

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

**Civil Writ Petition No.5605 of 1998  
Decided on : 21.09.2017**

Sardara Singh

... Petitioner

Versus

Municipal Corporation and others

... Respondents

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

Present : Mr. D.K. Nagar, Advocate  
for the petitioner.

Mr. Suvir Sehgal, Senior Standing Counsel with  
Mr. Akshay Sethi, Advocate for the respondents.

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

On an earlier occasion the case had been admitted and service had not been effected upon the respondents.

On the asking of the Court, Mr. Suvir Sehgal, Advocate has put in appearance on behalf of the respondents.

In the present petition, the petitioner seeks quashing of the order dated 25.09.1996 (Annexure P-15), whereby the benefits of the Military service rendered during the National Emergency towards seniority/promotion increment and pension and consequential benefits were denied by respondent No.2. The said order reads as under:-

*“Reference your letter No. nil, dated March 1996, on the subject cited above.*

*Your request has been considered and it is not possible for this office to accede to the same.”*

From the above, it is apparent that one cannot decipher to the

tenure of the service in the Armed Forces and on what basis the request has been denied and which are the instructions which were taken into consideration. The order is totally non-speaking and deserves to be quashed on this point itself, keeping in view the law laid down in **M/s. Kranti Associates Pvt. Ltd. and another vs. Sh. Masood Ahmed Khan and others, 2010 (9) SCC 496.**

Accordingly, the present writ petition is allowed and the impugned order dated 25.09.1996 (Annexure P-15) is quashed. Respondent No.1 shall pass a reasoned order on the application dated 11.03.1996 (Annexure P-14).

Let, the needful be done within a period of 2 months from the receipt of the certified copy of this order.

**SEPTEMBER 21, 2017**  
*Naveen*

**(G.S. SANDHAWALIA)**  
**JUDGE**

*Whether speaking/reasoned:*

*Yes/No*

*Whether Reportable:*

*Yes/No*