

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5174 of 2018

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Karyanand Sharma Son of Late Aajo Singh @ Ramji Singh, Resident of
Village-Ramchanderpur, Tola-Teen Khutti, P.S. Pipariya, District-Lakhisarai.

... .. Petitioner/s

Versus

1. The Union of India
2. The Secretary, Ministry of Home Affairs, Government of India. 2nd Floor,
NDCC-II Building, Jai Singh Marg, New Delhi-110001
3. Under Secretary, Freedom Fighter and Rehabilitation Division, Ministry of
Home Affairs, Government of India, 2nd Floor, NDCC-II Building Jai Singh
Marg, New Delhi-100001
4. The State of Bihar through the Principal Secretary, Department of Home,
Government of Bihar, Old Secretariat, Patna
5. The Principal Secretary, Department of Home, Government of Bihar, Old
Secretariate, Patna.
6. The Secretary, Department of Home, Department of Freedom Fighter,
Government of Bihar, Old Secretariate, Patna
7. The Secretary, Department of Home Special Branch, Government of Bihar,
Old Secretariate, Patna.
8. The Special Officer on Duty cum Incharge Freedom Higher Division,
Department of Home, Government of Bihar, Old Secretariat, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suresh Prasad Bhakta, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Singh, CGC
		Mr. Alok Ranjan, J.C.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 16-08-2022 Though the present writ petition has been filed by the

petitioner for granting *Swatantrata Sainik Samman* Pension to

the father of the petitioner who is stated to have participated in

freedom movement actively in the year 1933 and had been

convicted for six months vide order dated 09.03.1933, passed

by the then S.D.O., Munger and had served sentence in Mandal



Jail, Munger as also was in jail custody as political prisoner on various occasions but considering the fact that the Ministry of Home Affairs (Freedom Fighter Division), Government of India has come out with revised policy guidelines for disbursement of Central Samman Pension vide letter dated 06th August, 2014 to the effect that no pension shall be sanctioned in the name of the freedom fighter after his/her death even if his/her matter was under examination, the learned counsel for the petitioner does not dispute the fact that now the son of the deceased freedom fighter cannot be granted any freedom fighter pension since the father of the petitioner had never been sanctioned any freedom fighter pension during his lifetime.

2. This Court also finds from the counter affidavit filed by the respondent nos. 1 to 3 that the claim of the deceased father of the petitioner was rejected way back on 29.04.1981 whereafter, it was again rejected on 16.12.1993 and on 31.01.2018, respectively, hence the claim in question is a stale claim, apart from the fact that though the father of the petitioner had died way back in the year 2008 but the writ petition has been filed belatedly only in the year 2018, nonetheless, the fact remains that the petitioner has approached this Court after inordinate delay of about 37 years of the first rejection of the



case of the father of the petitioner for grant of freedom fighter pension, hence on this ground alone, the present writ petition is fit to be dismissed. This Court also finds that there is non-compliance of various provisions of the freedom fighter scheme which has resulted in rejection of the case of the father of the petitioner for grant of freedom fighter pension, not once but thrice.

3. Having regard to the aforesaid facts and circumstances of the case as also considering clause no. 1.5 of the revised policy/guidelines of the *Swatantrata Sainik Samman* Pension Scheme, circulated vide order no. 45/03/2014-15 FF(P) dated 06.08.2014, which provides that no pension shall be sanctioned in the name of the freedom fighter after his/her death, even if his/her matter was under examination, the deceased father of the petitioner/the petitioner herein is not eligible/entitled to grant of freedom fighter pension, hence the present writ petition stands dismissed.

(Mohit Kumar Shah, J)

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