

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7262-2017 (O&M)

Date of decision: - 29.04.2019

Angrej Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Puneet Kumar Bansal, Advocate, for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

Reply has been filed on behalf of respondents No.1 to 3 today in the Court and the same is taken on record. A copy thereof has been supplied to opposite counsel.

In the present writ petition, the grievance of the petitioner is that he has served the Indian Army from 15.02.1963 till 28.02.1979 and after being relieved from the Army, he had joined as a Chowkidar with the respondent department on 20.11.1980 and continued working as such till he retired on 28.02.2003 but he has not been granted the benefit of increment for the military service, which he rendered from 15.02.1963 till 28.02.1979, despite being entitled for the same.

Upon notice of motion, respondents have filed the reply in Court today.

In the reply, the respondents have stated that the grievance of

the petitioner has been considered by the competent authority and his claim has been accepted and he has been granted the benefit of increment for the military service rendered by him during the First National Emergency i.e. from 15.02.1963 to 10.01.1968 as well as for the Second National Emergency i.e. from 03.12.1971 to 25.03.1977 and an order to this effect has already been passed on 22.04.2019 and a copy of the same has been attached as Annexure R-3/1. The relevant portion of the reply of the respondents is as under: -

“2. That in the present writ petition the petitioner has prayed for issuance of writ in nature of mandamus directing the respondents to re-fix and pay the revised pay scale, allowance and revised retiral and pensionary benefits of monthly pension, commute pension, gratuity, leave encashment, provident fund etc. after taking into consideration the service rendered by the petitioner during the First National Emergency period from 15.02.1963 to 10.01.1968 as well as the Second National Emergency period from 03.12.1971 to 25.03.1977 as per the Punjab Government National Emergency (Concession) Rules Recruitment of Ex-Serviceman Rules, 1965 as amended up to date.

3. That it is pertinent to mention here that the competent authority i.e. Director, Food, Civil Supplies and Consumer Affairs, Punjab has considered the claim of the petitioner on merits and by taking into consideration the military services rendered by the petitioner, has passed a well reasoned speaking order dated 22.04.2019 whereby the claim of the petitioner has been accepted and benefit of increments for the period spent by him in military service during First National Emergency period from 15-02-1963 to 09-01-1968 and Second National Emergency period from 03-12-1971 to 25-03-1977, have been granted to the petitioner. Further, the pay and pension of the petitioner is also ordered to be re-fixed and calculated accordingly. True copy of the said order dated 22.04.2019 is annexed herewith as Annexure R-3/1 for kind consideration of this Hon'ble

Court. In view of the above said speaking order passed by worthy Director, Food, Civil Supplies and Consumer Affairs, Punjab, the present writ petition is liable to be dismissed henceforth.”

A bare perusal of the reply would show that the claim of the petitioner has already been accepted by the respondents and a detailed order in this regard has already been passed granting the benefit of increment as being claimed by the petitioner for the service which he rendered with the Indian Army.

Counsel for the petitioner states that the respondents be directed to implement the said order dated 22.04.2019 (Annexure R-3/1) in a time bound manner.

Counsel for the respondents states that all the benefits accruing to the petitioner in respect of the order dated 22.04.2019 will be released to him within a period of three months from the date of receipt of certified copy of this order.

Counsel for the petitioner states that in view of the above, no grievance subsists and the present writ petition has been rendered infructuous and the same be disposed of as such.

Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

April 29, 2019
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No