

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.5478 OF 2010

O R D E R

The grievance of the petitioner is that the respondent, vide the impugned proceedings dated 06.10.2008, without recording any reasons, rejected her claim for grant of family pension under Swatantra Sainik samman Pension Scheme, 1980, and hence the same is illegal, and in violation of principles of natural justice.

Heard the learned counsel for the petitioner and Sri Namavarapu R. Rao, learned Standing Counsel for Central Government appearing for respondent.

Impugned order does not disclose any reasons for rejection of the claim of the petitioner for grant of family pension under the Scheme of 1980. Though counter affidavit is filed giving reasons for rejection of the claim of the petitioner, the same are not reflected in the impugned order. It is well settled that the impugned order shall contain reasons, and such reasons cannot be supplemented by way of counter affidavit. Since the impugned order is bereft of reasons, it amounts to violation of principles of natural justice, and on this ground alone, the same is set aside, and the matter is remitted back to the respondent to reconsider the issue, and pass appropriate orders in accordance with law afresh, by recording reasons.

Writ petition is accordingly allowed to the extent indicated above.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:01—11—2019

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