

क्रमांक 2150-2 जी०एस०-II-77/5839

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, आयुक्त, अम्बाला तथा हिसार मण्डल,
सभी उपायुक्त तथा उप मण्डल अधिकारी (ना०), हरियाणा ।
2. रजिस्ट्रार पंजाब तथा हरियाणा उच्च न्यायालय तथा
सभी जिला सत्र न्यायाधीश, हरियाणा ।

दिनांक, चण्डीगढ़ 9 जून, 1977

विषय :- भूतपूर्व सैनिकों को सिविल सेवा में नियुक्ति के समय सैनिक सेवा का लाभ देना ।

महोदय,

मुझे निदेश हुआ है कि मैं आपका ध्यान पंजाब नेशनल अमरजैन्सी (कन्सैशन) नियमावली 1965 के नियम 4 की ओर दिलाऊँ जिसके अनुसार भूतपूर्व सैनिकों को सिविल पदों पर नियुक्ति के समय उन द्वारा आपातकालीन अवधि के दौरान की गई सैनिक सेवा का लाभ वरिष्ठता, वेतन वृद्धि इत्यादि की ओर दिया जाता है किन्तु यह लाभ प्रथम नियुक्ति पर हो दिया जाता है । अब प्रश्न यह पैदा हुआ है कि यदि किसी भूतपूर्व सैनिक ने किसी अन्य सरकार या केन्द्रीय सरकार में फौज से रिलीज हो कर नौकरी की हो तो उसकी वह नियुक्ति पहली सिविल नियुक्ति गिनी जाये या नहीं । पंजाब नेशनल अमरजैन्सी (कन्सैशन) रूलज केवल राज्य सरकार पर लागू होते हैं और उनमें "प्रथम सिविल नियुक्ति" से मतलब केवल हरियाणा राज्य में पहली सिविल नियुक्ति से है । आपसे अनुरोध किया जाता है कि भूतपूर्व सैनिकों को सिविल पद पर नियुक्ति के समय सैनिक सेवा का लाभ देते समय उपरोक्त क्लेरिफिकेशन को ध्यान में रखा जाये ।

भवदीय,

हस्ता/—

उप सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

Copy of letter No. 12/14/84-2GSII dated 28th May, 1985 from the Chief Secretary to Government, Haryana addressed to All the Heads of Departments/Commissioners of Divisions/Deputy Commissioners/Sub Divisional Officers (Civil) in the State, Registrar, Punjab & Haryana High Court and All Financial Commissioners and All Administrative Secretaries to Government, Haryana.

Subject :— Grant of military service benefit to Ex-serviceman under the Punjab Government National Emergency (Concession) Rules, 1965.

Sir

I am directed to invite your attention to this State Government letter No. 12/42/85-2 GSII, dated the 5th March, 1985 on the subject noted above and to say that the Supreme Court in K. C. Arora's case (Civil Writ Petitions No. 6436-37 of 1980 decided on 26.4.1984) has quashed the notification; No. 77/Const. Art. 309/Amd. (1)/76 dated 22.3.1976 and No. GSR 182/Const./Art. 309/Amd (1)/76, dated 4.8.76 issued by the Haryana Government on the ground that they affect prejudicially the persons who had acquired certain rights under the Punjab Government National Emergency (Concession) Rules, 1965. Similarly the Punjab and Haryana High Court in the case of Sh. Gurmukh Singh etc, has quashed the amendment issued vide Notification No. GSR 238/Const./Art. 309/Amd. (3) 765, dated the 5th November, 1976. Thus with the quashing of these three notifications by the Supreme Court and the High Court, the ex-servicemen have become entitled to the benefits in terms of the Punjab Government National Emergency (Concession) Rules, 1965. In a nutshell, the courts have held the retrospectivity of these notifications to be bad in law and have said that the instructions obtaining therein can have only prospective effect. In the light of court observations the State Government have decided that ex-serviceman, who joined the Government service before dates of issue of these three notifications viz. either before or during the emergency and served as member of the Armed Forces during the continuance of emergency from 26.10.62 to 10.1.68 before joining as Haryana Government employees, would be accorded all these benefits in terms of 1965 Rules, unmidful of these amendments aforesaid.

It is further clarified that the benefits of military service, rendered by a person during the operation of proclamation of emergency i.e. 26.10.62 to 10.1.68 only is to be accorded.

Yours faithfully,

Sd/-

C. R. Rana,

Joint Secretary General Administration,
for Chief Secretary to Govt., Haryana.