

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-04-2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16239 of 2018

1.S.Karthikeyan
2.Pankaj Sharma
3.Sher Singh

... Petitioners

Vs.

1.The DIGP,
Group Centre,
CRPF,
Avadi,
Chennai-65.

2.The Directorate General,
CRPF, CGO Complex,
New Delhi.

3.Union of India,
Represented by its Under Secretary,
Ministry of Home Affairs,
(Grih Mantralaya),
Police Division-I, PMA Cell,
North Block,
New Delhi.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to consider the names of the petitioners for Gallantry Award as per the recommendation granted by the second respondent vide letter dated 11.7.2017 in No.I.X.208(i)/2015-OPS-DA-3 and confer the award on the petition.

For Petitioners : Mr.L.Chandrakumar for Ms.P.T.Ramadevi

For Respondents : Mr.D.Simon,
Central Government Standing Counsel.

O R D E R

The relief sought for in the present writ petition is for a direction to consider the name of the writ petitioners for

Gallantry Award as per the recommendations granted by the second respondent vide letter dated 11.7.2017 in No.I.X. 208(i)/2015-OPS-DA-3 and confer the ward on the petition.

2. The grievances of the writ petitioners are that their names were considered by the second respondent for granting Gallantry Award and accordingly, recommendations were sent to the appropriate authority for consideration. However, the cases of the writ petitioners were not considered and it was communicated that the proposal in respect of the writ petitioners was considered carefully by the Ministry and the same has not been approved by the Competent Committee.

3. The learned counsel for the writ petitioners states that when the recommendations are made by the second respondent, the case of the writ petitioners ought to have been considered for grant of Gallantry Award as they performed duties and responsibilities warranting such an award.

4. The learned Central Government Standing Counsel appearing on behalf of the respondents denied the allegations by stating that the Competent Committee, constituted for the purpose of grant of Gallantry Award, had considered the case of all the persons in favour of whom the proposals were sent by the second respondent.

5. In the present case on hand, the proposals were submitted by the second respondent in respect of five officials. Out of five officials, three officials were selected for grant of Gallantry Award and in respect of the remaining two officials, the Competent Committee had not approved.

6. The yardstick adopted by the Competent Committee for the purpose of Gallantry Award, cannot be questioned by the writ petitioners.

7. This apart, the grant of Gallantry Award can never be claimed as a matter of legal right. It is an honour provided to the Uniformed Personnel and such an honour can never be claimed as a matter of legal right. It is the decision of the Competent Committee and only in the event of any irregularity or some motive, the writ petitioners can set out their claims. In all other circumstances, the Competent Committee constituted for considering the proposals for grant of Gallantry Award becomes final and the writ petitioners cannot challenge the decision of the Competent Committee constituted in this regard in a writ petition under Article 226 of the Constitution of India.

8. Further, neither the service conditions nor the rights of the writ petitioners have been violated in this regard

and in the absence of establishing any such violations, the relief, as such, sought for in the present writ petition by the writ petitioners, cannot be granted.

9. Under these circumstances, the writ petitioners have not established any cause of action for the purpose of entertaining the present writ petition and it is made clear that the grant of Gallantry Award must be considered by the Competent Committee and the High Court cannot interfere with the decision taken by the Competent Committee constituted for this purpose.

10. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn
To

- 1.The DIGP,
Group Centre,
CRPF,
Avadi,
Chennai-65.
- 2.The Directorate General,
CRPF, CGO Complex,
New Delhi.
3. The Under Secretary,
Union of India,
Ministry of Home Affairs,
(Grih Mantralaya),
Police Division-I, PMA Cell,
North Block,
New Delhi.

+1cc to M/S.Ramadevi, Advocate Sr.34616

WP 16239 of 2018

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srg 29/04/2019