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

+ **W.P.(C) 9853/2017**

SARDAR NIRMAL SINGH & ORS. Petitioners
Through: Mr Rama Shankar, Advocate.

versus

UNION OF INDIA & ANR. Respondents
Through: Mr Sanjeev Narula, CGSC with Ms
Anumita Chandra, Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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14.11.2017

CM APPL. 40097/2017

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioners have filed the present petition, *inter alia*, impugning an order dated 02.05.2017 (hereafter 'the impugned order') passed by respondent no.1 rejecting the claim made by the petitioners for pension (*Samman Pension*) under the "Swatantrata Sainik Samman Pension Scheme, 1980". The plain reading of the impugned order indicates that the petitioners' request for *Samman Pension* was rejected as the sanction orders are alleged to have been forged and fabricated. The impugned order also refers to an FIR registered at the instance of CBI (FIR bearing No. RC 3(S)/2003/SCU.V/SC.II/CBI/New Delhi) and it is stated that a chargesheet has also been filed.

4. It is the petitioners' case that they are not covered under the charge-sheet filed by the CBI in that case and, therefore, notwithstanding that a case has been registered, the *Samman Pension* due to the petitioners cannot be denied.

5. It is further seen from the impugned order that respondent no.1 has found that the claim made by the petitioners did not meet the eligibility criteria and the evidentiary requirements of the said pension scheme.

6. Mr Narula, learned counsel appearing for respondents also states that requisite files are not available with the respondents. Mr Rama Shankar, learned counsel for the petitioners drew the attention of this Court to the certificates issued by the co-prisoners, which, according to the eligibility criteria (as also quoted in the impugned order), are acceptable as secondary evidence if primary records are unavailable.

7. In view of the fact that there are serious allegations of forgery regarding the sanction orders and considering that the files are not available with the respondent, this Court considers it apposite to direct the petitioners to file fresh applications, which would be considered in accordance with law.

8. With the consent of the learned counsel for the parties, the following directions are issued:

- (a) the petitioners shall apply to the Chief Secretary, Punjab in terms of the procedure for seeking the *Samman Pension*;
- (b) the petitioners' applications shall be accompanied by all material

relied upon by the petitioners in support of their claim (this would include the certificate issued by co-prisoners);

(c) a copy of the said application alongwith copies of the relevant documents will be filed with respondent no.1;

(d) the Chief Secretary, Punjab is directed to process the petitioners' application as expeditiously as possible and preferably within a period of eight weeks from receipt of the same; and

(e) the respondents shall take an informed decision on the said application, uninfluenced by the impugned order dated 02.05.2017.

9. The petition is disposed of with the aforesaid directions.

10. Order *dasti*.

NOVEMBER 14, 2017
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VIBHU BAKHRU, J