IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

210 **CWP-11132-2001 (O&M)**
Date of Decision: 02.07.2025

Jinder Dev Kamboj **…Petitioner(s)**

Versus

State of Haryana and others **…Respondent(s)**

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. R.S. Mamli, Advocate for the petitioner

Mr. Harish Nain, Assistant Advocate General, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed for setting aside the order dated 28.06.2001 whereby increment granted to the petitioner has been ordered to be withdrawn, and recovery is to be effected. Further, a direction has been sought to the respondents to give increment to the petitioner equal to the number of years of service rendered by him in the Army as Combatant Clerk.

2. As per facts mentioned in the petition, the petitioner joined the Indian Army as Combatant Clerk on 14.12.1962, and retired before attaining fifty-five years of age, on 31.12.1986. Thereafter, he joined as Lower Division Clerk on *adhoc* basis in the respondent Department on 07.07.1987. His services were regularised with effect from 01.01.1991, vide order dated 03.03.1992. He made representations seeking benefit of military service as Ex-combatant Clerk. The Department vide letter dated 30.11.1996, Annexure P-6, allowed the

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benefit of increment for the service rendered in the Indian Army as Ex-combatant Clerk from 14.12.1962 to 31.12.1986, and his pay was accordingly fixed. The benefit was, however, withdrawn by the respondents vide impugned letter dated 28.06.2001, and he was instead given incremental benefit for the military service rendered during medical emergency, i.e., from 26.10.1962 to 10.01.1968. The letter records as under:

> That in the instruction dated 29.12.95 it is clearly provided that military service rendered before joining the govt. service counted for gratuity seniority/ fixation shall be counted as regular satisfactory service for purpose of grant of additional increments and Higher standard scale as per decision contained in para 1 (ii). It is provided in para 1 (ii) that regular satisfactory service also includes military service rendered during the emergency period for which benefit has been given to an employee for the purpose of seniority fixation of pay etc. through separates instruction para 6 of the Finance Department letter No. dated 8.2.94 shall be considered to have been modified for this extent. Accordingly the petitioner was entitled for incremental benefit for the military service only rendered during emergency period that is 26.10.62 to 10.1.68 but here also the sanction of the competent authority for the grant of this benefit was not obtained. More over he was also not entitled for the benefit of increments for the emergency period twice while giving the incremental benefit of military service as ex-combatant clerk. It is further added that benefit of higher standard pay scale is admissible on regular satisfactory service rendered under Haryana Govt. or erstwhile Punjab Govt. reorganization in the present cadre.

3. The only submission made by learned counsel for the petitioner is that the petitioner is entitled to benefits in terms of instructions dated

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27.08.1998, Annexure P-9, and the benefit already granted to him could not have been withdrawn in terms therewith.

4. Learned State counsel, on the contrary, contends that the benefit of military service admissible to the petitioner in terms of relevant instructions has already been extended to him. The instructions, dated 27.08.1998, have been clarified vide letter dated 16.02.1999, Annexure P-10, and all due benefits in terms therewith have been given to the petitioner. The respondents have also filed a specific affidavit to that effect dated 23.10.2024, stating as under:

> 4- That it is also necessary to mention here that pay of the petitioner has already been fixed as per letter No.12/2/96-4GS-II, dt. 16-02-1999 in order and as per instructions of Ex-combatant Clerk.

5. Heard.

6. The petitioner has claimed benefits in terms of instructions dated 27.08.1998, which stand clarified vide subsequent letter dated 16.02.1999. As per affidavit filed by the respondents, due benefits in terms therewith already stand granted to him. The fact has not been disputed by filing any counter affidavit. Accordingly, nothing survives for adjudication, and the petition stands disposed of.

7. Pending miscellaneous application(s), if any, also stand(s) disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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