HON'BLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No.2229 of 2007

ORDER:

Heard counsel for the petitioners and the respondents.

The petitioners in the present writ petition challenged the action of the respondents in not considering their applications for grant and pay of pension under Swathantra Sainik Sanman Pension Scheme, 1980 (for short, "the Scheme").

It is the case of the petitioners that they have participated in the freedom movement and were booked in a case No.S.C.45/8/1357F (*State v. Ramachandram and others*). In that case 30 accused were imprisoned and 1500 to 2000 accused were absconded. Their applications are pending with the respondents for a long time. On 03.05.1999 itself, though the 1st respondent sent 240 applications including the petitioners herein for enquiry to the 2nd respondent by way of letter DO.No.112/836/99-FF(HC), no action has been taken.

A perusal of the material papers would indicate that the Government of India addressed letter, dated 16.02.2004 to the Secretary, Revenue (FF.II) Department, Government of A.P., stating that the 17 members indicated in the list on the subject mentioned above was attached and as per the records available in the Ministry, the applicants, whose names are indicated in the list attached, do not appear in the list of cases recommended by the Hyderabad Special Screening Committee for Swathantra Sainik Sanman Pension. However, their claims have been recommended

by the State Government as if these are Hyderabad Special Screening Committee (HSSC) recommended cases. Such cases which have not been screened and recommended by HSSC are required to be considered as cases of absconsion under the Swatantrata Sainik Samman Pension Scheme 1980 and are required to be submitted to this Ministry with the State Government's Specific verification-cum-recommendation report, along with supporting documentary evidence by way of Court/Government's orders proclaiming the applicant as an offender, announcing award his head or his arrest or ordering his detention. In the absence of such certificates, the scheme requires a non-availability of record certificate from the concerned authority along with a certificate from a prominent freedom fighter who had undergone imprisonment for at least one year or more.

In view of the above, the State Government is requested that the cases referred in the 17 members list may be examined with reference to the provisions of the Scheme and if found eligible, their claims may be sent to the Ministry with specific verification-cum-recommendation report along with the supporting documents or secondary evidence as the case may be. However, no evidence is placed before the Court that the petitioners' names are figuring in the 17 members list as referred by the Government of India in its letter, dated 16.02.2004.

Be that as it may, if the State Government on verification finds that the petitioners have participated in the freedom fighters' movement, involved in any criminal cases and etc., their cases may

be recommended to the Government of India by enclosing the relevant certificates, if any, if they are found eligible as per the scheme.

With the above observation, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, shall also stand disposed of.

JUSTICE P. KESHAVA RAO

Date: 30.11.2017.
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