

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.4139 of 2009

ORDER :

This Writ Petition is filed seeking to issue a writ of *Mandamus* to declare the inaction of the Under Secretary to Government of India – Respondent No.2 in not passing further orders as envisaged in his proceedings No.112/2092/85-FF(Hyd.Cell), dated 30-05-1988 stopping the petitioner's Central F.F. Pension in spite of his being acquitted by order dated 26-04-1994 in IC No.266/1987 by the Judicial Magistrate of First Class, Huzurabad, Karimnagar District, as in the case of similarly placed Freedom Fighters in whose case, pension payment has been restored by the subsequent orders, as illegal and arbitrary and consequently direct the respondents to restore Central Freedom Fighter Pension of the petitioner.

2. The 2nd Respondent – Under Secretary to Government of India has issued proceedings bearing No.112/2092/85-FF(Hyd.Cell), dated 30-05-1988, addressing to the 3rd Respondent –Accountant General, Andhra Pradesh, as follows :

“I am directed to invite a reference to this Ministry's letter No.112/2092/85-FF, dated 25-10-1985 provisionally sanctioning a pension of

Rs.300/- per month (Rupees three hundred only) w.e.f. 01-08-1980 to 31-05-1985 and Rs.500/- per month (Rupees five hundred only) from 01-06-1985 onwards per month in favour of Shri Ravula Kistaiah, S/o Rajalingam, R/o Papayyapalli, Tq : Huzurabad, District : Karimnagar (AP) and to state that the payment of pension to him may be stopped forthwith until further order and necessary instructions issued to the Treasury Officer concerned.”

3. In the earlier round of litigation, the petitioner has filed W.P. No.10790 of 2002 challenging the said proceedings bearing No.112/2092/85-FF(Hyd.Cell), dated 30-05-1988 and this Court by way of an order dated 25-09-2003 dismissed the Writ Petition on the ground that the writ petition was filed belatedly. The present writ petition challenging the same proceedings, but on some other ground, is placed before this Court for consideration. The request of the petitioner herein is that the proceedings No.112/2092/85-FF(Hyd.Cell), dated 30-05-1988 are not final in nature, since it was stated therein that further orders would be communicated. Hence, the learned counsel for the petitioner requested this Court to pass orders directing the 2nd respondent herein to pass appropriate orders in continuation of the proceedings No.112/2092/85-FF(Hyd.Cell), dated 30-05-1988.

4. Having regard to the facts and circumstances of

the case, this Court is of the view that the request of the learned counsel for the petitioner can be considered.

5. Accordingly, the Writ Petition is disposed of directing the

2nd respondent – Under Secretary to Government of India to pass final orders in continuation of the proceedings No.112/2092/85-FF(Hyd.Cell), dated 30-05-1988. There shall be no order as to costs.

6. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

25th February, 2015

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