

COC-1766-2015 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COC-1766-2015 (O&M)

Date of Decision: 11th July, 2018

Sumitra Devi

...Petitioner

Versus

G Mohan Kumar & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Ms. Shashi Himshikha, Advocate, for
Mr. Rajeev Anand, Advocate, for the petitioner.

Mr. Vivek Singla, Advocate, for the respondents.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for disobeying and non-complying of the order dated 17.02.2014 (Annexure P-1) passed by the Division Bench of this Court in CWP No.3810 of 2013, titled as 'Sumitra Devi Vs. Union of India & others', which was preferred by the petitioner, challenging the order passed by the Armed Forces Tribunal, declining her claim for liberalized family pension and other benefits, which was allowed by setting aside the impugned order. The operative part of the said order is as follows:-

“In view of the above, we find that the order passed by the Armed Forces Tribunal declining the claim of the petitioner for Liberalized Family Pension and other benefits cannot be sustained. Consequently, while allowing the writ petition, we direct the respondents to pay the Liberalized Family Pension and other benefits to

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the petitioner as contemplated by Government of India in its circular dated 31.1.2001 within a period of three months from the receipt of certified copy of this order.”

Counsel for the respondents states that all the benefits as contemplated in the circular dated 31.01.2001 have been released to the petitioner.

Counsel for the petitioner, on the other hand, asserts that although the financial benefits have been released to the petitioner but she is also entitled to issuance of the battle casualty certificate or the martyr certificate.

This contention of the learned counsel for the petitioner, keeping in light the order of Division Bench of this Court dated 17.02.2014 (Annexure P-1) cannot be accepted as the relief granted therein is limited to the extent of circular dated 31.01.2001.

In case the petitioner is entitled to the said benefit or any other benefit, she may avail of her remedy in accordance with law.

The present contempt petition stands disposed of accordingly.

The misc. applications also stand disposed of.

Rule issued to the respondents is discharged.

(AUGUSTINE GEORGE MASIH)
JUDGE

11th July, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No