

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

CWP-18803-2011

Date of Decision : 20.04.2017

Chanan Kaur and others

.....Petitioners

versus

of India and others

....Respondents

Union

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. A.P. Singh, Advocate
for the petitioners.

Mr. H.S. Baidwan, Advocate
for respondents No. 1 and 2.

Ms. Anu Pal, Asstt.A.G., Punjab.

M.M.S. BEDI, JUDGE (ORAL)

The objective of the scheme for honouring the freedom fighters by awarding them for the sacrifice has been considered in the judgment in ***Mukund Lal Bhandari versus Union of India*** (SC) 1993 AIR (SC) 2127. In view of the said observations, the entitlement for freedom fighter pension has to flow from the date of application and not from any date earlier to that.

The grievance of the petitioners, in the present case, is that some of the co-prisoners of the petitioners have been granted benefit of pension before the date of the application as such, it shall be discriminatory for refusal of the same relief.

I have considered the contentions of learned counsel for the petitioners and I am of the opinion that as per the judgment of Supreme Court in Mukund Lal Bhandari case (*supra*), the entitlement for freedom

fighter pension is from the date of application and not from the earlier date. The judgment of the Supreme Court has got binding force as per the provisions of Article 141 of the Constitution of India. In case, any person has been granted benefit from any earlier date, the same cannot be treated as precedent for seeking a relief in contravention to the law laid down by the Supreme Court. No ground is made out to entertain the petition.

It is further observed that if a wrong has been committed *qua* one citizen, the same wrong cannot be forced to be committed by exercising the powers under Article 226 of the Constitution of India on the ground of discrimination.

Dismissed.

(M.M.S. BEDI)
JUDGE

20.04.2017
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No