

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.21350 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“....to issue a Writ, order or direction, more particularly one in the nature of a Writ of Mandamus declaring the action of respondents in not granting pension under Swathanthra Sainik Samman Pension Scheme as unjust, unreasonable, arbitrary and violative of Article 21 of the Constitution of India and consequently direct the respondents to grant the Freedom Fighters Pension under Swathanthra Sainik Samman Pension Scheme.....”.

Heard learned counsel appearing for the petitioners, Ms.K.Mani Deepika, learned Standing counsel appearing for the 1st respondent and the learned Government Pleaders appearing respondents 2 to 5.

It has been contended by the petitioners that they are freedom fighters and they are eligible for freedom fighters pension and therefore, they have submitted representation on 10.06.2013 seeking freedom fighters pension, but, so far, the respondents have not passed any orders on the said representation nor sanctioned freedom fighters pension in their favour.

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

Learned Standing Counsel as well as the learned Government Pleaders appearing for the respondents contended that the cases of the petitioners would be considered and

appropriate orders would be passed in accordance with law, if the petitioners submit entire documents along with proof of their claim.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioners to submit entire documents along with proof of their claim within four weeks from the date of receipt of a copy of this order. Thereupon, respondents 3 to 5 shall conduct enquiry and if the petitioners are found eligible for freedom fighters pension, recommend the cases of the petitioners to respondents 1 and 2. Upon such recommendation being received, if the petitioners are found eligible, respondents 1 and 2 shall consider the cases of the petitioners and pass appropriate orders in accordance with law. The said exercise shall be completed within a period of six months from the date of receipt of documents from the petitioners.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 17-02-2020
Prv

