

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CWP No. 27004 of 2014

Date of decision : 28.03.2016

Raj Kumar

...Petitioner

versus

State of Haryana & ors.

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. P.K. Rohilla, Advocate  
for the petitioner.

Mr. Hitesh Pandit, Addl.A.G. Haryana

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**RITU BAHRI , J. (Oral)**

Petitioner has approached this Court by way of instant writ petition filed under Articles 226/227 of the Constitution of India, seeking a writ in the nature of certiorari for quashing order dated 29.03.2013, vide which the claim of the petitioner for 'Jeevan Raksha Padak' was rejected.

Petitioner was enrolled as Constable in Haryana Police on 04.05.1974 and was promoted up to the rank of ESI in the year 2009. He was awarded many commendation certificate with cash by the department from time to time. He retired from service on 30.09.2010.

However, before his retirement on 30.11.2009, when the petitioner was

going to village Ajijpur Kalan in connection with FIR No. 225/2009 under Sections 279/337 IPC, a fire broke in rough paddy (parali). One Chander Mohan engulfed in fire while he was trying to put off fire. Petitioner also jumped into the fire and saved the life of Chander Mohan, who was trapped in fire. DSP Bilaspur made recommendation to give some proper award to the petitioner for the appreciable act done by him. The efforts of petitioner was also appreciated by villagers of Ajijpur Kalan and in this regard, a resolution was passed by the Panchayat in the proceeding book of Gram Panchayat.

Thus, the petitioner is entitled for 'Jeevan Raksha Padak', as per instructions issued by Government of India for the bravery (P-1). The petitioner submitted the application, in this regard to Supdt of Police, Yamuna Nagar (P-2). The act of the bravery of the petitioner was recognized and commended by District Yamuna Nagar Administration on occasion of Independence Day and the petitioner was awarded certificate (P-3). DSP Bilaspur also conducted the investigation and recommended the name of the petitioner for some proper award, vide report dated 09.05.2011 (P-4). Petitioner submitted various representations (P-5 to P-7) thereafter, but the application of the petitioner was not forwarded by respondent No. 4. Thereafter on 09.05.2013, petitioner filed a complaint before IGP, Karnal Range, Karnal against CRC Hawa Singh, who was the responsible for the delay

to send the case of the petitioner.

Thereafter, petitioner filed an application under RTI Act regarding the status of his case (P-9) and he received a reply (P-10) that his case was prepared by respondent No. 4 and sent to IGP, Karnal Range, Karnal.

Thereafter, petitioner filed another application under RTI Act on 09.10.2014 (P-11) and he came to know that his case had already been rejected on 29.03.2013 in hyper technical manner (P-12). Petitioner served legal notice dated 27.10.2014 in this regard (P-13), which is still pending.

On notice, a written statement has been filed by the respondents stating therein that petitioners case has been considered by DGP, Haryana Panchkula on 09.03.2015 (R-1) and the same has been rejected being time barred, keeping in view of Government instructions dated 04.02.2009 (R-2) whereby the recommendation for this award is to be considered by the award committee within a period of two calendar years from the date of performance of the Act, whereas the petitioner filed his complete claim application on 02.04.2012 beyond two years of the date of incident. Further in his application, the name of the village was shown as Kapuri Kalan instead of Ajijpur Kalan.

After going through the contents of the writ petition, the writ petition deserves to be allowed on the ground that once the act of

the petitioner was recognized and commended by District Yamuna Nagar on 15.08.2010 (P-3) and thereafter, further DSP Bilaspur vide his report dated 09.05.2011 had recommended the name of the petitioner for 'Jeevan Raksha Padak', thereafter, now the respondents cannot reject the claim of the petitioner on the ground that his claim is time barred and further the petitioner in his application has written the name of village as 'Kapuri Kalan' instead of 'Ajijpur Kalan'.

It is not disputed by the respondents that the petitioner had not done act of bravery, as the name of the petitioner had duly been recommended by DSP Bilaspur after conducting the investigation and further the efforts of petitioner was also appreciated by villagers of Ajijpur Kalan and in this regard, a resolution was passed by the Panchayat in the proceeding book of Gram Panchayat.

Thus, the petitioner had done the act of bravery on 30.11.2009 and he was recognized and commended by District Yamuna Nagar Administration on occasion of Independence Day and the petitioner was awarded certificate (P-3) and the petitioner is fully covered under the Government instructions dated 04.02.2009 (R-2) and the respondents should not have rejected the case of the petitioner being time barred. It was the duty of the respondents to recommend the case of the petitioner after he was being awarded the certificate on 15.08.2010 (P-3).

In view of the above, order dated 29.03.2013 is hereby quashed and direction is given to the respondents to consider the case of the petitioner being within limitation for 'Jeevan Raksha Padak', in view of instructions (P-1) and pass fresh order as per instructions dated 04.02.2009 (R-2), within a period of two months from the date of receipt of certified copy of this order.

**(RITU BAHRI)**  
**JUDGE**

**28.03.2016**

G Arora