



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

142

CWP-13395-1999 (O&M)

Date of Decision: 29.04.2025

Mahender Pal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sudhir Aggarwal, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

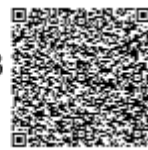
Ms. Shikha Goyal, Advocate for respondents No.2 and 3.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the prayer of the petitioner is that though the petitioner has been granted certain benefits for the service, which the petitioner had rendered during the promulgation of the Emergency but, the pay scale of the petitioner was required to be fixed by taking into consideration the total length of the service of the petitioner in army, irrespective of the fact that whether the same was during the Emergency or thereafter.

2. Learned counsel for the petitioner relies upon the judgment passed by the Division Bench, dated 18.12.1995, passed in CWP-11351-1999.

3. Learned counsel for the respondents have stated that the

**CWP-13395-1999 (O&M) -2-**

petitioner is seeking the benefit under the Punjab Government National Emergency (Concession) Rules, 1965 and as per the said rules, the benefit qua the military service for purpose of fixing pay scale can only be given for the period during which, there was a promulgation of Emergency.

3. Learned counsel for respondent further submits that only the benefit of the service rendered during the Emergency and not thereafter has been ordered to be given under the rules. Learned counsel for the respondents further submits that the order of the Division Bench upon which petitioner has placed his reliance upon is a consented order, which will not be applicable in the facts and circumstances of the present case.

4. I have heard learned counsel for the parties and have gone through the records of this case with their assistance.

5. Once, the petitioner is claiming benefit of service rendered under 1965 Rule, the same is only admissible qua the period an employee worked with the Armed Forces during the period of Emergency. It is also a conceded position that the petitioner has been given the said benefit of service rendered while the Emergency was in operation. That being so, the argument of the petitioner that the total length of his service is to be taken into account for the grant of fixation of pay scale is not made out keeping in mind the 1965 Rules.

6. Further, no such relevant rule has been brought to the notice of this Court of the petitioner which could underpin in the argument of petitioner that benefit of the service rendered by the petitioner during the time apart from the service rendered in the Emergency should be taken into consideration for the purpose of fixing pay scale.



7. The reliance which has been placed by the petitioner upon the judgment of the Division Bench cannot be made applicable in the present case as in the said case the facts, were conceded by the department and thereafter the relief was given, whereas in the present case counsel for the respondents is contesting the claim raised by petitioner by stating that the service rendered by petitioner beyond the Emergency period, cannot be taken into account for the grant of benefit under 1965 Rules. Hence, the judgment of the Division Bench cannot be made applicable to the facts and circumstances of the present case.

8. No further arguments has been raised keeping in view of the above no ground is made out to interference by this Court.

7. Dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

April 29, 2025
Nisha-1

Whether speaking/reasoned	Yes
Whether reportable	No