

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

FRIDAY, THE TWENTY SIXTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.8760 of 2014

&

WPMP.No.24635 of 2015

BETWEEN

Mohammed Ishaq Gulshani.

... PETITIONER

AND

Government of Andhra Pradesh, Rep. by its Secretary, Department of Revenue (FF.II), Secretariat, Hyderabad and another.

...RESPONDENTS

Counsel for the Petitioner: MR. MOHAMMAED IQBAL

**Counsel for the Respondents: MR. B. NARAYANA REDDY
(ASST. SOLICITOR GENERAL)
GP FOR REVENUE (TG)**

The Court made the following:

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ORDER:

Heard.

2. Petitioner claims to be a freedom fighter, who participated in the freedom struggle against the then Government of Nizam and states that during that period, a case No.173/1/1357 Fasli was registered against him in Suryapet Police Station. The said case was subsequently closed after merger of Hyderabad State with the Union of India. Petitioner seeks freedom fighters pension and had also approached this Court in WP.No.15460 of 2008, which was disposed of on 07.02.2011 directing the second respondent therein i.e. the Deputy Secretary to Government of India, Ministry of Home Affairs to consider the application of the petitioner for grant of pension under the Swantantra Sainik Sanman Pension Rules, 1980 and pass appropriate orders within a period of eight weeks. Apart from communicating the order, the petitioner states that he made several representations and requested that the issue as to pending since last several years and a decision is required to be taken as the petitioner is nearing fag end of his life. After the last representation dated 22.02.2014, the petitioner has filed the present writ petition complaining that none of his representations are being considered in spite of order of this Court.

3. Learned Assistant Solicitor General has filed counter stating that in terms of the Swantantra Sainik Sanman Pension Scheme, 1980 recommendations of the State Government were again subject to reconsideration and review by the Central Government so as to satisfy itself of the eligibility criteria and evidentiary requirement of the material produced. It is stated that the mandatory verification report with the application of the petitioner was not received from the Government of Andhra Pradesh and hence, further action could not be taken. It is stated that after the disposal of the earlier writ petition, the claim of the petitioner was considered and rejected on 19.10.2011 under intimation to the petitioner but it was made

clear that the Central Government is open to reconsider the claim of the petitioner on receipt of mandatory verification and recommendation report from the State Government and since that is not yet received so far, further action could not be taken.

4. During the hearing of the writ petition, learned Assistant Solicitor General as well as the learned counsel appearing for the State Government submitted that as per the subsequent guidelines, the said mandatory verification is required to be done by the State Government and accordingly, the issue is lying with the District Collector, Ranga Reddy for appropriate verification and transmission of report of the State Government so as to forward it to the Central Government.

5. Since the District Collector, Ranga Reddy, was not a party to the writ petition, petitioner has subsequently filed WPMP.No.24635 of 2015 to implead the District Collector as respondent No.3. The said implead petition is accordingly ordered and the District Collector shall, accordingly, stand impleaded.

Consequently, the writ petition is disposed of with the following directions:

1. Petitioner shall file a copy of his application together with a set of documents enclosed with the District Collector/respondent No.3.
2. Respondent No.3 shall arrange for verification of eligibility of the petitioner and the documents produced by the petitioner and submit an appropriate report to the State Government within a period of two (2) months from the date of receipt of a copy of this order.
3. On receipt of such report from the District Collector, respondent No.1 shall forward appropriate recommendation to respondent No.2 within a further period of one month.
4. Respondent No.2 shall, thereafter, consider the report accordingly and pass appropriate orders on the petitioner's application, as expeditiously as possible,

keeping in view that he is now aged 84 years.

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

VILAS V. AFZULPURKAR, J

June 26, 2015
DSK