

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.18281 of 2008

ORDER:

The writ petition is filed seeking a writ of mandamus declaring the action of the respondents 1 and 2 in not sanctioning the pension under 'Swatantra Sainik Sanman Pension Scheme' to the petitioner pursuant to the recommendations of the third respondent vide Lr.No.61980/REV/FF-I/2005(829)-1, dated 06.06.2005, even though similar persons whose cases were recommended along with the petitioner were granted pension, as illegal and arbitrary and consequently direct the respondents 1 and 2 to sanction the pension along with arrears from 06.06.2005 to the petitioner.

The learned counsel for the petitioner submits that the petitioner is a freedom fighter and he has made an application for grant of Swatantra Sainik Sanman Pension and that the third respondent, after detailed enquiry, has recommended the case of the petitioner for the said Pension, vide D.Dis.No.B/267/2005, dated 24.02.2005. He further submits that in spite of repeated requests by the petitioner, the respondents 1 and 2 have not passed any orders granting Pension to the petitioner, till date.

Considering the facts and circumstances of the case, this Court is of the view that when the case of the petitioner for Swatantra Sainik Sanman Pension is recommended by the third respondent, it is the duty of the first respondent to pass appropriate orders either accepting or rejecting the case of the petitioner. Hence, the first respondent is directed to consider the case of the petitioner for sanction of Swatantra Sainik Sanman Pension and pass appropriate orders, within a period of three months from the date of receipt of copy of this Order.

The writ petition is accordingly disposed of. No costs.

Consequently, the miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

08.04.2015

pln

