

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF JUNE
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.13084, 13134, 13266 and 13693 OF 2015

BETWEEN

Edavelly Papi Reddy and others

... PETITIONERS

AND

Union of India, rep. by its Secretary, Ministry of Home Affairs, Freedom Fighters Division
and others

...RESPONDENTS

The Court made the following:

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COMMON ORDER:

Heard.

2. Petitioners in this batch of writ petitions are receiving Freedom Fighters' Pension from the Government of India under Swatantrata Sainik Samman Nivrutti Vetan Yojana, 1980. All the petitioners, who are aged above 80 years, were sanctioned Freedom Fighters' Pension in the year 1998 and they have since been recipients of the pension. Government of India appears to have come to know by way of complaints that petitioners are not eligible for grant of Freedom Fighters' Pension. Based on that, it appears that preliminary enquiries were conducted and on that basis, impugned show cause notices were issued to each of the petitioners, dated 11.03.2015, whereunder petitioners were called upon to show cause why the pension sanctioned to them should not be cancelled, primarily, on the ground that they were under age as per medical reports at the time of liberation of Hyderabad State. The said preliminary assumption drawn by the respondents is contested by the petitioners by filing separate explanations in the year March, 2015 itself, wherein they have categorically stated that all of them were above 15 years of age as on the cutoff date and the medical board of Kakatiya Medical College, Warrangal, has duly examined and has given age certificates and,

as such, the very assumption reached against the petitioners is not correct. Present grievance of the petitioners in these writ petitions is that while their explanations to the respective show causes notices are filed and while the matters are required to be considered by respondent No.1, in the meanwhile, the pension, which they are receiving every month, is likely to be withheld which will cause tremendous hardship and serious prejudice to the petitioners.

3. Learned Assistant Solicitor General takes notice for respondents and states that respondent No.1 will consider the objections filed by the petitioners and take appropriate decision.

4. Keeping in view that all the petitioners are highly advanced in age and have been recipients of Freedom Fighters Pension since 1998, at this length of time, it would be highly unjust to disrupt the pension, which they are receiving, especially when respondent No.1 is

yet to take final decision in the matter.

5. In the circumstances, these writ petitions are disposed of directing respondent No.1 to consider the respective explanations of each petitioner and pass a reasoned order after taking into consideration all the facts and circumstances of the case preferably within three months from the date of receipt of a copy of the order. Pending consideration and passing of appropriate orders, as above, the pension which has been paid to each petitioner shall not be withheld or diminished.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

June 1, 2015

Lmv