

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

128

Civil Writ Petition No.4881 of 2015

Date of Decision: March 18, 2015

Maj Gen Tej Pal Singh Bakhshi (Retd)

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Navdeep Singh, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for a mandamus for directing the respondents to resolve the anomaly in the scheme of grant of railway passes by acting upon and deciding the communication dated 29.10.2013 addressed by the Ministry of Defence-respondent No.1 to the Chairman, Railway Board-respondent No.2, recommending the inclusion of the higher gallantry awardees in the Presidential Order of Precedence of medals for inclusion in the scheme of railway passes.

It is the contention of the counsel for the petitioner that a decision was taken to grant the benefit of the scheme of railway passes, which was extended to the awardees of the police medal for gallantry. The other awardees were also granted the benefit except Sena Medal for Gallantry, which is referred to at article No.22 of the Order of Precedence of medals published vide Gazette Notification bearing No.75-Pres/2001. This appears to be an inadvertent omittance on the part of the respondents while issuing the notification extending the benefit of the free passes scheme of

the Ministry of Railways. On 29.10.2013, the Defence Secretary-respondent No.1, Government of India, Ministry of Defence, has addressed a communication to the Chairman, Railway Board, Rail Bhawan-respondent No.2, pointing out the said anomaly and a mistake and further recommending the extension of the benefit travel on concession by train as available to the recipients of President's Police Medal for Gallantry and Police Medal for Gallantry to the Sena/Nao/Vayu Sena medal for Gallantry, which are ranked higher in order of precedence than those of the Police Medal for Gallantry as the category for which the petitioner is espousing the claim is at Serial No.22 whereas the Gallantry Police Medal holders are at Serial No.24. Because of the lack of coordination between the department or may be because of inaction on the part of the Ministry of Railways, no decision has been taken thereon and till date, no benefit has, therefore, been granted to the persons such as the petitioner. Counsel for the petitioner has referred to various representations submitted by the petitioner in this regard, some of which are appended along with the present writ petition as Annexures P-3 (Colly.) dated 05.06.2009 and 23.08.2014. Counsel for the petitioner states that liberty may be granted to the petitioner to now file a detailed comprehensive representation to respondent No.2 within a period of two weeks from today and the same may be directed to be considered and decided within some specified time.

In the light of the statement made by the counsel for the petitioner, the present petition is disposed of with liberty to the petitioner to file a detailed representation to the Chairman, Railway Board-respondent No.2 within a period of two weeks. If such a representation is made, the same shall be considered and decided by passing a speaking order within a

period of six weeks from the date of submission of such representation. Decision so taken be conveyed to the petitioner forthwith. In case the claim of the petitioner is accepted, the consequential steps be taken for issuance of the required notification/communication within a further period of four weeks.

March 18, 2015

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**