

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.5800 of 2012

DATE OF DECISION: March 1,2017

Balwant Kaur

...Petitioner

versus

Union of India and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Amrinder Pratap Singh, Advocate for the
petitioner.

Mr.Arun Gosain, Senior Govt. Counsel for
respondent Nos.1 and 2.

Ms.Monica Chhibber Sharma, Deputy Advocate
General, Punjab.

AMIT RAWAL, J.

Reply filed on behalf of respondent No.3 in the
Court is taken on record.

The petitioner is claiming pension on the basis of
the fact that her husband had participated in the movement,
namely, 'Quick India Movement'. However, the claim of the
aforesaid movement had been foregone/waived.

There is no documentary evidence on record to
show that Bhag Singh had undergone the actual
imprisonment except the statements of co-prisoners.

I am of the view that the statements of co-
prisoners cannot be taken as gospel truth, much less, it is

proved by mode of proof, in accordance with the provisions of Indian Evidence Act.

According to the petitioner and the submissions of learned counsel for the petitioner, the request was made way back to the Union Government for the grant of the aforesaid benefit. However, it slept over the matter.

Keeping in view the aforesaid submissions, the petitioner is relegated to the Civil Court to establish the factum that late Bhag Singh had participated in the movement, much less, being undergone the imprisonment.

The writ petition is of the year 2012.

In case the petitioner approaches the Civil Court within a period of three months from the date of certified copy of this order is received, the period spent herein, shall be deemed to be condoned.

The writ petition is disposed of with the aforesaid observations.

March 01,2017
KD

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No