

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

W.P Nos.13262, 13274, 13322, 13323, 15445 and

17882 OF 2007

COMMON ORDER:

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

2. In all these writ petitions, challenge is to the orders passed by the Union of India-1<sup>st</sup> 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.

3. 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 Samman (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.

4. 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 1<sup>st</sup> respondent, this Court deems it appropriate to leave it open for the 1<sup>st</sup> respondent to proceed with further enquiry in accordance with law.

5. Without going into the other aspects of the matter, these writ petitions are disposed of, keeping it open for the 1<sup>st</sup> respondent herein 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. Till such exercise attains finality, the interim orders granted by this Court shall continue to operate for payment of the pension.

6. Miscellaneous petitions pending consideration, if any, in these writ petitions shall stand closed in consequence. No order as to costs.

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A.V.SESHA SAI, J

05.07.2017  
TSNR