

No. 12/7/95-4 GS-II

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 & All District and Sessions Judges in Haryana.

Dated, Chandigarh, the 14th June, 1996.

Subject:—Amendment in Punjab Government National Emergency (Concession) Rules, 1965—Withdrawal of Instructions dated 5-11-1976 to allow military service benefit to ex-servicemen personnel released on compassionate grounds, from Army.

Sir,

I am directed to invite your attention to Haryana Government Notification No. GSR-238/Const./Art. 309/Amd. (3) 76, dated 5th November, 1976 on the above cited subject wherein third amendment to Punjab Government, National Emergency (Concession) Rules, 1965 was made by adding following proviso to its Rule-4 :—

“Provided that a person who has been released from the military service on compassionate grounds shall not be entitled to any concessions under this rule.”

2. With the issuance of above notification the ex-servicemen employees released from the Army on compassionate grounds were debarred from the military service benefit. The above amendment in the rules was challenged by some aggrieved employees in the Hon'ble Supreme Court and in the case of Sh. Dhan Singh and others Versus State of Haryana and others, it was held by the Appex Court that persons released from the military service on compassionate grounds are entitled to the benefits of their military service. Keeping in view the above judgement this department has been allowing military service benefits to persons released on compassionate grounds but difficulties were experienced by the Administrative Departments to decide such cases on above lines at their own level until the instructions issued earlier on the subject were not withdrawn or amended.

3. The matter has further been considered in the light of the judgement Hon'ble Supreme Court in Dhan Singh's case and the Government has decided to change the existing instructions, so that a unified policy could be adopted at all levels to deal with such cases of military service of benefits. For this purpose, the government has issued a notification dated 17-4-96, (ccpy attached) wherein the existing proviso to Rule-4 of the Punjab Government National Emergency (Concession) Rules, 1965 has been omitted.

4. It is requested that these instructions may please be brought to the notice of all concerned for guidance and meticulous compliance.

Yours faithfully,

Sd/-

Superintendent General Services-II,
for Chief Secretary to Government, Haryana.

No. 12/7/95-4 GS-II

Dated, Chandigarh, the 14th June, 1996.

A copy is forwarded to the Accountant General, Haryana, (Accounts and Audit Wing) Chandigarh for information.

Sd/-

Superintendent General Services-II,
for Chief Secretary to Government, Haryana.

A copy is forwarded to all the Financial Commissioners and all Administrative Secretaries to Government Haryana for information and necessary action.

Sd/-

Superintendent General Services-II,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners and Administrative Secretaries to Government, Haryana.

U.O. No. 12/7/95-4 GS-II

Dated, Chandigarh, the 14th June, 1996.

A copy is forwarded to the Principal Secretary to Chief Minister/Private Secretaries to the Ministers/Ministers of State/Chief Parliamentary Secretary/Parliamentary Secretary for information & necessary action.

Sd/-

Superintendent General Services-II,
for Chief Secretary to Government Haryana.

To

The Principal Secretary/Private Secretaries to
Chief Minister/Ministers/Minister of State/
Chief Parliamentary Secretary/Parliamentary Secretary.

U.O. No. 12/7/95-4 GS-II

Dated, Chandigarh, the 14th June, 1996.

हरियाणा सरकार

सामान्य प्रशासन विभाग

अधिसूचना

दिनांक 17 अप्रैल, 1996

संख्या सा0का0नि0 27/संवि0/अनु0 309/संशो0 (1)-96.-भारत के संविधान के अनुच्छेद 309 के परन्तु द्वारा प्रदान की गई शक्तियों तथा इस निमित्त उन्हें समर्थ बनाने वाली सभी अन्य शक्तियों का प्रयोग करते हुए हरियाणा के राज्यपाल, इसके द्वारा, पंजाब सरकार राष्ट्रीय आपात (रियायत) नियम, 1965 को हरियाणा राज्यार्थ आगे संशोधित करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) ये नियम पंजाब सरकार, राष्ट्रीय आपात (रियायत) हरियाणा, प्रथम संशोधन, नियम, 1996, कहे जा सकते हैं।
- (2) ये 1966 के नवम्बर के प्रथम दिन से लागू हुए समझे जाएंगे।

2. पंजाब सरकार राष्ट्रीय आपात (रियायत) नियम, 1965, में नियम 4 में विद्यमान परस्सुक का लोप कर दिया जाएगा।

एम० सी० गुप्ता,
मुख्य सचिव, हरियाणा सरकार।

[Authorised English Translation]

**HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT**

Notification

The 17th April, 1996

No. CSR 27/Const./Art. 309/Amd. (I)-96. — In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules further to amend the Punjab Government National Emergency (Concession) Rules, 1965, in their application to the State of Haryana, namely :—

1. (1) These rules may be called the Punjab Government National Emergency (Concession) Haryana, First Amendment Rules, 1996.
- (2) They shall be deemed to have come into force with effect from the 1st day of November, 1966.
2. In the Punjab Government National Emergency (Concession) Rules, 1965, to rule 4, the existing proviso shall be omitted.

M. C. GUPTA,
Chief Secretary to Government, Haryana.