

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

WRIT PETITION No.5191 of 2006

ORDER:

This writ petition filed under Article 226 of the Constitution of India prays for a direction to the respondents to take necessary steps for issuance of pension payment order and other necessary proceedings required for grant of pension to the petitioner under Swatantra Sainik Samman Pension Scheme, 1980 (for short, "the Scheme").

Heard Sri V. Venkateshwar, learned counsel for the petitioner, Sri B. Narayana Reddy, learned Assistant Solicitor General for the 1st respondent, Union of India, and the learned Government Pleader for Revenue for the 2nd respondent apart from perusing the material available before the Court.

According to the petitioner, she is the wife of one late Sri Mukkamalla Sambaiah. It is stated in the writ affidavit that the petitioner's husband participated in the Hyderabad Liberation Struggle along with certain others during the period 1947-48 and he submitted an application before the concerned officers in the month of December, 1996 and accordingly file No.112/3894/97-FF(HC) was opened. It is further stated that the Hyderabad Special Screening Committee considered the case of the petitioner's husband and recommended his case on the strength of the certificates produced by him to the Union of India in the year 1997. It is

further averred that the 1st respondent vide Lr.No.282/SR/SC/99-FF(HC), dated 01.05.2001, called for the verification reports from the concerned revenue authorities to enable it for grant of freedom fighters pension to the persons recommended by the Special Screening Committee and that the State Government vide its Memo, dated 16.06.2001, issued directions to all the District Collectors to send the verification reports together with specific recommendations so as to enable it to forward the same to the 1st respondent for awarding freedom fighters pension to the eligible persons. It is the case of the petitioner herein that the District Collector, Adilabad, forwarded her husband's verification report to the State Government vide proceedings No.C3/3376/2002, dated 31.08.2002, and the State Government in turn forwarded the same to the 1st respondent vide Lr.No.46473/FF-II-A11/2002, dated 07.10.2002, for considering the same for grant of freedom fighter's pension under the Scheme. It is further stated that after receipt of the said verification report, on 19.02.2003, the 1st respondent addressed a letter to the petitioner's husband, asking him to submit his photograph, specimen signature or thumb impression, marks of identification, details of bank account for granting pension payment order. It is the further case of the petitioner herein that her husband died on 25.01.2003 before sending the said documents and that after his death, in the month of March, 2003, the petitioner sent

relevant documents to the 1st respondent for granting pension. The acknowledgement card said to have enclosed to the said letter which bears no signature which bears the date as 24.03.2004 is produced by the learned counsel for the petitioner at the time of hearing. It is the further case of the petitioner that thereafter the 1st respondent maintained silence, which prompted her to make a representation on 10.07.2004, requesting for sanction of freedom fighters pension. With the above pleadings, the present writ petition came to be filed in the year 2006.

A counter affidavit deposited by the Under Secretary, Ministry of Home Affairs, is filed on behalf of the 1st respondent, Union of India. The said counter affidavit admits the case of the petitioner to the extent of examination of the claim of the petitioner's husband and the said counter states that on receipt of the verification report, it was decided to call for identification of the documents. Counter states that the letter, dated 19.02.2003, was received undelivered with the remarks of the postal authorities that the addressee had expired and thereafter no communication was received in this matter from the petitioner. The counter also does not deny receipt of verification report from the State Government vide Lr.No.46473/FF-II-A11/2002, dated 07.10.2002. It is the categorical case of the petitioner that after the death of her husband, she sent all the documents to the respondents for consideration of her case for grant of freedom fighters

pension. It is also stated categorically in the writ affidavit that on 10.07.2004 the petitioner also made representation for redressal of her grievance. The 1st respondent, Union of India, with a laudable object introduced the Scheme and the authorities are required to adhere to the said scheme in its true letter and spirit. Therefore, this Court does not find any justification on the part of the respondents in not considering the case of the petitioner for grant of pension under the Scheme.

For the aforesaid reasons, the writ petition is allowed directing the respondent authorities to take steps for grant of pension under the Scheme in favour of the petitioner and pass appropriate orders, within a period of two months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 27.06.2017
ES