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

RSA-2748-2006 (O&M)

Date of Decision: 17.11.2025

HVPNL through Chairman-cum-M.D. HVPNL Ltd. and others

.....Appellants

Vs.

Lal Chand Chandna

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms.Dheerja, Advocate, for the appellants.

Mr. S.S.Khurana, Advocate, for the respondent.

SUDEEPTI SHARMA J. (ORAL)

1. The present Regular Second Appeal is preferred against the judgment and decree dated 09.06.2004 passed by the learned Civil Judge (Senior Division), Rewari, whereby the civil suit filed by the respondent was decreed in his favour and the judgment and decree dated 04.05.2005 passed by the Additional District Judge, Rewari, whereby the appeal filed by the appellants was dismissed.

2. Brief facts of the case, as stated in the civil suit, are that respondent joined the Indian Army as a Clerk on 06.11.1963. On 10.01.1968, his service during the National Emergency period ended. On 04.09.1968, he was discharged from the Indian Army after serving for 04 years, 02 months and 05 days. 05.09.1968 is the commencement date of intervening period between discharge from military and appointment in HSEB/HVPNL. On 11.12.1968, respondent applied for the post of LDC in

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HSEB (within one year of discharge from military service). On 20.06.1968, interview for the post of LDC was conducted by HSEB. On 11.09.1970, he was appointed as LDC in HSEB. On 24.09.1970, respondent joined duty as LDC in the office of XEN (Operational), HSEB Division, Rewari. From 24.09.1970 to 31.08.1998, respondent rendered continuous service in HSEB/HVPNL as LDC/UDC for 27 years, 11 months and 08 days. On 01.05.1990, revised pay scale was granted to the respondent. On 28.05.1985, Haryana Government issued a letter (adopted by HSEB vide letter dated 24.09.1985) regarding the benefit of military service during the national emergency. On 29.04.1986, HSEB issued a letter (Ex.PW3/27) to the respondent granting the benefit of counting military service during the National Emergency period (06.11.1963 to 09.01.1968) for seniority and increments, but refusing to count the intervening period from 05.09.1968 to 23.09.1970 as it exceeded one year. Senior XEN (Operational) Division, Rewari, recommended to SE (Operational) Circle HSEB, Narnaul, vide letter dated 26.09.1996 (Ex.PW2/27) that respondent's intervening period may be allowed to be counted towards pension as an exceptional case under Para 4(ii) of the Emergency Concession Rules, 1965. SE (Operational) Circle, HSEB, Narnaul, forwarded the case to the Chief Engineer (Operational) Zone-II, HSEB, Delhi-35 vide letter dated 05.06.1997 (Ex.PW2/28) agreeing with the recommendation of Senior XEN for further necessary action. On 31.08.1998, respondent retired as UDC from HVPNL on attaining the age of 58 years (total service in HVPNL is 27 years, 11 months and 08 days). The pensionary benefits were released to him. He



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filed civil suit for declaration with all consequential relief. Civil suit filed by him was decreed in his favour by the learned Civil Judge (Senior Division), Rewari, vide its judgment and decree dated 09.06.2004. The appellants filed appeal against the same, which was dismissed by the learned Additional District Judge, Rewari, vide its judgment and decree dated 04.05.2005. Hence, the present regular second appeal.

3. Learned counsel for the appellants, *inter alia*, contends that learned First Appellate Court has directed the period intervening the date of discharge of the respondent from Army service and date of his appointment in civil employment to be counted towards civil employment even if it exceeded one year and there is no order of the employer granting the said benefit to the respondent. Therefore, she prays that the present appeal be allowed and the judgment and decree dated 09.06.2004 passed by the learned Civil Judge (Senior Division), Rewari, and the judgment and decree dated 04.05.2005 passed by the Additional District Judge, Rewari, be set aside.

4. *Per contra*, learned counsel for the respondent submits that both the Courts have rightly decreed the civil suit as well as dismissed the appeal filed by the appellants. Therefore, he prays that the present appeal be dismissed.

5. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

6. The substantial question of law involved in the present appeal is

as follows:-



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“Whether the intervening period from 05.09.1968 (when the respondent was discharged from Indian Army) to 23.09.1970 (when the respondent joined duty as LDC with the appellant) is to be counted as qualifying service for pension and for other benefits?

7. Learned counsel for the respondents contends that respondent filed execution petition and the judgment and decree dated 09.06.2004 passed by the learned Civil Judge (Senior Division), Rewari, was satisfied in the year 2008 itself and the whole amount has been received by the respondent. He further contends that as on date, respondent is 85 years old.

8. Hon’ble the Supreme Court in **Punjab National Bank and others Vs. Kunj Behari Misra, 1998 (7) SCC 84**, held as under:-

“Both the respondents superannuated on 31st December, 1983. During the pendency of these appeals Misra died on 6th January, 1995 and his legal representatives were brought on record. More than 14 years have elapsed since the delinquent officers had superannuated. It will, therefore, not be in the interest of justice that at this stage the cases should be remanded to the disciplinary authority for the start of another innings. We, therefore, do not issue any such directions and while dismissing these appeals we affirm the decisions of the High Court which had set aside the orders imposing penalty and had directed the appellants to release the retirement benefits to the respondents. There will, however, be no order as to costs.”

9. In the present case, respondent already retired in the year 1998.

He filed civil suit in the year 1999 and the present regular second appeal is



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of the year 2006, which is decided in 2025 i.e. after almost 21 years. As on date, respondent is 85 years old and has received all the benefits in the year 2008 itself. The civil suit filed by the respondent was decreed in his favour in the year 2004 and the appeal filed by the appellants was dismissed in the year 2005. And after about 17-18 years of satisfaction of decree in execution petition filed by him (in 2008) as on date, the present regular second appeal has become infructuous. As held by Hon'ble the Supreme Court in *Kunj Behari Misra's case* (supra), at this stage, it will not be in the interest of justice if an old man of 85 years of age is bothered after receipt of the relief granted to him by the learned Civil Judge (Senior Division), Rewari, in the year 2004.

10. In view of the above, the present regular second appeal is **dismissed** as having been rendered infructuous. Parties are left to bear their own costs.

11. Decree sheet be drawn.

12. Substantial question of law, as referred to above, has become academic and is therefore, left open.

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

(SUDEEPTI SHARMA)
JUDGE

17.11.2025

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No