

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.24600 OF 2006

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners, to declare the inaction of the respondent in considering the applications of the petitioners for grant of pension under Swatantra Sainik Samman Pension Scheme as arbitrary and illegal and consequently, direct the respondent to consider the applications of the petitioners for grant of the pension under the said scheme from the date of their applications.

The case of the petitioners is that they are all freedom fighters and fought against the Nizam Rule during the year 1947-48 for merger of erstwhile Hyderabad State into Indian Union and in that process they went underground and participated in the boarder camp. The Government of India had formulated a scheme to provide financial assistance and to extend the benefits to the freedom fighters, namely, Swatantra Sainik Samman Pension Scheme-1980. So, all the petitioners have applied for pension under the said scheme in the year 1997 by enclosing necessary certificates. As there was no response from the respondent, some of the petitioners have also applied again in the year 2005. But, there is no response from the respondent till date. Hence, they filed the present writ petition.

The respondent filed a counter affidavit stating that they have not received any such representations and their file disclose any application filed by the petitioners.

Heard the learned counsel for both parties and perused the record.

In the facts and circumstances of the case, I deem it appropriate to direct the petitioners to submit fresh representations to the

authorities concerned along with relevant documents, seeking their remedy, if they so desire.

Accordingly, the Writ Petition is disposed of directing the petitioners to submit fresh representations to the respondent explaining the facts and also with relevant documents showing that they are entitled for the pension under the Swantantra Sainik Samman Pension scheme. On receipt of such representations, the respondent is directed to consider the same and pass orders in accordance with law as expeditiously as possible. There shall be no order as to costs. The miscellaneous petitions pending, if any, shall stand closed.

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RAJA ELANGO, J

February 09, 2015.

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