

Annexure PC

No. 13/14/84—2GSII

From

The Chief Secretary to Govt. Haryana.

To

1. All the Heads of Departments/Commissioners of Divisions/Deputy Commissioners/Sub Divisional Officers (Civil) in the State.
2. The Registrar, Punjab and Haryana High Court and All District and Sessions Judges in Haryana.

Dated, Chandigarh the 4th August, 1986.

Subject :—Grant of military service benefit to Ex-servicemen under the Punjab Government National Emergency (Concession) Rules, 1965—Clarification in view of judgement delivered by Supreme Court on Review petition filed in A. S. Parmar's case etc.

Sir,

I am directed to invite your attention to State Government letter No. 12/14/84-2GSII dated the 28th May, 1985 on the above cited subject and to say that the State Government field review petition in the Hon'ble Supreme Court of India against the Order dated 29.7.85 passed by the said Hon'ble Court in Civil Misc. petition No. 37521 of 1984 and 24008 of 1983 (Ex-Capt. A. S. Parmar and others) Versus State of Haryana and others. The Hon'ble Supreme Court of India, after considering the said Review petition, accepted the Review position, accepted the Review Petition. Keeping in view the said decision of the Hon'ble Supreme Court of India, it has been decided to modify/clarify the above mentioned instructions dated 28.5.85 as follows :—

- (i) Ex-servicemen employee who have earlier been granted benefit of the entire military service i. e. including the service for the period before or after emergency, following the order of the Courts in their cases, would not be given the benefit of military service rendered by them during the period of emergency i. e. from 26.10.62 to 10.1.68. The benefit of the excess period of service, if granted would be withdrawn.
- (ii) The benefit of military service would be eligible to those ex-servicemen also who joined the service before the emergency but continued to do military service during the emergency period. The credit of military service in such cases would be limited to a period of service rendered during the emergency period."

It may also be added that the following notifications will have only prospective effect as their retrospective effect has been held to be ultra-vires by the Hon'ble Supreme Court in K. C. Arora's case :—

- "(i) GSR-77/Const./Art. 309/ Amd.(1)76 dated 22nd March, 1976, (ii) GSR-182/Const. Art./309/ and (2) 76 dated the 4th August, 1976 (iii) GSR-233/Const./Art. 309/and (3) 76 dated the 8th November, 1976.

The Ex-servicemen employees who joined the civil service after the issue of these notifications would continue to be governed by these notification."

3. This may be brought to the notice of all concerned. The cases of grant of benefit of military service rendered during Emergency to Ex-military civil employees may be decided in accordance with these instructions
4. The receipt of this letter may also be acknowledged.

Yours faithfully,

Sd/-

(LAL CHAND AGGARWAL)

Under Secretary, General Admn.,
or Chief Secretary to Govt., Haryana.

True copy