

**THE HON'BLE SRI JUSTICE T. AMARNATH GOUD**

**WRIT PETITION No.7332 OF 2014**

**ORDER:**

In this writ petition, a direction is sought against the respondents 1 to 3 to continue to pay freedom fighter pension to the petitioner by suspending operation of the impugned order No.112/34/96-FF(HC), dated 26.02.2014 on the file of the 1<sup>st</sup> respondent.

According to the petitioner, he was sanctioned Swathantrata Sainik Samman Pension with effect from 02.01.2004 and since then, he was enjoying the benefit. However, in the year 2014, under the garb of re-verification report of the District Collector, Nalgonda District dated 18.09.2009, which was submitted to the Principal Secretary to Government, Revenue Department, holding the birth certificate produced by the petitioner as bogus, the impugned order is passed by the 1<sup>st</sup> respondent.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue and perused the material on record.

As seen from the District Collector's re-verification report, no opportunity of being heard was given to the petitioner and more over, the re-verification report does not indicate the steps taken in verifying the genuineness or authenticity of the birth certificate produced by the petitioner in proof of his age. Since the conclusion of the District Collector, Nalgonda in the re-verification report holding the birth certificate produced by the petitioner as

bogus is not based on any acceptable evidence, the same cannot be relied upon. Therefore, the impugned order passed by the first respondent basing on the re-verification report of the District Collector, Nalgonda District is not sustainable under law and liable to set aside.

For the aforesaid reasons, the writ petition is allowed setting aside the impugned order No.112/34/96-FF(HC), dated 26.02.2014 on the file of the 1<sup>st</sup> respondent. Consequently, the respondents are directed to continue to extend the benefit of pension to the petitioner as was made earlier. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

**T.AMARNATH GOUD,J**

12<sup>th</sup> DECEMBER 2018.  
Tsr

