

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL No. 13806 of 2024
[Arising out of SLP (C) No.26568 of 2023]**

RAM AUTAR SINGH YADAV

APPELLANT

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

RESPONDENTS

ORDER

1. Leave granted.
2. The octogenarian appellant is a former member of the Police Force of Uttar Pradesh. At the relevant time, while holding the post of Sub-Inspector of Police, he was posted as Station House Officer, Police Station Bisanda, District Banda.
3. On 13.03.1986, the appellant was returning from the Headquarter to the Thana by travelling in a bus. Around 8.00 p.m., the bus was accosted by dacoits. They blocked the bus with stones and opened fired with an intention to commit dacoity. The appellant used his service revolver to fire back at the dacoits. In the encounter that followed, one dacoit named Chhidawa (a hardened criminal) was shot and he succumbed to the gunshot fired by the appellant.
4. The act of courage and valiance of the appellant did not go unnoticed. The Additional Superintendent of Police, Banda, commended the appellant for his daring encounter. Nearly two years later, the Superintendent of Police, Banda¹, recommended the appellant for the President's Gallantry Police Medal to the Deputy

1 SP, Banda

Inspector General of Police, Jhansi. However, nothing positive transpired thereafter. In due course of time, the appellant superannuated from service. Till October 2008, the appellant was kept in the dark. On 14.11.2008, an intimation was received by the appellant from the Government of Uttar Pradesh. It was conveyed that no proceeding was pending with it based on the recommendation of the SP, Banda to award the appellant the Police Medal. The appellant, who had turned a septuagenarian by then, knocked the doors of the Public Service Tribunal, Indra Bhawan, Lucknow, by presenting a claim². The Tribunal by an order dated 12.02.2013 held that the relief claimed by the appellant for a Police Medal to be issued to him for his act of bravery was not related to a service matter and, therefore, not within its jurisdiction; yet, the Tribunal proceeded to dismiss the claim as time barred citing the intimation given to the appellant on 14.11.2008, referred to above. The claim, therefore, stood dismissed at the stage of admission.

5. The appellant continued pursuing the matter before the State authorities. He had also appealed to His Excellency, the President of India³, by a letter dated 29.10.2018. Such an appeal was forwarded to the Chief Secretary, Uttar Pradesh. No action followed. Having waited for wise counsel to prevail but being taken aback by the stoic silence of the State authorities, the appellant was perhaps left with no other option but to seek justice before the court of law. He, thus, invoked the writ jurisdiction of the High Court of Judicature at Allahabad⁴ by presenting a petition under Article 226 of the

2 Claim no. 1766 of 2011

3 President

4 High Court

Constitution⁵. The writ petition was listed before a learned Judge on 04.08.2023. Despite being informed that the appellant had repeatedly approached the authorities for acknowledgment of his act of bravery without any success, the learned Judge took a hyper-technical view. Not only did the learned Judge observe that the appellant was not vigilant of his rights and for no justifiable reason had delayed his approach to the court more than 35 years after the said incident of bravery, the learned Judge also commented that since the appellant was 83 years of age, he would not gain any benefit “*on account of police medal, if awarded today*”. In that view of the matter, indulgence at the belated stage was declined and the writ petition dismissed.

6. The short order dated 04.08.2023 of the learned Judge is assailed in this appeal by the appellant, on multiple grounds.

7. It is noted that the special leave petition, out of which this appeal arises, was listed on 20.02.2024 before a three Judge Bench of this Court presided over by one of us (Dipankar Datta, J.). It was noted that the appellant not having approached the writ court with expedition, the order impugned dismissed his writ petition on the sole ground of gross delay. However, considering the act of bravery of the appellant in saving the lives of people by killing a dacoit and the fact that he was recommended for the President’s Police Medal as far back as on 03.08.1989, but such recommendation had not been acted upon, the petition was entertained and notice issued to the respondents. Since the appellant was appearing in person, Mr. Rana Mukherjee, learned senior counsel was appointed as *Amicus*

⁵ Writ A No. 12708 of 2023

Curiae to assist the Court.

