

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.19525 of 2006

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ORDER :

This Writ Petition is filed seeking to issue a writ of *Mandamus* to declare the action of the respondents in rejecting the sanction of the pension to the petitioners, and sanctioning the pension to the similarly situated persons, in spite of recommendations made by State Government in the year 2005 along with relevant documents, as illegal and arbitrary and consequently direct the respondents to sanction pension to the petitioners under the Swatantrata Sainik Samman Pension Scheme, 1980 as recommended by the State Government, as early as possible, with arrears.

2. The 1st respondent has issued detailed letters No.112/16/2005-FF(HC), dated 22-11-2005 to the petitioners and the relevant portion of the letters read as follows :

“However, this Ministry is willing to re-consider your claim if you are able to furnish requisite, acceptable evidence (primary or secondary), duly verified, in support of your claimed suffering, in accordance with the provisions of the *Swatantrata Sainik Samman Pension Scheme, 1980*”

3. The aforesaid letters clearly indicate that the rejection orders were passed by the 1st respondent, since the claims

of the petitioners do not meet the eligibility criteria and evidentiary requirements of the Scheme and the 1st respondent in its letters called the petitioners to give their representations along with relevant material.

4. Having regard to the facts and circumstances of the case, this Court is of the view that the Writ Petition can be disposed of as follows :

5. If the petitioners are so aggrieved by the letters No.112/16/2005-FF(HC), dated 22-11-2005 issued by the 1st respondent, it is left open to them to prefer representations along with relevant documents to substantiate their claims to the concerned authority within a period of one month from the date of receipt of a copy of the order. The authority concerned is also directed to consider the representations being filed belatedly by the petitioners, because such delay is happened due to the pendency of the writ petition before this Court.

6. 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

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