



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

1171

CWP-1675-2009 (O & M)
Date of decision: 21.05.2025

Siri Ram

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. Satnam Preet Singh, DAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is for directing the respondents to count the service rendered by the petitioner in the Military during the emergency period.

2. Learned State counsel refers to para 7 of the affidavit of Assistant Marketing Officer (HQ), Marketing Wing, Department of Agriculture filed on behalf of respondent Nos.1 and 2, to which there was no counter filed, which reads thus:-

“7. From the perusal of the definition under Rules 1968 and 1982 (copy attached as annexure R-VI and Annexure R-VII) is clear that a released armed personal means as under :-

'Released Indian Armed Forces Personnel means the Indian Armed Forces Personnel who were commissioned to or who joined the Armed Forces of the Union, as the case may be, on or after the first day of November 1962, but before the 10th day of January, 1968 and who were released on demobilization thereafter but does not include:-

- 1) Volunteer Reserved Forces Personnel of the Armed Forces of the Union called upon for temporary service; or
- ii) Indian Armed Forces Personnel who, before their appointment against vacancies reserved under these rules,-
 - a) are granted permanent commission; or
 - b) joined or join a civil service of the Union or a civil service of a State or civil post under the Union or a State after their release from the armed forces of the Union;.



Even as per Rule 2 (C) and sub Rule (iii) of "Punjab Recruitment of Ex-Servicemen Rules, 1982" States as under :-

(c) Ex-Serviceman" means a person who has served in any rank whether as a combatant or non-combatant, in the Naval, Military and Air Forces of the Union of India (hereinafter referred to as the Armed Forces of the Union of India), and who has;-

iii) been released, otherwise than on his own request, from such service as a result of reduction in establishment;.

As per Discharge Certificate (Copy attached as Annexure R-VIII), it is clear that the petitioner was discharged at his own request and is thus not covered under the definition of Ex-Servicemen."

3. Disposed of, reserving the petitioner with a liberty to get it revived, by demonstrating that the *lis* still survives.

(AMAN CHAUDHARY)
JUDGE

21.05.2025

Hemant

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No