8. During the last few months, we had the occasion to consider the issue raised by the appellant in some depth in the presence of the learned Amicus and Ms. Ruchira Goel, learned counsel for the respondents.

9. Learned Amicus placed before us a compilation of Government Orders on the subject of institution of awards by the President to be conferred on members of the Police Forces, Central Police/Security Organizations throughout the Indian Union in consideration of the meritorious service or gallantry and outstanding devotion to duty to be designated “President’s Police Medal” and “Police Medal”, respectively, and to *“make ordain and establish the following statutes governing them which shall be deemed to have effect from the twenty sixth day of January in the year one thousand nine hundred and fifty”*.

10. The compilation includes notifications dated 10.05.2013 and 14.06.2018. By the notification dated 01.03.1951, the statutes and rules relating to the President's Police Medal awarded for gallantry was issued. The medal was to be awarded for conspicuous gallantry in saving life and property, or in preventing crime or arresting criminals, the risks incurred being estimated with due regard to the obligations and duties of the officer concerned. The notification also stated that the medal would carry a monetary allowance subject to certain terms and conditions. Insofar as the notification dated 10.05.2013 is concerned, it increased the monetary allowances for the recipients of the medal along with other benefits. By the

subsequent notification dated 14.06.2018, the monetary allowances to the recipients of the medal were further enhanced. It is indicated in detail in the compilation as to what benefits the appellant would have received, had he been awarded the medal.

11. Learned Amicus submitted that the appellant had based his case/claim on legitimate expectation and lack of fairness in governmental action in not recognizing his brave and valiant act of neutralizing a dreaded criminal who was waylaying a bus full of passengers in which the appellant coincidentally was also travelling. The right to grant of award or the medal was also based upon the appellant's claim that the denial by the authorities was at their mere *ipse dixit*, and that despite a recommendation of his name for the award which would have resulted in other consequential benefits as listed in the compilation, the same were unfairly denied to him.

12. On the aspect of delay in invoking the writ jurisdiction, the learned amicus submitted that on facts and in the circumstances, the appellant did make out a case for such delay to be excused. Reference was made by the learned amicus to a decision of this Court in **Sheo Raj Singh v. Union of India**⁶, and in particular to the contents of the paragraphs 30 to 32.

13. Having heard the learned amicus and looking at the compilation, by an order dated 21.08.2024, we required the State of Uttar Pradesh to take an appropriate decision in the light of the observations made during the course of the hearing. The next order dated 18.09.2024 recorded that a compliance affidavit had been

⁶ (2023) 10 SCC 531

filed by the Special Secretary to the Government of Uttar Pradesh, Home Department, *inter alia*, pointing out that the office of the Director General of Police, Uttar Pradesh⁷ vide a letter dated 14.09.2024 had informed that the State Government, after due investigation of the appellant's documents, proposes to recommend the grant of a 'commendation' to the appellant by the DGP. Insofar as the grant of medal/award/honour to the appellant and the date thereof, we were informed of the matter being under consideration before the Competent Authority. While adjourning the hearing, we recorded our expectation of a decision being taken at the earliest, and an endeavour to be made to honour the appellant on 21.10.2024, i.e., Police Day. In compliance with the order dated 18.09.2024, a status report was filed on behalf of the State of Uttar Pradesh. It was stated therein that on 21.10.2024, the appellant was escorted with full respect and honour from his home to Police Lines, Banda, on the occasion of Police Commemoration Day 2024, where he was honoured with a 'commendation' letter issued by the DGP along with a 'citation' and duly felicitated. Evidence in this respect was annexed to the status report.

