

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.28329 OF 2015

ORDER:

Heard the learned counsel for the petitioner and Ms.Thakur Roopa Singh, learned Standing counsel for the Central Government.

This writ petition is filed seeking the following relief :-

“.....writ of mandamus declaring the action of the respondents in not considering the claim of the petitioner for grant of pension under Swatantrata Sainik Samman Pension Scheme to the dependants of the deceased freedom fighters pensioners as illegal, arbitrary and violative of principles of natural justice and consequently direct the Respondent No.1 to grant pension to the petitioner from the date of death of petitioner's father Ganaparapu Bhadraiah as per under Swatantrata Sainik Samman Pension Scheme and pass such other.....”

It has been contended by the petitioner that her father was a freedom fighter and he was granted pension under Swatantrata Sainik Samman Pension vide order dated 22.01.2004 w.e.f 15.09.2003. Petitioner further contends that her father expired on 18.12.2012 and after expiry of her father she has submitted an application to respondents on 08.07.2014 for sanction of dependant pension in her favour stating that she is a unmarried daughter. The grievance of the petitioner is that though the respondents have received her application, no orders are passed sanctioning dependant freedom fighter's pension in her favour.

Therefore, learned counsel for the petitioner contends that appropriate orders be passed in this writ petition directing the

respondents to consider the application of the petitioner and pass appropriate orders within a reasonable period of time.

Learned Standing counsel appearing for the respondents contends that freedom fighter pension scheme has been revised and a new scheme has come into existence and if the petitioner submits an application in accordance with new revised scheme, the respondents would consider the same and pass appropriate orders.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh application to the respondents in addition to the application already submitted within two weeks from the date of receipt of a copy of this order and upon receipt of such application, the respondents shall consider the same and pass appropriate orders in accordance with law in another eight (08) weeks thereafter.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 20-02-2020
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