

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

L.P.A No. 463 of 2015 (O&M)
Date of Decision: 24.10.2016

Satpal Sharma

..... Appellant

Vs.

State of Punjab & Ors.

.... Respondents

**CORAM: HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR. SHEKHER DHAWAN**

Present: - Mr. R.L.Batta, Sr. Advocate, with
Mr. J.S.Sathi, Advocate, for the appellant.

Mr. Manoj Bajaj, Addl. A.G, Punjab.

MAHESH GROVER, J.(ORAL)

The present appeal is preferred against the judgment dated 12.12.2014.

The appellant is the son of Late Durga Dass, who was member of the Police Force and was killed in an encounter with the decoits. He was nominated for the gallantry award posthumously and petitioner received the same on his behalf.

The gallantry awardee is entitled to the monetary allowance in terms of the scheme Annexure P/2 relevant part of which is extracted as under:-

“All the recipients of the gallantry award shall be entitled to the monetary allowance on a uniform rate, irrespective of their ranks. The rate of Monetary Allowance for the Medal as also for the Bar to the Medal shall be Rupees Two Hundred per mensem or as may be fixed by the Central Government from time to time.”

The monetary benefits of the Medal were conferred on the family of deceased and his widow continued to avail them till her death in the year 2002.

The appellant now pleads that since he had received the gallantry award of his father, he should be considered for grant of the benefits after his mother's death being her legal heir.

Learned Single Judge observed that merely because he had received the Medal physically, would not entitle him to the benefits and be considered within the meaning of the scheme as “a recipients” of the medal unless notification extends the same explicitly to the sons of the member of uniformed force, who earns such a Medal. Any monetary benefit for the medal if granted posthumously would go to the successor in line, which in instant case was his wife. After the death of the mother of the appellant, all the rights which flow from the service conditions of the deceased employee would stand extinguished and so would the benefits of the medal unless it is shown that the appellant is entitled to the same in terms of the scheme.

Since there is nothing to show that the appellant is entitled to pension or other consequential benefits of service rendered by the deceased, there would be no reason to grant the monetary benefits on account of the gallantry award earned by his father posthumously.

Further the situation stands clarified in terms of circular issued by the State itself, the relevant part of which is extracted as under:-

“Note:-Substantive rank should be the determining factor in fixing the rate of allowance (Govt. of India, Home Deptt. Letter No.25/V/30 Police dated 31 May 1930)

e) Where an individual is in receipt of the allowance at the time of his death, it shall be continued for life or till remarriage (unless forfeited for misconduct) to his widow (the first married wife having the preference)

Note: "Widows falling under the following categories are eligible to draw the allowance:-

- i) Widows of men posthumously granted the Medal or Bar for gallantry on or before the 1st January 1930.*
- ii) Widows of men posthumously granted the Medal or Bar for gallantry after 1st January 1930.*
- iii) Widows of holders of the Medal or Bar for gallantry who died before the 1st January, 1930.*

Note:- The allowance should not be given to the children of the deceased.

Thus there is no ground to interfere. Dismissed.

(MAHESH GROVER)
JUDGE

(SHEKHER DHAWAN)
JUDGE

October 24, 2016
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Whether speaking/reasoned - Yes
Whether reportable - Yes