

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.19312 of 2006

ORDER:

1. This writ petition is filed seeking to declare the action of the respondents in issuing communication bearing No.12/3801/73-FF/S2, dated 20.3.1992 basing on show cause memo No.12/3801/73-FF/VI, dated 30.3.1977 as illegal and arbitrary and consequently, to direct the respondents to release the arrears of pensionary benefits due to the petitioner's husband from 30.3.1977 till his death i.e., 8.4.1989 and pension to the petitioner from 9.4.1989.

2. It is averred that Freedom Fighter's Pension under SSP was granted by the Central Government to Chiluvuri Bapi Raju, husband of the petitioner in the year 1974. Subsequently, the said pension was cancelled on 30.3.1977 on the allegation that he was not a real freedom fighter. Thereafter, the husband of the petitioner made a representation to the Government. The Collector, West Godavari District made enquiry and found that the husband of the petitioner was a genuine freedom fighter. The Collector recommended the case of the husband of the petitioner for restoration of pension. The Secretary to the Government, Andhra Pradesh addressed a letter for grant of pension of the husband of the petitioner. But no orders were passed. The husband of the petitioner passed away on 8.4.1989. Hence, the petitioner filed W.P.No.24815 of 1995 challenging the show cause memo dated 30.3.1977. This Court while dismissing the said writ petition, observed as follows:

“The order does not preclude the petitioner from making a representation with all relevant material papers to the Central Government within a period of four weeks from the date of receipt of a copy of the order and on receipt of the same, the Central Government is directed to consider the same and pass appropriate orders on merits keeping all the facts and circumstances of the case within four weeks thereof.”

Thereafter, the petitioner filed a representation before the 1st

respondent on 23.4.2002. As there was no communication, she filed the present writ petition.

3. It is brought to the notice of this Court that the Collector, West Godavari District, who enquired into the matter has reported that the husband of the petitioner was a genuine Freedom Fighter and the matter needs reconsideration for restoration of pension already sanctioned, and that the State Government has also recommended for restoration and sanction of pension to the petitioner, vide letter No.41742/FF.1/2008, dated 3.12.2008. But no orders have been passed so far. A copy of the said letter was also placed before this Court.

4. Considering the above facts and circumstances of the case, this Court feels it just and proper to direct the 1st respondent to consider the recommendations forwarded by the Secretary to Government, Revenue (FF.I), Department, A.P. Secretariat, Hyderabad, and pass appropriate orders.

5. Accordingly, the writ petition is disposed of directing the 1st respondent to consider the recommendations forwarded by the Secretary to Government, Revenue (FF.1), Department, A.P. Secretariat, Hyderabad, and pass appropriate orders within a period of three months from the date of receipt of a copy of this order. No order as to costs. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Dated:12th February, 2015

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