

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5310 of 2000

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Kashinath Ojha son of Ramashish Ojha @ Biyogi Ojha, resident of village Nawadih, P.O. Sandaur, P.S. Bihiya district Bhojpur.

.... Petitioner/s

Versus

The Union of India & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. None.

For the UOI : Mr. Ravinder Kumar Shurma, CGC.

For the Respondent/s : Mr. Sunil Kumar Ravi, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-03-2015

On two occasions, the case was called out but no one appeared on behalf of petitioner to press this application. With the assistance of counsel for the Union of India and the State, this Court is disposing of the matter on its merit.

In the present case, prayer has been made for quashing the letter and communication dated 5th May 2000(Annexure-143) issued under the signature of Under Secretary, Govt. of India, Respondent no.4 by which the Freedom Fighter Samman Pension granted to the petitioner since 1972 has been ordered to be cancelled with a direction to realize the amount already paid to the petitioner with effect from 15th August 1972.

The petitioner under the scheme claimed to be Kashi Nath Ojha, obtained Freedom Fighter Samman Pension under the scheme and later on the respondents could know that the petitioner is not the original person but is an impersonation and fake.

The impugned letter itself shows the ground for cancellation of his Pension, as it has been recorded that he has given three dates of his birth on three different occasions. It has been mentioned in Para-1 of the impugned order

that he has given the date of birth as 48 years in the application dated 15th May 1972, 50 years in his application dated Nil received in the Ministry on 29th October 1973 and 62 years in his application dated Nil received in the Ministry on 14th September 1976.

Further it has been mentioned that he was asked to appear before the Medical Board which he avoided The Jail certificate only shows the offence alleged was under Section 395 IPC which was related to loot, not freedom movement. On that ground the benefit granted to him has been withdrawn.

As the petitioner is not appearing. It appears that he has given three dates of birth on three occasions, itself makes his case of strong doubt which is added on account of non-appearance before the Medical Board for ascertaining his age.

This Court does not find any error in the order impugned. Accordingly, this petition is dismissed.

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(Shivaji Pandey, J)