



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

225

CWP-6736-2017 (O&M)

Date of decision: 20.01.2025

Gurmit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. K.S. Dadwal, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

Mr. APS Sekhon, Advocate for respondent No.5.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is for granting the benefit of service rendered during the first and second emergency, which was recommended by the District Education Officer vide order dated 07.02.2014, Annexure P-2. Subsequently, the objection taken by the office of the Accountant General, vide communication dated 24.04.2014, Annexure P-3, was that the petitioner was required to deposit the gratuity paid to him by the defence for the armed forces, which was deposited on 17.07.2018 as is reflected in the order passed by this Court on 24.02.2023 and is also appended as Annexure P-9. Now the plea that has been raised by the State in para 6 of the additional affidavit filed on 26.07.2023, is that there was a gap of one year from the date of discharge from the army and in joining the civil department, which is covered in favour of the petitioner by the judgment of the Division Bench of this Court in **Kamikar Singh and another vs. State of Punjab and others**, CWP-27842-2018, decided on 19.11.2024, wherein it has held that the provisions of these rules be read down.



2. Insofar as the second objection is concerned, the same is not tenable in view of the fact that the rules under which the benefit is being sought does not stipulate getting pension from the armed forces would otherwise be any impediment regards the claim raised herein. He thus, on instructions from the petitioner, submits that his case may be considered in a time bound manner, keeping in view the aforesaid submissions as also the judgment, to which learned State counsel has no objection.

3. In view of the above and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to the respondent-State to consider and decide the claim of the petitioner, keeping in view the aforesaid submissions and judgment referred to above, within a period of 4 months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner. Upon doing so, after notice and hearing offered to him and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to his interest, the same shall contain reasons and petitioner shall be free to seek legal redress thereupon.

(AMAN CHAUDHARY)
JUDGE

20.01.2025

Hemant

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