

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

CWP No.9552 of 2001(O&M)

Date of decision: 26.05.2022

Ram Kumar Verma

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

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

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari for quashing the impugned order dated 04.01.2000 (Annexure P-3) whereby benefit of increments for service rendered with military has been declined to the petitioner.

2. Petition was admitted for hearing on 27.02.2003.

3. When taken up for final adjudication, there is no representation on behalf of the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 21 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems 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 petitioner is not admissible. Reference may be had in particular to the stand taken in para No.4 of the written statement filed on behalf of respondents No.1 and 2 as below:-

“The relevant rules, reproduced as under, do not help the petitioner in any manner:

Rule 4

"Increment, seniority and pension.

Period of military service shall count for increments, seniority and pension as under:-

- (i) **Increments:** *The period spent by a person on military service after attaining the minimum age prescribed for appointment to any service or post, to which he is appointed, shall count for increments, where no such minimum age is prescribed the minimum age shall be as laid down in Rules 3.9, 3.10 and 3.11 of the Punjab Civil Services Rules, Volume-II. This concession shall, however, be admissible only on first appointment.*
- (ii) **Seniority:** *The period of military service mentioned in clause (I) shall be taken into consideration for the purpose of determining the seniority of a person who has rendered military service.*
- (iii) **Pension:** *The period of military service mentioned in clause (i) shall count towards pension only in the case of appointments to permanent service of posts under the Government subject to the following conditions-*
 - (1) *The person concerned should not have earned a pension under military rules in respect of the military service in question.*
 - (2) *Any bonus or gratuity paid in respect of military service by the defences authorities shall have to be refunded to the State Govt.*
 - (3) *The period, if any, between the date of discharge from military service and the date of appointment to any service or post and the Govt. shall count for pension, provided such period does not exceed one year. Any period exceeding one year but not exceeding three years may also be allowed to count for pension in exceptional cases under the orders of the Government."*

In the light of applicable rules, vide an order dated 29.12.1986 passed by the Excise & taxation Commissioner (Respondent No.2), the benefit of military service was given to the petitioner towards the seniority in view of the provisions of rule 4(ii) of the Rules of 1965."

5. I am in agreement with the stand taken by the respondents as aforesaid. 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.

- 6. In view of the aforesaid, no grounds are made out to interfere.
- 7. Dismissed.

26.05.2022
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(ARUN MONGA)
JUDGE

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