

**Kishan Singh (Ex. Sepoy) Vs. Union of India and Others**

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**Court :** Delhi

**Decided On :** Jan-24-2000

**Reported in :** 2000IIIAD(Delhi)304

**Judge :** C.M. Nayar, J.

**Acts :** [Constitution of India](#) - Article 226

**Appeal No. :** C.W.P. No. 1490 Of 1997

**Appellant :** Kishan Singh (Ex. Sepoy)

**Respondent :** Union of India and Others

**Advocate for Def. :** Ms. Rekha Palli, Adv.

**Advocate for Pet/Ap. :** Mr. B.B. Gupta, Adv

**Judgement :**

ORDER

**C.M. Nayar, J.**

1. This matter relates to the grant of pension under the Special Pension Scheme for the ex-army personnel who revolted against the British Authorities. A copy of the said Scheme is filed as Annexure-A to the writ petition.

2. The petitioner was stated to be enrolled under the British Army on 12th May, 1942 and it is stated that he along with other Indian personnel revolted against the British Army at Egypt and the petitioner was stated to be imprisoned along with others as a consequence thereto.

3. Reading of the petition also indicates that the petitioner had contended that he was court marshalled both in Egypt and Italy.

4. Respondent No. 2 has filed counter affidavit wherein it is stated in paragraph 9 as follows :-

'9. That with reference to the averments made in para 10 of the writ petition, this respondent humbly submits that, on receipt of various representations from the petitioner in October, 1994 the same were examined and a report from the Government of NCT of Delhi was called for on 13.2.1995. That the Government of NCT of Delhi was specifically requested to indicate whether the sufferings undergone by the petitioner were in connection with the freedom movement or not. To substantiate his participation and type of sufferings undergone in the freedom struggle, the petitioner could not produce any acceptable documentary evidence to the Government for consideration of his case. Consequently, the Government of NCT of Delhi expressed their inability to examine his case and the decision was communicated to the petitioner on 25.4.1995. In reply to the said communication, the petitioner has submitted a representation dated 21.9.1996 which is enclosed herewith as Annexure-R-2. It may be seen from the representation that the petitioner has prayed to consider his case on humanitarian grounds after getting his particulars verified from the concerned departments. Accordingly, a verification report has been called from the Ministry of defense on 25.3.1997 about his service particulars and participation in the army mutiny. This respondent therefore, humbly submits that soon after receipt of the verification report, the case of the petitioner will be disposed within a month's time.'

5. The petitioner on the above basis has requested that his representation may be considered and an appropriate Order may be passed. The learned counsel for the petitioner has also stated that the petitioner is not interested in the grant of pension under the Scheme but has only filed this petition to vindicate his honour

and for grant of a certificate for the role he has played in the revolt against the British Army. The respondents shall consider the representation of the petitioner within three months from today and pass an order in accordance with law. The present petition is disposed of in the above terms.

6. Let copy of the Order be given dusty to counsel for the parties.

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