

HONOURABLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.25150 OF 2007

ORDER:

The writ petition is filed seeking to direct the respondents to continue the payment of pension to the petitioner who is the widow of freedom fighter under “Swatantra Sainik Samman Pension Scheme-1980” and to declare the proceedings dated 25.5.2006, issued by the 1st respondent suspending the payment of pension to the petitioner as illegal and arbitrary.

The brief facts of the case of the petitioner are that the husband of the petitioner was a freedom fighter and he was granted pension in the year 1986 under “Swatantra Sainik Samman Pension Scheme-1980”; the husband of the petitioner died on 10.09.2006 and the 1st respondent issued proceedings on 25.05.2006, suspending the provisional sanction, which was granted to the husband of the petitioner, on the ground that the husband of the petitioner has issued a co-freedom fighter certificate dated 23.10.2001 in favour of one Sivarama Krishan Tagor, and consequently stopping the payment of pension to the petitioner pending enquiry; thereafter, the husband of the petitioner submitted an explanation on 8.6.2006 to the proceedings dated 25.05.2006, but no enquiry was conducted during the life time of the husband of the petitioner, and ultimately the husband of the petitioner expired on 10.09.2006. Thereafter, petitioner submitted a representation on 25.01.2007 to the 3rd respondent-District Collector, explaining the reasons, who

in turn on 24.02.2007 requested the 2nd respondent to take necessary action, but till now, no action has been taken.

Heard the learned counsel for the petitioner and Sri K. Lakshman, Assistant Solicitor General, appearing for the Central Government.

The case of the petitioner is that her husband submitted an explanation to the respondents on 8.6.2006 stating that Gangavarapu Siva Rama Krishna Tagore approached him and told that he had participated in the Freedom Struggle during 1947-48 against the Nizam Government and that believing his words, the husband of the petitioner had given his affidavit and subsequently died on 10.09.2006.

This Court by an order dated 4.8.2008, granted interim stay of the operation of the order dated 25.5.2006, passed by the 1st respondent and directed the 1st respondent to continue the payment of pension to the petitioner who is widow of the freedom fighter, pending disposal of the writ petition.

Today, when the matter came up for hearing, Sri K. Lakshman, Assistant Solicitor General, submits that no orders have been passed by the Government on the explanation submitted by the husband of the petitioner.

In view of the fact that no orders are passed by the respondents 1 and 2 on both, the explanation dated 8.6.2006 submitted by the husband of the petitioner and the representation of the petitioner dated 25.1.2007, the interim order dated 4.8.2008, granted by this Court in W.P.M.P.No.32798 of 2007, shall continue till both, the explanation dated 8.6.2006 submitted

by the husband of the petitioner and the representation dated 25.1.2007, submitted by the petitioner, are disposed of.

With the above direction, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Dated:03/08/2018

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HONOURABLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

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