

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

**CWP No. 5354 of 2016**  
**Date of decision: 29.04.2016**

Ram Rakha Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA**

Present: Mr. R.S. Rana, Advocate,  
for the petitioner.

**G.S.SANDHAWALIA, J. (Oral)**

The petitioner seeks a direction for counting the service rendered by him in the military during first emergency from 20.01.1964 to 11.09.1967 for the purpose of increments and pension as per notification dated 08.06.2004 (Annexure P-4) issued by the State alongwith benefits of arrears alongwith interest etc. It is the case of the petitioner that he had served in the Sikh L.T. at Meerut during the emergency period. Thereafter, he joined as Peon on 13.06.1974 with the Excise and Taxation Department. He retired on 31.01.2006 (Annexure P-1).

During his period of service, he had given a representation on 20.11.1988 (Annexure P-2) that he be allowed the benefit of service/increments towards pay. Respondent no. 3 had written letter to respondent no. 4 to consider the case as per the instructions of the Government as he was the competent authority, however, nothing had been done on the same. After his retirement also, a detailed representation had been given on 14.11.2008 (Annexure P-5) but no action had been taken. He

had approached this Court for his retiral dues, which had been paid but the benefit of military service during the first emergency period had not been given. Another representation dated 17.07.2013 (Annexure P-8) had thereafter been filed, which is still pending.

Counsel for the petitioner submits that he would be satisfied if a decision is taken on the said requests within a time bound frame on account of his legal rights.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of the respondents. Copy of the writ petition has been supplied to him.

Keeping in view the limited controversy, this Court is of the opinion that the reply need not be called for.

Accordingly, without commenting on the merits of the case or the entitlement of the petitioner and the factual aspect as to whether any such representations were made, the present writ petition is disposed of with a direction to respondent no. 2 to look into the demand raised as per representation dated 17.07.2013 (Annexure P-8). The same be decided within a period of 3 months from the date of receipt of certified copy of the order. In case the petitioner is found entitled for the benefits, necessary effect be given by revision of his pension etc. Needless to say if an adverse order is to be passed, the same shall contain reasons and be conveyed to the petitioner.

29.04.2016  
shivani

(G.S. SANDHAWALIA)  
JUDGE