

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

128

CWP-12155-2025 (O&M)

Decided on :01.05.2025

DARSHAN SINGH

..Petitioner

Versus

STATE OF PUNJAB THROUGH SECRETARY AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. H. S. Chadha, Advocate for
Mr. Atul Goyal, Advocate for the petitioner.

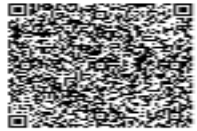
Ms. Akshita Chauhan, DAG, Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the prayer of the petitioner is that the benefit of military service as being granted by the State of Punjab vide notification dated 15.10.2009 (Annexure P-3) by which, the Punjab Recruitment of Ex-servicemen Rules 1982 were amended, be granted to the petitioner as well.

2. Learned counsel for the petitioner submits that the benefit of military service has not been extended to the petitioner which is arbitrary and illegal and the said benefit has wrongly been rejected by the respondents while passing the impugned order dated 25.10.2024 (Annexure P-11).

3. Keeping in view the advance notice, learned State counsel submits that the petitioner retired as Driver in the year 2002 and the benefit which were extended vide notification dated 15.10.2009 (Annexure P-3) were prospective and cannot be made applicable upon a person who has already retired from service.



4. I have heard learned counsel for the parties and have gone through the case file with their able assistance.

5. The claim under a particular notification has to be claimed keeping in view the terms and conditions of the notification itself. Once, it is a conceded position that the notification dated 15.10.2009 (Annexure P-3) was prospective in nature, the same can only be applicable to the employees who were in service at that relevant time and not upon the employees who were retired at that time.

6. In the present case, the petitioner had retired from service in the year 2002 and the benefit admissible to him keeping in view the instructions as well as Rules applicable qua the employees who had rendered Military Service had already been granted to the petitioner. That being so, the claim of the petitioner for the grant of further benefits under notification dated 15.10.2009 (Annexure P-3) cannot be accepted. The impugned order dated 25.10.2024 (Annexure P-11) passed by the authority is perfectly valid and legal and in accordance with the terms and conditions of the notification dated 15.10.2009 (Annexure P-3)

7. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

12 Accordingly, the writ petition is dismissed.

13. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

01.05.2025

Riya

Whether speaking/reasoned: Yes/No

Whether Reportable: ~~Yes~~/No