

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.1863 of 2014

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 respondents in not granting family pension to the petitioner (2nd wife) from the date of death of 1st wife (Kodam Agamma) of petitioner's late husband Kodam Anantha Ramulu i.e., from 14.03.2011 though in respect of similarly situated persons this Hon'ble Court passed order in W.P.No.27381 of 2007, dated 23.04.2009, as illegal, arbitrary, unjust in gross violation of the principles of natural justice and also in violation of Articles 14 and 16 of the Constitution of India and consequently direct the respondents 3 and 4 to forward petitioner's application to the respondents 1 and 2 and further direct the respondents 1 and 2 to grant family pension to the petitioner including arrears from 14.03.2011 onwards i.e., from the date of death of 1st wife (Kodam Agamma) to till date, with all consequential benefits.....”.

Heard Mr.Challa Siva Sankar, the learned counsel appearing for the petitioner and Smt.Anjali Agarwal, the learned Standing Counsel for the respondents.

It has been contended by the petitioner that she is the second wife of Freedom Fighter and her husband was granted freedom fighters pension and he expired on 27.04.2010. Thereafter, the petitioner has submitted a representation to the respondents seeking dependant Freedom Fighters Pension. But, the respondents have not disposed of the said representation nor considered her case for grant of dependant Freedom Fighters Pension.

Learned counsel appearing for the petitioner submits that appropriate orders be passed in the writ petition directing the

respondents to grant dependant Freedom Fighters Pension in favour of the petitioner.

Learned Standing Counsel appearing for the respondents submits that a perusal of the record discloses that the petitioner was aged about 63 years in the year 2014 and as on today, she is aged about 69 years. The petitioner made an averment in the affidavit that she got married freedom fighter way back in the year 1954. At that time, the age of the petitioner would be 3 to 4 years and the statement made by the petitioner is unbelievable and the case of the petitioner is not genuine. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions, is of the considered view that the learned Standing Counsel has rightly pointed out that the age of the petitioner at the time of marriage in the year 1954 as per the averment made in the affidavit would be 3 to 4 years, which is not believable and therefore, this Court is of the considered view that there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 05-02-2020
Prv

