

121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21899-2022

Date of Decision:18.07.2023

MAHA SINGH

..... Petitioner

Versus

UNION OF INDIA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Mohit Rathee, Advocate for the petitioner.

Ms. Anita Balyan, Advocate for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. On 22.09.2022, the following order was passed:

“A copy of the petition in advance has been supplied to learned counsel for the respondents.

Learned counsel for the respondents submits that vide letter dated 26.05.2022 (Annexure P-6), the petitioner through his counsel been informed that his case is under process and is pending with Pension and Accounts Department BSF, New Delhi.

It is further submitted from the record that the case for grant of invalid pension under OM dated 04.01.2019 was sent to the aforesaid Department and for considerable time normal functioning was disturbed due to COVID-19 pandemic, hence the process is taking time.

Learned counsel assures the Court that the case of the petitioner would be attended expeditiously and seeks accommodation to obtain instructions in that regard.

Adjourned to 15.11.2022.”

2. On 15.11.2022, the following order was passed:

“Learned counsel for the respondents submits that the Ministry of Home Affairs has called for data from all the sources for taking a conscious decision as a Policy matter with regard to date of commencement of invalid pension

pursuant to issuance of instructions vide OM dated 04.01.2019. She submits that the matter is still under consideration and is likely to take some more time.

Learned counsel for the petitioner submits that pending decision on the date from which the arrears would become payable, let the invalid pension be paid from the current month onwards so as to mitigate the hardship being faced by the petitioner.

Let an appropriate affidavit be filed in regard to the above submissions and also about the outcome of the matter pending consideration, specified in para 6 of the communication dated 26.05.2022 (Annexure P-6).

On request, adjourned to 18.01.2023.”

3. Learned counsel for the petitioner submits that till date respondent has not decided claim of the petitioner.
4. Learned counsel for the respondents submits that the matter is still under consideration and it is pending before MHA.
5. The case of the petitioner is pending before the respondent authorities for more than 1 year. The petitioner is claiming benefit of invalid pension which cannot be kept pending for an indefinite period.
6. The respondents are directed to decide claim of the petitioner within a period of 3 months from today.
7. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

18.07.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No