14. Having been apprised of such development, we were of the view that the 'commendation' letter and the 'citation', though of some value, were nothing but a poor consolation prize for the appellant. In terms of the notification dated 01.03.1951, a member of the police force would acquire the eligibility to be considered for the President's Police Medal for conspicuous gallantry in saving life and property, or in preventing crime or arresting criminals, the risks

⁷ DGP

incurred being estimated with due regard to the obligations and duties of the officer concerned. The sine qua non for consideration of a President's Police Medal was duly satisfied by the appellant, yet, since there is no document of forwarding of the appellant's name for consideration of such a medal, the recommendation of the SP, Banda was allowed to gather dust. Hence, since the appellant had been recommended for a President's Police Medal earlier, we felt that the State authorities were trying to wash their hands off by putting up a show of compliance. Thus, *vide* our order dated 06.11.2024, we granted last opportunity to the State authorities to take an appropriate decision for conferment of a Gallantry Award to the appellant with indication that the same ought to conclude in a respectable financial amount also.

15. Given our stern tone and realizing that the show of compliance would not be acceptable to us, the State authorities seemed to approach the matter with some seriousness. Though our clear intent was sought to be tackled with requisite gravity, it was not as much as we expected. The Government, acting on a recommendation of the SP, Banda dated 08.11.2024, decided to reward the appellant with a sum of Rs.1,00,000/- (Rupees one lakh) only for his commendable work and bravery in addition to the 'commendation' letter and the 'citation' already issued on 21.10.2024. An affidavit was filed which referred to the sanction of the said sum of Rs.1,00,000/- (Rupees one lakh) only by an order dated 11.11.2024.

16. In the aforesaid factual background of the case and the orders passed from time to time, we are now tasked to decide this appeal

finally.

17. It was contended by Ms. Goel that the appellant had been duly honored by issuance of the 'commendation' letter and the 'citation' as well as grant of reward of Rs.1,00,000/- (Rupees one lakh) only and that the proceedings may be closed. Learned *Amicus*, by referring to the materials on record as well as the action taken by the State authorities in compliance with the orders passed by us from time to time, submitted that the appellant having spent much of his retired life looking for recognition and acknowledgement of his act of courage and valiance, the Court while closing the proceedings may consider the desirability of increasing the quantum of reward.

18. Although on all previous occasions, the appellant had remained physically present to argue his case, he was found absent at the time of call. On contact being established, the appellant informed of lack of notice of sitting of this Special Bench today; however, he also informed that he would leave it to the discretion of the Court with regard to the quantum of reward.

19. The ordeal that the appellant had to encounter over the last few decades, despite his act of courage and valiance saving several precious lives as well as property of the passengers who were travelling in the ill-fated bus, can hardly be overlooked. It was the duty of the State authorities to act on the recommendation dated 03.08.1989 of the SP, Banda. We find from the paper book that the SP, Banda, in his recommendation letter, outlined the criminal record of Chhidawa, a notorious dacoit, who figured as an accused

in 5 cases between 1981 and 1985 under Sections 392, 394, 395, 397, 402 and 412, Indian Penal Code, 1860, registered at Police Station, Tindwari, Banda. In such recommendation letter, which is a document contemporaneously generated, the SP, Banda duly acknowledged display of extreme courage, dutifulness, dedication and exemplary valiance of the appellant while also certifying that the truth of the incident is beyond doubt. Such a recommendation, we are inclined to think, should have in the normal course merited at least award of a Police Medal, if not a President's Police Medal, in favour of the appellant. Had such medal been awarded, apart from the benefits and privileges that go along with such award, it would have been a huge boost for the entire police force of Uttar Pradesh in general and the appellant in particular. It is evident from the records that the appellant did not pursue the matter with the State authorities while in service for award of either a President's Police Medal or a Police Medal. It could be so that he was too involved in his duty to serve the public. That shows the character of a true policeman. It was only after superannuation from service that he actively pursued the matter with the authorities, as it appears from the facts pleaded in the List of Dates. Repeated persuasions from his side bore no fruit. Without receiving justice at the level of the administration, the appellant approached the Tribunal. Although, the Tribunal felt that it had no jurisdiction to entertain the claim of the appellant, yet the same was dismissed as time barred. This was an impermissible course of action. If the Tribunal lacked inherent jurisdiction to entertain the claim, it ought to have restrained itself

from making any comment as to whether the claim was lodged within or beyond time.

