

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 8514 of 2013 (L)

PETITIONER :

**RADHAMANIYAMMA
AGED 62 YEARS,
W/O.LATE GOPALAPILLA,
GOPALAVILASAM, PURAKKANNI
VARKALA.**

**BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR**

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM, PIN - 695 001.**
- 2. THE TAHSILDAR,
CHIRAYINKEEZHU, THIRUVANANTHAPURAM,
PIN - 695 001.**

R1 & R2 BY GOVT. PLEADER SRI. M. MUHAMMED SHAFI

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 8514 of 2013 (L)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1. TRUE COPY OF THE LETTER DATED 16.01.2006 ISSUED BY THE 1ST
RESPONDENT.**

EXHIBIT P2. TRUE COPY OF THE COMMUNICATION DATED 31.07.2009.

**EXHIBIT P3. TRUE COPY OF REPORT DATED 14.06.2011 SUBMITTED BY THE 2ND
RESPONDENT TO THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 8514 of 2013

Dated this the 11th day of March, 2015

J U D G M E N T

The petitioner is the widow of the freedom fighter by name Sri.V.Gopalapilla. The case of the petitioner is that, the deceased husband by virtue of participation in the freedom struggle was found as eligible to get pension under the 'Kerala Freedom Fighters' pension Scheme' which was sanctioned in the year 1985. Shortly thereafter, the husband of the petitioner took his last breath on 04.03.1986. It is stated that, the petitioner is entitled to have the benefit of the 'Pension Scheme' and as such, the petitioner submitted necessary proceedings before the 1st respondent. On receipt of the application preferred by the petitioner, a report was called for by the 1st respondent vide Ext.P1 dated 16.01.2006. It is also mentioned therein that the deceased husband of the petitioner was receiving pension till 03.02.1986. It was in the said circumstances, the 1st respondent sought to verify whether any such pension was paid till that date. A detailed enquiry was conducted by the Village officer, who sent Ext.P2 report on 31.07.2009 to the 2nd respondent/Tahsildar,

confirming the receipt of pension by the deceased husband of the petitioner. The eligibility of the petitioner also stands certified therein and the relevant records were forwarded along with Ext.P2. Based on Ext.P2, Ext.P3 report dated 14.06.2011 was submitted by the 2nd respondent before the 1st respondent. Nothing has transpired in positive, which made the petitioner to approach this Court by filing the writ petition.

2. A statement has been filed on behalf of the 1st respondent to the effect that the records could not be traced out and hence the delay. Paragraph 5 reads as follows:

"5. Under the above circumstances, it has become necessary to trace out the documents pertaining to the grant of Kerala Freedom Fighters Pension to the petitioners deceased husband. If the petitioner is able to produce any piece of paper to show the reference or any number it will be helpful for this respondent or the department to trace the details of the granting pension to the petitioners deceased husband. The office of this respondent is taking all possible efforts to trace out the records of the pension of the deceased husband and further steps will surely be taken at the earliest to render the continuous pension to the applicant by complying all the legal formalities contemplated in Kerala Freedom Fighters Pension Rules. There is no willful latches or negligence on the part of this respondent in pursuing

with the application filed by the petitioner before the Public Grievance Redressal Cell. All efforts have been being taken by this respondent to trace out the records and for granting the continuous pension to the petitioner by complying the formalities are envisaged in the Kerala Freedom Fighters Pension Rules."

3. Heard both the sides.

4. During the course of hearing, the learned counsel for the petitioner placed a copy of the order passed by the competent authority in October, 1985, whereby Freedom Fighters' Pension was sanctioned in the name of the deceased husband of the petitioner. It is stated that, the said document was not produced as it was not legible, however adding that, the petitioner is ready to produce the same before the 1st respondent, so as to trace out the relevant records.

5. In the above circumstances, the petitioner is set at liberty to produce a copy of the aforesaid document as well before the 1st respondent, upon which, all earnest efforts shall be taken to conduct further verification, if necessary, and to sanction the due amount to the petitioner. The proceedings as above shall be finalized, at the earliest, at any rate, within 3 months from the date of receipt of a copy of the judgment. It is made clear that

the arrears of pension, if any, shall be disbursed at the earliest, and the monthly pension shall be continued to be paid without fail, subject to finalization of the proceedings as above.

The petition stands disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn