

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

Date of decision:20/10/2016

Harbhajan Singh and another

.....Petitioners

VS

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Brij Mohan,Advocate for
Mr.Simranjeet Singh Sarwara,Advocate for the petitioners

Jaswant Singh,J(Oral)

Two petitioners namely Harbhajan Singh and Joginder Singh on attaining the age of superannuation retired from the rank of Head Constable, Railway Police,Punjab w.e.f. 30.11.2006 and 31.10.2009 respectively.

It is submitted that petitioners prior to their joining as Constables had served the Indian Army during the period of second national emergency i.e. between 3.12.1971 and 26.3.1977. The details of the Army service of the petitioners are:-

Petitioner no.1 from 7.10.1969 to 1.9.1987

Petitioner no.2 from 3.12.1971 to 1.10.1988

The claim set up after unexplained delay of more than six years is for grant of benefit of counting of their Military service during the second national emergency towards pension in terms of the notification dated 8.6.2004 (P-1).

From the bare reading of Annexure P-1 it is evident that for a person to be eligible, inter alia, for the said benefit, he should not have

earned and drawn pension under the Military rules in respect of military service in question.

This Court, on previous dates of hearing had directed the petitioners to file an affidavit indicating that they are not drawing military pension for the second national emergency period so as to make them eligible. However, despite lapse of more than sufficient time no such affidavit has been filed.

At the time of hearing counsel for the petitioner concedes that petitioners were and are drawing military pension for the period covered under the second national emergency. He thus, prays for permission to withdraw the present writ petition.

Dismissed as withdrawn.

20/10/2016
joshi

(Jaswant Singh)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable:	Yes/No