

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

102

CM-12433-C-2017 in/and
RSA-5293-2015 (O&M)
Date of Decision:15.11.2017

STATE OF PUNJAB AND OTHERS

...APPELLANTS

VS

SATPAL RETIRED

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. H.S.Sitta, AAG, Punjab
for the appellants.

Mr. Puneet Kumar Bansal, Advocate
for the respondent.

AJAY TEWARI, J.(Oral)
CM-12433-C-2015

This is a stay application. By the consent of the parties the main case is taken up to Board for final disposal today.

Application stands disposed of.

CM-12623-C-2015

This is an application for condonation of 201 days delay in filing the appeal.

For the reasons recorded in the application, the same is allowed and delay of 201 days in filing the appeal is condoned.

Main case

This appeal has been filed against the judgment of the lower Appellate Court reversing that of the trial Court and thereby partly decreeing the suit of the respondent and granting him increments for the period for which

he served the Indian Army during the second emergency. Learned Assistant Advocate General has argued that it was not a case where he responded to the call of nation and had joined during emergency but a case where he had joined in the year 1968 much prior to the declaration of the second emergency. On the other hand, the counsel for the respondent points out that earlier the Rule had envisaged that grant of increments could only be given to those persons who had joined and rendered service during the emergency but by a notification dated 10.4.2012, the Punjab Government had amended the Punjab Recruitment of Ex-Serviceman Rules and had omitted the phrase 'joined and' and with this omission the only condition required for the grant of increment was that an employee must have rendered service during the second emergency. As per him, this is the only relief which has been granted to the respondent. Learned Assistant Advocate General has accepted with this amendment the condition of joining the Armed Force during the emergency has been omitted.

In the circumstances, this was the only benefit which was given to the respondent. The appeal stands dismissed.

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

15.11.2017
anuradha

(AJAY TEWARI)
JUDGE

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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No