

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10797 of 1998

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Chandrika Mishra son of Late Dwarika Mishra, resident of Village- Eruri,
P.O.-Eruri, P.S.Pakribarawan, Nawadah.

.... Petitioner/s

Versus

Union of India through Awar Sachiv, Bharat Sarkar Grih Mantralaya,
Swatantrata Senani Prabhag, Lok Nayak Bhawan, Khan Market, New
Delhi-3, at present- Ministry of Home Affairs, Jaisalmer House, Man Singh
Road, New Delhi-110011.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Varma
Mr. Shyamdeo Pd Singh
Mr. Shailendra Kumar

For the Respondent/s : Mr. J.P.Karn (Scgsc)
Mr. Rakesh Kumar(Asccg)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 23-02-2015 No one appears for the petitioner. Heard counsel for
the Union of India.

In this case the petitioner is seeking prayer for
quashing the order dated 27/28.07.1998 passed by the Under
Secretary to the Government of India whereby and whereunder he
has rejected the claim of the petitioner for entitlement of Freedom
Fighter's pension. Earlier the petitioner had claimed in his petition
that he had participated in the freedom movement and remained
underground suffering from 15.8.1942 to 24.12.1944. But the
claim of the petitioner was rejected earlier vide order dated
13.1.1994, Annexure-1, wherein it has been recorded, he remained



underground only for the period 15.8.1942 to 15.12.1942 less than six months involved in G.R.Case No.472/42 as the case was dismissed vide order dated 15.12.1942, on that ground the petitioner was declared not being entitled to Freedom Fighter's pension. The order was challenged in C.W.J.C. No.11126 of 1996 and the same was disposed of vide order dated 5.3.1997 and the Court had held that reason assigned by the authority is not sustainable. The order of Single Bench was tested before the Division Bench in L.P.A. No.462 of 1997 and the same was dismissed. Again the Under Secretary, Government of India, vide order dated 27/28.7.1998 again rejected the claim of the petitioner for his Freedom Fighter's pension.

As it appears from the record that the petitioner must have crossed 90 years and no one is present to press this application in such view of the matter this Court has no alternative but to dismiss the petition having not pressed.

Accordingly, the same is dismissed.

(Shivaji Pandey, J)

AnilKrSinha/-

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