Article 352](#) of the Constitution of India on October 26, 1962 or such other service as may hereafter be declared as Military Service for the purposes of these Rules. Any period of Military Training followed by Military Service shall also be reckoned as Military Service.”

On 4th August, 1976, the aforesaid definition was amended by the State of Haryana, which is reproduced below for ready reference :-

“For the purposes of these rules the expression ‘Military Service’ means the service rendered by a person who had been enrolled or commissioned during the period of operation of the proclamation of Emergency made by the President under [Article 352](#) of the Constitution of

India on October 26, 1962 in any of the 3 Wings of the Indian Armed Forces (including the service as a Warrant Officer) during the period of the said emergency or such other service as may hereafter be declared as Military service for the purpose of these Rules. Any period of Military Training followed by Military service shall also be reckoned as Military Service.”

A perusal of the aforesaid definition leaves no room for doubt that only that military service, which has been rendered by a person during the period of operation of the proclamation of emergency is to be counted for the purpose of benefit granted under the Rules. The petitioners, who have admittedly not served the cause of the nation during the proclamation of Emergency, which was declared on 26.10.1962 and lifted on 10.01.1968, are not entitled to the benefits under the Rules.

No other provision was referred to by learned counsel for the petitioners entitling the petitioners for the grant of any benefit for the military service rendered by them before they joined the Civil Service.

In view of the above, I find no merit in the present petition and order dismissal of the same.

No costs.

(DEEPAK SIBAL)
JUDGE

February 05, 2016
monika