

Civil Writ Jurisdiction Case No. 7581 of 2013

This Court upon consideration of the rival contentions and taking note of the fact that despite objection being raised by the bank regarding her entitlement to payment, the appropriate



authority i.e. the Government of India had not issued any order of stoppage of the pension of the petitioner nor had issued any such restraint order, that the Bank was directed to release the pension of the petitioner. It is not in dispute that the Bank being aggrieved has preferred a Letters Patent Appeal bearing L.P.A. No. 1895 of 2015 and which is pending consideration before the Division Bench.

It is stated at the bar by Mr. Kumar Priya Ranjan appearing for the Bank that following the order passed by this Court in the writ petition that the arrears pension of the petitioner has since been transferred to the account of the petitioner but has been kept in a freezed position when neither the Bank nor the petitioner would have any right to withdraw.

While the matter is pending consideration that a show cause has been filed on behalf of the Union of India through Mr. Satyabrat Verma and with reference to an order passed on 06.5.2015 by the Government of India it is submitted that the Government of India in consideration of the facts accompanied and upon examination of the documents on record, cancelled the grant of freedom fighter pension to this petitioner meaning thereby the entitlement of the petitioner to receive the amount itself vanishes.



In my opinion, since the entitlement of the petitioner itself has been cancelled by the Government of India to receive freedom fighter pension, she cannot complain contempt in the light of the order passed by this Court in the writ petition for it was only in circumstances where there was no restraint order by the Union of India that this Court had directed for its payment but once the Government of India has cancelled the grant itself then that goes to the root of the very entitlement of the petitioner to receive the same and until such time that the order of the Government of India is adjudicated upon, in my opinion, no contempt can be complained of by the petitioner relying on the order passed in the writ petition.

The contempt application is disposed of accordingly.

(Jyoti Saran, J)

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