

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.34249 of 2011

ORDER

This writ petition is filed for the following relief:

“...to issue writ or direction preferably writ of Mandamus declaring the action of the respondent in not granting pension to the petitioner from the date of application from 1998 under Swatantrata Sainik Samman Pension Scheme-1980” and granted pension only with effect from 02.11.2009 as illegal, arbitrary, discriminatory and violative of principles of natural justice and consequently direct the respondent to release arrears of pension to the petitioner from the date of his application i.e., from 1998 under the above said scheme and pass such other or further orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

Admittedly, the petitioner applied for grant of pension in the year 1998 which was favourably considered by the respondent but the pension was granted from 02.11.2009 instead of granting it from the date of application i.e., in the year 1998. Therefore, learned counsel for the petitioner submits that the respondent may be directed to pay pension from the year 1998 onwards.

Learned counsel for the respondent submits that taking into consideration several facts and circumstances of the case, the authorities have sanctioned pension from 02.11.2009 instead of from 1998.

Having regard to the facts and circumstances, liberty is granted to the petitioner to file a fresh application before the respondent to consider his request for granting pension from the date of his application instead of date of sanction. As and when such application is made, the respondent is directed to consider the same in accordance with law, as expeditiously as possible.

With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ
Petition shall stand closed.

M.S.K.JAISWAL,J

19th September, 2017.
ssp

