

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4591 of 2000

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Smt. Mukta Devi wife of Late Sakal Deo Narayan, resident of Mohalla Tari
Paschhim Tola, P.S. Arrah ; town, district Bhagalpour.

.... Petitioner/s

Versus

The Union of India & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. None.

Union of India : Mr. Manoj Kumar Singh, CGC.

For the Respondent/s : Mr. Sunil Kumar Ravi, AC to AAG-III.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-03-2015

No one appears for the petitioner. However counsel for the State
and Union of India are present.

In the present case, petitioner prays for issuance of a writ in the
nature of mandamus directing the respondents to pay to the petitioner life time
arrear of freedom fighter pension of her husband, namely, Late Sakal Deo
Narayan ; who applied for the same under the provisions of Swatantrata Senani
Samman Pension Scheme, 1981.

The application of Late Sakal Deo Narayan was considered and he
was accepted as one of the Freedom Fighters and the case was recommended by
the State Government, vide Memo No. 1041/C dated 3rd May 1990.

As Sakaldeo Narayan did not receive pension, he filed a writ
petition being CWJC No. 9386 of 1997 and the same was disposed of vide order
dated 5th May 1999 with a direction to the Government of India to decide his case
in accordance with law.

Late Sakal Deo Narayan died on 18th July 1997 and the name of
present petitioner has been substituted in his place. The Government of India vide

Memo dated 27th March 1998 has made the petitioner entitled to family pension at Rs.3,000/- per month but the petitioner is not satisfied the manner she has been treated. As per her claim, she is not entitled to family pension but also pension of her husband during the period 1981 to 1997 so much so she was entitled to family pension from earlier date. If she is entitled to family pension, necessarily will give inference that her husband was entitled to pension from 1981 to 1997.

This Court is of the view that the Union of India will look into the matter without any delay and pay the arrear of the amount of pension which her husband was entitled to and pay the same without unnecessary delay. The entire process should be completed within a period of six months from the date of receipt/production of copy of this order.

With this direction/observation, this petition is allowed.

(Shivaji Pandey, J)

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