

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8810 of 2009

ORDER:

The grievance of the petitioners is that petitioners were sanctioned freedom fighters pension from the date of approval instead of from the date of application by the respondents without giving any reasons.

Counter affidavit is filed on behalf of respondents 1 and 2, wherein in para Nos 19 and 20 it is stated as under:

“The petitioners’ claims were considered in relaxation of the normal eligibility and evidentiary requirements of the Scheme. Since pension in these cases were sanctioned without any acceptable record based on primary evidence or secondary evidence prescribed under the scheme, but was based only on personal knowledge, and was being sanctioned in relaxation in the eligibility criteria and evidentiary requirements of the scheme, it was appropriate and correct that pension in these cases be sanctioned prospectively, i.e. from the date of the approval of the sanctioning authority, which was in conformity with the uniform policy regarding cases where pension was sanctioned by giving benefit of doubt.

The petitioners had not produced any primary or secondary evidence as prescribed under the Scheme to substantiate their claims of underground sufferings. State Government had not given their recommendation based on any official records. State recommendation was based only on personal knowledge certificates of other freedom fighters. Hence the judgment in M.L.Bhandari’s case was not applicable in these cases.

As submitted hereinbefore, the petitioners had not produced any prescribed evidence to substantiate their claimed sufferings. It is submitted that in

W.P.No.12451/08 and W.P.8171/09, the Hon'ble Court has granted interim direction to consider grant pension from the date of application. As submitted herein before, since pension in these cases was being sanctioned without any acceptable evidence prescribed under the Scheme, but was based only on personal knowledge, and was being sanctioned by relaxation in the eligibility criteria and evidentiary requirements of the scheme, it was appropriate and correct that pension in these cases be sanctioned prospectively, i.e. from the date of approval of the sanctioning authority, which was in conformity with the uniform policy in respect of Screening Committee cases, where pension was sanctioned by giving benefit of doubt. The representation made by the petitioners in W.P.No.12451/08 and W.P.No.8171/09 was also turned down on the above grounds.

It is also submitted that the Government of Andhra Pradesh, on receipt of large-scale complaints, like bogus freedom fighters, under-aged persons, bogus date of birth certificates, false certificates in support of claims, etc., had ordered the State's Vigilance and Enforcement Department to conduct detailed enquiries into the claims of freedom fighters in four districts of Karimnagar, Khammam, Nalgonda and Warangal. Government of Andhra Pradesh, after examination of the enquiry report of the Director General (Vigilance and Enforcement), has decided in April, 2007, to undertake 100% re-verification of all cases, including the already sanctioned cases.

It has, therefore, been decided that 100% re-verification of all cases would be undertaken by the State Governments and a committee of eminent freedom fighters would scrutinize the results of the re-verification and finalize its recommendations, ensuring that no fake claimant gets pension and no genuine freedom fighter is overlooked. The petitioners' claims

are also covered by this decision and pension sanctioned to them is also subject to review after re-verification by the State Government and scrutiny by the Screening Committee of Eminent Freedom Fighters. Thus all cases, including those of the petitioners are under doubt and are subject to re-verification.

Since pension in these cases was being sanctioned without any acceptable record based primary evidence or secondary evidence prescribed under the Scheme, but was based only on personal knowledge, and was being sanctioned by relaxation in the eligibility criteria and evidentiary requirements of the Scheme, it was appropriate and correct that pension in these cases be sanctioned prospectively i.e. from the date of approval of the sanctioning authority, which was in conformity with the uniform policy regarding cases where pension was sanctioned by giving benefit of doubt. It is submitted that the interim order passed by the Hon'ble Court has been implemented and the petitioners have been informed vide order dated 07.07.09."

No reply affidavit is filed disputing the same.

It is to be seen that the respondents have given reasons for grant of pension from the date of approval instead of date of application. Said reasons could not be assigned by learned counsel for the petitioners. Even though primary evidence is not available, the respondents have considered the case of petitioners by relaxing the conditions and granted pension from the date of approval and no exception can be taken to the same.

In view of the facts and circumstances of the case, I do not see any merit in the writ petition and the same is liable to be dismissed.

The writ petition is, accordingly, dismissed. Pending miscellaneous applications if any shall stand closed.

A.RAJASHEKER REDDY,J

30-10-2019

Nvl



