

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

**CWP NO. 9210 OF 2019
DATE OF DECISION : 05.04.2019**

Anil Sharma

...Petitioner

versus

Union of India and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ravi Sharma, Advocate,
for the petitioner.

ARUN MONGA, J. (ORAL)

1. The present petition has been filed, *inter-alia*, for issuance of a writ in the nature of mandamus, directing the respondents to award the petitioner 'Police Medal' for gallant action shown by him, as per the recommendations dated 09.07.2012 (Annexure P-5) made by the Commandant.

2. Learned counsel for the petitioner contends that the Commandant had clearly recommended the name of petitioner, stating that he had coordinated the operation and foiled a "FIDAYEEN ATTACK" effectively, which is an example of brave leadership with fair presence of mind, by leading the troops from the front, without any causality. The said action was highly praiseworthy.

3. Learned counsel further contends that the said recommendation was based on the detailed report dated

08.12.2002 (Annexure P-3), wherein, the role played by the petitioner has been detailed out in sub para (b), (c) and (d) of para 7 (remarks of the Commandant).

4. I have gone through the averments of the writ petition, along with the appended record and I am of the opinion that no interference is called for.

5. The incident took place on 01.12.2002. The then Commandant vide report dated 08.12.2002 (Annexure P/3) recommended the petitioner's name for police medal for gallantry. However, the then Deputy Inspector General Baramula and the Inspector General 'B' Ftr (for frontier) in their remarks on the detailed report of the incident dated 01.12.2002 recommended the name of the petitioner for award of Director General's Commendation Roll. This is evident from letter dated 16.05.2013 (Annexure P/6) issued by the Directorate General of Border Security Force, New Delhi. The Director General's Commendation Roll was actually awarded to the petitioner on 20.02.2003 and is Annexure P/1.

6. Long after that, the petitioner submitted representation dated 07.07.2012 (Annexure P/4) for award of gallantry medal. Of course, the new Commandant also recommended vide his note dated 09.07.2012 (Annexure P/5) the award of Gallantry medal to the petitioner. The competent authority, after considering the representation, issued letter dated 16.05.2013 (Annexure P/6) stating, *inter alia*, that the

then Deputy Inspector General Baramula and the Inspector General B Fir had recommended the name of the petitioner for award of Director General's Commendation Roll, which had been awarded to him and that no further action could be taken in the matter at this belated stage.

7. Still, thereafter on 30.06.2018, the petitioner submitted fresh representation (Annexure P/9) for award of Gallantry medal. Reply dated 19.02.2019 was issued by respondent No. 2 that the case had been again examined in detail, but was rejected being not only time barred but also because the then authorities had not recommended the award of Gallantry medal to the petitioner.

8. In my opinion, merely because the then Commandant had recommended his name for Police Medal for Gallantry, the petitioner is not entitled to seek a mandamus for the award of Police Medal for Gallantry or for that matter any other award at all. For the same reason, the recommendation of the new Commandant in his note dated 09.07.2012 did not give any vested right to the petitioner for the award of Gallantry medal. No fault can be found with the decision of the competent authority in accepting the recommendation of the superior authorities (the then Deputy Inspector General Baramula and the Inspector General 'B' Ftr), for the award of Director General's Commendation Roll overriding that of the then Commandant for the award of Police Medal for Gallantry or in not accepting the

new Commandant's recommendation dated 09.07.2012 for award of Police Medal for Gallantry.

9. In the totality of circumstances, no case is made out for interfering with the administrative decision taken by the competent authority after considering the facts and circumstances of the case.

10. In any case, matter of awarding an honour is neither a statutory right nor a fundamental right and no mandamus can be issued, directing the respondents to confer an honour on the petitioner, as prayed for.

11. In view of my discussion above, the writ petition is dismissed, both on the ground of delay and on merits. No order as to costs.

(ARUN MONGA)
JUDGE

APRIL 05, 2019
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Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No