HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.Nos.16633 & 16997 OF 2007

COMMON ORDER

Heard Sri Y.Rama Rao learned counsel for the petitioners and Sri B.Narayana Reddy, Assistant Solicitor General for Union of India for the respondents.

In the writ petitions, challenge is to the orders passed by the Union of India-1st respondent deciding provisionally to cancel the Swatantrata Sainik Samman Pension while asking the petitioners to show cause as to why the action should not be taken.

This Court, while ordering Rule Nisi in the year 2007, granted interim suspension of the orders impugned. Pursuant to the same, the respondents are paying the pension to the petitioners in terms of the respective grants. According to the averments in the writ affidavits, the petitioners are the freedom fighters and on the applications made by them under Swatantrata Sainik Sammam (S.S.S) Pension Scheme, 1980, they were sanctioned pension by the Union of India, but suddenly without there being any valid reason and any basis, the impugned orders came to be issued. It is submitted that the impugned action is highly illegal, arbitrary and violative of Article 14 of the Constitution of India besides being violative of the principles of natural justice.

Obviously, because of the pendency of the writ petitions, no further action could be taken pursuant to the impugned order. Since

enquiry is pending consideration before the 1st respondent, this Court deems it appropriate to leave it open for the 1st respondent to proceed with further enquiry in accordance with law.

It is also brought to the notice of this Court that after receipt of the impugned order, the petitioners submitted explanations on 2.7.2007 & 17.07.2007 enclosing a number of documents such as Driving Licence, PAN Card, recommendations of H.S.S.C Jail Certificate and Prominent Freedom Fighter Certificates.

Without going into the other aspects of the matter, both the writ petitions are disposed of, keeping it open for the 1st respondent to proceed further with the enquiry pursuant to the impugned orders and to pass appropriate orders after affording opportunity of hearing at the time of consideration to the petitioners. The petitioners herein are entitled to place all the documents before the 1st respondent at the time of enquiry. Till such exercise attains finality, the interim orders granted by this Court shall continue to operate for payment of pension. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.V.SESHA SAI

6th November, 2017
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