



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CWP No. 13259 of 2000 (O&M)
Date of Decision : 14.10.2024

Jagir Singh

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pawan Kumar, Senior Advocate with
Ms. Vidushi Kumar, Advocate for the petitioner.

Mr. T.P.S. Chawla, Senior Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. Learned senior counsel appearing on behalf of the petitioner submits that in the present petition, which was filed in the year 2000, the grievance of the petitioner is that the petitioner's service in Army during the emergency period from 1962 to 1968, has not been taken into account for the grant of increment and other benefits admissible to the petitioner, hence, the respondents are under obligation to grant the petitioner the said benefits.

2. The respondents have filed the reply, wherein, they have stated that the petitioner has already been granted the said benefit keeping in view the Civil Suit No. 181 of 1988 filed by the petitioner and the order passed by the trial Court coupled with the order passed by the appellate court dated 07.05.1996 and all the benefits have already been allowed to the petitioner with regard to the pay, increment and arrears of pay and seniority, as being



granted to the petitioner by the Civil Court. In paragraph 11 of the reply, it has also been mentioned that though the petitioner was regularized in service on 07.04.1971, his seniority has been fixed from 22.01.1966 and all the benefits have already been granted to the petitioner keeping in view the benefits granted by the trial Court with regard to the grant of service benefits in respect of the service rendered by the petitioner in the Indian Army.

3. I have heard learned counsel for the parties and have gone through the record with their able assistance.

4. It is not a disputed fact that for the grant of the service benefits qua the Military service rendered by the petitioner, the petitioner had already approached the Civil Court and the Civil Court proceedings with regard to the grant of service benefits rendered in the Indian Army while working on the civil post on which the petitioner was initially recruited in 1969 and his services were regularized in the year 1971 have already been granted. Once, the judgment of the competent Court of Law granting the benefit of military service has already been implemented, no further order is required to be passed in the present case.

5. Not only this, the petitioner retired upon the attaining the age of superannuation on 1987 and after a period of 13 years, the petitioner has filed the present petition. Once, the benefits had already been granted to the petitioner by the Civil Court with regard to the Punjab Government National Emergency (Concession) Rules, 1965, no ground was made out to file the present petition on the same aspect, which adjudication had already attained finality between the petitioner and the respondents.



- 6. Keeping in view the said fact, no ground is made out for the grant of any benefit to the petitioner.
- 7. Dismissed.
- 8. Pending miscellaneous application, if any, also stands disposed of.

October 14, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No