

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 13839 of 2007

ORDER:

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Heard learned counsel appearing for the petitioners and learned Standing Counsel for the Central Government.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.2 in issuing the impugned order in Lr.No.112/1704/82-FF (HC), dated 27.04.2007 suspending the Swatantra Sainik Samman Pension sanctioned to the petitioners on untenable grounds, as illegal, arbitrary and violative of principles of natural justice.

By an order, dated 26.07.2007, this Court while issuing Rule-nisi, suspended the impugned order insofar as petitioner No.1 is concerned, which was modified by suspending the impugned order insofar as petitioner Nos.1 and 2 are concerned.

The averments in the affidavit filed in support of the writ petition would show that petitioner Nos.1 and 2 are freedom fighters, participated in the Hyderabad Liberation Movement in the year 1947-48. They made applications to the respondents for sanction of Swatantra Sainik Samman Pension by submitting relevant documents. It is stated that initially the respondents sanctioned the pension to the petitioners, but thereafter, the second respondent issued the impugned letter calling upon the petitioners to show cause as to why the said pension should not be cancelled on the ground that the information furnished by them is false. It is stated that the petitioners herein submitted representations to the show-cause notice but till date no orders

have been passed.

On the other hand, learned counsel representing the Central Government would submit that the enquiry has been conducted but order could not be passed because of the pendency of the writ petition before this Court. At the same time, learned counsel for the petitioners submits that in view of the interim orders, petitioner Nos.1 and 2 are being paid the pension, which fact is disputed by the learned standing counsel representing the Central Government.

Without going into the merits of the case and having regard to the submissions made, the writ petition is disposed of, directing the respondent authorities to pass final orders in accordance with law, if not already passed. Till such time, the respondents shall pay the pension to petitioner Nos.1 and 2 if they are being paid during the pendency of the writ petition.

No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

06.01.2016

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