

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

445

Civil Revision No. 6242 of 2004 (O&M)
Date of decision-11.02.2016.

Arjan Singh

..Petitioner

Vs.

Union of India and others

..Respondent

CORAM:- HON'BLE MR. JUSTICE K.KANNAN

Present: Mr. Anupam Bhardwaj, Advocate
for the petitioner.

Mr. Pankaj Jain, Senior Panel Counsel for UOI.

Mr. R.S. Pathania, D.A.G. Punjab
for respondent No.2.

K.KANNAN, J(Oral)

This revision petition is at the instance of the decree-holder whose application for restoration of decree for a mandatory injunction for claiming pension under Swantantrata Sainik Sanman Pension Scheme, 1972 was dismissed on the objection taken by Union that the Civil Court's jurisdiction was barred to grant pension under Section 4 of the Pension Act of 1871. The petitioner is before the Court to complain that the entitlement of pension was unjustly denied and the Court ought not to allow for a technical objection to be brought at the motion stage.

The learned counsel appearing on behalf of the petitioner relies on Division Bench judgment titled as **Gurcharan Kaur Vs. The Union of India & others 2008(2) PLR 277**, where a writ petition had been filed after the decree was stifled by the Union by a similar objection taken under Section 4 of the Pension Act. The Court granted the relief and imposed a cost of ₹1,00,000/- against the Union.

The only benefit I can give to the Union is to spare the cost and allow for enforcement of the decree as appropriate by invoking the jurisdiction of this Court under Article 227, the power that was invoked by Division Bench of this Court in Gurbachan Kaur's case (supra).

The amount shall be calculated and released to the petitioner within a period of eight weeks from the date of receipt of the copy of the order.

It must be remembered that the persons who participated in the freedom struggle could be just a handful and their numbers could be counted. The relief must come to the petitioner during his lifetime as a mark of respect to a brave soldier who fought for the country's freedom.

The revision petition is allowed on the above terms.

(K.KANNAN)
JUDGE

February 11, 2016

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