

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.370 of 2007

ORDER :

This writ petition is filed seeking a writ of mandamus declaring the action of the respondents in rejecting the claim of the petitioners for sanction of pension, vide proceedings No.112/32/2005-FF(HC), dated 18.12.2006 and 112/33/2005-FF(HC) dated 18.12.2006 and sanctioning the pension to the similarly situated persons in spite of recommendations made by State Government in the year 2005 along with relevant documents, as arbitrary and illegal and sought for a consequential direction to sanction pension to the petitioners under the Swatantrata Sainik Samman Pension Scheme, 1980 by duly taking into account the recommendations made by the State Government.

2. Heard Sri P.Mehar Srinivasa Rao, learned counsel for the petitioners and Sri J.Bhaskar Rao, learned Standing Counsel for the Central Government.

3. It has been contended by the petitioners that they had actively participated in the freedom struggle for Liberation of Hyderabad State and its merger with the Union of India. It is their case that since they have participated actively in the liberation movement of Hyderabad, they are entitled for pension under the Swatantrata Sainik Samman Pension Scheme, 1980 and the State Government had conceded their case and recommended for sanction of pension under the said scheme vide orders dated 03.05.2005. The grievance of the petitioners is that without taking into consideration the recommendations made by the State

Government, the Government of India vide orders dated 18.12.2006 have rejected their case mechanically. Challenging the same, the present writ petition is filed.

4. The learned Standing Counsel appearing for the respondents has contended that the petitioners have not produced any of the certificates along with the application form and in the absence of any material it would be difficult for the respondents to consider the claim for grant of pension to the petitioners under the said scheme. The learned Standing Counsel has further informed this Court that the petitioners along with others had filed W.P.No.19511 of 2006 and this Court was pleased to dispose of the said writ petition on 11.02.2015 with the following directions:

“4. The 1st respondent is directed to verify the files and also to consider if such recommendations are forwarded to the 1st respondent herein and dispose of the same within a period of three months from the date of receipt of a copy of the order of this Court. Further, the petitioners 1 to 7 and 10 are also directed to communicate the order of this Court along with the recommendations made by the State Government to the 1st respondent within a period of one month from today to enable the 1st respondent to verify and also to consider the recommendations made by the State Government.

5. Accordingly, the Writ Petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions shall stand disposed of.”

5. The learned Standing Counsel submits that this writ petition can also be disposed of on the similar lines.

6. This Court having considered the submissions on both sides feels it appropriate to direct the respondents to consider the case of the petitioners for grant of pension under Swatantrata Sainik Samman Pension Scheme, 1980 without being influenced by the

earlier rejection orders dated 18.12.2006 within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

02 April, 2018

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