

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.572 of 2017 (O&M)

Date of Decision: 18.05.2017

Ex.Nk/DMT Sahab Singh

... Appellant

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

Present: Mr. Navdeep Singh, Advocate for the appellant

Mr. Ravi Dutt Sharma, DAG Haryana

SURYA KANT, J. (Oral)

(1) The question that arose for consideration before learned Single Judge was whether the appellant is entitled to *ex gratia* payment being victim of battle casualty in terms of the policy formulated by the Government of Haryana? It appears from the record and not disputed by learned State counsel also that regardless of the initial queries or objections, the appellant was treated to be entitled to the benefit of *ex gratia* and a sum of ₹ 75000 has been released to him.

(2) In view of the fact that as per the official record, the appellant had suffered disability to the extent of 50% in battle, he is/was surely entitled to the benefit under the State Government policy which has since been granted to him.

(3) In this view of the matter, the rejection of the appellant's claim by learned Single Judge is not justified. The appeal is accordingly allowed; the judgement under appeal is set aside and the writ petition filed by the appellant is disposed of as having become infructuous for the reason that the due amount has already been paid. A cost of ₹ 10000/- is awarded to the appellant towards litigation expenses which shall be released within two months.

(Surya Kant)
Judge

18.05.2017

vishal shonkar

(Sudip Ahluwalia)
Judge