

**CM-731-LPA-2016 in/and
LPA-342-2016 (O&M)**

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

**CM-731-LPA-2016 in/and
LPA-342-2016 (O&M)
Date of Decision: November 30, 2016**

State of Punjab and another

.....Appellants

Versus

Avtar Krishan Sharma and another

.....Respondents

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

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

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Present: Mr.Rajesh Bhardwaj, Addl.AG, Punjab
for the appellants.

Mr.S.K.Nehra, Advocate
for the respondents.

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SURYA KANT, J.

CM-731-LPA-2016

For the reasons mentioned in the application, the same is
allowed. Delay of 136 days in filing the appeal is condoned.

CM stands disposed of.

LPA-342-2016

The instant Letters Patent Appeal assails the order dated
18.09.2015 vide which the learned Single Judge has accepted the claim of the
respondent for grant of benefit of 'Military Service' towards pensionary
benefits. The said service has already been counted for other service benefits.

The respondent is a retiree. Learned Single Judge has viewed

that 'Military Service' rendered by the respondent was validly recognized for the purpose of granting seniority and other service benefits. There was no rhyme and reason for not counting that service towards pension and other retiral benefits. In fact somewhat similar controversy has already been gone into by a Division Bench of this Court in CWP No.17529 of 2000 (**Kuldip Singh Uppal vs State of Punjab and others**) decided on December 03, 2012. There also the short question which arose for consideration was whether the writ petitioner was entitled to count his 'Military Service' for the purpose of pensionary benefits. The said question was answered in favour of the writ petitioner after a detailed discussion.

For the reasons assigned in **Kuldip Singh Uppal**'s case (supra), we do not find any merit in this appeal, which is dismissed.

**(SURYA KANT)
JUDGE**

November 30, 2016
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**(SUDIP AHLUWALIA)
JUDGE**

1.	Whether speaking/reasoned ?	Yes/No
2.	Whether reportable ?	Yes/No