

RSA NO.3953 OF 1998

501

SOHAN LAL V/S THE STATE OF HARYANA & ORS.

Present: None
for the appellant.

Mr. Ajay Sharma, DAG Haryana.

* * * *

Sohan Lal-plaintiff filed a suit for declaration. As per the allegations of the plaintiff-appellant, he joined the Indian Army on 24.08.1955 and retired therefrom on 01.12.1974 after serving for a period of 19 years 03 months and 01 day. It is the case of the plaintiff that after retirement he was re-employed in Haryana Roadways because he was a driver in the Army. He in this context sought the benefit of the emergency rules as an ex-serviceman for the period of emergency.

The learned trial Judge decreed the suit by judgment and decree dated 06.05.1994. The State of Punjab preferred an appeal which came to be heard and disposed of by the learned Additional District Judge, Narnaul. The appeal was allowed, the judgment and decree was set aside. It is this judgment and decree of the learned Additional District Judge, which is under challenge at the instance of the plaintiff.

We have gone through the judgment of the Court below and find that the matter is squarely covered by a judgment of the Supreme Court in the case of Dhan Singh and others Vs. State of Haryana and others decided on 05.12.1990 and other connected matters in Civil Appeal Nos.1159 of 1989, 959 of 1989 and 1060 of 1990. A copy of the judgment is taken on record, wherein it is clearly held that the benefit of emergency service

can only be granted to those who joined military service on the call of the nation and no other and was discharged thereafter. The plaintiff in this case had joined service before the emergency and retired therefrom in routine in the year 1974. He is, thus, apparently not entitled to the benefits of military service rendered during emergency for the service rendered by him in the Haryana Roadways wherein he joined as ex-serviceman after retirement.

Mr. ML Saini, Advocate, who filed this appeal, is stated to have since expired. Notice was also issued to the appellant. He has been duly served through his daughter-in-law. None has appeared on his behalf.

In these circumstances, it is deemed appropriate to consign this appeal to record. Liberty is, however, granted to the appellant to get it restored by moving an appropriate application, if need be.

A copy of this order be sent to the appellant at his address given in the memo of parties.

(G.C. GARG)
PRESIDENT

(H.C. MODI)
MEMBER

October 17, 2022

NainaRajput