

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.38543 OF 2014

ORDER:

Heard the learned counsel for the petitioner, Sri N.Rajeswar Rao, learned Assistant Solicitor General for respondents 1 and 2 and the learned Government Pleader (Revenue) for respondents 3 and 4.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus to declare the action of the 2nd respondent in stopping the petitioner dependent pension without giving any notice or opportunity through the letter No.112/12/2014-FF(HC), dated 03.11.2014 served to the petitioner on 14-11-2014, based on the report of 4th respondent through letter Rc.A3/1627/2014, dated 11-06-2014, the said report prepared based on the false report of 6th respondent, which is 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 set aside the letter No.112/12/2014-FF(HC), sated 03.11.2014, duly considering the petitioner representation dated 17.11.2014, and further direct the 4th respondent to forward re-verification report to the 2nd respondent consider the same and release the dependent pension to the petitioner forthwith including the arrears with all consequential benefits or otherwise.....”

It has been contended by the petitioner that she is the daughter of freedom fighter and her father was granted pension under the freedom fighter pension scheme and after death of her father on 05.06.1986, she was granted dependant pension by the authorities vide proceedings dated 13.06.1987, as she is the unmarried daughter. She further contends that basing on the

false complaint given by the 6th respondent, who was working as VRO stating the petitioner is a married lady, her dependent pension was stopped. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner contends that let the District Collector conduct a detailed enquiry and submit a report to the respondents 1 and 2 within a reasonable period of time and in the enquiry, if it is disclosed that the petitioner is unmarried, the respondents 1 and 2 shall consider the case of the petitioner and revive dependant freedom fighter pension in favour of the petitioner.

Learned Assistant Solicitor General and the learned Government Pleader for Revenue contend that the revenue administration headed by the District Collector would conduct detailed enquiry and submit a report to respondents 1 and 2 within a reasonable period of time and basing on such report, the respondents 1 and 2 would pass appropriate orders in accordance with law.

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 revenue administration headed by the District Collector to conduct enquiry as to whether the petitioner is a married lady or not and submit a report within a period of eight weeks from the date of receipt of a copy of this order to the respondents 1 and 2 and basing on the report submitted by the District Collector, the

respondents 1 and 2 shall pass appropriate orders in accordance with law in another eight (08) weeks thereafter.

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 SHAVILI, J

Date: 10-02-2020
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