

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.19046 of 2006

ORDER:

The petitioners claim to be the Freedom Fighters, fought against the Nizam Rule, during the period 1947-1948 at Teruvur & Paritala camps. Petitioners worked under the camp in-charge of Vootkuru Satyanarayana Rao, Teruvur Camp and Madiraju Deva Raju, Paritala camp. Petitioners have participated in the Freedom struggle at Muttagudem Naka, Ganugapadu Naka and Chinakorukondi Rajakars' Attack.

2. Petitioners further claim that they are entitled for pension as per Government of India's Scheme viz., Swatantra Sainik Samman Pension Scheme, 1980, (for short 'Scheme'). As such, they submitted independent applications in the year 1985 for sanction of pension under the said Scheme. When the respondents have not taken any action on their applications, they again submitted fresh applications on 05.11.1997. The Screening Committee had examined various applications for grant of Freedom Fighters' pension during the year 1997 and 1998. After satisfying with the eligibility for pension, recommended the petitioners applications for grant of pension. The applications of similar Freedom Fighters were processed and they were paid pension, but the petitioners were not paid the pension. Hence, this Writ Petition is filed

seeking to declare the action of the respondents in not paying Freedom Fighters' pension to them under the scheme, as illegal and arbitrary, and consequently to direct the respondents to consider their applications and pay the Freedom Fighters' pension, as expeditiously as possible as the petitioners are in the evening of their lives and any delay would cause prejudice to their interest.

3. The first respondent filed a counter affidavit stating that at the instance of Sri Ch.Rajeswara Rao, ex-Chairman and other ex-members of the Hyderabad, Special Screening Committee, another 18 Border Camps were added (in July, 2004) to the list of 98 camps, which had been earlier prepared by the Shiroff Committee. The last Committee headed by Sri Rajeswar Rao had scrutinized all the old and new cases and recommended about 13500 cases for grant of pension during its term from April, 1997 to May, 1998, and a resolution was passed that all the eligible cases were considered for grant of pension under the Scheme. As per the provisions of the Scheme, the persons, who consider themselves eligible for Samman Pension under the Scheme, shall apply in duplicate in prescribed application form duly filled in and supported with required documents as proof of claim of suffering and send the same to the Chief Secretary of concerned State Government/Union Territory Administration. A copy of such application shall be sent to the Deputy

Secretary, Government of India, FF Division, MHA, New Delhi, as an advance copy. However, the claims can be processed by the Central Government, only on receipt of verification and entitlement to pension report from the State Government/ Union Territory Administration concerned and no action can be taken on the applications sent directly to the Central Government without routing through the State Government/Union Territory Administration concerned. Accordingly, petitioners 1 to 8 were already been informed about rejection of their claims. The claim of remaining petitioners can be considered only after receipt of State Verification reports in respect of their claims. As per the available records of the respondent-Ministry, no previous applications of the other petitioners forwarded by the State Government with the verification report are pending with them. Therefore, the writ petition is pre mature as far as R-1 is concerned.

4. Heard both sides and perused the material on record.

5. It is found that applicants/petitioners 1 to 8 were already informed that their claims have been considered and rejected. Hence, no relief can be granted in respect of these applicants. Insofar as petitioners 9 to 13 are concerned, it is specially pleaded by R-1 that since State Verification Reports are pending, their claims could not be considered. Hence, the

second respondent-State Government shall take appropriate action and send the verification report within a period of three months from the date of receipt of a copy of this order. On receipt of the same, the first respondent shall take appropriate action for grant of Freedom Fighters' pension in favour of petitioners 9 to 13, in accordance with Swatantrata Sainik Samman Pension Scheme, 1980, within a period of three months thereafter.

6. Accordingly, the Writ Petition is disposed of.

7. Miscellaneous petitions pending in this writ petition, if any, shall stand closed.

M.GANGA RAO, J

29th December, 2017.
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