20. Be that as it may, the High Court having been approached, the appellant was told off the gates. The sole reason for dismissal of the writ petition was premised on the inordinate delay of the appellant in invoking the writ jurisdiction. While delay and laches on the part of a writ petitioner could disentitle him to grant of discretionary relief under Article 226 of the Constitution in certain cases where either there is no explanation or a lame excuse is put forward as an explanation, it is not an inflexible rule. A number of factors need to be considered before a writ petition is dismissed on the sole ground of delay and laches. What are those factors are elegantly articulated by Hon'ble P.N. Bhagwati, J. (as His Lordship then was) in **State of Madhya Pradesh v. Nandlal Jaiswal**⁸. We can do no better than quote the relevant passage hereunder:

“24. Now, it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction. The evolution of this rule of laches or delay is premised upon a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy under the writ jurisdiction because it is likely to cause confusion and public inconvenience and bring in its train new injustices. The rights of third parties may intervene and if the writ jurisdiction is exercised on a writ petition filed after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. When the writ jurisdiction of the High Court is invoked, unexplained delay coupled with the creation of third party rights in the meanwhile is an important factor which always weighs with the High Court in deciding whether or not to

8 (1986) 4 SCC 566

exercise such jurisdiction. We do not think it necessary to burden this judgment with reference to various decisions of this Court where it has been emphasised time and again that where there is inordinate and unexplained delay and third party rights are created in the intervening period, the High Court would decline to interfere, even if the State action complained of is unconstitutional or illegal. We may only mention in the passing two decisions of this Court one in *Ramana Dayaram Shetty v. International Airport Authority of India*, (1979) 3 SCC 489, and the other in *Ashok Kumar Mishra v. Collector*, (1980) 1 SCC 180. We may point out that in *R.D. Shetty case*, even though the State action was held to be unconstitutional as being violative of Article 14 of the Constitution, this Court refused to grant relief to the petitioner on the ground that the writ petition had been filed by the petitioner more than five months after the acceptance of the tender of the fourth respondent and during that period, the fourth respondent had incurred considerable expenditure, aggregating to about Rs 1.25 lakhs, in making arrangements for putting up the restaurant and the snack bar. Of course, this rule of laches or delay is not a rigid rule which can be cast in a strait jacket formula, for there may be cases where despite delay and creation of third party rights the High Court may still in the exercise of its discretion interfere and grant relief to the petitioner. But, such cases where the demand of justice is so compelling that the High Court would be inclined to interfere in spite of delay or creation of third party rights would by their very nature be few and far between. Ultimately it would be a matter within the discretion of the court; *ex hypothesi* every discretion must be exercised fairly and justly so as to promote justice and not to defeat it.”

21. Taking a cue from the above, we can safely conclude that the foremost factor based whereon relief could be declined in a case of unexplained delay and laches is the accrual of a parallel right in favour of a third party. The other vital factor to be borne in mind is whether grant of relief in a belated claim is likely to cause confusion and public inconvenience like unsettling matters which have long settled. Relief could also be denied if by reason of the delay, the official respondents are hopelessly inconvenienced in defending their action for lack of the relevant records and to establish their defence to the full satisfaction of the court.

