

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

CWP No.6804 of 2012
Date of decision : 27.03.2017

Dinesh Singh

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. R.S. Panghal, Advocate for the petitioner.

Mr. Vivek Singla, Advocate for respondent Nos.2 and 3.

AMIT RAWAL, J. (Oral)

The petitioner has knocked the door of this Court seeking following multifold reliefs:-

“For issuance of writ in the nature of certiorari to quash and set aside the order dated 22.2.2007 (Annexure P-8) and order dated 05.10.2009 (Annexure P-10) being illegal and arbitrary.

Further prayer to issue a writ in the nature of mandamus directing the respondent No.1 to pay compensation to the tune of Rs.50 lacs for being primarily responsible to the violation of valuable fundamental right as guaranteed under Article 21 of the Constitution of India for illegal detention for 252 days resulting into loss of liberty, military and civil reputation, defamation and the series of illegal acts very firstly amounting to malicious prosecution. The hardships faced by the entire family of the

applicant and irreparable loss. The amount preferably be recovered from respondent No.4.

Directing the respondent No.2 to issue necessary order for conducting the investigations followed by trial of respondent No.4 for committing an offence of illegally detaining the applicant by illegally invoking Section 123 of Army Act in gross violation of the laid down law and procedure.

Strictures be passed against the respondent No.4 for ordering GCM without applying his mind, in a case of no evidence, and handling the case of the applicant in a very callous and casual manner.”

The petitioner has efficacious remedy of claiming the damages regarding the alleged violation of fundamental rights which cannot be quantified in terms of money and the court fees for damages has to be only fixed at the final stage, in case plaintiff is able to prove the quantification.

Writ petition stands disposed of in aforementioned terms.

In case remedy is availed within a period of two months from the date of receipt of certified copy of the order, the period spent herein shall deemed to be condoned.

27.03.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No