

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE  
AND  
THE HON'BLE SRI JUSTICE S.V. BHATT**

**W.A.No.1093 OF 2015**

**PC:** *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard learned counsel for the appellant and the respondent.

Respondent in W.P.No.3364 of 2010 is the appellant.

The writ appeal is directed against the following final order in writ petition:

“For the foregoing reasons, the writ petition is allowed in part, declaring that the petitioner is entitled for the freedom fighters pension from the month of March, 2007 till 14.04.2009 also and the respondent is directed to sanction and pay the freedom fighters pension to the petitioner for the said period within three months from the date of receipt of a copy of this order, along with interest accrued thereon at the rate of 6% per annum”.

From the above, it is clear that the learned Single Judge declared that the writ petitioner is entitled to Freedom Fighters Pension (FFP) from March, 2007 till 14.04.2009. Therefore, the dispute is confined in a narrow compass and we are not restating admitted circumstances leading to the filing of writ petition.

The case of writ petitioner is that the writ petitioner and others filed W.P.No.1607 of 2004 complaining inaction in passing final orders on the applications of writ petitioners therein for grant of freedom fighters pension. On 14.11.2006, W.P.No.1607 of 2004 was disposed of with the following directions:

“In view of the statements made by learned counsel for the parties, the writ petition is disposed of in the following terms:

- (1) the cases of petitioner Nos.1, 2, 3, 6, 7, 9, 10, 19, 21, 23 and 28 shall be reconsidered by the competent authority of Government of India and decided within a period of three months from today;
- (2) such of the petitioners, who are treated eligible and found entitled to receive pension under the 1980 Scheme shall be paid pension including the arrears, if any, from the date of their eligibility; and
- (3) the remaining petitioners are granted leave to withdraw their cause with liberty to file fresh applications for grant of pension under the 2980 Scheme.”

The appellant instead of disposing of pending applications as directed by this Court had taken two years to pass orders and finally, while allowing the application, granted FFP w.e.f., 14.04.2009. Hence, the writ petition.

In the order under appeal, learned Judge considered the effect of time stipulated by this Court in W.P.No.1607 of 2004 and the effect of circular on which the Union of India/appellant relies.

It is held that firstly there is no explanation whatsoever for the delay of three years in disposing of the representation. Secondly, even if longer time than stipulated by this Court is taken, the payment of compensation cannot be made prospective from the date on which a decision is taken.

Had it been a case where no time limit is prescribed for disposal of application, different considerations would have weighed in prescribing the starting point for payment of FFP to writ petitioner. Once a direction is issued to pass orders within time frame, the default thereof to pass order cannot be to the advantage of appellant. It is not a case where the entitlement of writ petitioner to receive FFP is challenged on any ground but challenge is to period from which he is entitled to FFP. We do not see valid reason for making the payment effective from 22.09.2009.

The reasons in the order under appeal are sound and there is no merit in the appeal and, accordingly, the appeal fails.

The writ appeal is dismissed. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

**DILIP B. BHOSALE, ACJ**

**S.V.BHATT, J**

Date:19.01.2016  
*Lrkm*