

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.31381 of 2016

ORDER:

This writ petition is filed seeking the following relief :-

“....to issue a writ or order or direction or writ of Mandamus declaring the action of the 2nd respondent in passing the impugned order No.PAO/ P&M/ MHA/ FF/ 0413315/ 495-98 dated 08.08.2016 without there being any final orders passed by the 1st respondent in pursuance of the show cause notice dated NIL dispatched on 29.07.2016 as illegal, arbitrary, malafide, intentional and opposed to principles of natural justice and consequently set aside the same as illegal.....”.

Heard Mr.K.V.Bhanu Prasad, the learned counsel appearing for the petitioner, learned Assistant Solicitor General and the Government Pleader for Revenue appearing for the respondents.

It has been contended by the petitioner that her husband was granted freedom fighters pension and after his death, she was sanctioned the dependant freedom fighters pension. She further submits that her husband has also applied for house site patta and the application of her husband was not being processed on account of illegal demand of gratification and as her husband has not acceded to the said illegal demand, it was sought to be cancelled. She further submits that her husband expired on 26.01.2016. After the death of her husband, the respondents have issued a show-cause notice stating that as to why the dependant freedom fighters pension sanctioned in her favour should not be cancelled vide proceedings dated nil.07.2016, to which she has submitted an explanation on 05.08.2016. But, so far, the respondents have not passed any final orders pursuant to show-cause notice dated nil.07.2016.

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

Learned Assistant Solicitor General appearing for the respondents submits that the respondents would consider the explanation submitted by the petitioner and pass appropriate orders within a reasonable period of time and if the explanation submitted by the petitioner is convincing, then the respondents would restore the dependant freedom fighters pension in favour of the petitioner.

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 explanation submitted by the petitioner on 05.08.2016 and pass appropriate orders in accordance with law, after giving an opportunity of hearing to the petitioner. If the petitioner's explanation is convincing, then the respondents are directed to restore the dependant freedom fighters pension in favour of the petitioner. The said exercise shall be completed 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

