

C.A.No. 3444 OF 1998
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp
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ITEM NO. 108 COURT NO. 7 SECTION IV

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 3444/1998

State of Punjab & Ors. .. Appellant (s)

Vs.

Jang Singh & Ors. .. Respondent(s)
(With prayer for interim relief)

With C.A. NO. 3409/1998 (With prayer for
interim relief), SLP(C) 3272/1999 (With prayer for
interim relief), SLP(C) 8646/1999 (With prayer for
interim relief), C.A. No. 5883/1999, SLP(C) 17469/1999
(With prayer for interim relief)

DATE : 26.9.2001 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Appellant (s) : Mr. H.S. Munjral, Adv.
Mr. Rajeev Sharma, Adv.

For Respondent (s) : Mr. Krishna Pal Singh, Adv. (NP)
Mr. L.N. Gupta, Adv. (NP)
Mr. Neeraj Kumar Jain, Adv. for
Mr. U.S. Prasad, Adv.

UPON hearing counsel the Court made the following

O R D E R

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C.A. Nos. 3444/1998, 3409/1998, SLP(C)
3272/1999, 8646/1999, 17469/1999@@
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Leave granted in special leave petitions.
The appeals are allowed in terms of the signed
order.
C.A. No. 5883/1999@@
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The appeal is disposed of in terms of the signed order.

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Charanjit [Om Prakash]
Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3444/1998@@
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State of Punjab & Ors. .. Appellants

Vs.

Jang Singh & Ors. .. Respondents

WITH

C.A. Nos.3409/1998, 5883/19990

C.A. No. 6837/2001
(arising out of SLP(C) 3272/1999)

C.A. No. 6838/2001
(arising out of SLP(C) No. 8646/1999)

C.A. No. 6839/2001
(arising out of SLP(C) 17469/1999)

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C.A. Nos. 3444/1998, 3409/1998 And
C.A. Nos. 6837/2001, 6838/2001, 6839/2001
(arising out of SLP(C) Nos. 3272,8646,17469/1999@@
CC

Leave granted in special leave petitions.

The question raised is one which has already been considered by this Court in Chittaranjan Singh Chima & Anr. Vs. State of Punjab & Ors.- JT 1997 (2) SC 570 wherein it has been held that the persons like the respondents having been appointed to Military service in the regular process and not during emergency are not entitled to seniority in military service. That case was concerned with Punjab Government National Emergency (Concession) Rules, 1965 which were the rules with which
2/-

we are also concerned in the present case also. This was the position declared by this Court in Ram Janam Singh Vs. State of UP & Anr. - 1994 (2) SCC 622 as well. Therefore, following the said decisions and for the reasons stated therein these appeals are allowed and the orders made by the High Court are set aside and the writ petitions filed by the respondents shall stand dismissed.

C.A. No. 5883/1999@@
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Learned counsel for the respondent submits that the writ petition filed by him before the High Court be dismissed as withdrawn and as a result thereof, this appeal be disposed of as having become infructuous to which course learned counsel for the appellants has no objection.

In the circumstances, we think it expedient to set aside the order of the High Court and permit the Respondent to withdraw writ petition No. 9360/1997 filed

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before the High Court. The writ petition having withdrawn by him, stands dismissed as withdrawn. Hence nothing survives in this appeal. It is disposed of accordingly.

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[S. RAJENDRA BABU]@@
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[DORAISWAMY RAJU]@@
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New Delhi, @@
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September 26, 2001 @@
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