

CWP No.8651 of 2016 (O&M)

[1]

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

**CWP No.8651 of 2016 (O&M)
Date of decision:02.09.2016**

Major Singh

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. H.S.Baath, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

This petition is filed for quashing the order dated 31.03.2010 passed by respondent No.4, rejecting case of the petitioner for the award of Shaurya Chakra.

At the time of preliminary hearing, counsel for the petitioner was asked to place on record the instructions in respect of the award of Shaurya Chakra. Pursuant thereto, the petitioner filed CM No.10308 of 2016 and placed on record the instructions dated 04.04.2011 issued by the Government of India, Ministry of Home Affairs, in respect of the recommendations for Ashoka Chakra series of Gallantry awards. The relevant part of the said instructions is reproduced as under:-

“3. It is the practice to invite nominations/recommendations for the gallantry awards twice every year from all State/UT Government and Ministries/Departments of the Government of India. It has, however, been our experience that very few recommendations are received. This is despite the fact that various

incidents of gallant acts performed by individuals during natural calamities, accidents, drowning incidents, fire incidents, miscreants/extremist attack, theft and dacoity attempts etc. are regularly reported in the print and electronic media. Such acts of bravery/gallantry go unrecognized in the absence of appropriate recommendation in their favour by the State Government or other organizations to which the individual involved in the gallantry act belongs. This matter therefore, deserves it due attention.”

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xxx

“5. While finalizing the recommendations, the following points may be kept in view:-

(i) to (iii)

xxx

xxx

xxx

xxx

(iv) The Awards Committee considers recommendations for Ashoka Chakra series of awards within a period of two calendar years from the date of the performance of the gallantry act. Therefore, recommendations for gallantry acts performed within two calendar years from the date of its performance may only be forwarded to this Ministry.”

The application of the petitioner has been declined by respondent No.4 on the ground that his case is not covered under the instructions, referred to above, as his alleged action, deserving gallantry award, occurred in the year 1989-90 and not in the past two calendar years.

Although counsel for the petitioner has submitted that his case has to be recommended for award of Shaurya Chakra but he could not wriggle out of the mandatory provisions of the instructions which provides that the Awards Committee has to consider for recommendation for Ashoka Chakra series of awards (including Shaurya Chakra) within a period of two calendar years from the date of the performance of the gallantry act. It further provides that the recommendations for gallantry acts performed within two calendar years from the date of its performance may only be

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forwarded to the Ministry.

Apparently, the petitioner's is a stale claim and has rightly been declined by respondent No.4 and, thus, there is no error in the impugned order.

Consequently, the present petition is hereby dismissed being denuded of any merit.

September 02, 2016
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No