

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

CWP-20918-2018

Date of decision: March 14, 2022

Jagat Singh Sindhu

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Jagjeet Beniwal, Advocate for the petitioner.

Mr. Sharan Sethi, Additional AG Haryana.

ARUN MONGA, J (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondents to re-examine the case of the petitioner in view of amendment in Rule 4.3 of the Punjab Civil Services Rules as applicable to the State of Haryana regarding benefit of service rendered by a person in the Army after attaining the age of 18 years.

2. Learned counsel for the petitioner submits that petitioner was enrolled in the Army on 27.11.1979 as Craftsman. He underwent 3 years training in Electrical Mechanical Engineering College at Secundrabad. He rendered his service in the Indian Army from 27.11.1979 to 01.11.1987 for a period of 8 years at different centers/ stations. After discharge from Army, the petitioner vide letter dated 18.01.1989 has been appointed on *ad hoc* basis through Army resettlement cell on the post of Two and Three Wheeler Repair (TTWR) in the Department of Industrial Training & Vocational Education Haryana. Later, his services were regularized vide letter dated 08.07.1994

w.e.f. 31.03.1993. Department of Vocational Education was closed by the Government in 2009 and thereafter, petitioner started working with the Industrial Training Institute on the post of Diesel Mechanic Instructor and is presently posted at Jind. He submits that Finance Department of Government of Haryana, vide its notification dated 10.09.2007 amended Rule 4.3 (Part a) of the Punjab Civil Services as applicable to the State of Haryana to the extent that word “may at the discretion of the government be allowed to count” be substituted by words “shall be counted”. In view thereof, service rendered by the petitioner in the Army deserves has to be counted for the purposes of all service benefits for all intents and purposes. He also relies on the judgment dated 20.10.2016 rendered in CWP-22835-2012.

3. While issuing notice of motion, following order dated 21.08.2018 was passed:-

“Petitioner is seeking direction to the respondents to re-examination of the case of the petitioner in view of amendment of Rule 4.3 in 2007 and in view of case of Anand Kumar Rana versus State of Haryana and other (P-11).

Notice of motion for 04.02.2019.”

4. *Apropos* above, return has been filed, wherein following unequivocal stand has been taken:-

“2. That the present Writ Petition has been filed for directing the respondents to re-examine the case of the petitioner in view of amendment of Rule 4.3 in 2007 and in view of the case of Anand Kumar Rana vs State of Haryana and others and give the benefit of army service.

3. That the case of the petitioner was re-examined as per Rule 4.3 amended in 2007 and also in view of the CWP No.22835 of 2012 titled as Anand Kumar Rana V/s State of Haryana. The petitioner vide Directorate letter TE/165/35/Est III/15378 dated 29.10.2020 was asked to submit the pensionary benefits alongwith the interest received from military service. Total amount calculated with interest is Rs.1,76,287/- and the interest was levied at the rate applicable on General Provident Fund accumulation from time to time (i.e. with annual

compounding rate) from the date of receipt of pensionary benefits till the date of refund to the Government. Copy of the letter dated 29.10.2020 is annexed as Annexure R-1.

4. That in response to above mentioned letter dated 29.10.2020, the petitioner vide letter dated 23.11.2020 informed the Directorate that he got information from anonymous source that department is only giving him the benefits of Pension and Gratuity and now he will take appropriate action after the final outcome in present writ petition. Copy of the letter dated 23.11.2020 is annexed as Annexure R-2.”

5. In view of the aforesaid conceded position, no further proceedings are warranted. Petition is disposed of accordingly with a direction to the respondents to pass appropriate administrative orders in terms of the above stand taken by them. Needful be done within a period of 60 days from today.

(ARUN MONGA)
JUDGE

March 14, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No