22. In the present case, neither is there accrual of any parallel right of a third party nor could grant of relief cause confusion and public inconvenience. There has also been no occasion for the State authorities to claim that they are in any manner handicapped to defend their action. On the contrary, this is a case where the appellant sought to explain the belated approach by referring to his repeated unyielding persuasions, which the High Court brushed aside mechanically, without appreciating that the appellant had invoked its writ jurisdiction for enforcement of his Fundamental Rights under Articles 14 and 21 of the Constitution. When a litigant approaches a high court invoking its high prerogative writ jurisdiction with a petition under Article 226 of the Constitution alleging that the impugned State action is in breach of his Fundamental Right and claims that the breach be bridged by issuing appropriate writ/order/direction as distinguished from a claim for enforcement of a statutory right, it partakes the character of a duty on the part of such high court to enforce the right breached as the guardian of the Constitution. Law is well-settled that there is no loss of a Fundamental Right for non-exercise thereof and also that there cannot be waiver of a Fundamental Right. Hence, no argument can commend acceptance that a litigant seeking enforcement of his Fundamental Right should be declined relief in all cases of a belated approach. Notwithstanding delay, which might not have been explained to the full satisfaction of a high court, we hold that in cases where a high court finds that facts, as they have been presented, are not seriously disputed, no further investigation into

facts is required to be made, the relief claimed in the petition was otherwise due to the writ petitioner and the same would have followed as a matter of course and been granted had he approached the high court without delay, it would be iniquitous and inappropriate to deny relief for no better reason than that the relief has been belatedly claimed.

23. The writ petition of the appellant provided an opportunity to the High Court to right the wrong which, unfortunately, it failed to seize. It is with a deep sense of regret that we end the discussion here expressing hope that as the *sentinel on the qui vive*, the high courts in the country would do well not to mechanically dismiss writ petitions on the ground of delay and laches without considering all the relevant factors.

24. Moving forward, in our view, a President's Police Medal or at least a Police Medal, which could have been awarded to the appellant had the State authorities acted within time, is lost for him for all times to come. The State authorities, in such circumstances, ought to have been more magnanimous instead of attempting to absolve themselves by proposing a meagre reward of Rs.1,00,000/- (Rupees one lakh) only.

25. In the special facts and circumstances of the case, which also displays the moral strength of the appellant in not claiming any particular amount as and by way of reward despite the Court's query in this behalf, we feel that interest of justice would be sufficiently served if the State of Uttar Pradesh is directed to sanction an additional reward of Rs.4,00,000/- (Rupees four lakh)

only, apart from the earlier sanctioned sum of Rs. 1,00,000/- (Rupees one lakh) lakh, to acknowledge and honour the appellant. Certainly, the amount of Rs.5,00,000/- (five lakh) cannot be a full measure of the exemplary courage and valiance shown by the appellant in facing a notorious dacoit, duly armed, but is intended to be a token of appreciation for the appellant in the winter years of his life for rising to the occasion, when it mattered most.

26. The impugned order of the High Court is set aside. The appeal stands allowed, with the aforesaid direction. We also direct the State of Uttar Pradesh to ensure that the reward, as directed, is made over to the appellant with due dignity and honour on or before 26.01.2025.

27. Pending interlocutory application(s), if any, stands disposed of.

28. We place on record our deep appreciation for the invaluable assistance rendered by the learned Amicus and Ms. Goel.

.....J.
(SURYA KANT)

.....J.
(DIPANKAR DATTA)

.....J.
(UJJAL BHUYAN)

**New Delhi;
December 04, 2024.**

ITEM NO.301

COURT NO.3

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).26568/2023

[Arising out of impugned final judgment and order dated 04-08-2023 in WA No.12708/2023 passed by the High Court of Judicature at Allahabad]

RAM AUTAR SINGH YADAV

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(MR. RANA MUKHERJEE, SENIOR ADVOCATE - AMICUS CURIAE
IA No. 249776/2023 - EXEMPTION FROM FILING O.T., IA No. 249775/2023
- PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No. 264955/2024 -
PERMISSION TO FILE SUR-REJOINDER AFFIDAVIT)

Date : 04-12-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE UJJAL BHUYAN

Mr. Rana Mukherjee, Sr. Adv. (A.C.)

For Petitioner(s) Petitioner-in-person

For Respondent(s) Ms. Ruchira Goel, AOR
Mr. Sharanya Sinha, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the signed order.
3. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR

(signed order is placed on the file)