

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.19511 of 2006

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ORDER :

When the matter is taken up for hearing, the learned counsel for the petitioners submitted that no orders are necessary against the petitioners 8 and 9. Hence, this order is being passed against the petitioners 1 to 7 and 10 only.

2. This Writ Petition is filed seeking to issue a writ of *Mandamus* to declare the action of the respondents in not sanctioning the pension to the petitioners, and sanctioning the pension to the similarly situated persons, in spite of recommendations made by State Government in the year 2005 along with relevant documents, as illegal and arbitrary and consequently direct the respondents to sanction pension to the petitioners under the Swatantrata Sainik Samman Pension Scheme, 1980, as recommended by the State Government, as early as possible, with arrears.

3. It is the grievance of the petitioners that even though the State Government has recommended the cases of the petitioners for pension under the Swatantrata Sainik Samman Pension Scheme, 1980, by way of letters on various dates addressed to the 1st respondent in the year

2005, till filing of the writ petition and even till now the same are not considered and appropriate orders are not passed by the 1st respondent. This Court is of the view that when such recommendations are made by the competent authority, it is the duty cast upon the 1st respondent to consider the same and pass appropriate orders. It is unfortunate to note that even though the recommendations were forwarded in the year 2005, no orders are passed by the 1st respondent till now. Hence, this Court is of the view that the Writ Petition can be disposed of with the following directions :

4. The 1st respondent is directed to verify the files and also to consider if such recommendations are forwarded to the 1st respondent herein and dispose of the same within a period of three months from the date of receipt of a copy of the order of this Court. Further, the petitioners 1 to 7 and 10 are also directed to communicate the order of this Court along with the recommendations made by the State Government to the 1st respondent within a period of one month from today to enable the 1st respondent to verify and also to consider the recommendations made by the State Government.

5. Accordingly, the Writ petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

11th February, 2015

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