

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.28825 of 2008

ORDER:

Heard the learned counsel for the petitioner and Sri P.Ponna Rao, learned Additional Standing counsel for the Central Government and the learned Government Pleader for the 2nd respondent.

The prayer sought in the writ petition is as follows:

“... this Hon'ble Court may be pleased to issue writ or direction preferably writ of mandamus, declaring the inaction of the respondent in finalizing the claim of the petitioner (as a widow of freedom fighter) for grant of pension under “Swatantra Sainik Sanman Pension Scheme, 1980” as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent to grant pension to the petitioner in the light of application submitted by the husband of the petitioner on 26.04.1998 and grant all consequential benefits.”

The facts of the case are that the husband of the petitioner was a freedom fighter and he participated in the freedom struggle during the year 1947-48. He went underground and worked under Sri P. Narsinga Rao, Camp in-charge of Chanda Border Camp. The petitioner's husband applied for pension in the year 1984. However, he died on 12.07.2005. After his death, the petitioner sent an application to the 1st respondent on 09.09.2005. In spite of the same, no action was taken. Therefore, the present writ petition is filed.

A counter affidavit is filed on behalf of the 1st respondent denying the averments made in the affidavit filed in support of the writ petition. In the counter affidavit it is

stated that as per guideline No.1.5 of the revised policy guidelines issued by the 1st respondent vide letter No.45/03/2014-FF (P) dated 06.08.2014, no pension shall be sanctioned in the name of the freedom fighter after his/her death even if his/her matter was under consideration. To support the said contention, the 1st respondent also filed a Xerox copy of the guidelines for disbursement of Central Samman Pensions to be followed by the authorized public sector banks along with the counter affidavit. The said guideline entails that no lifetime arrears or dependent pension shall be sanctioned to his/her spouse/daughter after the death of the freedom fighter.

In the case on hand, though the application of the husband of the petitioner was filed in the year 1984, till now it is under consideration. On the query raised by this Court to the counsel for the petitioner as to the delay in processing the application, there is no proper explanation and at the same time, he is not in a position to appraise the Court as to the stage of the application.

Be that as it may, looking at the above said guideline No.1.5 and since the application of the husband of the petitioner was not even considered, at this length of time and also on the strength of the above said guidelines, the petitioner is not entitled to pension. As such, there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAVA RAO, J

Date: 02.11.2018.
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