

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.15447 of 2009

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“...issue an order or orders more in the nature of Writ of Mandamus directing the respondents to consider petitioner age basing on the Doctors Certificate and other documents by quashing the guidelines (b) in D.O.Lr.No.8/12/90 FF (P), dt.02.07.1998 of the first respondent in so far as age determinations basing on Voters List by holding the same as illegal, arbitrary and unconstitutional and violation of Arts.14 and 21 of the Constitution of India and set-aside the impugned Lr.No.4566(19)/FF.I/2009, dt.23.05.2009 of the second respondent by holding it as illegal, arbitrary and violation of Principles of Natural Justice being violation of Arts.14 and 21 of the Constitution of India and further direct the first respondent not to cancel petitioner pension sanction Lr.No.112/6614/97 FF(HC), dt.30.04.2004 and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. Heard learned counsel for the petitioner, learned Standing counsel appearing for respondent No.1 and learned Government Pleader for respondent Nos.2 and 3.

3. Learned counsel for the petitioner submits that after granting freedom fighters pension to the petitioner, without issuing any notice, respondent No.2 sought to cancel the pension, vide letter, dated 23.05.2019. He further submits that in similar circumstances, this Court allowed W.P.No.18213 of 2009 on 02.12.2014.

4. This Court, while admitting the writ petition, granted interim suspension on 30.07.2009. No counter-affidavit is filed as on today.

In similar circumstances, while considering the case of the petitioner therein, this Court in W.P.No.18213 of 2009, passed the following order:

“For the aforesaid reasons, the writ petition is allowed and the impugned proceedings vide letter No.4566 (25) FF-1/2009 dated 23.05.2009 of the State Government is hereby set aside. Further, it is declared that the said recommendations cannot form the basis for initiating any action against the petitioner. However, it is open for the respondent-authorities to hold enquiry after giving notice and opportunity of being heard to the petitioner.”

5. In view of the same and for the reasons alike in the said order, the writ petition is allowed in terms of the order, dated 02.12.2014, in W.P.No.18213 of 2009. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A. RAJASHEKER REDDY, J

28th October 2019

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