

2023:PHHC:004551

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

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**CWP-23694-2017
Date of Decision: 10.01.2024**

CHAND SINGH

... Petitioner

VERSUS

STATE OF HARYANA AND ORS.

... Respondents

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

Present: Mr. Arvind Kumar Yadav, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

The controversy which arises for consideration in the present case is as regards entitlement of the petitioner to the grant of annuity and other monetary benefits as per the Scheme notified by the State of Haryana for grant of cash awards, annuity and monetary grant in lieu of land to the winners of Gallantry Awards in Vishisht Sewa Medal Services.

Learned counsel for the petitioner contends that the petitioner joined Indian Navy on 23.09.1969 and served there till 07.09.1986. During the tenure of his service, he was awarded a Nau Sena Medal and as per the Scheme for Gallantry Awards/Cash Awards notified by the State of Haryana, the petitioner was entitled to the grant of cash award, annual annuity and monetary grant in lieu of land. He further submits that thereafter, the petitioner joined Delhi Police on 01.01.1988 and served there till 30.04.2013. It is vociferously and vehemently averred that the petitioner was all along a domicile of the State

of Haryana and was thus entitled to the grant of annuity and other monetary benefits. However, the entitlement of the petitioner to the grant of annuity is being denied on the ground that the petitioner had started serving with Delhi Police w.e.f. 01.01.1988 and continued to serve there till 13.04.2013. He contends that the petitioner had all along been a permanent resident and domicile of the State of Haryana and a mere occupation or shifting of his residence on account of pursuing his job/service cannot be construed as lack of domicile. It is contended that the respondents have failed to take into consideration the claim of the petitioner in this regard.

State Counsel, on the other hand, has contended that the petitioner has approached this Court only against a response sent by the Authority to the legal notice sent by him. The same cannot be construed to be an order qua the claim of the petitioner. He further submits that in the event of petitioner submitting a claim alongwith any supporting document as are being relied upon by him within a period of four weeks, the respondents shall take a considered decision thereupon and also grant an opportunity of hearing to the petitioner, in accordance with the applicable policies and the instructions issued by the State of Haryana.

Counsel for the petitioner has no objection to the same.

In view of the above; with the consent of the parties and without commenting on the merits of the case, the present petition stands disposed of granting liberty to the petitioner to make a substantive claim alongwith all supportive documents before the Competent Authority for seeking release of the cash awards/gallantry awards as per the applicable policy of the State of Haryana.

In the event of the petitioner filing any such claim within a period of four weeks of the receipt of certified copy of this order, the Competent Authority shall pass a reasoned and speaking order thereupon after granting an opportunity of hearing to the petitioner, if necessary, within a period of four months of filing of such claim; and if any amount is found to be payable to the petitioner, the same shall be released within a period of two months thereafter.

Petition is accordingly disposed of in above terms.

January 10, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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