

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15608 of 2012

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Smt. Saraswati Devi W/O Late Rajendra Thakur R/O Village- Gorai,
P.S.- Chakmaheshi, Distt.- Samastipur

.... Petitioner

Versus

1. The Union of India through the Under Secretary
Ministry of Home Affairs, New Delhi
2. The State of Bihar through Secretary Home Department, Govt. of
Bihar, Patna
3. District Magistrate, Samastipur
4. Anchal Adhikari, Kalyanpur Anchal, Distt.- Samastipur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Union of India : Mr. Awadhesh Kumar Pandey, Sr. C.G.C.
Mr. Manoj Kr. Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL JUDGMENT

Date: 06-08-2015

Heard learned counsel for the petitioner as
well as learned counsel for the State and the Union of
India.

The petitioner is widow of Late Rajendra
Thakur, who was initially, granted Freedom Fighter
Samman Pension in the year 1986 by the Central
Government on the recommendation of the State
Government. Subsequently, on the basis of the
complaint, the Central Government sought for the
response of the State Government. The State Government

this time did not make any recommendation for grant of Freedom Fighters' Pension. On the basis of recommendation of the State Government, the Central Government asked for a show cause from the husband of the petitioner and rejected his case on 19.11.2012.

Learned counsel for the petitioner submits that the husband of the petitioner went underground because of the detention order issued against him from August, 1942 to December, 1943. In support of his submission, he has annexed a certificate granted by two freedom fighters which are annexed as Annexure-2 series. He submits that on that basis, the husband of the petitioner was granted freedom fighters pension. He submits that the petitioner is not in know-how of the records and as such, the details of the case could not be furnished before the State Government.

Counsel for the State and Union of India submit that the petitioner has not furnished any document to demonstrate that he was an accused in a criminal case pursuant to which the detention orders were issued. He submits that the petitioner before annexing the Annexure-2 series would have produced

some prima facie evidence of the case.

Having regard to the facts of the case, the State Government will verify whether the husband of the petitioner was accused in a case along with Kapildeo Thakur. This exercise should be completed within a period of four months. Thereafter, fresh letter should be forwarded to the Central Government for appropriate decision.

This Court has not expressed any merit in this case which is accordingly disposed of.

(Samarendra Pratap Singh, J.)

Vats/-

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