

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 111

LPA No. 766 of 2018 (O&M)
in CWP No. 5806 of 2018
Date of decision : 24.05.2018

Jasbir Kaur

..... Appellant

VERSUS

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
 HON'BLE MR. JUSTICE DEEPAK SIBAL

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

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RAJESH BINDAL, J:

Order dated 09.03.2018, passed by the learned Single Judge, dismissing the appellant's writ petition, has been impugned by filing the present intra-court appeal. Alongwith the appeal, an application seeking condonation of delay of 44 days in filing the appeal has also been filed.

Prayer in the writ petition was for quashing of order dated 03.01.2018 vide which the claim of the appellant for award of Mahavir Chakra (Posthumously) to her husband for his participation in the Indo-Pak War in the year 1971 was rejected. The contents of the letter which was impugned before the learned Single Judge, have been reproduced in the order, which we also deem appropriate to extract. The same reads 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.”

A perusal of the aforesaid communication shows that the issue was sought to be raised more than forty five years after the husband of the appellant was killed in action in the year 1971. The authorities, who were experts, have considered the matter as per policy. This Court cannot sit in appeal in the decision taken in these matters. The writ petition has rightly been dismissed by the learned Single Judge.

There is no error in the order passed by the learned Single Judge. The appeal is, accordingly, dismissed. Consequently, application for condonation of delay in filing the appeal is also dismissed.

[RAJESH BINDAL]
JUDGE

24.05.2018
shamsher

[DEEPAK SIBAL]
JUDGE

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