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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.2268 of 2015

Chhaya Rani Chakraborty W/o Late Shri G.C. Chakraborty, Aged About 88 Years R/o Priyadarshani Nagar, Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. Union Of India Through Secretary, Ministry Of Home Affairs, Lok Nayak Bhawan, New Delhi, 110003
2. Section Officer (Policy), Freedom Fighter Divisioin, Ministry Of Home Affairs, N D C C Il, Building, Lok Nayak Bhawan, New Delhi

---- Respondents

For Petitioner	:	Shri Anup Majumdar, Advocate
For Respondents	:	Shri N. K. Vyas, ASG with Shri Rajkumar Gupta, Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/04/2016

This petition has been filed by the widow of Freedom fighter, aggrieved by the sudden stoppage of pension, which she was getting since 1980. The petitioner is 88 years old aged lady.

2. Submission of learned counsel for the petitioner is that the petitioner, who is a widow of Freedom fighter, has been awarded pension under Government's own scheme which was being paid to her till March, 2015. However, thereafter, all of a sudden, Freedom Fighter Pension has been withheld and is not being paid to the petitioner from the concerned bank i.e. State Bank of India, Kachhari Branch, Raipur, wherefrom she had been receiving her pension since long. Upon enquiry, the petitioner came across a letter dated 04-01-2015 of Ministry of Home Affairs, wherein it has been directed for stoppage of pension of 399 cases immediately under information to the Ministry. In response to the said notice, the AGM, State Bank of India, Kachhari Branch at Raipur was advised by the Manager of SBI

Bhopal's Office regarding suspension of pension as per instructions received from the Ministry of Home Affairs dated 04-01-2015.

3. Learned counsel for the petitioner raised short submission that without there being any decision upon scrutiny made, all of a sudden pension has been stopped, which is highly arbitrary. It is further submitted that in the return, which has been filed by the respondents, it has no where been stated that upon any scrutiny, the petitioner was not found entitled to release of pension. The schemes, which have been framed by the Government of India, are meant to benefit the pensioners. Unless, there is a clear finding recorded by the bank or any other responsible Officer of the Ministry, sudden stoppage of pension has resulted in serious financial crisis and harassment to the petitioner.

4. On the other hand, Shri N. K. Vyas, learned ASG appears along with Shri Rajkumar Gupta, counsel for respondent-Union of India and submits that the Government of India has revised the policy in the matter of grant of pension scheme to the widow/dependants of the freedom fighters with a view to ensure that only those will get the benefit of pension scheme who are dependant and not those, who are financially sound and having independent source of income. Learned ASG clarifies in his submission that there is no direction in the case of the petitioner to stop the pension but in view of the policy of Government of India, the banks are under duty to scrutinize the cases. He submits that the banks are required to scrutinize the cases under circular dated 30-12-2015 (Annexure R/3).

5. It is not in dispute that the petitioner is the widow of a Freedom Fighter. It is also not in dispute that she had been getting pension since 1980. Stoppage of pension all of a sudden, without communication of any reason, appears to be apparently arbitrary.

6. There is nothing on record before the Court to show that under any revised scheme, the petitioner has lost her eligibility and entitlement to receive further

pension under the Pension Scheme framed for dependents of Freedom Fighter.

7. It appears that pursuant to the scheme issued by the Government of India from time to time, including revised scheme, the bank has stopped making payment of pension by way of abundant caution without any scrutiny. The petitioner had been getting pension since long. The petitioner appears to be a lady, aged 88 years.

8. At this stage, if all of a sudden pension is stopped, it would only amount to insult adding to injury. It would have only been proper that the case should have been first scrutinized as to whether under the revised scheme, the petitioner continues to be remain eligible or has lost her eligibility.

9. In the circumstances, I am inclined to hold in favour of the petitioner that the petitioner is entitled to receive pension which she was getting till March, 2015. It would be open for the competent authority, as may be authorized by the respondents, to scrutinize the case of the petitioner. However, till such decision is taken and communicated in writing to the petitioner, the pension which was being paid to her, has to be paid.

The pension of the petitioner including arrears shall be released forthwith by the bank. This order shall not come in the way of scrutiny under the revised scheme.

10. Accordingly, the petition is allowed. A copy of this order be produced before the concerned bank.

Sd/-
Manindra Mohan Shrivastava
Judge

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