

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No. 795 of 2015

Dt:01.09.2015

Between:

The Government of India.

... Appellant

And

Smt.Kurshid Anjum and others.

... Respondents

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AND
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WRIT APPEAL No. 795 of 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

This writ appeal is directed against the order, dated 17.12.2014, passed in W.P.No.20788 of 2013 filed by 88-year-old respondent No.1 seeking freedom fighter pension under the Freedom Fighter Pension Scheme, 1980. Learned Judge allowed the writ petition and remitted the matter to the Central Government for reconsideration of her claim. The relevant paragraph whereby direction was issued, reads thus:

“In normal circumstances and facts on record, the long drawn litigation and orders of this Court in W.P.No.32140 of 2011 presents case for issuance of mandamus, but for the fact that the document evidencing warrant of arrest is brought on record only recently, by setting aside the order impugned in the writ petition, matter is remitted to the Central Government for re-consideration of claim of late Akram Hussain for grant of pension and claim of petitioner for grant of pension after his demise duly taking note of warrant of arrest issued by the then Nizam Government, which is already submitted to the Central Government through representation of the petitioner dated 21.10.2014 and brought on record of this writ petition vide WPMP No.45528 of 2014 and to grant pension in accordance with the Scheme, 1980 and family pension from the date of demise of the husband of the petitioner. Such process shall be completed within four weeks from the date of receipt of copy of this order.”

Having considered the directions issued by learned Single Judge, in our firm opinion, the appellant-Government of India ought not to have filed the present appeal for more than one reason. Firstly, respondent No.1, who is fighting for her freedom fighter pension since last so many years, is now 88-year-old. Secondly, learned Single Judge only directed to reconsider her claim and dispose it of within a period of four weeks from the date of receipt of the copy and thirdly, the appellant has wasted more than nine months time in challenging such order.

Having regard to the facts and circumstances of the case, we direct the State Government to forward the re-verification report within a period of two weeks from today. The Central Government shall reconsider respondent No.1's claim for pension within a period of four weeks therefrom, as per the directions issued by learned Single Judge in the light of the reasons recorded in the impugned order.

Writ appeal is accordingly disposed of.

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

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:01.09.2015
kdl

