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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11179/2017

SMT. RADHA RANI

..... Petitioner

Through: Mohd. Wasay Khan, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms Monika Arora, CGSC with Mr
Kushal Sharma, Advocate for R-1 and
R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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15.12.2017

CM No. 45747/2017

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner has filed the present petition, *inter alia*, seeking an order directing the respondents to restore the Swatantrata Sainik Samman Pension (hereafter 'SSS Pension') to the petitioner in terms of the order dated 13.03.2013 passed by this Court in W.P.(C) 3450/2010.
4. It is seen that the petitioner being aggrieved by non compliance of the aforesaid order, had filed a contempt petition being ***Cont. Cas. (C) No. 761/2014*** captioned ***Smt Radha Devi v. Anil Goswami and Ors***, which was disposed of by an order dated 13.07.2016. A plain reading of the said order indicates that there were some disputes as to the age and identity of the petitioner.

5. In the aforesaid petition, the petitioner claimed herself to be 84 years old. However, the Medical Board constituted by the Superintendent, Darbhanga Medical College and Hospital had opined that the petitioner's age is between 55 to 60 years. It is in view of the aforesaid dispute, that this Court had disposed of the aforesaid Contempt Petition "*with liberty to the petitioner to file appropriate proceedings seeking a declaration that she is the widow of the deceased Freedom Fighter*".

6. Plainly, the SSS Pension has been withheld on account of the aforesaid dispute. The learned counsel for the petitioner contends that the SSS pension is not age dependent and irrespective of the age of the petitioner, she would be entitled to the SSS Pension.

7. The aforesaid contention is not persuasive; the dispute regarding the petitioner's age is reflective of the dispute as to her identity as the widow of the deceased Freedom Fighter. It is in this context that this Court had disposed of the Contempt petition by granting liberty to the petitioner to seek an appropriate declaration and in view of the said order, it is open for the petitioner to file appropriate proceedings seeking such declaration.

8. Needless to mention that if the petitioner succeeds in any such proceedings, the respondents would consider the petitioner's case for resumption of the pension.

9. No further orders are required to be passed in this petition.

10. The petition is, accordingly, disposed of.

VIBHU BAKHRU, J

DECEMBER 15, 2017/RK