

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

Civil Writ Petition No.20847 of 2015

Date of decision: 5.4.2016

Malkit Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Vishal Satija, Advocate, for
Mr.Vivek K. Thakur, Advocate,
for the petitioner.

Mr.Inqulab Nagpal, AAG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

Learned State counsel has filed written statement in Court today which is taken on record. Copy be supplied.

In an identical matter, brother Sandhawalia, J. passed the following order on 30.9.2015 in CWP No.20833 of 2015 : -

“The petitioner is seeking the benefit of military service rendered by him in view of the Punjab Recruitment of Ex-Servicemen (First Amendment) Rules, 2009 which provides that increments are also to be paid to the persons who have rendered service during the period of 2nd National emergency. Counsel for the petitioner submits that since the petitioner is serving with respondent no.5 and he had

already served a legal notice dated 1.7.2015 (Annexure P/5) he would be satisfied if a direction is issued to respondent no.5 to decide the said legal notice within some time frame. Keeping in view the limited relief sought by the petitioner, the present petition is disposed off without calling the respondents to file their reply. Accordingly, without going into merits of the case and keeping in view the fact that the legal notice dated 1.7.2015 (Annexure P/5) has just been served, the present writ petition is disposed of with a direction to respondent no.5 to take into consideration the said legal notice and pass an appropriate order in accordance with law within a period of four months from the date of receipt of a certified copy of this order. In case the relief is granted to the petitioner, the amount shall be paid within a period of two months thereafter. Needless to say, in case any adverse order is to be passed then a reasoned order be passed by the said respondent. The present writ petition is disposed off with the aforesaid directions.”

This petition is disposed of in the same terms *mutatis mutandis*.

(RAJIV NARAIN RAINA)
JUDGE

April 5, 2016
Paritosh Kumar