

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5027 of 2015

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Vidya Bhushan Singh Son of Late Bujhawan Singh, Resident of village P.O- Barah, P.S - Harnaut, District -Nalnda, Presently residing at K/E/10 Sendra Durga Mandir, P.O- Bansjoda, District- Dhanbad Jharkhand.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary Department of Home Government of India, New Delhi.
2. The Director, Ministry of Home affairs /Grish Mantralaya, Freedom Fighter Division, Government of I
3. The State of Bihar, through the chief secretary, Government of Bihar Patna.
4. The principal secretary, Department of Home, Government of Bihar Patna.
5. The Joint secretary Department of Home Special Government of Bihar Patna.
6. The under secretary, Department of Home special Government of Bihar Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar

For the Respondent/U.O.I.: Mr. Awadhesh Kumar Pandey, Sr. Panel Counsel

Ms. Chhaya Mishra, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 19-12-2022 The petitioner has filed the present writ application for grant of freedom fighter pension under the Freedom Fighter Samman Pension Scheme.

Learned counsel for the petitioner submits that petitioner participated in the freedom movement in the year 1942 popularly called as Quit India Movement. The petitioner was also sent to jail and case was registered against him in which charge sheet was also filed vide charge sheet no. 32 dated



07.11.1942. The name of the petitioner is mentioned at serial no. 27 in the charge sheet. Learned counsel further submits that respondent no. 6 i.e. Under Secretary, Department of Home (Special) Govt. of Bihar, Patna vide his letter 734 dated 06.12.2013 has refused to consider the claim of the petitioner for grant of freedom fighter pension.

No one appears for the State.

From perusal of the supplementary counter affidavit filed by the State (i.e. respondent nos. 3 to 6) it transpires that application of the petitioner was considered in the light of the evidence produced by him in support of his claim and it has been found that copy of the court records produced by the petitioner is illegible and co- prisoner certificate is not per as the guideline issued by Ministry of Home Affairs, Government of India. Accordingly, the claim of the petitioner has not been found in conformity with the Rules prescribed under Swatantrata Senani Samman (for short “SSS”) Pension Scheme. The petitioner has been informed by the aforesaid letter no. 734 dated 06/12/2013.

Mr. Awadhesh Kumar Pandey, learned senior panel counsel along with M/s Chhaya Mishra, learned C.G.C. appears on behalf of the Union of India and jointly submit that for



consideration of the claim of a person for grant of SSS pension under the Scheme he is required to apply in duplicate on the prescribed application form. The application duly filled in and supported with required documents as proof of claim of suffering should be sent to the Chief Secretary of the concerned State Government and a copy thereof should be forwarded to the Deputy Secretary, Government of India, Freedom Fighters Division, Ministry of Home Affairs, New Delhi as an advance copy. The claim can be processed only on receipt of verification report from the State Government and pension is sanctioned only when such verification report is found to be correct as per SSS Pension Scheme. His submission is that no such advance copy of application has been forwarded to the Deputy Secretary to the Govt. of India by the State Govt.

At this stage, learned counsel for the petitioner submits that he will produce the entire documents including the legible copy of charge -sheet and co-prisoner certificate afresh before the Under Secretary, Department of Home (Special), Govt. of Bihar, Patna within a period of four weeks from today and he may be directed to consider the same in accordance with law and as per the SSS Pension scheme.

I have heard learned counsel for the parties and have



gone through the materials on record. It transpires that the claim of the petitioner for grant of pension could not be considered due to the fact that the documents produced by the petitioner in support of his claim was not readable / legible. The petitioner proposes to file legible court records before the concerned authority in the prescribed format.

In view of the fact that petitioner is ready to produce relevant documents / certificates in the prescribed format before the concerned authority within four weeks from today, this writ application is disposed with direction to the petitioner to file afresh legible / readable copy of the documents in support of his claim in the prescribed format before the concerned authority within a period of four weeks from today.

It is made clear that if documents / certificates / case records in the prescribed format is filed by the petitioner within the aforesaid period before the concerned authority i.e. respondent no. -6 / Under Secretary, Department of Home (Special), Government of Bihar, Patna, he will process the claim of the petitioner in accordance with law.

(Anil Kumar Sinha, J)

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