

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

W.P.No.19405 of 2009

ORDER

This writ petition is filed with the following prayer:

“to issue a writ or direction preferably writ of mandamus declaring the letter No.4566(26)FF-I/2009 dated 23.05.2009 issued by respondent No.2 as illegal, arbitrary, contrary to record, without jurisdiction and violative of principles of natural justice and violative of Articles 14 and 21 of Constitution of India and consequently set aside the said letter and further direct respondent No.1 not to cancel petitioner’s pension which was granted in letter No.112/MISC/5/98-FF(HC) dated 03.11.2003 and pass such other or further orders”.

2. The original writ petitioner, who was granted freedom fighters pension under Swatantra Sainik Samman Pension Scheme-1980, died during pendency of the writ petition and his wife was impleaded as his legal representative.

3. It is stated in the affidavit that while the deceased petitioner was drawing pension under the aforesaid scheme, the second respondent sent the impugned letter dated 23.05.2009 to the Government recommending cancellation of pension, recovery of pension amount drawn by him and initiation of criminal proceedings, on the ground that he had produced bogus voter list for the years 1977 and 1988 and there is a material discrepancy with regard to his age.

4. Since no interim order was granted in this writ petition, the first respondent-Government of India passed order dated 08.02.2011 cancelling the freedom fighters pension sanctioned to deceased

petitioner. Challenging the same, he filed W.P.No.4495 of 2011 and the same was disposed of by this Court on 27.08.2012 observing as under:

“Hence, the Writ Petition is disposed of leaving it open to the petitioner to forward a copy of the explanation said to have been submitted by him. As and when such an explanation is received, the first respondent shall examine the same and if he finds any substance in it, he may consider the feasibility of passing a revised order”.

5. In that view of the matter, the Writ Petition is disposed of, leaving it open to the second petitioner to avail the liberty that was given to her husband i.e., petitioner in W.P.No.4495 of 2011. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

18th September, 2017

sj

M.S.K.JAISWAL,J

