

2000PH-400001

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

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CWP-4500-2021

Date of Decision : May 21, 2026

Ajit Singh

.....Petitioner

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present : Mr. H.K.Brinda, Advocate for the petitioner.

Mr. N.P.S.Hira, DAG, Punjab.

DEEPINDER SINGH NALWA, J. (Oral)

1. In the present writ petition, the petitioner has challenged the order dated 18.05.2020 (Annexure P-5) vide which the service rendered by the petitioner in Military has not been taken into consideration for the purpose of increments and pension.

2. Brief facts of the present case are that the petitioner was enrolled in Army on 23.07.1971 and retired from Army on 25.02.1987. After retirement from Army, the petitioner was recruited in the Punjab Police as a Constable on 17.12.1991 under the ex-serviceman quota. The petitioner on attaining the age of superannuation, retired from the post of Head Constable on 30.04.2011. As per the petitioner, in light of the notification dated 15.10.2009 (Annexure P-1) issued by Department of Defence Services Welfare, Govt of Punjab, the service rendered by the person in Army/Military service had to be taken into consideration for the purpose of grant of

increments and pension. The petitioner made numerous representations to the respondents for grant of abovesaid benefit in terms of the notification dated 15.10.2009 (Annexure P-1), however, no action was taken by the respondents. Consequently, the petitioner served a legal notice dated 09.03.2020 (Annexure P-3). The respondents, however, rejected the claim of the petitioner for considering the military service rendered by the petitioner for the purpose of grant of increments and pension vide order dated 18.05.2020 (Annexure P-5) by placing reliance upon letter dated 03.05.2019 (Annexure P-6) issued by respondent No.2-Director General of Police, Punjab and also judgment passed by the Division Bench of this Court in Charanjit Singh Vs. State of Punjab and others, CWP No.13312 of 2016, decided on 12.07.2016. Aggrieved against the order dated 18.05.2020 (Annexure P-5) passed by the respondents, the petitioner has filed the present writ petition.

3. Learned counsel appearing on behalf of the petitioner submits that a perusal of Annexure P-5 would show that there is a reference made to the judgment passed by the Division Bench of this Court in case titled **“Charanjit Singh Vs. State of Punjab and others”** being CWP No.13312 of 2016, decided on 12.07.2016. He submits that in light of the judgment passed by this Court in Charanjit Singh’s case (supra), the petitioner is entitled for counting of his military service for the purpose of grant of increment and pension.

4. The learned State counsel submits that the Military Service rendered by the petitioner cannot be taken into consideration either for the purpose of increment or pension for the reason that for the purpose of grant

of increment, a person had to join the service during the second national emergency i.e. 03.12.1971 to 25.03.1977. Learned State counsel submits that as the petitioner had not joined the Military service in the abovesaid period, he is not entitled for grant of increment. Learned counsel further submits that in regard to counting of Military service for the purpose of pension in light of notification dated 15.10.2009 (Annexure P-1) is concerned, he submits that the perusal of the facts of the present case would show that the petitioner had retired from Army on 25.02.1987 and joined the Punjab Police on 17.12.1991 after more than four years from the date he had retired from Army. Learned counsel submits that in light of notification dated 15.10.2009 (Annexure P-1), the Military service can only be counted if the discharge from Military service and the date of appointment to any service or post under the Government does not exceed one year. Learned counsel submits that the petitioner had retired from Army in the year 1987 and joined on the post of Constable in the Punjab Police in the year 1991. As the period between the date of retirement from Army and the date of appointment in Punjab Police exceeds one year, therefore, in light of notification dated 15.10.2009 (Annexure P-1), the Military service rendered by the petitioner cannot be taken into consideration for the purpose of pension also. Accordingly, there is no illegality in the impugned order dated 18.05.2020 (Annexure P-5) passed by the respondents.

5. After hearing the learned counsel for the parties at length, the only issue involved in the present writ petition is as to whether the Military service rendered by the petitioner is to be taken into consideration for the purpose of increment and pension.

