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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No.33014 of 2018

Date of decision:-09.01.2019

Rajpreet Kaur

.....Petitioner

versus

Union of India and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. V.P. Singh, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner is the unmarried daughter of late Sh. Darshan Singh.

Darshan Singh, had filed CWP No.16433 of 2014, seeking directions to grant to him freedom fighter pension under the Swatantrata Sainik Samman Pension Scheme, 1980. After filing of the writ petition, Darshan Singh, died and the claim was pursued through his widow Smt. Jagdish Kaur. CWP No.16433 of 2014, came to be decided vide judgment dated 04.07.2016 (Annexure P-8) and it was held that Darshan Singh (since deceased), is entitled to the freedom fighter pension, to be awarded by the Central Government and directions were issued to release the freedom fighter pension to his widow from the date of passing of the judgment i.e. 04.07.2016.

Placed on record at Annexure P-9, is the death certificate issued by the Government of Punjab, Health & Family Welfare Department, Chief Registrar, Births & Deaths, Punjab, and which would reflect that widow Jagdish Kaur, died on 10.07.2016 i.e. merely a week after the passing of the judgment dated 04.07.2016 at Annexure P-8.

Prayer/claim raised in the instant petition is for continuation of the freedom fighter pension under the Scheme aforementioned to the unmarried daughter of late Darshan Singh.

During the course of hearing, counsel has adverted to the Swatantrata Sainik Samman Pension Scheme, 1980, and particularly to Clause 2 thereof defining the eligible dependants for grant of Samman pension. Clause 2 of the Pension Scheme 1980 is reproduced hereunder:-

“For the purpose of grant of Samman pension, family includes (if the freedom fighter is not alive) mother, father, widower/widow if he/she has not since remarried, unmarried daughters.

Not more than one eligible dependent can be granted pension and in the event of availability of more than one dependent the sequence of eligibility will be widow/widower, unmarried daughters, mother and father.”

It is the contention raised by counsel that the claim of late father of the petitioner Darshan Singh, for pension had been adjudicated upon by this Court in judgment dated 04.07.2016 (Annexure P-8) under the provisions of 1980 Scheme and as such the present petitioner being the only eligible legal heir as per Clause 2 of the Scheme, 1980, she is entitled to be granted the Samman pension.

Counsel at this stage submits that even though the petitioner has been agitating her claim since the year 2016, no final decision has been taken till date. Counsel submits that he would be satisfied if the instant writ petition is to be disposed of with a direction to the respondent/competent authority to take a final decision on the claim of the

petitioner within a stipulated time frame.

The prayer made by the learned counsel is just and reasonable. Accordingly, without examining the claim of the petitioner on merits, I deem it appropriate to dispose of the instant writ petition with a direction to respondent No.2 i.e. **The Under Secretary to Government of India, Ministry of Home Affairs (Freedom Fighter Division), First Floor, Lok Nayak Bhawan, Khan Market, New Delhi**, to examine the claim of the petitioner in the light of representation dated 20.10.2016 at Annexure P-11, which is stated to have already been submitted and a final order thereupon be passed within a period of two months from the date of receipt of certified copy of this order.

Writ petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

09.01.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No