

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

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**CWP-9498-2022 (O&M).
Date of Decision: 15.11.2022.**

Hanuman Singh (Deputy Commandant, Service No.AR/326W)

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Ms. Jasneet Kaur, Advocate, for
Mr. Navdeep Singh, Advocate, the petitioner.

Mr. Sharan Sethi, Addl. A.G. Haryana.

VINOD S. BHARDWAJ. J (ORAL)

The present writ petition has been filed under Article 226 of the Constitution of India, 1950 seeking issuance of a writ in the nature of mandamus directing the respondents to release the applicable monetary benefit and annuity to the petitioner (An Officer of the Assam Rifles) along with interest for the award of 'Mention-in-despatches' conferred upon him by His Excellency the President of India, for displaying raw courage and valour, which such benefit is being denied to him by classifying the petitioner as a member of the Para Military force and on

the ground that the benefit under the policies dated 28.05.2014 (Annexurs P-4 and P-5) is available only to the personnel of the Armed Forces.

Learned counsel appearing on behalf of the petitioner contends that the petitioner is an officer of the Assam Rifles and was conferred with the 'Mention-in-despatches' award on 25.03.2017 for a display of extreme courage and valour disregarding his own personal safety in an operation which led to apprehension of 27 members of terrorist factions. The apprehended anti-national elements were on the 'most wanted list' of the National Security Agencies as they had indulged in repeated incidents of carrying out ambushes on army convoys.

She further contends that the case of the petitioner is covered by the ratio of the judgment passed in **CWP No.19133 of 2009 titled as 'Commando Jasbir Singh Vs. State of Haryana, decided on 19.03.2010** (Annexure P-3) as well as the judgment of this Court in **CWP No.2971 of 2017, titled as 'Jasmer Singh Malik Vs. State of Haryana and others' decided on 12.09.2022,** wherein this Court had extended the benefits admissible to the army personnel to the personnel of 'Assam Rifles' by relying upon various communications and certificates issued by the relevant authorities and also after noticing that deployment of Assam Rifles is under direct supervision and control of the Ministry of Defence.

Written statement on behalf of respondents No.1 to 3 filed by Mr. Anil Kumar Gulia, Welfare Officer, District Sainik and Ardh Sainik Welfare Office, Hisar, today in the Court is taken on record. A copy thereof

has been furnished to the learned counsel for the petitioner. In the written statement the respondents have placed reliance on the policies to submit that the cash annuity and disbursements are only to be given to the personnel of Armed Forces and since Assam Rifles was not an armed force and is rather a para military force, hence, the said benefit has been rightly denied. The averments regarding the case of the petitioner being at par with that of **Commando Jasbir Singh (supra)** and also of the subsequent judgment in the matter of **Jasmer Singh Malik (supra)** are not disputed or controverted. He could not point to any material to suggest that the case in question is not covered by the said judgments.

Resultantly, the present petition is disposed of in light of the judgment dated 12.9.2022 passed in **CWP No.2971 of 2017, titled as ‘Jasmer Singh Malik Vs. State of Haryana ad others’** and the petitioner is held entitled to the grant of monetary benefit and annuity in terms of the policies dated 28.05.2014 (Annexure P-4 and P5) by treating him at par with members of the Armed Forces. The admissible benefits be released to the petitioner within a period of three months of receipt of a certified copy of the order.

Petition is accordingly allowed in terms as aforesaid.

November 15, 2022
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No