

**CENTRAL ADMINISTRATIVE TRIBUNAL****CHANDIGARH BENCH****OA No. 060/00399/2015****Pronounced on : 14.11.2017****Reserved on : 31.10.2017****CORAM: HON'BLE MR.SANJEEV KAUSHIK, MEMBER(J)  
HON'BLE MRS.P. GOPINATH, MEMBER(A)**

Ishar Singh, S/o Late Sh. Keshar Singh, age 70 years, Driver No. 507, CTU,  
Depot No. II, Chandigarh, resident of House No. 552, Sant Kirpal Nagar,  
Zirakpur, Tehsil Derabassi, District SAS Nagar (Punjab).

.....Applicant

**BY: Sh. Abhimanyu Sharma****VERSUS**

1. U.T. Administration through its Advisor, U.T. Chandigarh.
2. Director, Transport, Sector 9, U.T. Chandigarh.

.....Respondents

**BY ADVOCATE: Sh. Arvind Moudgil****ORDER****HON'BLE MRS. P. GOPINATH, MEMBER(A):-**

1. Applicant is a person who has served in the Army from 08.07.1963 to 27.06.1970. Subsequently, he joined as a driver in the UT Transport Department on 06.08.1982 and served till 31.07.2003. In the letter to the respondent department, the applicant had opted to count his previous service in the Army for pensionary benefits. The total service at

the time of discharge from the latter respondent department, was 28 years and his pension, argues the applicant, ought to have been fixed accordingly.

2. Applicant argues that the respondents have granted him pension by counting 20 years of service as revealed from the PPO. In response to the applicant's representation, the respondent informs him that no more benefits are lying for consideration.

3. The applicant's main relief is for counting the service rendered by him in the Armed Forces in the light of Punjab Recruitment of Ex-Serviceman Rules and fix his pension accordingly.

4. Respondents in the reply statement, submit that the applicant has been given the benefit of his Army service for the emergency period from 08.07.1963 to 10.01.1968 as per order dated 27.08.1991 recorded in his service book. The applicant had subsequently made a representation on 10.09.2013 which was considered and the applicant informed vide letter of 23.01.2013 regarding the grant of the benefits sought by the applicant at the time of joining service. In support of this contention, respondent produced Annexure R-1 wherein the military service for emergency period rendered from 08.07.1963 to 10.01.1968 i.e. 4 years and 28 days has been taken into account and the pay of the official fixed accordingly. In support of this contention, it is shown in the said document that his pay as on 11.8.1983 in the scale of pay of Rs. 400-600 with Rs. 10 as increment has been fixed at Rs. 440 on the date of joining the latter respondent i.e. by giving him the benefit of four increments @ Rs. 10 for four years in the year 1991. In Annexure A-1, Discharge Certificate issued by the J&K Rifles, the date of

enrolment is shown as 08.07.1963 and date of discharge as June, 1970.

Thus, the applicant has 7 years of military service.

5. The short controversy in the case is regarding the grant of four increments to persons who had rendered military service during the first national emergency period from 19.10.1962 to 10.01.1968. The benefit of increments accruing in the emergency period from 1963 to 1968 is a onetime benefit to be given at the time of joining service and is not a recurring made applicable every time the pay scales are revised on the recommendations of the Pay Commission.

6. The applicant submits Annexure A-8, ready reckoner for fixation of pay wherein it is brought to notice that his pay which was Rs. 480 should have been fixed as Rs. 1470. However, the applicant was not able to clarify that Annexure A-8 has been issued by the UT of Chandigarh or any other authority as the said document does not have any headnote. It was brought to the notice of the Bench that Annexure A-8 is made applicable to officials of Lok Nayak Jai Prakash Narain Hospital which is located in Delhi. Hence, this is not a document applicable to applicant as he is not an employee of Central Government or Delhi. The applicant has also handed over the documents which he had received under RTI on 01.11.2016. The first document is a pay fixation certificate dated 24.08.1987 wherein at the time of joining, the pay of the applicant in scale of Rs. 400-600 was fixed at Rs. 440 giving him the benefit of four increments for the military service rendered by him. The second document is a copy of the noting attached with the RTI reply, the applicant at the time of joining in 1983, has been shown to have been given the benefit of four increments in the scale of Rs. 400-600,

fixing his pay at Rs. 440. In the OM dated 29.06.1998, issued by the Government of Punjab, Defence Welfare Branch, the grant of benefit of 2<sup>nd</sup> emergency service, to persons subsequently engaged in civil service, has been detailed. Applicant has been accorded the benefit of four increments for military service rendered for the first national emergency as per above first document produced.

7. The applicant has been given the benefit of four increments allowed for emergency military service. Further, this benefit is a one time benefit given at the time of joining civil service and is not applicable at the time of every pay revision by a Pay Commission. Applicant argues that his salary of Rs. 480 on 1.9.1985 after introduction of new pay scales is to be fixed at Rs. 1470 from 01.01.1986 as per Annexure A-8, Ready Reckoner. Annexures A-8 and A-9 produced by the applicant are with reference to the Central Pay Commission and not the Pay Commission of UT of Chandigarh. This Ready Reckoner is applicable to Lok Nayak Jai Prakash Hospital in Union Territory of Delhi. The applicant brings to the notice of the Bench OA No. 921/CH/2010 and Ors. dated 20.07.2011 wherein a similar case was considered and the Bench had allowed the counting of the relevant period of service rendered by the applicants in the Army during the emergency period in terms of Rules of 1965 and 1982. The applicant has already been allowed this benefit and has got the benefit of four increments for the military service rendered by him at the time of joining in the respondent department and hence a second benefit on the same ground is not admissible to him. A benefit once drawn cannot be repeatedly demanded or provided.

8. For the foregoing discussion, this OA is devoid of merits and the same is dismissed. No costs.

**(P. GOPINATH)**  
**MEMBER (A)**

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

Dated:  
**ND\***

