

CWP-21637-2016

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-21637-2016

Date of Decision: October 19, 2016

Dayal Singh

.....Petitioner

Versus

The State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

- |    |                                                                       |         |
|----|-----------------------------------------------------------------------|---------|
| 1. | Whether speaking/reasoned ?                                           | Yes/No  |
| 2. | Whether reportable ?                                                  | Yes/No  |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No  |
| 4. | To be referred to the Reporters or not?                               | Yes/No  |
| 5. | Whether the judgment should be reported in the Digest?                | Yes/No. |

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Present: Mr.R.K.Bajaj, Advocate  
for the petitioner.

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**SURYA KANT, J.**

Notice of motion.

On our asking, Mr.Rajesh Bhardwaj, Additional Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondents.

Let four copies of the writ petition be supplied to learned State counsel during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from the respondents at this stage.

The petitioner has laid challenge to the notification dated 10.04.2012 whereby admissibility of the benefits to the ex-serviceman who

served in the active military service during second emergency was restricted. It is claimed that the petitioner is entitled to arrears of benefits in the light of a Division Bench judgment of this Court dated 13.11.2014 rendered in a bunch of writ petitions including CWP No.17661 of 2013 (Rajinder Singh versus State of Punjab and others) (P-6).

The petitioner has raised the above-stated issue vide a legal notice dated 11.09.2015 (P-4).

Having heard learned counsel for the petitioner and considering the nature of relief sought, however without expressing any views on merits, we dispose of this writ petition with a direction to the respondents to consider the subject-claim in the light of the above-cited judgment of this Court and if found entitled to, release the due benefits to petitioner within a period of four months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

**( SURYA KANT )**  
**JUDGE**

**October 19, 2016**  
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**( SUDIP AHLUWALIA )**  
**JUDGE**