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C.A.No. 5064 OF 1998
L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R
.....L.....I.....T.....T.....T.....T.....T.....T.....J.....
ITEM NO. 110 COURT NO. 6 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. 5064/1998

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

Vs.

Chain Singh .. Respondent(s)

DATE : 9.10.2001 : 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. Seeraj Bagga, Adv.
Mr. R.S. Suri, Adv.

For Respondent (s) : Mr. Ashok Grover, Sr. Adv.
Mr. T.N. Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

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The appeal is allowed in terms of the signed
order.

.SP1

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. 5064/1998@@
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State of Punjab & Ors. .. Appellants

Vs.

Chain Singh .. Respondent

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The respondent had joined the Territorial Army during October, 1965 and served it till July 1976 when he was discharged. Thereafter, he was appointed as a Clerk in the Punjab Roadways in 1996. Claiming certain benefits of the past services rendered by him in the territorial army for purpose of grant of increment and seniority, he filed a writ petition before the High Court.

The High Court noticed that the claim made by the respondent is under para 25 of, Consolidated Instructions and Rules regarding concessions/Reservation in the State Services for the Released Indian Armed Forces Personnel/Ex-Servicemen issued by Govt. of Punjab Department of Personnel and Administrative Reforms, No. 7477-4GS-63/24400 dated 8.7.1963. However, while disposing of the case the High Court entirely relied upon the Punjab Government National Emergency (Concession) Rules, 1965 which has no application to the respondent at
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all. In the circumstances, the order made by the High Court cannot be sustained and same shall stand set aside. The appeal is allowed and the matter is remitted to the High Court for fresh consideration in accordance with law by applying appropriate Rules and giving appropriate relief to the parties. It would be proper for the High Court to dispose of the matter as expeditiously as possible, but not later than six months.

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[S. RAJENDRA BABU]@@
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[DORAISWAMY RAJU]@@
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New Delhi, @@
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October 9, 2001 @@
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