

SLP(C)No. 12052 OF 2001
ITEM No.51

Court No. 3

SECTION IVB
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.12052/2001

(From the judgement and order dated 12/03/2001 in CWP 16404/98
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

STATE OF PUNJAB & ORS.

Petitioner (s)

VERSUS

BIKKAR SINGH

Respondent (s)

(With prayer for interim relief)

Date : 29/10/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Mrs. Jayshree Anand, Addl.Adv.Genl.Pb.
Mr. G. Sivabalamurugan, Adv.
Mr. R.S. Suri,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

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Special leave granted.
Civil appeal is allowed. No costs.

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(R.K. Dhawan)
Court Master

(S.L. Goyal)
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. OF 2001@@
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(Arising out of SLP(C) No.12052 of 2001)

State of Punjab & Ors.

Appellant(s)

versus

Bikkar Singh

Respondent(s)

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T..J.
.SP2

Special leave granted.

The High Court while allowing the writ petition had relied upon and followed a Full Bench decision of the same court in the case of Jang Singh and others v. State of Punjab & others 1997 (3) R.S.J.464 and held that the respondent herein was entitled to the benefit of the military service rendered by him during the national Emergency irrespective of the fact whether he joined the service before or during the proclamation of the Emergency.

An appeal against the said decision of the Full Bench of the Punjab & Haryana High Court had been filed and in C.A.No.3444/98 (State of Punjab & ors. v. Jang Singh & ors.) dated 26th September, 2001, this court allowed the appeal preferred by the State. In view of the said decision, this appeal is allowed and the judgment of the

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High Court is reversed. The result would be that the writ petition filed by the respondent shall stand dismissed.
No costs.

.SP1

.....J
(B.N. KIRPAL)

.....J
(ASHOK BHAN)

New Delhi,
October 29, 2001.