

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-691-2013 (O&M)

Date of Decision:-30.01.2018.

Norang Ram

.....Appellant

Versus

Dakshin Haryana Bijli Vitran Nigam Limited and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Jatin Hans, Advocate for the appellant.

Mr. Pardeep Singh Poonia, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

Appellant has questioned the Trial as well as Appellate Court orders dated 6.8.2010 and 26.07.2012, respectively.

Grievance of the appellant is that he is entitled to certain service benefits under the Punjab Government National Emergency (Concession) Rules, 1965 (for short 'the Rules, 1965').

Substantial question of law in the present appeal is whether the appellant is entitled to service benefits with references to the Rules, 1965 which have been adopted by the Haryana State; further Haryana State Rules were adopted by the respondents-Dakshin Haryana Bijli Vitran Nigam Limited or not?

Appellant is stated to have rendered Military service during the period from 12.04.1963 to 01.05.1968. The intervening period consists of

two Emergency periods like 12.04.1963 to 10.01.1968 and 03.12.1971 to 03.07.1977. Appellant joined the then Haryana State Electricity Board as a Security Guard on 9.4.1982 and he has attained age of superannuation and retired from service in the month of February, 2003. He has claimed service benefits under the Rules, 1965 for the first time while issuing legal notice in the year 2006. Thereafter, he has filed suit. Both the Courts below have appreciated the Rules, 1965 read with the adoption of the Rules, 1965 by the Haryana State and further by the Dakshin Haryana Bijli Vitran Nigam Limited so as to entertain the claim relating to certain service benefits under the Rules, 1965. Undisputedly, respondents have not replied or passed any order on the appellant's legal notice issued in the year 2006.

Learned counsel for the respondents submitted that appellant has to establish that he was Ex-Serviceman during the two Emergency periods so as to claim any benefit under the Rules, 1965. Thus, the Courts below have not considered the grievance of the appellant with reference to the Rules, 1965. Hence, trial Court as well as Appellate Court orders dated 6.8.2010 and 26.07.2012, respectively are set aside. Appellant is hereby directed to furnish complete materials for the purpose of seeking service benefits under the Rules, 1965. If the appellants satisfies the conditions imposed in the Rules, 1965 for the purpose of claiming service benefits, in that event, respondents are hereby directed to consider appellant's grievance only in respect of increment and pensionary benefits and not seniority since his claim is belated. If the appellant is entitled to any benefit in respect of granting increment and pension, in that event, respondents are permitted to restrict monetary benefits up to 38 months before filing civil suit in the year 2006. If the appellant is otherwise eligible, the same shall be calculated and

disbursed within a period of 6 months from today.

Appeal stands allowed.

(P.B. BAJANTHRI)
JUDGE

January 30, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.