

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

W.P.No.33766 of 2011

ORDER

This writ petition is filed with the following prayer:

“to issue a writ of mandamus or any other appropriate writ declaring the action of respondent No.1 in not granting of pension from the date of application i.e, 1999 as illegal, arbitrary and unconstitutional and direct the respondents to consider the case of the petitioner as per judgment of this Court in W.P.No.1193 of 2004 dated 02.07.2010 or pass such other order or orders”.

2. Petitioner states that he filed an application for grant of freedom fighters family pension under Swatantra Sainik Samman Pension Scheme in the year 1999 and the respondents have considered the same, but granted pension prospectively from the date of decision of the competent authority i.e., 19.03.2010 instead of from the date of application made by him in the year 1999.

3. During hearing, learned counsel for petitioner submits that the respondents may be directed to grant pension to petitioner from 1999 onwards.

4. Learned counsel for respondents submits that taking into consideration the several facts and circumstances of the case, the respondents have sanctioned pension to petitioner from 19.03.2010 in stead of from the year 1999.

5. Having regard to the facts and circumstances of the case, the petitioner is at liberty to file a fresh application before the 1st respondent for grant of pension from the date of his application in

the year 1999 instead of from the date of sanction. As and when such application is made, the 1st respondent is directed to consider the same in accordance with law as expeditiously as possible.

6. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

M.S.K. JAISWAL, J

22nd September, 2017

sj

