

HON'BLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No.17427 of 2014

ORDER:

There is no representation on behalf of the petitioner.

The prayer sought in the writ petition is as under:

“... to issue a writ/s or order/s one more particularly in the nature of Writ of Mandamus declaring the action of the respondents in not considering and granting freedom fighters pension to the petitioner in pursuance of application dated 29/09/1997 as per Swatantra Sainik Samman Pension Scheme 1980 issued by the 1st respondent as illegal, arbitrary and unconstitutional and consequently direct the respondents to consider and grant freedom fighters pension to the petitioner as per Swatantra Sainik Samman Pension Scheme 1980 issued by the 1st respondent.”

The specific case of the petitioner is that her deceased husband, Ayodhya Ramaiah, during his lifetime participated in the Armed Freedom Struggle against the then Nizam Government and Rajakars under the leadership of Sri Bheem Reddy Narsimha Reddy, Ex.M.P., Miryalaguda constituency. Her husband died on 18.08.1973. The petitioner made an application to the respondents way back in the year 1997, but as on date her application seeking for freedom fighters pension is pending consideration. Therefore, the present writ petition is filed.

Learned Additional Standing counsel for the Central Government filed a counter affidavit on behalf of respondent Nos.1 and 2, wherein it is mentioned that in the absence of mandatory verification and recommendation report from the State Government duly supported by the documentary

evidence, it is not possible for the 1st respondent to consider the claim of the petitioner as per the provisions of the Swatantrata Sainik Samman Pension Scheme, 1980 and the guidelines issued thereunder. It is also mentioned that as per Section 21 (5) of the Protection of Human Rights Act, 1983, the State Commission has jurisdiction to enquire into the matters relatable to any of the entries enumerated in List II (State list) and List III (Concurrent list) in the Seventh Schedule of the Constitution of India. However, the pension from central revenue is enumerated in List I (Central list, entry 71) and therefore, the Andhra Pradesh Human Rights Commission has no jurisdiction over the matter.

Though specific counter affidavit is filed pointing out the reasons for not considering the petitioner's application, there is no representation and no reply affidavit is filed on behalf of the petitioner. In view of the same, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHA RAO, J

Date: 23.11.2018.
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