

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

Writ Appeal No.1725 of 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.22921 of 2009 dated 19.06.2017. The appellant herein filed the said writ petition seeking a mandamus to declare the action of the respondents in not sanctioning pension to her under the Surrendered Extremists Scheme, inspite of her repeated representations, in terms of the complete G.O.Ms.No.429 dated 05.10.1996, as illegal and arbitrary. A consequential direction was sought to the respondents to sanction pension to the appellant-writ petitioner in terms of the complete G.O.Ms.No.429 dated 05.10.1996.

Sri Shaik Jilani, learned counsel for the appellant-writ petitioner, would submit that, while G.O.Ms.No.429 dated 05.10.1996 is in three parts, the respondents had deliberately suppressed parts 2 and 3 of the G.O, and had made available only the first part of the G.O, to extend to the appellant-writ petitioner only the benefit of financial assistance, a plot-cum-house, and an extent of Ac.7.26 guntas of Government land; the obligation to grant pension is to be found in parts 2 and 3 of the G.O; and, since the complete G.O provides for pension, the Learned Single Judge had erred in holding that the appellant-writ petitioner was not entitled for grant of pension.

In the order under appeal, the Learned Single Judge has noted the contents of the counter-affidavit that G.O.Ms.No.429 dated 05.10.1996 does not contain three parts; it contains three pages with six paragraphs only; G.O.Ms.No.429 dated 05.10.1996 does not mention the guidelines, and was only an order issued in furtherance of

the Government Orders issued earlier; and there is no provision of pension in the said G.O.

G.O.Ms.No.429 dated 05.10.1996 makes no reference to the said G.O being only the first of three parts. The said G.O appears to be continuous, and contains six paragraphs. The benefits, which a surrendered extremist is entitled to, are detailed in paragraph 2 thereof. The said G.O was issued by the Government stipulating further orders in the matter i.e orders in furtherance of the earlier G.Os.

The submission of Sri Shaik Jilani, learned counsel for the appellant-writ petitioner, that the G.O is in three parts is without any basis, and is not tenable. We see no reason, therefore, to disbelieve the specific averment in the counter-affidavit that the G.O is only in one part, it consists of three pages with six paragraphs, and does not contain three parts.

The Writ Appeal as filed is wholly misconceived and is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(ABHINAND KUMAR SHAVILI, J)

16th November, 2017
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Date: 16.11.2017