6. In order to adjudicate the abovesaid issue, it is significant to reproduce the relevant extract of the notification dated 15.10.2009 (Annexure P-1). The same is reproduced here under:-

1 (1) *"These rules may be called the Punjab Recruitment of Ex-servicemen (First Amendment) Rules, 2009.*

(2) They shall come into force at once.

2. *In the Punjab Recruitment of Ex-servicemen Rules, 1982, after rule 8A, the following rule shall be inserted namely:-*

*"8-B. **Increments and pension**-Period of military service rendered during the Second National Emergency from 3rd December, 1971 to 25th March, 1977, shall count for increments and pension as under:-*

*(a) **Increments.**-The Increments for the aforesaid service shall be paid to those persons only, who joined and rendered service during the aforementioned period. The benefit will, however, be given only at the time of making first appointment on regular basis on a civil post or service under the Government. However, these increments will be taken into account when the pay of a person is subsequently fixed on account of his promotion, selection, new recruitment or revision of pay scale of otherwise; and*

*(b) **Pension.**- The period of military service, referred to above, shall count towards pension only in case of an appointment to a permanent post under the Government, subject to the following conditions, namely:-*

(i) the person concerned should not have earned a pension under military rules in respect of the military service in question;

(ii) any bonus or gratuity paid in respect of military service by the defence authorities shall have to be refunded to the Government; and

(iii) the period, if any, between the date of discharge from military service and the date of appointment to any service or post under the

Government, shall count for pension; provided such period does not exceed one year. Any period exceeding one year, but not exceeding three years, may also be allowed to count for pension in exceptional cases as per orders of the Government.”

7. A perusal of the abovesaid extract of the notification dated 15.10.2009 (Annexure P-1) would show that the Military service can be taken into consideration for the purpose of increment where a person has joined and rendered Military service during the Second National Emergency i.e. from 03.12.1971 to 25.03.1977. In the present case, the petitioner joined the Army on 23.07.1971 and not during the second National Emergency i.e. 03.12.1971 to 25.03.1977. Taking into consideration the abovesaid fact, as per the notification dated 15.10.2009 (Annexure P-1), the Military service rendered by the petitioner cannot be taken into consideration for the purpose of grant of increment.

8. In regard to taking into consideration the Military service for the purpose of pension is concerned, a perusal of the notification dated 15.10.2009 (Annexure P-1) would show that the military service can only be taken into consideration if the period between the date of discharge from the Military service and the date of appointment in any service or post under the Government does not exceed one year. A perusal of the facts of the present case would show that the petitioner had retired from Military service on 25.02.1987 and joined the Punjab Police on 17.12.1991 as Constable. As such, the date of retirement from the Military service and the date of appointment in Punjab Police exceeds one year, as such in light of the abovesaid notification dated 15.10.2009 (Annexure P-1), the Military service

rendered by the petitioner cannot be taken into consideration for the purpose of pension also.

9. In regard to reliance made by the learned counsel appearing on behalf of the petitioner on the judgment passed by the Division Bench of this Court in **Charanjit Singh's case (supra)** is concerned, a perusal of the aforesaid judgment would show that a reference is also made to the judgment titled as "**Rajinder Singh Vs. State of Punjab and others**", being CWP No.17661 of 2013, decided on 13.11.2014. In the judgments referred above, it is nowhere held by the Court that if the date of discharge from the Military service and the date of appointment to any service under the Government exceeds one year, the Military service rendered by a person has to be counted for the purpose of pension. As such, the abovesaid judgments relied upon by the petitioner does not help the case of the petitioner.

10. Taking into consideration the facts of the case and the notification dated 15.10.2009 (Annexure P-1), this Court finds no illegality in the impugned order dated 18.05.2020 (Annexure P-5). Accordingly, the present writ petition is, hereby, dismissed.

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

(DEEPINDER SINGH NALWA)
JUDGE

May 21, 2026
ajaysharma

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No