

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17349 of 2013 (O&M)
Date of Decision:-30.08.2017.

Ram Saroup Yadav

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Mukesh Rao, Advocate for the petitioner.

Mr. Vivek Singla, Advocate for respondent Nos.1 to 3.

Mr. Shivoy Dhir, Central Govt. Counsel for respondent No.4.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has sought for the following relief:-

*(i) to produce the complete records of the case;
issue a writ in the nature of Mandamus directing the respondents to permit the petitioner to change his option with regard to Pension JC-10620 Ex. Sub. alongwith all consequential benefits, keeping in view the changed circumstances and the law laid down in various judicial pronouncements and also as per verdict in Nand Lal Sharma and others Vs. State of Punjab and others 1996 (2) S.C.T. 257 (Annexure P-3).*

The petitioner joined Indian Army on 09.07.1943 and he has

retired from service on 08.07.1971. After retiring from the Indian Army, he joined CRPF service on 10.09.1971 and attained age of superannuation and retired from service on 30.09.1981. In the year 1980, respondents are stated to have sought option from the petitioner relating to opting Army pension or civil pension. With reference to the respondents' proposal, petitioner has opted for civil pension on 01.11.1980. Accordingly, the respondents were proceeded to fix the petitioner's pension with reference to civil pension. On 30.04.2010, petitioner is stated to have submitted representation for change of option in respect of drawing Army pension from civil pension. The actual date is 07.04.2010. The respondents have rejected petitioner's grievance vide Annexure P-1 and P-2 dated 11.2.2011 and 20.02.2013. Thereafter, the petitioner is stated to have submitted representation for reconsideration of his grievance relating to exercising option of pension to Army from civil. No material has been placed on record. On the other hand, petitioner has sought for a direction to the respondents to permit him to change his option with reference to the decision passed in **Nand Lal Sharma Vs. State of Punjab 1996(2) S.C.T. 257** (Annexure P-3). In support of the petitioner's prayer, petitioner has not pointed out the relevant representation. Therefore, writ petition is not maintainable. Further petitioner has failed to challenge Annexures P-1 and P-2. Once the petitioner's grievance is rejected by the respondents, without challenge to the rejection, petitioner cannot seek for a writ of *mandamus*. That apart on the ground of delay and laches for change of pension from civil to Army i.e. between December, 1980 to 30.04.2010, petitioner has not satisfied this Court.

challenge communication dated 11.2.2011 and 20.02.2013 vide Annexures P-1 and P-2, respectively.

(P.B. BAJANTHRI)
JUDGE

August 30, 2017.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.