

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.14463 of 2010

ORDER:

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

“....to issue writ or direction preferably writ of mandamus declaring the impugned letters dts.30-04-2010; 30-04-2010; 05-02-2010; and 20-04-2010 issued by the respondent No.1 as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent No.1 to grant Swatantra Sainik Samman pension in favour of the petitioners as per the Scheme, and pass such other or further orders as this Hon’ble court deems fit and proper in the circumstances of the case.”

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

3. Learned counsel for the petitioners submits though the petitioners made application for grant of Swatantra Sainik Samman Pension and complied with all the conditions, till date no action has been taken by respondent No.1.

4. A counter-affidavit is filed on behalf of respondent Nos.1 and 3 and in paras 16 and 17 it is stated as under:

“16. In accordance with the policy decision, on receipt of the re-verification reports from the Government of Andhra Pradesh, the cases of petitioners at Sl.No.1, 2 & 3 were examined and rejected as per policy guidelines communicated vide letter No.112/08/2008-FF(HC) dated 10th September, 2009 (Exhibit R.2). The petitioners have also been communicated

the decision vide this Ministry's letters No.112/3879/97-FF(HC) dated 26.12.2011, 112/5899/97-FF(HC) dated 21.12.2011 and 112/3856/84-FF(HC) dated 03.01.2012 respectively (Exhibits R.3, 4 & 5).

17. The verification report in respect of petitioner at S.No.4 was referred back to Statement Government for rectifying some deficiencies vide letter No.112/3870/98-FF(HC) dated 16.02.2010 (Exhibit R.6). The report from State Government rectifying deficiencies with supporting documents are still awaited. The case will be re-considered on receipt of the mandatory report from the State Government.”

5. Since the application of the petitioner Nos.1 to 3 were already rejected and the same was communicated to them as per para 16 of the counter-affidavit, it is open for the petitioner Nos.1 to 3 to challenge the said order, in accordance with law, if not already challenged. As far as petitioner No.4 is concerned, since it is stated that they will re-consider on receipt of mandatory report from the State Government, the State Government is directed to send the report to Central Government as expeditiously as possible, and the competent authority is to re-consider the same and pass orders, in accordance with law.

6. With the above directions, the writ petition is disposed of. 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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