

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.19706 of 2006

ORDER:

Heard Sri V.S.R. Anjaneyulu, learned counsel for the petitioner, and Sri B. Narayana Reddy, learned Assistant Solicitor General for Union of India, 1st respondent.

According to the petitioner, he is a freedom fighter fought against the Nizam Rule during the period 1947-48 for the merger of Hyderabad State in Union of India. He worked under the camp in-charge, Sri Vattikonda Kotaiah, at Machinenipalem, A.P., and went underground and joined Congress Border Camp at Machinenipalem, Nandigama Taluq, Krishna District. It is stated in the writ affidavit that in terms of the Swatantra Sainik Samman Pension Scheme, 1980 (for short, "the scheme") formulated by the Union of India, petitioner submitted an application on 15.12.1997 and since he could not get any reply, he submitted a detailed representation on 16.03.2006, but the same was also not considered. Therefore, the present writ petition is filed.

A counter affidavit deposed by the Under Secretary, Ministry of Home Affairs, New Delhi, is filed on behalf of the 1st respondent, Union of India. In the said counter affidavit it is stated at paras 8 and 9 that no previous application or State Verification Report in respect of the petitioner is traceable in the records of the Ministry and as such the 1st respondent is not in a position to give any comments on the

claim in the writ petition. It is further stated that since neither the application of the petitioner nor any verification report of the State Government is available with the 1st respondent, no action is possible on the claim of the petitioner.

On the other hand, it is submitted by the learned counsel for the petitioner that the petitioner submitted his application as long back as on 15.12.1997, but no positive action has been taken so far by the respondents.

During the course of hearing, learned Assistant Solicitor General has brought to the notice of this Court the procedure prescribed under the Scheme. Clause 3 of the said Scheme reads as under:

“3. Procedure: Persons who consider themselves eligible for Samman Pension under the Scheme and desire the Samman Pension, should apply in duplicate on the prescribed application form. The application, duly filed in and supported with required documents as proof of claim of suffering, should be sent to the Chief Secretary of the concerned State Government/Union Territory Administration. A copy of such application should be sent to the Deputy Secretary to the Government of India, FF Division, MHA, New Delhi as an advance copy. However, claims can be processed by the Central Government only on receipt of verification and entitlement to pension report from the State Government/U.T. Administration concerned. In case the requirements of the Scheme are fulfilled, Samman pension is granted to the applicant.”

Having heard the learned counsel for the petitioner and the learned Assistant Solicitor General for Union of India, this Court deems it appropriate to ask the petitioner to make an application afresh along with the relevant documents in accordance with the procedure contemplated under the Scheme, within a period of four weeks from the date of receipt

of a copy of this order and if any such application is filed within the time stipulated, the same be considered and appropriate orders be passed in accordance with law, as expeditiously as possible and preferably, within a period of six months thereafter.

With the above directions, the writ petition is disposed of.

Miscellaneous petitions, if any, shall also stand disposed of. There shall be no order as to costs.

Date: 19.06.2017
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A.V.SESHA SAI, J