

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7287 of 2013

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Satni Devi, D/O Late Baldeo Pandit, Wife Of Sri Punit Pandit, Resident Of
Village – Lagma, P.S. Chautham, District - Khagaria

.... Petitioner

Versus

1. The Union of India through the Secretary Home Department, Govt. Of India, New Delhi
2. The Director-Cum-Deputy Secretary, Govt. Of India, Ministry Of Home Affairs, Freedom Fighters Pension Division, New Delhi
3. The Chief Account Controller (Pension and Miscellaneous), Ministry Of Home Affairs, Jamnagar House, New Delhi
4. The State Of Bihar through Director-Cum-Deputy Secretary, Govt. Of Bihar, Home Special Department, Patna
5. The District Magistrate, Khagaria
6. The Senior Deputy Collector, District General Section, Khagaria

.... Respondents

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Appearance :

For the Petitioner	:	Mr.Kamla Prasad Roy, Advocate.
		Mr. Satya Ranjan Sinha, Advocate
For the S t a t e	:	Mr. Ravindra Kumar, A.C. to AAG-10
For the Union of India	:	Mr. Rakesh Kumar Sinha,CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 29-04-2015 Whatever may have been the intention of the Government in framing the Swatantrata Sainik Samman Pension Yojana, 1980, the experience has shown that not only it was subjected to gross misuse by quite large number of persons but also has given rise to social evils. The intention for such person is to get the money at any cost and perpetuate the facility; whether the means be legal or illegal.

The father of the petitioner, by name Baldeo Pandit,

was sanctioned Freedom Fighters' Pension. It appears that the mother of the petitioner died long back. Therefore, Baldeo Pandit has shown one Siya Devi as his wife, obviously with a view to enable her to draw the pension after his death. As expected, Baldeo Pandit died and Siya Devi started getting family pension.

The petitioner filed CWJC No.9050 of 2011 before this Court pleading that sanction of family pension to Siya Devi is illegal, particularly when the woman had married with another person. The writ petition was disposed of, through order dated 20.5.2011, directing the Home Commissioner, Bihar, Patna to conduct enquiry. After enquiry, the Home Commissioner passed an order holding that Smt. Siya Devi is not entitled for sanction of family pension, after she married another person.

Thereafter, the petitioner herself claimed the family pension and filed CWJC No.19663 of 2012. That was disposed of, through order dated 17.10.2012, leaving it open to her to file representation before the District Magistrate, Khagaria. The petitioner filed representation before the District Magistrate. Through order dated 22.1.2013, the District Magistrate rejected the claim of the petitioner on the ground that she is the married daughter of the deceased freedom fighter. The said order is challenged in this writ petition.

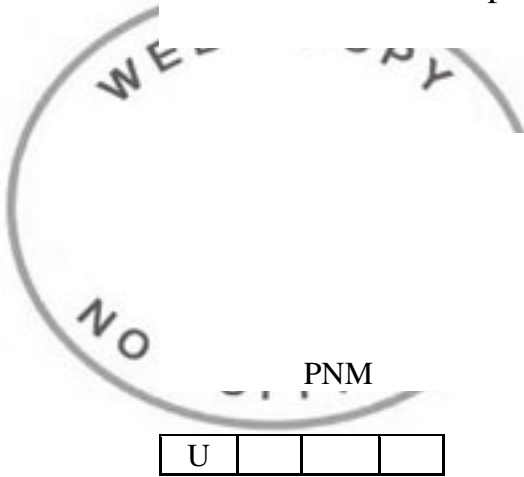
Heard Shri Kamla Prasad Roy, learned counsel for the petitioner, Shri Rakesh Kumar Sinha, learned counsel for the respondent-Union of India and Shri Ravindra Kumar, learned Assistant Counsel to AAG-10 for the State.

It is rather unfortunate that a gesture of honour to a person, who had taken part in the freedom struggle, has been reduced to such ridiculous levels. The father of the petitioner was recognized as freedom fighter and he was sanctioned pension. However, a woman, who was shown as his wife, married another person, once she was sanctioned the family pension. It only speaks about the sanctity of the so-called marriage.

To the extent the petitioner raised objection for the continuation of pension by name Siya Devi, there cannot be any serious objection. However, the petitioner cannot claim family pension. The reason is that the family pension is payable under the scheme or under various Service Rules or Notification to only the married daughter of the deceased freedom fighter or the employee, as the case may be, in the absence of the widow of the pensioner. The question of payment of family pension to the married daughter does not arise.

There are no merits in the writ petition. The same is dismissed.

The interlocutory application, if any, shall also stand disposed of. However, there shall be no order as to costs.



(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)