

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.25312 OF 2006

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner to declare letter, dated 15.02.2005, issued by the 2nd respondent in rejecting the claim of the petitioner for granting Swathantra Sainik Sanman Pension Scheme on untenable and frivolous grounds and without application of mind, even though petitioner is fully eligible for the said pension, as illegal and arbitrary and consequently set aside the impugned letter with a direction to the 2nd respondent to sanction Swathantra Sainik Samman Pension along with arrears to the petitioner.

The case of the petitioner is that he participated in freedom struggle against the Nizam Regime in the year 1947-48. Pursuant to the Swanthra Sainik Samman Pension Scheme introduced by the 1st respondent, he submitted an application to the 1st respondent and the same was forwarded to the 3rd respondent for scrutiny. After due enquiry, the 3rd respondent forwarded the recommendations to the 1st respondent, along with all necessary documents, for taking necessary action. The 1st respondent rejected the claim of the petitioner by mentioning four grounds, through the impugned letter. Hence, this writ petition.

Heard the learned counsel for the petitioner, learned counsel for the respondents and perused the record.

Learned counsel for the petitioner submits that all the four grounds, on which the case of the petitioner was rejected, are not legally valid and the respondent has not applied its mind while issuing the impugned letter and without verifying the recommendations made

by the State Government and also the Screening Committee, the impugned letter was issued.

In the facts and circumstances of the case and after hearing the arguments, this Court is of the view that the grievance of the petitioner can be redressed, by directing the 1st respondent to consider the case of the petitioner once again basing on the records available.

Accordingly, the Writ Petition is disposed of directing the 1st respondent to consider the case of the petitioner once again basing on the records available and pass appropriate orders, within a period of three (3) months from the date of receipt of a copy of this order. The petitioner is at liberty to communicate this order to the 1st respondent along with relevant documents, if he intends to do so.

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 12 2015.

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