

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 270 of 2017**

1. State of Chattisgarh, Through: The Secretary, Government of Chhattisgarh, General Administration Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chattisgarh.
2. The Collector, District Raipur, Chhattisgarh.

---- Appellants**Versus**

1. Ku. Dhaneshwari Thakur D/o Late Thakur Ghanshyam Singh, aged about 37 years, R/o Gayatri Bhawan, Stadium Road, Kota, Raipur, District Raipur, Chhattisgarh.
2. The Accountant General (Lekha & Hakdari) Raipur, District Raipur, Chattisgarh.

---- Respondents

For Appellant/State : Shri Y.S.Thakur, Additional Advocate General.
 For Respondents No. 1 : Shri Abhishek Vinod Deshmukh, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, J.

Judgment on Board**Per Thottathil B. Radhakrishnan, Chief Justice****03/08/2017**

1. This appeal by the State is against the judgment of the learned Single Judge directing payment of arrears of Freedom Fighter Pension to the unmarried daughter of Late Thakur Ghanshyam Singh who, going by the admitted facts, was a freedom fighter, involved in the Quit India movement of 1942.

2. We have heard the learned Additional Advocate General and the learned counsel for the 1st Respondent.
3. The learned Additional Advocate General referred to the provisions in the Madhya Pradesh Swatantrata Sangram Sainik Samman Nidhi Niyam, 1972; for short '1972 Rules', framed by Madhya Pradesh Government which applies to the State of Chhattisgarh since no modification has been brought to those Rules after the Madhya Pradesh Reorganization Act, 2000.
4. As rightly noticed by the learned Single Judge, the principle behind giving pension and other emoluments to freedom fighters or to their sons and daughters is on account of involvement in the freedom movement. The said persons or their children had obviously suffered prejudice and incurred disabilities and it is to overcome such prejudice or difficulties that such pension is given to the freedom fighters and/or their children. It is not merely an allowance for subsistence of the freedom fighter during the currency of his lifetime. We are inclined to take this view bearing in mind the larger canvass on which the freedom struggle of this great Nation and Her People is always recognized with the deepest sense of pride and patriotism. That should stand reflected in every governmental decision in such matters, having particular regard to the Directive Principles of the State Policy enshrined in Part IV as well as Fundamental Duties of citizens in terms of Part IVA of the Constitution.
5. The aforesaid position, notwithstanding, we are of the view that this writ appeal does not merit an order interfering with the impugned directions given by the learned Single Judge. We can very well see that the appeal would have been made obviously because there is an element of technical argument in the strict application of the Rules in question. We

however are of the view that the learned Single Judge has taken a just and reasonable approach in deciding the matter. We do not find any ground to interfere with the discretionary order passed by the learned Single Judge, it having been issued also by making reference to the governing rules and by interpreting those Rules having in mind various constitutional values which are seen well crystalised in the adjudicating process by the learned Single Judge. Ultimately, we cannot also ignore that the impugned verdict is a measure of economic support to a freedom fighter's unmarried daughter; belonging to a miniscule vanishing creed.

6. For the aforesaid reasons, this writ appeal fails.

7. In the result, this appeal is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE