

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.6022 OF 2005

ORDER:

This writ petition is filed seeking to declare the action of the respondents in not considering the application of the petitioners' Association and not paying pension to them in terms of the judgment of this Court in W.P.Nos.7744 of 1997, 4446 of 1998 and 331070 of 1998 and also the judgment of the Hon'ble Supreme Court reported in AIR 1993 SC 2127 (Mukundlal Bhandari Vs. Union of India) as illegal, arbitrary and unconstitutional and consequently direct the respondents to consider the representation of the members of the petitioners' Association for grant of pension under Swathanthra Samman Scheme on par with other similarly placed persons who were already granted pension.

2. It is the case of the petitioners that the members of the petitioner Association and other similarly placed persons fought against the Nizam Dynasty to merge the Nizam State into the Union Territory. The Union of India introduced a Pension Scheme known as "Swathantra Sainik Samman Pension Scheme 1980". The freedom fighters of erstwhile Nizam State were denied the equal treatment on par with the freedom fighters of other parts of the country. As per the said scheme, the freedom fighters who suffered two years imprisonment are entitled for pension. In response to the State Government's

recommendations, the Central Government vide its letter D.No.282/SR/HC/99(HC), dated 01-05-2001 agreed to reduce the requirement of 2 years proven jail suffering of Central Freedom Fighters to issue the Personal Knowledge Certificate to six months. The Central Government also constituted Hyderabad Special Screening Committee to recommend the names of the freedom fighters for grant of pension. This Court relaxed the condition of recommendation of the names by the above committee in W.P.Nos. 7744 of 1997, 4446 of 1998 and 331070 of 1998 and batch. The members of the petitioner Association made applications to the respondents for grant of pension under the said scheme, but the respondents are not processing the applications of the freedom fighters of erstwhile Nizam State on the ground that their names are not recommended by the Special Screening Committee constituted for identifying the freedom fighters.

3. The respondents filed a counter affidavit stating that the tenure of the Hyderabad Special Screening Committee was expired by 31-12-1997 and the tenure of the said committee was extended specifically for the purpose of considering the cases of claims of persons who filed petitions before the Hon'ble Court and all such cases were duly considered by the committee and no Screening Committee is in existence now and as such the question of consideration of the case of the petitioners Association by the Screening Committee does not arise. The

first respondent has not received the State Verification Report in the case of the petitioners Association and the petitioners Association has not furnished any details whether their cases have been recommended by the State Government. However, the first respondent is willing to consider the claim of the petitioners Association as per law on merits and as per provisions of the scheme on receipt of their applications with requisite supporting documents and entitlement to pension and also report of the concerned State Government.

4. Heard.

5. Having regard to the facts and circumstances of the case and in view of the fact that the first respondent is willing to consider the claim of the petitioners Association, the writ petition is disposed of directing the respondents to consider the representation of the members of petitioners' Association for grant of pension under Swathantra Samman Scheme as per law, within a period of four weeks from the date of receipt of a copy of this order. No order as to costs. As a sequel, the miscellaneous petitions pending if any shall stand closed.

T.AMARNATH GOUD, J

Date: 05-01-2018.
Shr.