

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.33061 of 2010

ORDER:

The case of the petitioner is that he applied for freedom fighters pension under 'Swatantra Sainik Sanman Pension Scheme, 1980,' along with relevant documents and after conducting an enquiry, the screening committee recommended his case in the meeting held on 10.04.1990, vide file No.112/3578/84. An the enquiry was conducted on the genuinity of his application by the Revenue Divisional Officer and submitted a report to the Collector on 22.08.2003, vide Rc.No.A/2494/2003, and the District Collector in turn forwarded the same to the Secretary to the Government, Revenue (F.F.1) Department, but no action has been taken. The petitioner also submitted a representation on 10.12.2009 requesting to consider his case, but till date no action has been taken.

2. The respondent filed a counter-affidavit, wherein it is stated that the claims of Samman Pension has to be considered by the Central Government after due verification and recommendations made by the State Governments/Union Territory administrations concerned, provided the report indicates the basis of such recommendations in accordance with the provisions of the Scheme. A positive recommendation of the State Government is not binding on the Central Government, if the claim does not satisfy the eligibility criteria and evidentiary requirements prescribed under the Scheme as decided by the High Court in Writ Appeal No.175 of 2007, dated

20.02.2007. It is further stated that after receipt of the verification report from the State Government of Andhra Pradesh along with the report of the Revenue Divisional Officer, dated 22.08.2003, vide Rc.No.A/2494/2003 and the report of the Collector, dated 15.09.2003, vide Rc.No.A3/8261/2003, the claim of the petitioner has been rejected, vide Ministry's letter No.135/AP/38/2005-FF (HC), dated 30.05.2005. It is further mentioned that no representation, dated 10.12.2009, has been received from the petitioner by the Ministry of Home Affairs.

3. Since it is stated that the representation of the petitioner was rejected on 30.05.2005 and no reply affidavit is filed disputing the same, this Court is of the opinion that the cause in the writ petition does not survive.

4. Accordingly, the writ petition is disposed of granting liberty to the petitioner to challenge the rejection order, dated 30.05.2005.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed. No order as to costs.

A. RAJASHEKER REDDY, J

13th November 2019

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