

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Writ Petition No.13542 of 2010

ORDER:

The petitioner seeks writ of Mandamus declaring the action of the 1st respondent in cancelling petitioner's pension vide Letter No.112/815/83-FF(HC) dated 08.04.2010 inspite of his representation dated 01.03.2010 to the show cause notice dated 12.02.2010, issued by the 1st respondent as illegal, arbitrary, unjust, in gross violation of the principles of natural justice and also in violation of Articles 14 and 16 of the Constitution of India and consequently set aside the cancellation order vide Letter No.112/815/83-FF(HC) dated 08.04.2010 passed by the 1st respondent and restore petitioner pension granted under Swatantra Sainik Samman (SSS) Pension Scheme, with all consequential benefits.

2) Heard both sides.

3) The averments in the affidavit filed in support of the writ petition would show that petitioner is a freedom fighter, remained underground in participation of Freedom struggle. He was granted pension by the Central Government. He gave an affidavit dated 14.12.2001, which is called as Co-freedom fighter certificate to Sri Vennam Venkata Swamy and Kurimindla Narsaiah, stating that they remained in the Jammalamadaka Border Camp for more than six months during Hyderabad Liberation Movement. Basing on the said affidavit, pension was sanctioned to Vennam Venkata Swamy vide Lr.No.112/5087/97-FF(HC)A, dated 14.07.2003. It is further submitted that he received the show cause notice dt.12.02.2010 issued by

the 1st respondent, wherein it was stated that information provided by him in the affidavit with reference to the Co-freedom fighter Sri Vennam Venkata Swamy was subsequently found to be false and therefore, he was given an opportunity to show cause as to why the pension granted to him should not be cancelled. Though the petitioner submitted his explanation dated 01.03.2010 to the said show cause notice but however, without considering his explanation, the 1st respondent has cancelled his pension vide Letter No.112/815/83-FF(HC), dated 08.04.2010. Challenging the same, the present writ petition is filed.

4) Learned Assistant Solicitor General for 1st respondent filed counter and submitted that enquiry conducted by the Director General (Vigilance and Enforcement) revealed that large number of bogus claimants had managed to get pension based on false information and documents and hence it was decided that each case, including those already sanctioned should be thoroughly re-verified and thereafter a committee of eminent freedom fighters would scrutinize the results of the re-verification and finalize its recommendations, ensuring that no fake claimant got pension and no genuine freedom fighter was overlooked. In that process, it was found that the petitioner misused his position as a central freedom fighter pensioner and issued a false certificate on affidavit to help an ineligible person to get pension, thus defeating the objectives of the Scheme, for which, his pension was cancelled as per the undertaking given by him in the affidavit. However, the matter was subsequently reviewed in the light of various factors including old age of such persons and it was decided that

the pension of such persons may be restored but since their bonafides were proved doubtful, the certificates issued by them will not be accepted while deciding any claim in future. Accordingly, the petitioner's pension was restored vide letter dated 18.10.2010 (a copy of which is filed along with the counter), wherein Paras 2 and 3, reads thus:

"2) The matter has since been reviewed and it has been decided by the competent authority that pension of such persons may be restored. However, since their integrity has been found to be doubtful, the certificates given by them will not be recognized while deciding any claims in future.

3) It is, therefore, requested that pension of Shri Merugu Bavanarushi S/o. Chandraiah, R/o Challagarige (V), Chityal Mandal, Warrangal District (Andhra Pradesh) holder of PPO No.12192/Pol/Central may be restored from the date it was cancelled."

5) Recording the above submission of learned Assistant Solicitor General, this Writ Petition is closed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

U. DURGA PRASAD RAO, J

Date: 21.08.2018
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