

**CWP-20430-2025 (O&M)**

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

**CWP-20430-2025 (O&M)
Date of Decision: 23.07.2025**

Balwinder Singh

...Petitioner

Vs.

State of Punjab and Ors.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. D.S. Gandhi, Advocate for the petitioner

Mr. Aman Dhir, DAG Punjab.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of orders dated 13.01.2025 and 29.01.2025 passed by Assistant Inspector General, GRP, Punjab whereby respondent has rejected his claim of pension for service rendered during Second National Emergency.

2. The petitioner concededly joined Army on 27.07.1970 i.e. before declaration of Second National Emergency and retired on 31.07.1987. He was enrolled as Constable in GRP on 13.02.1989 and retired from GRP on 31.07.2010 on attaining the age of superannuation. He is claiming counting of his military service for pension.

3. Learned counsel for the petitioner submits that the case of the petitioner is squarely covered by judgment dated 13.11.2014 passed



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by Division Bench of this Court in *Rajinder Singh Vs. State of Punjab, CWP No.17661 of 2013*.

4. On being confronted with order dated 04.04.2024 passed in CWP No.42254 of 2018 titled as “*Avtar Singh Vs. State of Punjab and Ors.*” learned counsel for the petitioner submits that the respondent has granted similar benefit to many other employees.

5. This Court in *Avtar Singh (supra)* and “*Ashok Mohan Garg Vs. State of Punjab and Ors.*”, *CWP No.5927 of 2023 decided on 16.05.2025* has clearly held that benefit of Second Emergency is not available to the employees who were not in service on 01.12.2011. This Court has further held that there cannot be negative equality. If the officers dealing with the Policy have committed some mistake while implementing the same, it does not mean that the Court should extend the benefit to similarly situated persons.

6. In the wake of above factual position, this Court is of the considered opinion that the instant petition deserves to be dismissed and accordingly dismissed.

7. Pending application(s), if any stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

23.07.2025

Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No