

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION No.17749 OF 2010

ORDER:

There is no representation on behalf of the petitioner. Heard the learned Assistant Solicitor General appearing for the first respondent.

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

“to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not sanctioning the freedom fighter pension under the SWATANTRA SAINIK SANMAN PENSION to be illegal, arbitrary, null and void and consequently direct the respondents to take immediate steps for grant of pension under SWATANTRA SAINIK SANMAN PENSION to the petitioner from 1972 onwards”.

In the counter affidavit filed on behalf of first respondent, it is stated that the application submitted by the petitioner, which was duly forwarded by the State Government with their verification report is not pending with the first respondent. Therefore, the claim of the petitioner cannot be said to be pending with the first respondent and as such the writ petition is premature. The Swatantrata Sainik Samman Pension Scheme, 1980 can be considered by the Central Government only when the applications are duly verified and forwarded by the concerned State Government with recommendations in accordance with the provisions of the scheme. In the absence of the same, the first respondent cannot consider the claim of the petitioner.

In that view of the matter, this Court is of the opinion that the writ petition is premature in nature and liable to be dismissed.

Accordingly, the writ petition is dismissed. It is needless to observe that the dismissal of the writ petition will not come in the way of the petitioner to pursue the remedies available as per law with the State Government in forwarding his application to the first respondent. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

P.KESHA VA RAO,J

03rd DEC EMBER 2018.

Tsr

