

CWP No.21279 of 2012 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.21279 of 2012 (O&M)
Date of Decision: May 26, 2015

Mukhtiar Singh (deceased) through his Widow/LR
Smt. Surjit Kaur

...Petitioner

Versus

Union of India & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. A.K. Walia, Advocate
for the petitioner.

Mr. Rakesh K. Nagpal, Advocate
for the Union of India-respondent No.1.

Mr. Harkesh Manuja, Addl. A.G., Punjab.

AUGUSTINE GEORGE MASI, J. (Oral):

CM-3936-CWP-2015

Prayer in this application is for impleading the widow of the petitioner, namely, Smt. Surjit Kaur wife of Mukhtiar Singh as legal representative on account of death of Shri Mukhtiar Singh, on 26.05.2013. The death certificate dated 27.05.2013 is appended as Annexure A-1. Application is supported by an affidavit.

On the asking of the Court, Mr. Rakesh K. Nagpal, Advocate accepts notice on behalf of respondent No.1. and states that he has no objection to the prayer made in the application. Smt. Surjit Kaur is brought on record as legal representative of Shri Mukhtiar Singh-deceased. Amended memo of parties appended

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alongwith the application is taken on record. Registry is directed to place the same at appropriate stage of the case.

Application stands disposed of.

CM-6699-CWP-2015

Counsel for the applicant-petitioner does not press the present application and the same is, therefore, disposed of as not pressed.

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It is the contention of the counsel for the petitioner that the petitioner-Mukhtiar Singh is a freedom fighter and therefore, is entitled to the benefit of "Swatantrata Sainik Samman" Pension Scheme, 1980. He contends that the original petitioner-Mukhtiar Singh was jailed during the freedom struggle and in support of this contention, he has submitted the certificates of the co-prisoners as per the requirement of the respondents. The certificates have not been accepted by the respondents by asserting that the certificates issued in favour of the petitioner-Mukhtiar Singh by the co-prisoners who have issued such certificates en bloc without any justification which stand of the respondents has already been rejected in a similar writ petition filed by one Shri Santokh Singh i.e. in CWP No.214 of 2011, titled as 'Santokh Singh Vs. Union of India & another', decided on 17.07.2014. The letters Patent Appeal No.2089 of 2014, titled as 'Union of India & others Vs. Santokh Singh & another' stands dismissed vide judgment dated 06.01.2015 by the Division Bench of this Court. Counsel for the petitioner, therefore, contends that the

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present writ petition is covered by the said judgment and the petitioner is entitled to the same benefit as has been granted in *Santokh Singh's* case (supra).

Learned counsel for respondent No.1 has reiterated the stand of respondent No.1 asserting that the co-prisoners certificates issued by Shri Gopal Singh Quami and Shri Sher Singh are not reliable and have been issued indiscriminately and therefore, authenticity of the certificates cannot be relied upon. He, therefore, contends that the claim of the petitioner-Mukhtiar Singh deserves to be rejected as he is not a freedom fighter and therefore, is not entitled to the benefit of "Swatantrata Sainik Samman" Pension Scheme, 1980.

This contention of the counsel for respondent No.1 cannot be accepted in the light of the detailed judgment passed by the learned Single Judge in *Santokh Singh's* case (supra) which has been upheld by the Division Bench of this Court referred to above.

The present writ petition is allowed in the same terms as in *Santokh Singh's* case (supra) and petitioner shall be entitled to the same benefit.

May 26, 2015
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE