

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.6816 of 2009

ORDER:

This writ petition is filed seeking the following relief :-

“....to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not granting the pension from the date of their applications under Swatantrata Sainik Samman Scheme sanctioned to the petitioners inspite of the representations dt.14.03.2009 of the petitioners as illegal, arbitrary, in gross violation of principles of natural justice and Articles 14 and 12 of the Constitution of India and consequently direct the respondent to sanction the pension to the petitioners from the date of their applications including the arrears of the pension with all consequential benefits....”.

Heard the learned counsel appearing for the petitioners and the learned Standing Counsel appearing for the respondents.

It has been contended by the petitioners that they are all freedom fighters and the respondents have introduced Freedom Fighters Pension Scheme to the freedom fighters during the year 1980 and they have submitted an application seeking Freedom Fighters Pension, but the respondents, instead of sanctioning pension from the date of policy decision, have granted pension on different dates during 2003 to 2005, The grievance of the petitioners is that they were not granted pension from the date on which the Freedom Fighters Pension Scheme was introduced, Therefore, they have submitted representation to the respondents on 14.03.2009 seeking Freedom Fighters Pension. But, so far, the respondents have not passed any orders on the said representation nor sanctioned pension assought by them.

Learned counsel for the petitioners submits that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioners on 14.03.2009 and pass appropriate orders in accordance with law.

Learned Standing Counsel appearing for the respondents submits that since the representation of the petitioners is pending, the respondents would consider the same and pass appropriate orders in accordance with law within a reasonable period of time.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioners on 14.03.2009 by duly taking into account the law laid down by the Hon'ble Supreme Court in W.P.(Civil).No.153 of 1992 and batch dated 14.05.1993 and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 05-02-2020
Prv

