

CWP No.5806 of 2018

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.5806 of 2018

Date of decision: March 09, 2018

Jasbir Kaur

...Petitioner

Versus

Union of India and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. H.C.Arora, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner has prayed for the issuance of a writ in the nature of *certiorari* for quashing the letter dated 03.01.2018, issued by respondent no.3 and for the issuance of a writ in the nature of *mandamus*, directing the respondents to grant Mahavir Chakra (Posthumously) to her husband.

In brief, the petitioner is the widow of Major Kanwaljit Singh who had been awarded Shaurya Chakra (Posthumously) for his participation in the Indo Pak War, 1971. The petitioner has prayed for award of higher Gallantry Award, i.e. Mahavir Chakra (Posthumously) to her husband. However, her application has been declined vide letter dated 03.01.2018 issued by respondent no.3. The text of the said letter read as under:-

“1. Reference your letter dated 27 Nov 2017 addressed to COAS.

2. Your representation has been examined in the light of facts and policy. In this regard, it is informed that as per policy “the time limit for considering gallantry awards should not be beyond two calendar years from the date on which the act of gallantry is performed”.

3. Further, it is intimated that the your husband, Late Maj Kanwaljit Singh have already been conferred with SC in 1972 vide 119-Pres/72 dated 14 Nov 1972 published in part-1 section-1 of Gazette of India dated 25 Nov 1972 i.e. more than 45 years ago. Hence, it would not be feasible to revisit the case at this stage for up-gradation of the award to any other higher Gallantry award.”

Counsel for the petitioner has vehemently argued that it has been recorded in the order dated 19.05.2015 passed in CWP No.1567 of 2014 that since Major Kanwaljit Singh was killed in war action in 1971, therefore, he should have been awarded higher Gallantry Award.

After hearing learned counsel for the petitioner and taking into account the facts and circumstances, I am of the considered opinion that there is no error in the approach of respondent no.3 in declining the prayer made by the petitioner as it has been mentioned specifically that the representation made by the petitioner dated 27.11.2017 was examined in the light of the policy, as per which the time limit for considering gallantry awards could not be beyond two calendar years from the date on which the act of gallantry is performed, whereas the petitioner is asking for re-visiting the case for grant of higher gallantry award after more than 45 years. However, there is no dispute that Major Kanwaljit Singh was awarded Shaurya Chakra (Posthumously) in the year 1972.

In view of the above, I do not find any merit in the present petition and hence, the same is hereby dismissed, though without any order as to costs.

March 09, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned	:	Yes/No
Whether reportable	:	Yes/No