

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION No.13248 OF 2015

ORDER:

Heard the learned counsel appearing for the petitioner as well as the learned Additional Standing Counsel appearing for the 2nd respondent-Bank.

The prayer sought for in the writ petition is as under:

“to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in stopping the family pension of the petitioner unilaterally as illegal and unjust and consequently direct the respondent no. 1 to release the pension due from August 2014.”

The first respondent filed a counter affidavit opposing the relief sought for in the writ petition specifically relying on Clause 6.1.2(iii) of the Revised Guidelines, which reads as under:

“6.1.2. The banks must ensure that dependent pension is not sanctioned to a spouse or a daughter of a freedom fighter if:-

(i) The spouse/daughter is already employed in a Central or a State Government, Central/State PSU or local body.

(ii) In case the spouse/daughter is working in a private sector or having his/her own business/activity then income from such job/activity exceeds Rs.20,000/- per month.

(iii) The spouse/daughter should not be receiving a pension/salary on account of his or her own job or by virtue of the previous employment of the deceased freedom fighter.”

In the light of the above said clause, when admittedly, the petitioner is getting pension of her deceased-husband by virtue of his previous employment as Teacher, she is debarred to get the pension under the Swatantrata Sainik Samman Pension Scheme, 1980. Therefore, this Court does not find any irregularity or illegality in stopping the family pension under the said scheme to the petitioner.

There are no merits in the writ petition and the same is accordingly dismissed. However, the learned counsel appearing for the petitioner seeks permission of this Court to challenge the Revised Guidelines to the extent of putting an embargo on the spouse/dependent of the original freedom fighter in the form of Clause 6.1.2 of the Revised Guidelines. Acceding to the said request, the petitioner is permitted to persuade the remedies available to her as per law.

Pending miscellaneous petitions, if any, shall stand closed.

P.KESHA VA RAO,J

27th NOVEMBER 2018.

Tsr

