

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.13019 OF 2007

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, to declare the order, dated 31.05.2007, passed by the 1st respondent in putting the pension of the petitioner under temporary suspension, as arbitrary and illegal and consequently, set aside the same.

The case of the petitioner is that he was sanctioned Swatantra Sainik Samman Pension on provisional basis with effect from 11.02.2004 vide letter, dated 07.07.2004 by the 1st respondent, after an elaborate enquiry conducted by the authorities and since then he has been drawing the pension. While so, on 31.05.2007 the 1st respondent issued the impugned order stating that the age proof certificate submitted by the petitioner is not tallying with his school register, and asked him to submit his reply / representation within 21 days from the date of receipt of a copy of that order.

On 21.06.2007 while admitting the writ petition, this Court granted interim suspension of the impugned order.

Heard the learned counsel for the petitioner, learned Assistant Solicitor General and the learned Government Pleader for Revenue and perused the record.

On a perusal of the order passed by the 1st respondent, it is evident that the petitioner is directed to give his explanation / representation within a period of 21 days from the date of receipt of a copy of the said order. Learned counsel for the petitioner submitted that the petitioner has given a representation as per the impugned order, but he could not able to produce any copy of the same before

this Court.

Taking into consideration the facts and circumstances of the case, the petitioner is directed to give a representation to the 1st respondent explaining the facts and also with relevant documents showing that he is entitled for the pension under the Swantantra Sainik Samman Pension scheme and also for final orders in the matter, within a period of (30) days from the date of receipt of a copy of this order. On such representation, the 1st respondent is directed to consider all the submission made by the petitioner in proper perspective and pass final orders, within a period of three (3) months thereafter. Till passing of final orders by the 1st respondent, the interim order passed by this Court on 21.06.2007 shall remain in force.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. The miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

February 09, 2015.

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