

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Writ Petition No.7343 of 2009

ORDER:

The petitioner seeks Writ of Mandamus declaring the action of the respondents in not releasing the Freedom Fighters Pension pursuant to the sanction order dated 04.12.2003 in File No.112/9527/97-FF(HC)(A) as illegal, arbitrary and violative of principles of natural justice besides violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondents to release the Freedom Fighters Pension to the petitioner forthwith pursuant to the aforesaid sanction order.

2a) Petitioner's case is that he participated in the Freedom Movement during 1947—48 for the merger of Hyderabad State into Indian Union and wherein he took active part and therefore he is eligible for pension under Swatantra Sainik Samman Pension Scheme. He applied for pension to the respondents 1 and 2 by submitting relevant documents. The Hyderabad Screening Committee also recommended his case for granting pension.

b) It is submitted that pursuant to his application respondents 1 and 2 have examined his case and sanctioned Freedom Fighters Pension through proceedings dated 04.12.2003 in File No.112/9527/97-FF(HC)(A) granting pension from 17.03.2003.

c) It is submitted that prior to sanction, respondents 1 and 2 have instructed the petitioner to submit certain documents and he complied with the same. Thereafter, the respondents sanctioned pension through sanction order dated 04.12.2003. The petitioner also furnished the details of his bank account, as he holds bank account in Bank of Maharashtra. Respondent

Nos.1 and 2 vide letter dated 20.07.2004 informed the petitioner that bank opted by him was not authorized to disburse pension in the State of Andhra Pradesh and requested him to open an account in any one of the banks mentioned in the letter and he complied with the said instruction by opening an account in Union Bank of India. Warangal Branch and submitted the particulars in the year 2005 itself. Even after complying with all the instructions issued by respondents 1 and 2 and furnishing all details, they have not released his pension.

Hence, the instant writ petition.

- d) Respondents though appeared have not filed counter so far.
 - e) This Court in WPMP No.9627 of 2009 passed interim order dated 08.04.2009 to the effect that the respondents shall release the Freedom Fighters Pension to the petitioner pursuant to the sanction order dated 04.12.2003 vide File No.112/9527/97-FF(HC)(A) forthwith pending disposal of the writ petition.
- 3) When the matter came up for hearing today, learned counsel for petitioner would submit subsequent to the passing of interim order in WPMP No.9627 of 2009, the Deputy Secretary to the Government of India sent a letter dated 07.08.2009 to the petitioner informing that as directed by the High Court in WPMP No.9627 of 2009, the authorities have verified his case and the Freedom Fighters Pension sanction order dated 04.12.2003 had been withdrawn by subsequent order vide letter dated 07.12.2005. The subsequent withdrawal letter was not brought to their notice by the petitioner and the Government was intending to file an appeal against the interim order. Learned counsel while producing a copy of the letter dated

28.10.2009 would further submit subsequent to the aforesaid letter, the Principal Secretary to Government, Revenue Department, A.P. Secretariat, Hyderabad sent a letter dated 28.10.2009 to the Under Secretary to Government of India, Ministry of Home Affairs (FF-Division), New Delhi wherein re-verification report together with necessary documents/ certificates relating to the petitioner for granting Freedom Fighters Pension under Central Scheme was forwarded. Learned counsel would submit that in view of subsequent re-verification of the petitioner's case and sending necessary documents by the State Government an order may be passed directing the respondents 1 and 2 to consider the case of the petitioner in terms of re-verification report sent by the State Government vide its letter dated 28.10.2009.

4) Learned Assistant Solicitor General would submit that he has no objection for passing order but the respondents can consider the petitioner's case only in terms of the rules governing the subject.

5) In view of respective submissions of both the counsel, this Writ Petition is disposed of directing the respondents to consider the case of the petitioner as per rules, in the light of the letter dated 28.10.2009 sent by Principal Secretary to Government, Revenue Department, Andhra Pradesh, Hyderabad to the 2nd respondent and pass an appropriate order within eight(8) weeks from the date of receipt of a copy of this order. No costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 27.09.2018
Murthy