

218 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.26098 of 2015 (O&M)
Date of decision : 12th January, 2017

Smt. Manjit Kaur

..... Petitioner

Versus

Director General of Police and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rajesh K. Ddadwal, Advocate, for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

KULDIP SINGH J. (ORAL)

Tara Singh - husband of the petitioner served in the Indian Army as sepoy on 23.12.1965 and 31.12.1991 retired as Naib Subedar. During this period, he also rendered service during the Second National Emergency period from 03.12.1971 to 25.03.1977. After a gap of five months, he was enrolled as sepoy with respondents No.1 and 2 and retired on 21.12.2005 and later on expired on 14.10.2012.

The claim of the petitioner is that the service rendered by her husband during the Second National Emergency period from 03.12.1971 to 25.03.1977 be computed for grant of pensionary benefits as held in the judgment of this Court in CWP No. 17661 of 2013 titled as **Rajinder Singh Versus State of Punjab and others** decided on 13.11.2014 (Annexure P-1).

The reply of the respondents shows that while relying upon the said judgment of ***Rajinder Singh Versus State of Punjab and others*** the stand of the State is that the husband of the petitioner is entitled for grant of benefit of military service rendered during the Second National Emergency towards pension.

The legal position has not been disputed by both the parties.

In view of the judgment of *Rajinder Singh's case (Supra)* and the judgment of this Court in *Sarup Singh Vs. Director General of Police and others*, it has to be held that husband of the petitioner was entitled to computing the service rendered during the Second National Emergency for the grant of pension only.

As such, petition is allowed and the respondents are directed to count the military service of the husband of the petitioner rendered during the Second National Emergency for grant of pension only and re-fix the pension and release the pension and arrears thereof. However, since the petitioner filed this Writ in the year 2015 i.e. on 10.12.2015, therefore, petitioner shall be entitled to the interest on the arrears only from 10.12.2015 till the date of payment. The respondents are directed to re-fix the pension and release the same within a period of three months from the date of receipt of certified copy of this order.

(KULDIP SINGH)
JUDGE

12th January, 2017

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Whether speaking / reasoned

Yes

Whether Reportable

No