

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.22575 of 2009

ORDER:

This Writ Petition is filed for the following substantive relief:

“... to issue writ ,order direction more particularly in the nature of writ of mandamus declaring the inaction of the respondents in granting Swathantra Sainik Sanman Pension and also in not considering the petitioner's representation dt 30.06.2009 as illegal, arbitrary and unconstitutional and further direct the respondents to grant freedom fighters pension from the date of their application or pass such other order or orders as this Hon'ble Court deem fit and proper in the interest of justice.”

In the affidavit, filed in support of the Writ Petition, it is *inter alia* stated that the petitioner is a freedom fighter who fought against the Nizam Government in the year 1947-48 and also went underground for more than six months; that she made an application to the respondents way back in the year 1989 and the same was received by the respondents under acknowledgment; that along with the said application, she also enclosed necessary documents; and that respondent No.2, after enquiring into the genuineness of her application, recommended her case to the Central Government *vide* letter No.15782/FF1/A1/2002-1, dated 11.04.2002.

It is further averred that respondent No.1 *vide* his letter F.No.112/128/89-FF(HC)-E dated 08.7.2003, rejected her case stating that the name of the camp mentioned in the application of the petitioner does not appear in the list of border camps certified by the erstwhile Hyderabad Special Screening Committee. Thereafter, the petitioner and other similarly situated persons filed Writ Petition No.1607 of 2004 questioning the rejection of their cases for grant of

freedom fighters pension. In the said Writ Petition, respondent No.1 filed counter stating that the border camp i.e., Chandragiri Hills in which the petitioner participated was not recognized by the Government. This Court by order dated 14.11.2006 disposed of the said Writ Petition giving liberty to the petitioner and others to make representation to respondent No.1 if the border camps in which they participated are recognised subsequently.

The grievance of the petitioner is that though she made representation dated 30.6.2009 to respondent No.1 requesting him to consider her case for pension in view of recognition of the border camp in which she has participated, so far no orders are passed on the same. Hence, the present Writ Petition is filed.

Counter-affidavit is filed on behalf of respondent No.1, wherein it is *inter alia* stated as under:

“It is submitted that claim of the petitioner is among the cases considered by the last Hyderabad Special Screening Committee (HSSC). After discovery of large scale irregularities in sanction of pension in these cases, it was decided that all such claims, including the already sanctioned claims, will be thoroughly re-verified by the concerned State Governments and a committee of eminent freedom fighters would scrutinize the results of the re-verification and finalise its recommendations, ensuring that no fake claimant gets pension and no genuine freedom fighter is overlooked. The petitioner’s claim is also covered under this policy decision. Her claim can be decided only after receipt of the re-verification report from the State Government and the recommendations of the Screening Committee of Eminent Freedom Fighters. The State Government has been requested on 16.3.2010 to expedite their re-verification report. The claim of the petitioner’s claim cannot be said to be pending with this respondent and the petitioner does not have any cause of action and her petition is liable to be dismissed on this ground.

The contentions in this para are matter of record. However, it is submitted that after discovery of large scale irregularities and large number of complaints, the

Government of Andhra Pradesh has decided to re-verify each and every claim, including the already sanctioned cases. Petitioner's claim is also covered under this decision.

Contentions in this para are denied in the light of the submissions made hereinabove. As submitted hereinabove in the background of the case, the claim of the petitioner can be considered only after receipt of the re-verification report of the State Government and recommendation of the Screening committee of Eminent Freedom Fighters."

Learned counsel for the petitioner submits that the camp in which the petitioner participated is recognised by the Central Government, *vide* proceedings No.282/SR/HC/99-FF(HC) dated 28.01.2005. As such, the petitioner is entitled for grant of freedom fighters pension. A copy of the said proceedings is filed as material paper along with this Writ Petition.

In view of the above facts and circumstances of the case, without going into the merits of the case, the Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 30.6.2009, if not already considered, in accordance with law and take appropriate action thereon expeditiously, preferably within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

A.RAJASHEKER REDDY, J

25th October, 2019
dr