

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.1527 of 2014 (O&M)

Date of Decision: 25.01.2018

Smt. Laxmi Devi

. . . . Petitioner

Vs.

Union of India and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Rampal Verma, Advocate,
for the petitioner.

Mr.Ravinder Kumar, Advocate, for
Mr.Puneet Gupta, Advocate,
for respondents No.1 to 3.

Mr.Saurabh Mohunta, DAG, Haryana.

RAKESH KUMAR JAIN, J.

The petitioner has prayed for the issuance of a writ in the nature of mandamus seeking a direction to the respondents to allot some agricultural land/gas agency/petrol pump or some financial relief to her as per the policy of the Government and the promise made by respondents No.3 & 4 at the time of last rites of her late husband L/Naik No.720260041 Ram Kumar, who allegedly died in a terrorists action in 1990 at Ludhiana (Punjab).

In short, the petitioner is the widow of L/Naik No.720260041 Ram Kumar, who was in the C.R.P.F. and was allegedly killed while fighting with the terrorists on 21.6.1990 in Ludhiana (Punjab). Martyrs certificate was also issued. It is alleged that at the time of his last rites, respondents No.3 & 4 made promise to provide financial assistance in the

shape of allotment of agricultural land/ gas agency or the Petrol Pump. It is further submitted that various letters were written by the Command Office of her late husband to the District Magistrate, Sonapat, in this regard, but to no avail.

In reply filed on behalf of respondents No.1 to 3, it is averred that after the death of L/Naik No.720260041 Ram Kumar, the petitioner being next of the kin was awarded Liberalized Pensionary Award i.e. last pay drawn by the deceased till her death or remarriage along with all financial benefits as permissible under Rules and instructions issued by the Government of India.

In reply filed by respondent No.4, it is averred that the answering respondent No.4 has no power to entertain such an application nor the case of the petitioner is covered by any of the policy floated by the department of respondent No.4 especially for the purpose of allotment of gas agency/petrol pump or even for the allotment of agricultural land.

I have heard learned counsel for the parties and after taking into consideration the facts and circumstances, am of the considered opinion that the petitioner has failed to make out any case for the purpose of issuance of a direction to the respondents because no such policy has been placed on record on the basis of which she can claim the allotment of agricultural land, gas agency or petrol pump. Merely because the Deputy Commissioner or the Commandant had made some kind of oral promise, at the time of last rites of Ram Kumar, would not be sufficient for this Court to direct the respondents as prayed.

Thus in view of the aforesaid facts and circumstances, I do not find any reason to interfere in this petition and the same is hereby dismissed.

25.01.2018
Vivek

(RAKESH KUMAR JAIN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>