

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

**CWP No. 20209 of 2019
Date of Decision: 24.07.2019**

Kikar Singh

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Hardial Singh Baath, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

The petitioner is an Ex-Serviceman. He joined the Army on 13.03.1971 and was discharged on 02.11.1986. He joined respondent Department on 03.08.1987 and retired from the service on 31.05.2010. He says that he served during the Second National Emergency from 03.12.1971 to 26.03.1977 in the Army and is entitled for refixation of pension by granting him the benefit of service rendered by him during this period and is also entitled to the arrears of pension along with cost and interest.

It may be pointed out that he joined service in the Indian Army prior to the emergency on 10.03.1971. In this petition filed in the year 2019, he claims the benefit of the period of service spent during the emergency towards pension relying on the Punjab Recruitment of Ex-Serviceman Rules, 1982. He further relies on the judgment and order

passed by this Court in CWP No. 17661 of 2013 rendered on 13.11.2014 and claims similar benefits. This judgment would not apply and the case on this point is covered by the decision of the Supreme Court in Chittaranjan Singh Chima Vs. State of Punjab, AIR 1997 SC 1309. The petitioner did not take up military service as a career for which reason he would not be entitled to the claim as he joined the Army during emergency and thus dis-entitled to the benefits under the Rules. In any case, the judgment on which relief is claimed was passed in the year 2014 and there is no explanation for the delay and laches in approaching this Court i.e. after 05 years and 09 months of retirement, for which reason, the petitioner is dis-entitled to the relief claimed.

The petition is dismissed on this account as well.

(RAJIV NARAIN RAINA)
JUDGE

24.07.2019

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*