

IN THE HIGH COURT PUNJAB AND HARYANA AT CHANDIGARH

NO. _____ Writ / Dated: _____

- To ① Govt of India through Secy, Ministry of Home Affairs,
Freedom Fighters Div, Loknayak Bhawan 1st floor,
Khan Market - New Delhi 110 002.
- ② Chief Secretary, Govt of Pk. Civil Sectl. Cto.
- ③ Chief Secy, Govt of Jy. Civil Sectl. Cto.



Sub: CIVIL WRIT PETITION No. 592 OF 2003

Malubhaijit Singh Khosla

.....Petitioner (S)

Versus

State of Punjab/Haryana/U.P./U.O.I. & othersRespondent

Sir,

In continuation of this court's letter No. _____ dated _____

I am directed to forward herewith a copy of order dated 4/3/03 passed by this court in the above noted case for immediate compliance together with a copy of annexure.

Given under my hand and the seal of the court this 11th day of Feb./March 2003.

BY ORDER OF THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

SUPERINTENDENT (WRITS)
FOR ASSTT. REGISTRAR (WRITS)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 5732 of 2001

(Public Interest Litigation)

Malwinder Jit Singh Waraich, House No. 1232, Sector 8-C, Chandigarh.

.....Petitioner

Versus

1. Government of India through Secretary Ministry of Home Affairs,
Freedom Fighters Division, Loknayak Bhawan, 1st Floor, Khan
Market, New Delhi - 110 003.
2. Chief Secretary Government of Punjab, Civil Secretariat,
Chandigarh.
3. Chief Secretary Government of Haryana, Civil Secretariat,
Chandigarh.

.....Respondents

Amended Civil Writ Petition under Article 226 of the Constitution of India for the

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It is, therefore, respectfully prayed that the entire record of the case may be called for and after perusing the same the Hon'ble Court may be pleased to :

- (i) issue a writ in any appropriate nature or order or direction, directing the respondents to grant either lump-sum amount of Rs.10 lacs to all the lineal kin, in the absence of lineal kin, to the collateral kin of each revolutionary, or alternatively granting pension of Rs.3000/- per month to the lineal kin, in the absence of lineal kin, to the collateral kin of each revolutionary, who made the supreme sacrifice in the National Freedom Struggle in Revolutionary Movement 1914-15, who have not been granted any benefit under the SWATANTRATA Sainik Samman Pension Scheme, 1980, Annexure P-7, since this movement has been excluded from this scheme, ever since this scheme was notified in 1980, as per admission of respondent No.1 in his written statement that Revolutionary Movement 1914-15 has been included in the Pension Scheme, Annexure P-7, admission by respondent No.2 in his written statement that pension has been granted to Bibi Jagdish Kaur, collateral kin of revolutionary of Revolutionary Movement, 1914-15, besides other generous compensation given to Jodhpur jail prisoners, Annexure P-12, persons drowned in Anandpur Saheb Canal, Annexure P-13, compensation granted to kin, terrorists,
- 7/11/22

Annexure P-14 and as per law laid down and essence of this scheme has been specified by the Hon'ble Supreme Court, in Gurdial Singh Vs. Union of India and Others JT 2001 (8) SC 165 ;

- (ii) substitute the name of Ghaddar ^{Movement} ~~Party~~ by any of the prevalent names suggested in para no.3 of the application or any other name this Hon'ble Court considers appropriate,
- (iii) pass any other order or direction deemed appropriate in the facts and circumstances ;
- (iv) and award the Cost of the petition in favour of the petitioner.

It is, further respectfully prayed that during the pendency of the petition **directions may be issued to the Respondents to identify the beneficiaries as per observations of Hon'ble Supreme Court, Annexure P-8 to find out the freedom fighters or the dependents to grants benefits under the scheme Annexure P-7.**

Present:- Mr. MS Waraich, Petitioner in person.

Mr. C.M. Sharma, Addl. Central, Govt. Standing Counsel for respondent No.1

Mrs. Charu Tuli, Senior DAG, Punjab, for respondent No.2.

Mr. Surya Kant, Advocate General, Haryana with Mr. Randhir Singh, Senior DAG, Haryana, for respondent No.3

Petitioner, Malwinder Jit Singh Waraich, who is an advocate of our High Court, has come up with the following prayers through this Public Interest Litigation:-

- i. direct the respondents to grant either **lump-sum of Rs. 10 lacs** to all the lineal kin and in the absence of lineal kin, to the collateral kin of Revolutionary or in alternative grant pension of Rs. 3,000/- per month to the lineal kin and in absence thereof to the collateral kin of the Revolutionary, who had made supreme sacrifice in the freedom of the country in Revolutionary Movement 1914-15, who have not been granted any benefit under SWATANTRATA Sainik Samman Pension Scheme, 1980, as this scheme excludes the

Revolutionary Movement 1944-15, by placing reliance on the observations made by Hon'ble Supreme Court in the case of Gurdial Singh Versus Union of India and others Judgment Today 2001 (1) Supreme Court 165; and

- ii. to direct the respondents to include "Ghaddar Movement" by any prevalent names, as suggested in paragraph 3 of the writ petition or any other name which this Court may consider appropriate.

2. Having heard Mr. MS Waraich, Petitioner, who appears in person, Mr. C.M. Sharma, learned Standing Counsel for the Union of India representing respondent No.1, Mrs. Charu Tuli, Senior Deputy Advocate General, Punjab, representing respondent No.2 and Mr. Surya Kant, Advocate General, Haryana, representing respondent No.3 and perusing the bulky record of this writ petition, in which some interim orders have been passed from time to time, we find that respondent No.1-Union of India has taken a clear cut stand that there was typographical mistake at serial No.12 of the list of Charter in mentioning "Chaddar Movement" to "Ghaddar Movement" and that the "Ghaddar Movement" has already been ~~listed~~

treated as part of freedom struggle for the purpose of grant of pension under the scheme in question.

3. Thus, we are of the considered view that the grievance of the petitioner through prayer No. 2 afore-mentioned stands fully redressed and no further judicial reference is necessitated for further issuing commands to the respondents in this regard.

4. In relation to first prayer, learned Advocate General, Haryana Mr. Surya Kant and learned Senior Deputy Advocate General, Punjab Mrs. Charu Tuli assure us that there are some pending applications, which are under active consideration of the respective government and in consultation with the Union of India, the same shall be dealt with expeditiously.

5. In view of the categorical stand taken by them, we do not feel it necessary to keep this writ petition pending any longer, expressing hope and trust that the supreme sacrifice made by the people for achieving the freedom of the country stands well recognised by the Union of India, which does not require further judicial scrutiny. We express hope and trust and there is no doubt either in our mind that in view of the Charter, the

respective governments will leave no stone unturned to give effective implementation of the scheme in question and will expeditiously deal with the applications lying pending in relation to those kins who have already moved in.

6. With the above observations, the writ petition stands disposed of.

7. Let a copy of this order be handed over to Mr. C.M. Sharma, Advocate for respondent No.1, Mrs. Charu Tuli, Senior Deputy Advocate General, Punjab, for respondent No.2 and Mr. Surya Kant, Advocate General, Haryana for respondent No.3 within one week for its intimation to and follow up action by the concerned authorities.

Sd/-BINOD KUMAR ROY
CHIEF JUSTICE

Sd/-SWATANTER KUMAR
JUDGE

04.3.2003
prem

TRUE COPY

EXAMINER