

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 23744 of 2013 (P)

PETITIONER(S):

**P.K. SANTHAKUMARI
WIDOW OF SRI.M.ACHUTHAN NAIR, "NIMMU", 28/765,
CHEVAYOOR, KOZHIKODE-673 017, KOZHIKODE DISTRICT.**

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
KOZHIKODE - 673 020.**
- 2. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
THIRUVANANTHAPURAM - 695 001.**

BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE PENSION ORDER OF THE CENTRAL GOVERNMENT
DATED 24.9.1999.

EXT.P2: TRUE COPY OF THE DEATH CERTIFICATE OF SRI.M.ACHUTHAN NAIR ISSUED
FROM THE KOZHIKODE CORPORATION DATED 15.9.2010.

EXT.P3: TRUE COPY OF THE DETAILS OF THE FAMILY PENSION BEING PAID TO THE
PETITIONER ON THE DEATH OF PETITIONER'S HUSBAND.

EXT.P4: TRUE COPY OF THE ORDER NO.M-2-50162/10 DATED 24.12.2011 OF THE
1ST RESPONDENT.

EXT.P5: TRUE COPY OF THE FREEDOM FIGHTER'S STATE PENSION
SCHEME-AMENDMENT TO RULE 12 OF KERALA FREEDOM FIGHTER'S
PENSION RULES.

EXT.P6: TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE
2ND RESPONDENT DATED 04.02.2013.

EXT.P7: TRUE COPY OF THE JUDGMENT DATED 09.04.2013 IN WP(C)NO.9919 OF 2013
OF THIS HONOURABLE COURT.

EXT.P8: TRUE COPY OF THE G.O.(RT)NO.6381/2013/G.A.D. DATED 31.07.2013 OF THE
2ND RESPONDENT.

EXT.P9: TRUE COPY OF THE G.O.(P)NO.358/2011/G.A.D. DATED 8.12.2011 OF THE
2ND RESPONDENT.

EXT.P10: TRUE COPY OF THE G.O.(P)NO.16/2012/G.A.D. DATED 20.01.2012 OF THE
2ND RESPONDENT.

EXT.P11: TRUE COPY OF THE G.O.(P) NO.355/2010/GAD. DATED 8.11.2010.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 23744 of 2013

Dated this the 4th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “(i) Declare that the petitioner is entitled to get family pension under the Kerala freedom fighter's pension Rules and scheme;*
- (ii) Call for the entire records which leads to Exhibits P4 and P8 and set aside Exhibit P4 and P8;*
- (iii) Issue a writ of mandamus order or direction directing the 2nd respondent to sanction Family Pension to the petitioner under the Kerala freedom fighter's pension Rules and scheme.”*

2. When the matter is taken up for consideration, the learned Government Pleader points out that, a subsequent clarificatory G.O. has been issued by way of G.O.No.4695/FFP-B2-2015/GAD dated 08.01.2014, by virtue of which, the claim of the petitioner to have 'family pension', being the widow of the freedom fighter, could be caused to be considered by the competent authority.

3. In the above circumstances, this Court does not find it

necessary to adjudicate the merits of the case. Exts.P4 and P8 - impugned orders will stand set aside, so as to facilitate such exercise.

4. The writ petition is disposed of, directing the 2nd respondent to reconsider the matter also in the light of the aforesaid Government Order and to pass appropriate orders, after affording an opportunity of hearing to the petitioner, at the earliest, at any rate within three months from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the 2nd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn