

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Letters Patent Appeal No.1548 of 2014 (O&M)
DATE OF DECISION: 08.01.2015

Union of India

....Appellant

versus

Surain Singh and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rajiv Sharma, Advocate for the appellant
..

S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral) :

The learned Judge in a detailed and, if we may say with respect, a well reasoned judgment has allowed the petition for the grant of the benefits under the Swatantrata Sainik Samman Pension Scheme, 1980, as modified. The respondent-original petitioner, inter alia, relied upon the affidavits/certificates issued by the co-prisoners which is now permissible.

2. The appellant by a letter dated 22.01.2014 merely called upon the respondent to furnish proof with regard to the claim, an affidavit duly sworn before the Judicial Magistrate Ist Class and proof of age and residence. The appellant further stated that on receipt thereof they would reconsider the respondent's claim. The respondent has furnished the necessary documents. The claim has been rejected on the ground that the

co-prisoners have been granting the certificates indiscriminately. There is nothing to indicate that the earlier certificates, as given by the co-prisoners, were false. The mere fact that they have issued certificates to others, therefore, would not warrant the Court to disbelieve the affidavits/certificates of the co-prisoners.

3. In the circumstances, the appeal is dismissed.

4. In view of the order passed in the appeal, it is not necessary to consider the application for condonation of delay.

**(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE**

08.01.2015
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**(AUGUSTINE GEORGE MASIH)
JUDGE**