



103                      IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-15019-1998

Date of Decision : 17-01-2025

KULDEEP CHAND SOOD

.....Petitioner

VERSUS

STATE OF PUNJAB AND ORS.

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:        Petitioner in person with  
Mr.Vivek K. Thakur, Advocate.

Ms. Akshita Chauhan, DAG Punjab.

None for respondent No.6.

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**HARSIMRAN SINGH SETHI, J. (Oral)**

1.                In the present petition, the grievance being raised by the petitioner is that the claim for the grant of seniority by counting the service rendered by the petitioner in General Engineering Force from 08.10.1968 to 30.04.1980 for increment, promotion and seniority.

2.                Learned counsel for the petitioner submits that the said issue has already been decided by the co-ordinate Bench of this Court while passing the order in CWP No.2973 of 1996 titled “*Tirath Singh Vs. The State of Punjab*”, decided on 03.10.1996 (Annexure P-21), wherein the same benefit has been granted to the similarly situated employees qua the service rendered in GREF.

3. Learned counsel for the petitioner submits that keeping in view the instructions which have been received, the petitioner limits his claim qua the grant of increment by giving him seniority for the period he had rendered in GREF and the petitioner is not claiming any promotion on the post of the said seniority.

4. Learned counsel for the respondents on the other hands submits that as per the Notification of the Government of Punjab dated 12.02.1982, as mentioned in the written statement, the GREF is not the part of the armed forces hence, no benefits could be granted.

5. I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

6. In the present petition, the petitioner who has worked for a period of 12 years in GREF is claiming benefit of Punjab Government National Emergency (Concession) Rules, 1965. The said Rules were interpreted by the Co-ordinate Bench while passing order in ***Tirath Singh's case (supra)*** wherein the benefit has been granted of the service rendered in GREF towards seniority.

7. The said judgment has already been implemented by the respondent-State of Punjab hence once, a benefit has been given to a similarly situated employee, the same could not be denied to the petitioner.

8. With regard to the 1982 Notification, it may be noticed that prior to the issuance of the said Notification, the petitioner had already joined the service under the State of Punjab in the year 1980 hence, the Notification of 1982 is not applicable in the facts and circumstances of the present case and even otherwise, the 1982 Rules is only titled as Punjab Recruitment of Ex-Servicemen Rules, 1982, which are not applicable in the

facts and circumstances of the present case especially when, the petitioner had joined the service in GREF during emergency.

9. Further, the same question came up for consideration before the Hon'ble Supreme Court of India in ***Civil Appeal No.499 of 1992 along with Civil Appeal No.500 of 1992 dated 19.10.2000 titled "Sukhdev Singh Gill Vs. State of Punjab"***, wherein it has been held that the employees working in GREF are not entitled for the seniority being claimed by both and the similar claim for seniority upon subsequent appointment with the Government of Punjab was held to be maintainable.

10. In the said judgment, it has been noticed in Paragraph 19 that though, seniority was not given by the military service for to be taken up for the pay and leave. The relevant paragraph 19 of the said judgment is as under:-

*"Learned senior counsel for the appellant, however, invited out attention to a statement made in the counter affidavit filed by Mr. Om Parkash Tandon, PGS (I), Under Secretary to Government of Punjab, Department of Local Government on behalf of respondent Nos.1 and 2 in the writ petition (respondent No.1 in the writ petition is the State of Punjab and respondent No.2 is the Director, Local Self Government Department, Punjab, Chandigarh). At pare 75 of the paper book, we find in the said counter affidavit filed by the said Officer it was stated that the appellant was entitled for the benefit of previous military service for the purpose of "pay and leave" but he was not entitled for the benefit of said service for "seniority". We take note of the fact such a statement is made in the counter affidavit."*

10. Keeping in view the fact that the petitioner is only claiming the increments by the grant of retrospective appointment so as to fix his entitled salary with consequent revision of his pension, the petitioner is held entitled

for the said benefit having served in GREF for a period of 12 years, which period, is to be taken into account for computing his service benefits qua the increments and the pensionary benefits to which the petitioner is entitled for.

11. Keeping in view the above, the present petition is allowed to be extended, the petitioner will be entitled for the increments for the period he has been serving in GREF so as to fix his salary.

12. The service rendered by the petitioner in GREF will also to be treated as a part of qualifying service for computing his pensionary benefits admissible to him after the petitioner retired from service in the Government of Punjab in case the petitioner has not been granted any benefit of the service rendered in GREF, for any such purpose.

13. The claim of the petitioner for the grant of seniority be cannot be accepted as he benefit of service rendered in GREF has already been given hence, no such benefit will be admissible to the petitioner qua seniority.

14. Let the respondents recalculate the entitlement of the petitioner. The petitioner will also be entitled for the arrears upon the refixation of his salary starting from July, 1996.

15. Pending application, if any, also stands disposed of.

17-01-2025  
Sapna Goyal

(HARSIMRAN SINGH SETHI)  
JUDGE

NOTE: Whether speaking: YES  
Whether reportable: NO