

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.325 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 9072 of 2010

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Ram Kripal Mandal Son Of Late Babulal Mandal Resident of Village and P.O. -
Khurasan, P.S. - Salkhua, District - Saharsa

.... Appellant/s

Versus

1. The Union Of India through the Secretary, Ministry Of Home Affairs, New Delhi
2. The Deputy Secretary, Ministry Of Home Affairs, Govt. Of India, F.F.R. Division - C.Z. Section, Freedom Fighter Cell, 1st Floor, Lok Nayak, Khan Market, New Delhi - 3
3. The Under Secretary, Ministry Of Home Affairs, Govt. Of India, F.F.R. Division - C.Z. Section, Freedom Fighter Cell, 1st Floor, Lok Nayak , Khan Market, New Delhi - 3
4. The State of Bihar through the Director-Cum-Deputy Secretary, Home (Special) Department, Govt. Of Bihar, Patna
5. The Under Secretary to the Govt. Home (Special) Department, Govt. Of Bihar, Patna
6. The Joint Secretary, Home (Special) Department, Govt. Of Bihar, Patna
7. The District Magistrate-Cum-Collector, Madhepura
8. The District Magistrate-Cum-Collector, Saharsa
9. The Sub-Divisional Officer, Simri, Bakhtiyarpur, District - Saharsa
10. The Treasury Officer, Saharsa

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Mishra, Advocate
For the State : Mrs. Namrata Mishra, GA-6 with
Mr. Alok Ranjan, AC to GA-6

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 01-08-2016

The challenge in the present Letters Patent Appeal is to
an order passed by the learned Single Bench of this Court on
11.12.2013 whereby the challenge to the order dated 31st December,

2009 refusing to restore the Swatantrata Sainik Samman Pension (SSSP) to the appellant remained unsuccessful.

Earlier, the appellant invoked the writ jurisdiction of this Court against the show cause notice dated 17th February, 1998 wherein it was proposed to cancel the Swatantrata Sainik Samman Pension payable to the appellant. This Court in CWCJ No. 14975 of 2005 struck down the said show cause notice on 2nd February, 2009 on the ground that it violates the principles of natural justice and the matter was remitted back to the Government to reconsider the same. It is thereafter, another show cause notice was issued to the appellant on 19th August, 2009 and after considering the reply filed, pension was not ordered to be restored.

The claim of the appellant is based upon G.R. No. 683 of 1941 in proof of the fact that he was in custody during freedom struggle. It has been found from the letter of the District Magistrate, Madhepura dated 12.12.1986 that it is not possible to verify the contents stated in the copy of G.R. as the original record in the concerned G.R. was never received in the office. It was, thus, concluded that the claim of the appellant for pension was based upon forged documents. It is on the said ground; the claim of the appellant for pension has not found favour with the Government and has not been interfered with by the learned Single Bench in the order

impugned in the present Letters Patent Appeal.

The sole claim of the appellant is of custody based upon G.R. No. 683 of 1941. The genuineness of such G.R. has not been proved. In absence of proof of the custody of the appellant in connection with the freedom struggle, the Swatantrata Sainik Ssmman Pension could not have been granted to the appellant and has been rightly not restored.

We do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal.

The Letters Patent Appeal is, accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P. Kumar/Anjani

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A