

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

106

CWP-4607-2023

Date of decision: 21.11.2023

DALIP SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. H.S. Thiara, Advocate for the petitioner.

Mr. Saurav Verma, Addl. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer made in the present writ petition is for directing respondents No.2 to 4 to release the previous arrears of minimum monthly grant to the petitioner.

2. The claim of the petitioner was that he had served the Indian Army w.e.f. 02.11.1977 to 24.09.1984 thereafter he was dismissed from service due to his revolt pursuant to the operation Blue Star.

3. Considering his previous service record, he was ordered to be paid minimum monthly grant which he was receiving till 15.08.1990 but thereafter the same was discontinued as the petitioner had gone abroad. He returned in the year 2009 and approached the respondent-authorities for release of the minimum monthly grant which is not been restored despite numerous representations submitted by the petitioner.

It is also submitted that the petitioner was thereafter implicated in

Criminal FIR No. 106 dated 21.04.2013 and was convicted vide judgment dated 01.04.2015 passed by the Additional Sessions Judge, Hoshiarpur. Criminal Appeal D-1061-DB-2015, has already been filed against the above said judgment of conviction and order of sentence and that the sentence of the petitioner has been suspended vide order dated 28.05.2018. A representation was submitted by the petitioner for release and restoration of his monthly grant, however, no decision has been taken thereupon. Consequently, the present writ petition has been filed.

4. On the asking of the Court, learned State counsel has sought instructions from the Department and refers to the copy of the order issued by the Deputy Secretary, Defence Services Welfare, Govt. of Punjab bearing Memo No. 38 (118)-3DW-85/594 dated 14.01.1986 which was substituted vide Endst. bearing No. 2237-3SWI-86/3140 dated 05.05.1986 as per which sanction was accorded to the payment of Rs. 63 lakhs to the Punjab Defence and Security Relief Fund to meet the expenditure to be incurred on rehabilitation of the armed forces personnel belonging to the State of Punjab or to a State other than Punjab who are discharged from service in the aftermath of operation Blue Star to bring back the said personnel in the main stream of national life and to provide relief to their families. A minimum monthly grant of Rs. 500 was stipulated thereunder to the personnel who were awarded punishment of dismissal/discharge from service.

5. Learned State counsel further contends that the petitioner was however convicted in a criminal offence wherein his conviction has not been stayed and only the said sentence has been suspended. A

perusal of the policy, however, does not refer to any such ineligibility of a person entitled to the minimum monthly grant on account of his conviction in any criminal case. It is also not in dispute that the petitioner was earlier being given the benefit of minimum monthly grant under the above said policy.

6. Taking into consideration, the totality of the circumstances as well as the fact that the above said order dated 05.05.1986 prima facie entitles the petitioner for grant of the minimum monthly maintenance grant and that the respondent-State was itself disbursing the above said grant prior to 1990. I deem it appropriate to dispose of the present writ petition by directing the respondents to treat the present writ petition as a representation on behalf of the petitioner and to pass a speaking order thereupon within a period of 03 months of a receipt of certified copy of this order.

7. Needless to mention that in the event any amount is found payable, the same shall be released forthwith and preferably within a period of 03 months of such a decision being taken by the respondent-authorities.

The writ petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

NOVEMBER 21, 2023
Vishal sharma

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