

Sr. No.733

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-8120-2001 (O&M)
Date of decision: 25.05.2022

Om Swarup Rana and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioners.

Mr. R.D.Sharma, DAG, Haryana.

Ms. Neha Rana, Advocate for Mr. R.N.Lohan, Advocate
for respondent No.3.

ARUN MONGA, J. (ORAL)

Petition herein, inter alia, is for issuance of a writ in the nature of Mandamus and/or otherwise, directing the respondents to grant the benefits of Military Service rendered by the petitioners during the period of National Emergency in accordance with the rules with all consequential benefits such as arrears of pay, increments, seniority etc. alongwith interest.

2. Petition was admitted for hearing on 10.03.2003.

3. When taken up for final adjudication, there is no representation on behalf of the petitioners. It seems that by sheer effluxion of time and pendency of the writ petition for more than 20 years before this Court, either it has been rendered infructuous or even otherwise the petitioners seem to have lost interest in pursuing the same.

4. In any case, from perusal of record/pleadings, it appears that even on merits, claim of the petitioners is not admissible. Reference may be had in particular to stand taken in para-4, 5 and 6 of the preliminary objections of the written statement filed by respondent No.3.

5. It is stated in the written statement that as per Punjab Government National Emergency (Concession) Rules, 1965 (hereinafter called the Rules) an employee is entitled for the benefit of Military Service during the period of operation of programme of Emergency on 26.10.1962. An employee is thus not entitled to the Military Service Benefits for the second emergency.

6. Further defense taken is that the petitioners are not entitled to any benefit for the Military Service rendered by them during the second emergency. Petitioner No.1 & 2 have already been given benefit of Military Service rendered by them vide order dated 13.12.94 as per rules for the period of emergency programme from 26.10.1962.

7. Learned State counsel has canvassed arguments on similar lines as the stand taken in the written statement.

8. I am in agreement with the stand taken by the respondents. Neither any replication has been filed to the afore-noted stand of the respondents nor any additional affidavit of any kind to controvert the same.

9. In view of the aforesaid, no grounds are made out to interfere.

10. Dismissed.

25.05.2022

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**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No