
(2014) 07 P&H CK 0073

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 14396 of 1992 (O&M)

Prem Singh

APPELLANT

Vs

The State of Punjab

RESPONDENT

Date of Decision : 14-07-2014

Acts Referred:

Citation : (2014) 07 P&H CK 0073

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : Pawan Kumar Gupta, Advocate for the Appellant; P.S. Bajwa, DAG, Advocate for the Respondent

Judgement

K. Kannan, J.—The petitioner, who had served Army during emergency, that is, from 23.10.1964 to 13.08.1970, joined the PWD department in 1971. He had been given the benefit of military service and fitted in appropriate scales admissible, reckoning the military service also in the current service in PWD. This had been withdrawn by the impugned order on 02.09.1992 (Annexure P3) and after filing of the petition, Annexure P3 was stayed. The State has given a reply by way of affidavit of the Executive Engineer on 06.03.2014. In the reply, it is stated that the petitioner has been granted the benefit of the military service and he was also promoted. He was placed with back date but the monetary benefits, however, have been only on notional basis. There is simply no ground for denying to him the monetary benefits when he was entitled to the counting of military service, as the reply itself vindicates the petitioner's stand. The denial cannot be for any justifiable reason and I direct that in conformity with their own order allowing for a counting of military service and for scales admissible on the number of years of service, he shall be given the monetary benefits that accrued to the post from the date when the impugned order was passed on 02.09.1992 till the date when he was promoted and placed in the pay scale equal in rank to his junior employee, that is, on 18.05.2001. They shall be calculated and released to the petitioner within 8 weeks from the date of receipt of copy of this

order. Any further delay would result in taxing interest at 9% per annum from the respective dates when the petitioner is entitled to the additional scales till the date of payment.

2. The writ petition is ordered as above.