

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

112

CWP-13078-2023

Date of Decision : 03.07.2023

Subash Chander

..... Petitioner

Versus

UOI and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Ms. Chandni Bajaj, Advocate for
Mr. Rajeev Anand, Advocate
for the petitioner.

Mr. Shivoy Dhir, Senior Panel Counsel for UOI.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking directions to the respondents to consider his claim qua disability pension.

Learned counsel for the petitioner *inter alia* contends that in November 1988, while the petitioner was performing internal security duty at Aurangabad met with an accident and received injuries on occipital region of his head. Due to aforementioned traumatic injury, the petitioner was given treatment at Civil Hospital, Gaya and discharged after treatment. The petitioner during the course of medical treatment was diagnosed with disease psychoneurosis. The petitioner time to time was medically examined. On 04.03.2004, the petitioner was brought before Medical Board where he was declared to be in lowest medical category i.e. 50% disability.

The petitioner suffered from infirmity during the course of performing his

official duty, however, respondents have not extended pension accordingly. The petitioner has made representation dated 06.06.2022 (Annexure P-10) requesting the respondents to consider his claim towards disability pension, however, the respondents have neither adjudicated representation of the petitioner nor granted any benefit.

Notice of motion.

Mr. Shivoy Dhir, Senior panel counsel accepts notice on behalf of respondents-UOI and submits that the competent authorities would look into the representation of the petitioner and pass an appropriate order within 06 weeks from today. He also pointed out that the petitioner made representation on 20.01.2011 and thereafter representation dated 06.06.2022 (Annexure P-10) has been made just to cover up the limitation and create right which prima facie seems to be time barred.

In view of statement of learned counsel for the respondents and without commenting upon the merits of the case, the present petition is disposed of with a direction to the respondents to adjudicate claim of the petitioner including question of limitation.

(JAGMOHAN BANSAL)
JUDGE

03.07.2023
anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>