

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

1345

RSA-1454 -2005 (O&M)

Decided on :15.12.2023

State of Haryana and others

. .Appellant

Versus

Sube Singh

. . . Respondent

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

**PRESENT:** Mr. Tapan Kumar Yadav, DAG, Haryana,  
for the appellant-State.

Mr. Lalit Rishi, Advocate for the respondent.

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**HARSIMRAN SINGH SETHI , J. (Oral)**

The present appeal has been filed by the State of Haryana impugning the judgment of the trial Court dated 07.05.2003 by which the suit filed by the petitioner for the grant of service benefit in respect of service rendered during the emergency was allowed as well as against the judgment of the Lower Appellate Court dated 23.12.2004 by which the appeal filed by the appellant-State was dismissed.

The only question which arises in the present appeal is whether, keeping in view the Punjab Government National Emergency (Concession), Rules, 1965 as applicable to Haryana, the petitioner is entitled for the grant of the benefit of service rendered during emergency as envisaged under 1965 Rules.

Learned counsel for the appellant argues that the fact that the respondent-plaintiff was not appointed during the emergency period is a conceded fact though, he had worked in the Indian Army for a period of 18 years, 02 months and 25 days which included the service rendered during emergency period. .

Learned counsel for the appellant argues that keeping in view the order passed by the Hon'ble Supreme Court of India in CWP-1159-1989, CWP No. 959 of 1989 & Civil Appeal petition No. 1060 of 1990 decided on

05.12.1990 titled as Dhan Singh and others vs. state of Haryana and others, the question of law with regard to the entitlement to get the benefit under the Punjab Government National Emergency (Concession), Rules, 1965, as applicable to Haryana wherein it has already been held by the Hon'ble Supreme Court of India that the benefit of service rendered during emergency is only admissible to the employees qua the Government of Haryana, who had joined the services during emergency period only.

Learned counsel for the respondent-plaintiff concedes that in the present case, the respondent-plaintiff had not joined the duty during the period of emergency.

Learned counsel for the respondents-plaintiff has not been able to rebut that the question of law raised in the present appeal is covered by the Judgment passed by the Hon'ble Supreme Court of India in **Dhan Singh's Case (Supra)**, against the respondent-plaintiff.

Keeping in view the conceded position as noticed herein before , the present appeal is allowed and the judgments of the Court below are set aside being contrary to the settled principle of law as settled by the Hon'ble Supreme Court of India in **Dhan Singh's Case (Supra)** when same rule has been interpreted qua the grant of benefit of service rendered during the emergency period. Suit filed by the respondents-plaintiff is already dismissed.

Pending civil miscellaneous application, if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)  
JUDGE

**15.12.2023**

*Riya*

*Whether speaking/reasoned:* Yes/No

*Whether Reportable:* Yes/No