

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-3019 of 2020

Date of decision: 04.02.2020

Jagdev Singh

.... Petitioner

versus

State of Punjab and others

... Respondents

**CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Ms. Riti Aggarwal, Advocate  
for the petitioner.

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**HARSIMRAN SINGH SETHI, J.**

Learned counsel for the petitioner states that the petitioner was entitled for the benefit of counting of his military service, which he rendered during emergency from 21.08.1965 to 25.08.1971, keeping in view the Punjab Recruitment of Ex-serviceman Rules, 1982 (for short, '1982 Rules') as amended time to time. Learned counsel for the petitioner argues that the case of the petitioner is squarely covered under Rule-8 of the 1982 Rules for taking into consideration the period spent by the petitioner in military towards qualifying service for computing his pension but, no action is being taken for the grant of said benefit by the respondents and that too without any valid justification. Prayer of the petitioner is for issuance of a direction to respondent No.2 to grant the benefit of military service rendered by the petitioner during emergency and re-computing his pension alongwith consequential benefits.

Learned counsel for the petitioner states that for the relief, which is being claimed in the present writ petition, the petitioner has submitted

representation dated 06.10.2019 (Annexure P/4) with respondent No.3, which has already been forwarded by respondent No.3 to respondent No.2 on 17.10.2019, which is clear from Annexure P/5 and the same is still pending consideration with respondent No.2 and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No.2 to decide the said representation.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent No.2 is directed to decide the claim of the petitioner for counting the military service, which he rendered during emergency as qualifying service for computing his pensionary benefits alongwith consequential benefits by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to him within a period of next three months.

Present writ petition stands disposed of.

**(HARSIMRAN SINGH SETHI)**

**JUDGE**

04.02.2020

- aarti* 1. Whether speaking/non-speaking?  
2. Whether reportable?

Yes/No  
Yes/No