

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 12302 of 2020 (O&M)

Date of decision : 20.8.2020

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Jaya Shubhey Madan

.....Petitioner

vs.

Union of India through Secretary,
Ministry of Defence, New Delhi and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Navdeep Singh, Advocate
for the petitioner.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

By way of filing the present civil writ petition, under Article 226 of the Constitution of India, the petitioner craves for issuance of writ in the nature of mandamus directing the respondents i.e. Union of India through Secretary, Ministry of Defence, New Delhi; Chief of the Army Staff, COAS Secretariat, New Delhi; Adjutant General, Adjutant General's Branch, Army Headquarters, South Block, New Delhi and Director, Personnel Services (PS-5), Church Road, New Gurdwara Rakabganj, New Delhi, to remove the discrimination of

disability pension and consequently family pension between Disabled Officer-Trainees of Civil Government and Disabled Jawan – Trainees of the Defence Services on one side vis-a-vis Disabled Officer Trainees of the Defence Services on the other side, since the former two categories are entitled to full disability pension and family pension benefits on death, whereas it is not so in the case of latter and their widows, leaving a grey area in the instructions.

Notice of motion.

Ms. Anita Balyan, Advocate has appeared on behalf of respondents - Union of India and has accepted notice.

Learned counsel for the petitioner submits that the petitioner had submitted representations Annexures P-8 and P-9 to the respondents before filing of the writ petition, but without eliciting any response and the petitioner would be satisfied if the respondents are directed to consider her grouse presented vide written representations Annexures P-8 and P-9, as well as, detailed in the present writ petition and Annexures, within a fixed time frame.

Learned State counsel appearing for the respondents states that she has received copy of the writ petition alongwith Annexures and respondents would consider and dispose of the representations in terms of the directions issued by this Court.

Keeping in view such request of learned counsel for the petitioner, the response given by learned counsel appearing for the respondents and to avoid unnecessary litigation between the parties, the present writ petition is disposed of directing the respondents to

consider the grievances of the petitioner as contained in written representations Annexures P-8 and P-9 and as detailed in the present writ petition, which alongwith Annexures be also treated as representation, within a period of two months from today. It is hereby observed that if as a result of decision taken by the respondents on the representations, the petitioner still feels aggrieved, she may approach the Court again to seek her legal remedy, in accordance with law.

20.8.2020
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(H.S. Madaan)
Judge

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