

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.3028 of 2008

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ORDER :

This Writ Petition is filed seeking to issue a writ of *Mandamus* to declare the action of the 2nd respondent in not releasing the pension amount under Swatantrata Sainik Samman Pension Scheme, as sanctioned by the 1st respondent vide proceedings No.112/8591/97-FF(HC) (A), dated 07-07-2003, on the ground that the name of the husband of the petitioner was wrongly mentioned, as illegal and arbitrary and consequently direct the 2nd respondent to release the pension to the petitioner with immediate effect as sanctioned by the 1st respondent and continue to pay the same.

2. This Court by way of interim order dated 15-02-2008 in W.P.M.P. No.3932 of 2008 directed the 2nd respondent to consider the rectification affidavit already filed in relation to the release of pension under Swatantratra Sainik Samman Pension Scheme as sanctioned by Respondent No.1 vide proceedings No.112/8591/97-FF(HC)(A), dated 07-07-2003.

3. Subsequently, the 1st respondent by its letter dated 06-05-2008 informed the petitioner that the pension

granted to her was kept in abeyance on various grounds and it is also informed in the letter that the Government has already ordered for a detailed enquiry into the claims of freedom fighters, since there were gross violations and also wrong claims by persons those who are under-aged and persons those who are not connected with the freedom movement. It is also further stated in the letter that further action regarding the claim of the petitioner for dependent family pension will be taken after receipt of re-verification report regarding her claim.

4. Considering the stand taken by the 1st respondent herein, this Court is of the considered view that nothing survives in this Writ Petition for adjudication at this stage. But, in any event, the

1st respondent herein is directed to consider the case of the petitioner, if, after verification, any recommendation is made by the State Government for grant of dependent family pension to the petitioner, as expeditiously as possible.

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

skmr

