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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of decision: 28<sup>th</sup> February, 2023*

+ LPA 644/2017

BIRG N B SINGH (RETD)

..... Appellant

Through: Dr. G.V. Rao, Senior Advocate with  
Mr. A.K. Upadhyay, Mr. G. Arudra  
Rao, Ms. Namrata Mohapatra and  
Mr.Arth Garutamm, Advocates.  
Appellant in person.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Anurag Ahluwalia, CGSC with  
Major Partho Katyayan and Lt. Col.  
Suchithra, AMS (Legal) for UOI.

**CORAM:**

**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN**

**NAJMI WAZIRI, J. (ORAL)**

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The appellant is a former Brigadier of the Indian Army. He says that his father too was a soldier who sacrificed his life in the 1965 war in heroic and gallant circumstances; that his father was a non-combatant soldier and the place where he fell mortally wounded, became the Line of Control (LOC), therefore, his father Late Major Mohan Singh should be considered for a Gallantry Award. His father's name now finds mention

at the National War Memorial in the vicinity of India Gate.

2. The previous order has reproduced the condolence messages both from the then Prime Minister, Mr. Lal Bahadur Shastri as well as the then Defence Minister, Mr. Y. B. Chavan.
3. Mr. Anurag Ahluwalia, the learned CGSC says that the Indian Army is proud of its soldiers and honours them in every possible way, their gallant acts are duly acknowledged and Gallantry Awards are conferred, after due consideration of the act of bravery.
4. However, Dr. G.V. Rao, the learned senior counsel for the appellant submits that, so far, the case of Late Major Mohan Singh has not been considered by the appropriate Committee; that although the appellant's father was martyred in the rank of a Captain, he was posthumously given the rank of Major and this in itself, is an acknowledgment of the soldier's gallant act. Therefore, he contends that the matter should be taken to its logical conclusion i.e. a Gallantry Award should be conferred upon Late Major Mohan Singh.
5. In the circumstances, let this appeal be considered as the appellant's representation by the Honours and Awards Committee at the Army Headquarters level.

6. Within a period of three weeks, the appellant may file such additional documents or representations that he may wish to rely upon. Looking at the long pendency of the appellant's claims, the aforesaid Committee may consider expediting its process of consideration of the appellant's representation and render its decision preferably, within a period of three months from the date of receipt of this order and/or the other documents/representations as may be submitted by the appellant, whichever is later.
7. The facts of this case are unique and pertain to the war which happened almost 58 years ago, therefore, this order shall not be treated as a precedent.
8. The appeal is disposed-off in terms of the above.

**NAJMI WAZIRI, J**

**SUDHIR KUMAR JAIN, J**

**FEBRUARY 28, 2023**

*N/SD*