

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 2935 OF 2011

ORDER:

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Heard and perused the records.

The present Writ Petition came to be filed seeking to declare the action of respondents in not releasing the pension to the petitioner inspite of lapse of 15 years, as illegal and arbitrary.

The averments in the affidavit filed in support of the Writ Petition are as under:

The father of the petitioner late Raja Rangapa Raju was the Zamindar of Chundi Village and the said estate of Chundi was taken over by the Government under the Estates Abolition (Conversion into Ryotwari) Act fixing the pension vide PPO No.1197 and during his life time he drew pension as per rules. Subsequent to his demise, in the year 1995, the petitioner made representation to the third respondent seeking sanction of pension in his favour. The second respondent i.e., Special Commissioner and Director of Settlements vide his letter dated 16.01.1998 informed the third respondent that the proposals sent by him for sanction of pension in his favour were found to be defective on scrutiny and directed the third respondent to submit revised proposal in complete shape. It is stated that the third respondent in turn, through his letter in Rc.No.3525/2000/P3, dated 27.09.2000, while informing about the deficiencies noticed by the second respondent, directed the petitioner to submit certain documents, for which the petitioner submitted documents on 21.10.2000. It is stated that on receipt of the said documents, revised proposals were submitted to the second respondent and

inspite of repeated representations, there was no proper response from the respondents. However, on 31.01.2006, the third respondent requested the second respondent to communicate the orders, if any, passed pursuant to the proposals submitted on 16.11.2000. It is stated that inspite of several reminders, the second respondent did not respond to the same. It is alleged that though necessary documents are submitted in the month of October, 2000, till date no orders are passed by any of the authorities. While things stood thus, the second respondent vide impugned proceedings dated 03.04.2009 directed the petitioner to approach the third respondent for redressal of grievance, but no action has been initiated for release of pension to the petitioner.

The inaction of the respondent in not granting pension is the subject matter of challenge in the present Writ Petition.

A counter came to be filed by the respondents opposing the averments made in the Writ Petition. It has been stated that the request of the petitioner seeking clarification with regard to transfer of Estate pension from the Special Commissioner and Director of Settlements i.e., the second respondent vide Rc.No.D2/9822/95, dated 12.03.1998 was returned vide letter dated 17.03.1999 in Ref.C1/5464/97 stating that the Estate Abolition Act, 1948 did not envisage payment of pension to the Zamindars or ex-zamindars. It is thus stated that the question of granting monthly pension to the ex-zamindar does not arise and in respect of Section 14 of the Pensions Act, 1871 (Act No.23 of 1871) it is stated that the Chief Controlling Revenue Authority may with the consent of the Government from time to time make rules consistent with this Act respecting all or any of the following matters:

1. The place and times at which and the person to whom any pension shall be paid.
2. Inquires into the identity of claimants.
3. Records to be kept on the subject of pensions.
4. Transmission of such records.
5. Correction of such records.
6. Delivery of certificates.
7. Registers of such certificates.
8. Reference to the civil court, under Section 6 of persons claiming a right of succession to or participation in pension or grants, of money or land revenue payable by Government.

It is further stated in the counter that the proposal for transfer of Estate pension in favour of the applicant was submitted to CCLA, A.P., Hyderabad on 01.06.2000 and 18.07.2000 with all relevant documents and also requested the Special Commissioner and D.O.S, A.P., vide ref No.C1/1476/2000, dated 31.07.2000 enclosing all relevant documents and the orders are still awaiting from CCLA. It is stated that the second respondent in his letter dated 03.04.2009 stated that the petitioner has to approach CCLA for redressal of his grievance and marked a copy to the applicant. It is further stated that in similar case the CCLA in its letter No.L1/220/03, dated 22.09.2008 addressed to the Prl. Secretary to Government, Revenue (JA) Department stated as under:

“This issue has been carefully examined in consultation with the Commissioner, Legal affairs. The claim of the petitioners made in the references 1st and 2nd cited i.e., representation of Sri Boda Papanaidu of Yerragondapalem, dated 08.01.2002 and Sri Nalagati Venkateswarlu of Venkatadripalem, dated 24.07.2003 appears to be very strange as they are asking for Jagir Pension which was said to be ordered in the British regime for the Jagir lands taken over by them which were stated to be granted by the Emporer Sri Krishna Deveraya Dynasty in

the year 1801 A.D. Even suppose such a benefit was given to the fore fathers of the applicants, they cannot claim the said benefit even to the successors, that too in independent India. When the Government of India has successfully abolished the privy purses, granting of political pension after abolition of Inams, Jagirs and Estates, is not correct. If the case of the applicants is consider, thousand of such cases will come up particularly in Telangana area. The applicants cannot claim perpetuity for the grant got by their fore fathers in British period and their claim is liable to be rejected. In view of the above facts, the Government are requested to issue necessary orders in the matter.”

In view of the above, it is clear that no material is placed on record stating that the petitioner is entitled for the relief sought by him. Further, a perusal of the material placed before the Court, does not anywhere indicate under which provision of law, the petitioner is entitled for pension. Though learned counsel for the petitioner tries to contend that such a relief can be granted, but no documents or any G.O., or circular or rule has been placed to substantiate the same. As seen from the counter, identical issue was considered and rejected by CCLA. In the absence of any provision of law admitting payment of zamindar pension/ex-zamindar's pension to the legal representatives of zamindars, the question of diverting payment does not arise. Even if the Court has got the power to do so, the same has to be done only in accordance with law.

In view of the above, I see no reason to entertain this writ petition. However, if the petitioner is able to secure any material showing payment of pension of ex-zamindars or the legal representatives of ex-zamindars, he is always at liberty to approach the same in CCLA, who shall deal with the same, in accordance with law.

With the above direction, the Writ Petition is disposed of.
There shall be no order as to costs.

Consequently, the Miscellaneous Petitions, if any, pending in
this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

27.01.2016
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