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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.3853 of 2012 (O&M)
Date of decision: January 20, 2016

Rajinder Parshad

.....Appellant

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Salil Bali, Advocate
for the appellant.

SABINA, J

Appellant had filed suit for declaration that the military service rendered by him during emergency be counted for the purposes of his pay-fixation, increments and pensionary benefits.

Trial Court vide judgment/decreed dated 28.08.2010 directed the defendants to decide the claim of the appellant after the objections raised by the Department were removed by the petitioner within three months from the date of passing of the judgment/decreed and in case, the appellant failed to remove objections raised by the defendants, then his claim was deemed to have been rejected. Appellant preferred an appeal and the First Appellate Court vide its judgment/decreed dated 18.05.2012 held as under:-

“Learned trial court had rightly given an opportunity to the plaintiff to remove the objections raised by the department vide letter bearing

no.237395-03 dated 9.12.2003 against his application for claiming benefit of service rendered in Army during National Emergency and had given a declaration to the defendants to decide the application of the plaintiff within three months from the date of objections are removed. A direction had also been given to the defendants to decide the representation, if any, given within a month from the date of the order for counting his previous service towards pensionary benefits within six months. In the interest of justice, the same directions are re-imposed. In other words, the plaintiff will have to answer to the queries/objections raised by the department against his application for benefit of military service and only then the competent authority will decide the said application within three months from the date the objections are answered. Hence, the findings of learned trial court on issues no.1 to 3 are affirmed."

Thus, the Courts below had directed the defendants to consider the claim of the appellant after the appellant removed the objections raised by the Department.

In view of the directions given by the Courts below, no ground for interference is made out as no substantial question of law arises in this case warranting interference by this Court.

Dismissed.

(SABINA)
JUDGE

January 20, 2016
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