

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6860-2024 (O&M)
Date of Decision:16.04.2024

PURAN CHAND RANA (NO.13738496W EX HAV)
.....*Petitioner*

V/s.

*UNION OF INDIA THROUGH SECRETARY, MINISTRY OF
DEFENCE AND OTHERS*
.....*Respondents*

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA.
 HON'BLE MRS. JUSTICE SUDEEPTI SHARMA.

Present Mr.Balwinder Singh, Advocate,
 for the petitioner.

 Ms. Bhavana Datta, Senior Standing Counsel,
 for the respondents No.1 to 6-UOI.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. Learned counsel for the petitioner has submitted that the petitioner has completed 21 years of service and during his entire service career, there had been no punishment awarded to him nor there was any delinquency alleged against him. It is only at the fag end of his service, he lost a gun along with 30 cartridges which resulted in his dismissal from service. He had filed mercy appeal for grant of pension to him, but the same has been rejected, faced which he preferred an appeal before the Armed Forces Tribunal. The Armed Forces Tribunal too had dismissed his appeal and therefore,

he is before this Court under Article 226 of the Constitution of India for seeking pension.

2. Learned counsel for respondents No.1 to 6 has supported the order passed by the Armed Forces Tribunal and submits that before approaching the Armed Forces Tribunal, the petitioner had already preferred an appeal before the superior officers and his appeal was considered and rejected by respondents No.3 and 6 at different levels and therefore, no interference of this Court is warranted.

3. We have given our considerable thought to the prayer made by the learned counsel for the petitioner. Law is settled that a person who is dismissed from service is not entitled for pension or any other kind of benefit relating to his service. In other words, upon dismissal, the entire service and awards, medals received stand forfeited.

4. The petitioner, in this Writ Petition, has not challenged the said punishment order of dismissal from service and is only claiming pension on the grounds of mercy.

5. Taking into consideration the facts which were submitted by the petitioner, the authorities have reached to a conclusion not to grant him pension and have not acceded to his request.

6. While considering the case under Article 226 of the Constitution of India, we would not substitute our opinion to the

opinion arrived at by the concerned competent authorities. The decision is in no manner can said to be perverse, illegal or unjustified.

7. In view thereto, we are not inclined to entertain this Writ Petition. The same is dismissed accordingly.

8. All pending application stands dismissed accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

April 16, 2024
Ess Kay

[SUDEEPTI SHARMA]
JUDGE

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No