

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

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LPA-1323-2023 (O&M)
Decided on 01.12.2023

Suraj Bhan

... Appellant

Versus

State of Haryana and Others

... Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present: Ms. Mamta Panwar, Advocate for the appellant

Mr. Deepak Balyan, Additional AG, Haryana

AMAN CHAUDHARY, J.

1. Challenge in the present Letters Patent Appeal is to the judgment dated 26.07.2023, vide which, the learned Single Judge has dismissed the civil writ petition preferred by the appellant.

2. Learned counsel would contend that the appellant had served in Indian Navy from 18.01.1969 to 31.10.1985 and having rendered Military/Defence service was entitled to grant of benefit under the Punjab Government National Emergency (Concession) Rules, 1965 (for short '1965 Rules') on the ground that during the emergency from 1971 to 1977, he was in service but learned Single Judge wrongly dismissed the petition. The said benefit had been granted to similarly situated persons.

3. Learned State counsel on the other hand, submitted with vehemence that there was no provision to grant the benefits for the second emergency and even for the first emergency, it was imperative that the persons concerned had

been in service during the said period from 26.10.1962 to 10.01.1968. He specifically stated that the benefits wrongly granted were withdrawn and in any case, a wrong cannot be allowed to be perpetuated. Reliance was placed on in the judgment in the case of **Dhan Singh and others vs. State of Haryana** 1991 Supplementary (2) SCC 190, wherein it was held that it is only the service rendered during the period of emergency that could be taken into account and not any other period.

4. Heard the learned counsel on either side.

5. The appellant had not been able to point out his entitlement based on any Rules, in terms of which the benefits of increments, seniority and pension etc. were grantable to him for having served the navy from the year 18.01.1969 to 31.10.1985. The appellant had joined the Education Department in the State of Haryana as JBT teacher, by taking the benefit of being an ex-serviceman and retired therefrom. Now he is indulging in luxury litigation. The submission that the 1965 Rules relating to the first emergency declared, should be made applicable to him is misconceived, to say the least. There exists no ground much less justifiable, put forth by the learned counsel for the appellant to apply the said rules ipso facto to his case. Moreover, even with regard to the aforesaid rules, there had been a clarification issued that the entitlement of benefits under it would be only to those who joined the Government service either before or during emergency and had served as members of armed forces during the continuation of the emergency, prior to their joining the Haryana Government. The appellant did not fall within the ambit of the aforesaid, thus, is not entitled to any relief.

6. In the consideration of above-mentioned facts and circumstances of this case, no illegality or perversity is found in the judgment passed by the learned

Single Judge. Therefore, the present appeal being bereft of merits is hereby dismissed.

7. Pending applications, if any, shall be deemed as disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

01.12.2023
gsv/ankur

Whether speaking / reasoned: YES / NO
Whether Reportable: YES / NO