



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

CWP-7134-2016

Date of Decision: 31.07.2025

Balwant Singh

.....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Budhadev, Advocate,
for Mr. Parvesh Saini, Advocate,
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226 and 227 of the Constitution of India is seeking direction to respondent to grant him benefit of 2nd National Emergency.

2. The petitioner claims that he served during 1st as well as 2nd National Emergency. The 2nd National Emergency was declared on 03.12.1971 and it ended on 27.03.1977. The petitioner served Indian Navy from 1963 to 1981. He joined office of Deputy Inspector General of Police, Punjab as Clerk on 05.10.1981. He preferred CWP-9062-1984 before this Court claiming service benefits on the basis of 1st and 2nd National Emergency. His writ petition came to be disposed of vide judgment dated 10.05.2013. The operative portion of judgment dated 10.05.2013 reads as:-

“10. Resultantly, keeping in view the said observation in mind, it is held that the petitioner is entitled



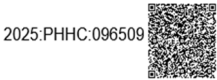
to count the Military service rendered from 19.01.1963 to 09.01.1968, for the purpose of pension. Accordingly, orders dated 24.04.1990 and 04.11.1992 are quashed and a direction is issued to the respondent-State to grant the benefit of the said period to the petitioner for the purpose of calculating his pension. Necessary consequential benefits be paid to the petitioner within 2 months from the date of receipt of a certified copy of this order on his complying with the conditions laid down in Clauses 1 & 2 of Rule 8-A(ii) of the 1982 Rules, as amended.

11. Writ petition is, accordingly, allowed in the above-said terms.”

3. The petitioner through instant petition is again claiming benefit of 2nd National Emergency. The benefit claimed herein was also claimed in previous writ petition i.e. CWP-9062-1994. It is apt to notice that LPA against said judgment was filed which was disposed of vide order dated 18.03.2014 passed by Division Bench of this Court.

4. On being asked, Mr. Budhadev, learned counsel for the petitioner submits that in the first writ petition claim with respect to service benefits on account of 2nd National emergency was not considered though in the petition there were specific averments.

5. From the perusal of pleadings and prayer made in CWP-9062-1994 as well as judgment dated 10.05.2013, it is evident that prayer was made with respect to 2nd National Emergency. The petitioner unsuccessfully preferred LPA as well as SLP before Hon'ble Supreme Court. The petitioner cannot reagitate issue on the ground that a Division Bench of this Court has formed different opinion in CWP-17661-2013. On account of filing of earlier writ petition, intra-court appeal and SLP before Supreme Court, the instant petition is not maintainable.



6. Dismissed.

31.07.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No