

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11427 of 2013

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Shiv Bachan Singh Son Of Late Basgeet Singh Resident Of Village-
Baruna, P.O.- Osai, Police Station- Bihiya, District- Bhojpur.

.... Petitioner

Versus

1. The Union Of India Through The Principal Secretary, Department Of Home (Special) Government Of India, Lok Nayak Bhawan, Khan Market, New Delhi- 3.
 2. The State Of Bihar Through The Principal Secretary, Department Of Home (Special), Government Of Bihar, Patna.
 3. The Director, Freedom Fighter Directorate, Bihar, Patna.
 4. The Collector, Bhojpur.
 5. The Superintendent, Mandal Kara, Ara. Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. R.K.Sinha No.2, Advocate

For the Respondent/s : Mr. Akhileshwar Singh, AC to GA 3 and
Mr. Manoj Kr.Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER

4 03-09-2015 The petitioner prays for grant of freedom fighter pension as he remained underground as evading arrest from 1.4.943 to 31.12.1944 and remained in custody in Mandal Kara, Ara from 23.12.1942 to 1.3.1943.

It appears from the counter affidavit of the State Government that it recommended the case of the petitioner for grant of family pension to the Central Government in the year 1989. Counter affidavit filed by the Central Government states that petitioner's claim has been rejected as the total period of his custody was only three months which is less than the required condition under the SSS Pension Scheme, 1980.

It appears that the petitioner had made claim both on the ground of remaining underground for about one year and eight months and remaining in custody for three months. The respondents have only considered the period of his custody and did not consider the second aspect. As such, the impugned order is set aside and the matter is remitted to the respondent no.1 for passing a fresh order for grant of freedom fighter pension within three months from the date of receipt of this order.

The writ petition is thus disposed of.

(Samarendra Pratap Singh, J)

Shashi.

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