

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-15952-2020 (O&M)

Date of Decision:- 27.10.2020

Jugal Kishore

... Petitioner

Versus

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh K. Dadwal, Advocate, for the petitioner.

Mr. Rohit Verma, Advocate, for respondents No.1 to 3.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking quashing of order dated 6.9.2019 (Annexure P-3) passed by respondent No.3 whereby the claim of the petitioner for grant of pension has been declined.
2. The petitioner was enrolled as 'Rifle Man' in the Army on 7.11.1979. He solemnized marriage with Smt. Darshna Kumari on 1.2.1985. However, subsequently on account of ill health of his wife he sought discharge from the Army and was accordingly discharged on 31.7.1989 on compassionate grounds. Subsequently in the year 2017 the petitioner requested respondent No.2 to provide copies of his service record which was accordingly provided to him on 9.3.2017.

Thereafter in the year 2019 the petitioner requested the respondents to grant him pensionary benefits under Army rules. However, his request was turned down vide order dated 6.9.2019 (Annexure P-3) which has been impugned by way of filing the instant petition.

3. I have heard the learned counsel for the petitioner. I have also gone through the impugned order. A perusal of the impugned order would show that the request of the petitioner has been turned down having been filed highly belatedly and on the ground that he had been discharged from service on compassionate grounds at his own request. The claim of the petitioner for retiral benefits having been raised after about 30 years of his discharge when infact the entire service record of petitioner had been destroyed on 19.9.2009 as per Rules after having retained the same for the prescribed period of 25 years in terms of Para 595 and 596 of Regulations for the Army (Revised Edition) 1987, has rightly been declined *inter-alia* on grounds of delay and laches.
4. Finding no merit in the present writ petition and the same is hereby dismissed.

October 27, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No