

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

WRIT PETITION No.24506 of 2010

ORDER:

In the present writ petition, challenge is to the action of respondent Nos.1 to 3 in not releasing the freedom fighters' pension by issuing PPO to the petitioner pursuant to the sanction order in file No.112/3377/93-FF(HC)-C, dated 10.07.2003, issued by the 1st respondent, Union of India.

Heard the learned counsel for the petitioner and the learned Additional Standing counsel for the 1st respondent, Union of India, apart from perusing the material available before the Court.

According to the petitioner, her husband late Macharla Komaraiah participated in the freedom movement during the liberation of Hyderabad State and during his lifetime, he applied for sanction of freedom fighters' pension enclosing all the required documents and his case was duly considered by the State Government and the Hyderabad Special Screening Committee also recommended his case vide Agenda No.8029 on 23.12.1997 in file No.112/3377/93. It is the further case of the petitioner that pursuant to the recommendations of the Hyderabad Special Screening Committee, upon enquiry, the District Collector, Khammam, submitted his report and the State Government recommended her husband's case for grant of freedom fighters' pension. It is further stated that the

petitioner's husband expired on 26.01.1995 and that she being his widow, is entitled for freedom fighters' pension.

Eventually, the 1st respondent – Union of India sanctioned Swatantra Sainik Samman Pension vide proceedings No.112/3377/93-F(HC)-C, dated 10.07.2003. When the respondents did not issue the PPO so as to enable the petitioner to withdraw the pension amount, the present writ petition came to be filed.

It is submitted by Sri Praveen Kumar, learned Additional Standing counsel, appearing for the Union of India, 1st respondent, that vide file No.52/CC/104/2010-FF(HC), dated 02.11.2010, the petitioner was informed that the sanction order, dated 10.07.2003, stood recalled and the claim would be considered afresh in accordance with the said decision on receipt of the re-verification report from the State Government and scrutiny by the new Screening Committee. It is further submitted that in view of the revised policy guidelines issued by the Union of India, dated 06.08.2014, spouse of the freedom fighter is not entitled for the claim. In the considered opinion of this Court, the said contention raised by the learned Additional Standing counsel cannot be sustained, as the said guidelines can be given only prospective effect, but not retrospective effect, as in the instant case, the sanction order was already passed on 10.07.2003 and the said order was not given effect obviously due to the re-verification undertaken by the respondents.

Learned Government Pleader for Revenue for the State of Telangana has placed on record letter bearing No.24837/FF-I/2016, dated 09.11.2016, addressed by the Secretary to Government (FAC), Revenue (FF) Department to the office of the Government Pleader for Revenue (TS), wherein it is stated as follows:

“I am to invite your attention to the reference cited and to inform you that the District Collector, Khammam has stated that the Tahsildar, Madhira has enquired into the matter in the village and a notice was issued to Smt. Macharla Rajyalaxmi on 26.08.2016 with a request to submit relevant documents within (7) days, for onward transmission to Government. In reply to the notice, Sri Macharla Srinivas Rao, S/o. Smt. Macharla Rajyalaxmi has submitted an application and informed that his mother is suffering with illness and under treatment at Warangal and requested one month time to submit relevant documents. Even after completion of two months, the applicant did not produce any relevant documents in support of her claim.”

It is submitted, on instructions, by the learned Government Pleader that despite the notice issued, the petitioner is not cooperating with the revenue authorities to undertake verification. On hearing the same, a request is made by the learned counsel for the petitioner that he would instruct the petitioner to cooperate with the authorities for necessary verification.

For the aforesaid reasons, the writ petition is disposed of, directing the petitioner to cooperate with the enquiry being undertaken by the State Government by appearing before the District Collector, Khammam, for necessary verification of her claim with necessary documents, within one month from the date of receipt of a copy of this order and if the petitioner approaches the District Collector within the time stipulated

above, further steps should be taken as expeditiously as possible for finalization of the claim of the petitioner.

Miscellaneous petitions, if any, shall also stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 04.07.2017
ES

