

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF JUNE

TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.15394 of 2015

BETWEEN

Kumbham Ram Reddy.

... PETITIONER

AND

Union of India, Rep. by its Secretary, Ministry of Home Affairs, Freedom Fighters Division,
New Delhi and two others.

...RESPONDENTS

Counsel for the Petitioner: MR. T.S. ANAND

Counsel for the Respondents: MR. B.NARAYANA REDDY

(ASST. SOLICITOR GENERAL)

GP FOR GAD (TG)

The Court made the following:

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ORDER:

Heard.

2. Petitioner in this writ petition is receiving Freedom Fighters' Pension from the Government of India under Swatantrata Sainik Samman Nivrutti Vetan Yojana, 1980. Government of India appears to have come to know by way of complaints that petitioner is not eligible for grant of Freedom Fighters' Pension. Based on that, it appears that preliminary enquiries were conducted and on that basis, impugned show cause notice was issued to the petitioner dated 11.03.2015, whereunder petitioner was called upon to show cause why the pension sanctioned to him should not be cancelled, primarily, on the ground that he was under aged as per medical report at the time of liberation of Hyderabad State. The said preliminary assumption drawn by the respondents is contested by the petitioner by filing explanation in the March 2015 itself, wherein it is categorically stated that he was above 15 years of age as on the cutoff date and the medical board of Kakatiya Medical College, Warangal, has duly examined and has given age certificate and as such, the very assumption reached against the petitioner is not correct.

3. The grievance of the petitioner in this writ petition is that while the explanation to the show causes notice is filed and while the matter is required to be considered by respondent No.1, in the meanwhile,

the pension, which he is receiving every month, is likely to be withheld which will cause tremendous hardship and serious prejudice to the petitioner.

3. Learned Assistant Solicitor General takes notice for respondents and states that respondent No.1 will consider the objections/explanation filed by the petitioner and take appropriate decision.

4. Keeping in view that the petitioner is highly advanced in age and has been recipient of Freedom Fighters Pension since 1998,

at this length of time, it would be highly unjust to disrupt the pension, which he is receiving, especially when respondent No.1 is yet to take a final decision in the matter.

In the circumstances, the writ petition is disposed of directing respondent No.1 to consider the explanation of the petitioner and pass a reasoned order after taking into consideration all the facts and circumstances of the case preferably within a period of three (3) months from the date of receipt of a copy of the order.

Pending consideration and passing of appropriate orders, as above, the pension which has been paid to petitioner shall not be withheld or diminished. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

June 3, 2015

DSK