

HON'BLE SRI JUSTICE M.GANGA RAO

W.P.No.23926 OF 2007

ORDER

This writ petition is filed for the following relief:

“...to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in issuing impugned order in Lr.No.112/4830/97-FF (HC), dated 13.04.2007, by suspending the Swatantrata Sainik Samman Pension sanctioned to the petitioner on untenable grounds, as illegal, arbitrary, in gross violation of principles of natural justice and Articles 14 and 21 of the Constitution of India and consequently set aside the Lr.No.112/4830/97-FF (HC), dated 13.04.2007 issued by the 2nd respondent and with all consequential benefits or otherwise petitioner will suffer serious loss and great hardship and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The petitioner is a freedom fighter, who participated in Hyderabad Liberation Movement. He was sanctioned pension under Swatantrata Sainik Samman Pension Scheme, 1980. The respondents intimated him that after his death, his wife is also entitled to the said pension. The 2nd respondent issued the impugned show cause notice on 13.04.2007 and suspended the pension granted to the petitioner as he does not meet the eligibility criteria. Pursuant to the said show cause notice, the petitioner submitted his explanation on

26.04.2007. But, so far no orders have been passed thereon.

Hence, the present writ petition.

While admitting the writ petition, this Court granted interim suspension on 13.11.2007 in WPMP No.31157 of 2007.

In similar circumstances, this Court disposed of W.P.No.12376 of 2011 on 22.12.2016 and the operative portion of the order reads as under:

“On the other hand, learned counsel representing the Central Government would submit that the enquiry has been conducted but order could not be passed because of the pendency of the writ petition before this Court. In that view of the matter, without going into the merits of the case and having regard to the submissions made, the writ petition is disposed of directing the respondent authorities to pass final orders in accordance with law, if not already passed. Till such time, the respondents shall pay the pension to the petitioner, if he is being paid during the pendency of the writ petition.”

Following the same, this Writ petition is disposed of in terms thereof. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE M.GANGA RAO

6th March, 2018

*Note: Copy of the order passed
in W.P.No.12376 of 2011 on 22.12.2016
be annexed to this order.
(B.O) rkk*