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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5884/2017**

BRIG. N.B. SINGH (RETD.)

..... Petitioner

Through: Mr Brijesh Singhal, Ms Mrinal
Kumar Sharma, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Vivekanand Mishra and Mr Vipul
Agarwal, Advocates for R-1 to 4.
Ms Mala Narayan, Advocate for R-5.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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17.07.2017

CM No. 24548/2017

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The petitioner has filed the present petition, *inter alia*, praying as under:-

“i) Issue a Writ of mandamus and/or any other appropriate Writ, Order or direction directing the respondents for issuance of writ of mandamus and/or any other appropriate writ, order or direction directing the respondents for the grant of bravery award posthumously to the martyr father of the petitioner and grant of any other consequential benefits to the petitioner incidental to the death of a martyr.”

4. The petitioner's father Major Mohan Singh was wounded in action during the Indo-Pak war on 13.09.1965 and he succumbed to his injuries on 14.09.1965. The petitioner's father was Battle Casualty attributable to Military Service, and a certificate to this effect dated 19.11.2014 had been issued. The petitioner claims that despite the above being accepted by the respondents, he has been denied the benefits available to family members of such officers who make the supreme sacrifice.

5. Apparently, the petitioner had applied for allotment of petrol pump on the basis that his father was a battle casualty in military service. It is the petitioner's case that he was not considered eligible as the certificate of Battle Casualty was not submitted. The petitioner claims that no such certificate was issued at the material time and he had been relentlessly pursuing with the authorities for the same.

6. The petitioner's application for petroleum outlet was considered in the year 2007 and ten years have since elapsed; thus no relief in that regard can be granted at this stage. However, if further applications for such outlets are invited, the petitioner's case could be considered as a family member of a battle casualty.

7. The petitioner's prayer that his father be awarded war medal also cannot be granted at this stage. First of all, the question whether an award is to be granted is at the discretion of the relevant authorities and no mandamus to this effect can be granted, unless in certain exceptional cases where the Court finds that the decision of the authorities is arbitrary and unreasonable or falls foul of the Constitution of India. In the present case, considering that

the petitioner's father fell in 1965, which is more than 50 years ago, this Court is not persuaded to accept that such inquiry ought to be undertaken in these proceedings.

8. Insofar as the benefits relating to the family of battle casualty is concerned since it is now a conceded position that petitioner's father was a battle casualty, the authorities shall consider the same while determining the eligibility of the petitioner for any scheme or preferential treatment reserved for family members of war casualties. Needless to mention that the petitioner is still aggrieved at not being considered eligible on this ground, the petitioner would be at liberty to apply afresh.

9. The petition and the pending application are disposed of.

VIBHU BAKHRU, J

JULY 17, 2017
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