

In the High Court of Punjab and Haryana at Chandigarh Vs. in the High Court of Punjab and Haryana at Chandigarh

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Court : Punjab and Haryana

Decided On : Jul-23-2013

Appellant : In the High Court of Punjab and Haryana at Chandigarh

Respondent : In the High Court of Punjab and Haryana at Chandigarh

Judgement :

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH CWP No.7273 of 1992 Date of decision:23.07.2013 Sohan LalPetitioner Versus State of Punjab & othersRespondents CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA Present: Mr.H.K.Brinda, Advocate, for Mr.Dharam Pal, Advocate, for the petitioner. Mr.K.K.Gupta, Addl.A.G., Punjab. G.S.Sandhawalia J.(ORAL) 1. Present writ petition has been filed for a direction to the respondents to count the military service of the petitioner towards service benefits in civil service for all intents and purposes.

2. The petitioner joined the service of respondent State on 16.07.1970 as Constable after retirement from military service and got promoted to the rank of Head Constable. As per the notification dated 20.07.1965, the benefit of military service was to be given to him.

3. In the reply dated 11.11.1992, filed by the State, stand has been taken that the representation of the petitioner was pending decision for want of necessary

information from the Military authorities. It was further averred that the petitioner was discharged from military service w.e.f. 05.09.1968 on his own request and thus, the petitioner was not entitled for the benefit of military service.

4. Counsel for the petitioner contended that he has no fresh instructions as to whether the said benefits have been granted or declined to him and similar was the position of counsel for the State.

5. Perusal of the writ petition shows that respondent No.4 had also sent a communication to the Officer-in-charge, Records, Bombay Engineer Group, Kirkee Pune on 04.07.1989, seeking information. On 17.03.1989, respondent No.4 forwarded the request of the petitioner to respondent No.3 for grant of the said benefits.

6. Accordingly, keeping in view the above facts, direction is issued to respondent No.2 to take into consideration the representation filed by the petitioner and take a decision on the same within a period of 2 months from receipt of a certified copy of this order, by passing a speaking order, in case decision has not already been taken in the said representation.

7. Disposed of accordingly. 23.07.2013 (G.S.SANDHAWALIA) sailesh Sailesh Ranjan JUDGE 2013 07.26 10:12 I attest to the accuracy and integrity of this document

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