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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7382-2024
Date of decision: 02.04.2024

Darshan Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gurcharan Dass, Advocate for the petitioner.

Mr. TPS Walia, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to give the benefits of military service rendered for the period during first and second emergency in terms of the Notifications dated 08.06.2004 (Annexure P-2), 15.10.2009 (Annexure P-3) and also in terms of law laid down by the Division Bench in LPA No.11 of 2008 titled as Dalbara Singh Vs. State of Punjab and others (Annexure P-5).
2. Learned counsel for the petitioner has submitted that for the grievances raised by the petitioner in the present writ petition, the petitioner had given legal notice dated 26.02.2024 (Annexure P-8) and he would be satisfied at this stage, in case, the competent authority of respondent No.1-State is directed to consider the said legal notice dated 26.02.2024 (Annexure P-8) in a time bound manner and in case, the pleas raised by the

petitioner are found to be meritorious, then, to grant necessary relief, in accordance with law.

3. Learned State Counsel has submitted that the competent authority of respondent No.1-State would consider the said legal notice dated 26.02.2024 (Annexure P-8), in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of certified copy of the present order.

4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with direction to the competent authority of respondent No.1-State to consider legal notice dated 26.02.2024 (Annexure P-8), in accordance with law, within a period of three months from the date of receipt of certified copy of the present order and in case, the pleas raised by the petitioner are found to be meritorious, then, the competent authority would grant necessary relief, in accordance with law and in case, the competent authority is of the opinion that the pleas raised by the petitioner are not meritorious, then, a speaking order rejecting the same be passed within a period of three months from the date of receipt of certified copy of the present order.

5. This Court has not opined on the merits of the case and the competent authority of respondent No.1-State would consider the case of the petitioner independently, in accordance with law.

02.04.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No