

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

CWP No.12904 of 2015 (O&M)

Date of Decision: 30.08.2016

Karnail Singh

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

Mr. B.M. Vinayak, DAG, Punjab.

Rameshwar Singh Malik, J. (Oral)

Feeling aggrieved against the impugned order dated 26.10.2009 (Annexure P-4), petitioner has approached this Court by way of present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of certiorari for quashing the impugned order. He also prays for a writ in the nature of mandamus, directing the respondent authorities to consider the claim of the petitioner for grant of freedom fighter pension under the Swatantrata Sainik Samman Pension Scheme, 1980 and release the arrears thereof w.e.f. 23.10.1981 along with interest @ 12%.

Notice of motion was issued and in compliance thereof, written statements have been filed.

Heard learned counsel for the parties.

Learned counsel for the petitioner places reliance on an order dated 26.05.2015, passed by this Court in **Civil Writ Petition No.21279 of 2012 (Mukhtiar Singh (Deceased) through his Widow/LR Smt. Surjit Kaur Vs. Union of India and another)**, to contend that present case is squarely covered by the order passed by this Court in **Mukhtiar Singh's case (supra)**. He further submits that **Mukhtiar Singh's case (supra)** was disposed of by this Court, in terms of the order dated 17.07.2014, passed by this Court, in **Civil Writ Petition No.214 of 2011 (Santokh Singh Vs. Union of India and another)**. The order passed by this Court in **Santokh Singh's case (supra)** has also been upheld by LPA Bench of this Court vide its order dated 06.01.2015, passed in Letters Patent Appeal No.2089 of 2014 (Union of India and others Vs. Santokh Singh and another). The relevant part of the order passed by this Court in **Mukhtiar Singh's case (supra)** reads as under:-

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

When confronted with the above-said fact situation, learned counsel for the State had no answer and rightly so, it being a matter of record. Since the order dated 17.07.2014, passed by this Court in **Santokh Singh's case (supra)** has already been upheld by the LPA Bench vide its above-said order dated 06.01.2015 passed in Letters Patent Appeal No.2089 of 2014, the present case has been found squarely covered by the above-said order dated 26.05.2015 passed by this Court in **Mukhtiar Singh's case (supra)**.

No other argument was raised.

In view of the above-said undisputed fact situation obtaining on the record of the present case, instant writ petition is allowed, in terms of the above-said order dated 26.05.2015, passed by this Court in Mukhtiar Singh's case (supra).

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

30.08.2016
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Whether speaking/reasoned : Yes

Whether Reportable : No