

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION NO. 26308 OF 2012

ORDER:

Heard the learned counsel for the petitioner and the learned Additional Standing Counsel appearing for respondent No.1.

2. The prayer sought in the Writ Petition is as under:

".... to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No. 1 in not considering the petitioner application dated 14.7.2005 along with the application submitted by the petitioner husband Cherukuri Pullaiah in file No. 112/4998/97-FF(HC)(F) dated 21.11.1997 for grant of Freedom Fighters Pension under Swatantrata Sainik Samman Pension Scheme as bad, arbitrary, illegal and Unconstitutional and consequently direct the 1st respondent herein to consider the petitioner application dated 14.7.2005 along with the application submitted by the petitioner husband Cherukuri Pullaiah in file No. 11/24998/97-FF(HC)(F) on 21.11.1997 and grant Freedom Fighters Pension under Swatantrata Sainik Samman Pension Scheme 1980, forthwith."

3. The specific case of the petitioner is that respondent No.1 has not considered her application dated 14.7.2005 along with the application submitted by her husband in File No.11/24998/97-FF(HC)(F) dated 21.11.1997 for grant of Freedom Fighters Pension under Swatantrata Sainik Samman Pension Scheme, 1980.

4. Respondent No.1 filed a counter affidavit giving reasons for not sanctioning the pension to the husband of the petitioner. Along with the counter affidavit, respondent No.1 enclosed the proceedings dated 6.8.2003 where under it is mentioned that the name of the border camp mentioned in the application does not appear in the list of border camps certified by the erstwhile Hyderabad Special Screening committee and, therefore, the

husband of the petitioner was not found eligible for grant of Swatantrata Sainik Samman Pension . Accordingly, a letter was communicated to the petitioner vide proceedings No.52/CC/89/2012-FF (HC) dated 30.8.2013 informing that the claim of the petitioner for grant of family pension on the basis of identification documents dated 14.7.2005 furnished by her deceased husband, cannot be accepted. It is also mentioned that if a fresh verification report is received from the State Government fulfilling the eligibility criteria and the evidentiary requirements under the scheme and guidelines, the application may be considered.

5. In view of the same, no further cause would survive in the present Writ Petition.

6. Accordingly, the Writ Petition is dismissed.

7. It is needless to observe that if the petitioner is aggrieved by proceedings dated 6.8.2003 and 30.8.2013, she is at liberty to take appropriate remedies as available under law.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

P. KESHA VA RAO, J

Date: 19.11.2018

KPM