

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6930 of 1999

Mostt. Ram Pyari @ Muli Devi wife of Late Prayag Sah Arya, At Ahirpurwa P.O. Arrah, P.S. Arrah Town, Bhojpur.

.... Petitioner/s

Versus

1. The Union of India.
2. The Joint Secretary, Union of India, Ministry of Home, Freedom Fighter Division (Arya Samaj Cell), Lok Nayak Bhwan, Khan Market, New Delhi.
3. The Union Secretary, Union of India, Ministry of Home, Freedom Fighter Division (Arya Samaj Cell), Lok Nayak Bhwan, Khan Market, New Delhi.

.... Respondent/s

Appearance :

For the Petitioner/s : M/s Anish Chanbdra Sionha,
Krishna Murari Raut and Sangh Mitra Ghosh, Adv.

For the Respondent/s : Mr. Manoj Kumar Singh, CGC

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-03-2015

Heard counsel for the petitioner and the respondents.

I.A.No.6492 of 2014 filed by the petitioner is allowed and the statements made therein will be treated to be part of this writ petition.

In this case, husband of the petitioner was associated with the Arya Samaj Movement in the State of Hyderabad which was treated at par with the Freedom Fighter Movement. There the petitioner was arrested and he was convicted and sentenced for one and half years and, accordingly, he was sent to central prison, Hyderabad on 3rd August 1348 (Fasli) (3rd Teer 1348). The date of release is not mentioned in the clothing register. He was released as per orders of the H.E.H., the Nizam.

After introduction of the scheme, he had also applied for the same on the basis of certificate issued by the Jail Superintendent as well as the certificate issued by co-accused Sri Ram Narayan Prasad and others who were in

jail custody along with petitioner and were getting pension under the Scheme.

The husband of the petitioner died on 1st January 1993 but could not get the benefit of pension under the Freedom Fighters Samman Yojana.

The present petition has been filed by the wife of Freedom Fighter placing reliance on the judgment in the case of Surja and others .v. Union of India and another, reported in 1991)4 SCC 366 where the Hon'ble Supreme Court has held that Arya Samaj Movement in the State of Hyderabad was/is at par with the Freedom movement and those who have completed six months will be entitled to pension under the Scheme. Persons who were convicted for higher period but were released on account of birth day of Nizam will not make him disentitled to the benefit. In that case petitioner Surja and others were also associated with Arya Samaj movement, sent to jail, convicted for a period more than six months but released on account Nizam's birth day, were held entitled to the benefit under the Scheme.

The present case is squarely covered with the aforementioned case.

Hence, the Union of India will give pension during life time before the death of husband of the petitioner and thereafter family pension to the wife, the petitioner within six months from the date of receipt/communication of copy of this order.

With the above observation/direction, this petition is allowed.

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(Shivaji Pandey, J)