

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

**211**

**RSA No.241 of 2014 (O&M)  
Date of Decision : 16.11.2017**

State of Punjab and another

..... Appellants

Versus

Hardip Singh Tuli

..... Respondent

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

**\*\*\***

Present : Mr. H.S.Sitta, Asstt. Advocate General, Punjab  
for the appellants

Mr. Ishwar Lal, Advocate  
for the respondent.

**\*\*\***

**AJAY TEWARI, J. (Oral)**

This appeal has been filed against the concurrent judgments of the Courts below declaring that the action of the appellants in not releasing the benefits of military services towards the pay and seniority of the respondent were illegal.

The admitted facts are that the respondent had served in the Indian Air Force w.e.f. 17.06.1964 to 10.05.1974 during both the first and second national emergencies. He thereafter joined as Taxation Inspector in direct recruitment against a post reserved for ex-serviceman w.e.f. 03.03.1975 till 04.11.1986 when he was selected in the PCS (EB) from where he retired on 01.01.2005. The benefits of his military service were originally released to him but were withdrawn and his representation to restore the same was ultimately rejected by an order dated 29.10.2004. The case of the respondent was that he was not a Released Armed Forces

Personnel. The Courts below noticed the definition of Released Armed Forces Personnel given in the Demobilized Forces Personnel Rules, 1968 and concluded that the respondent would come within the ambit of a Released Forces Personnel.

Learned Assistant Advocate General is not able to show how the respondent has not come within the definition of Released Armed Forces Personnel as per the definition.

The Courts below have further relied upon a decision of the Division Bench of this Court in *The State of Punjab and others Vs. Malkit Singh, 2011 (2) SCT, 40* wherein this Court held that those employees who had joined after the first emergency was over and before the second emergency was imposed would not be covered.

In the present case the respondent had joined during the first emergency.

No fault can be found with the judgments of the Courts below.

Appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

( AJAY TEWARI )  
JUDGE

16.11.2017

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No