

28.03.2022
Court No.13
Item No.54
AP

WPA 14742 of 2021

**Smt. Durga Rani Dinda
Vs.
Union of India and Ors.**

(Through Video Conference)

Mr. Ramdulal Manna
Mr. Sabyasachi Mondal
Mr. Sayan Mukherjee

... For the petitioner.

Mr. Debapriya Samanta

... For the Union of India.

Mr. Surajit Auddy
Ms. Swapnalekha Auddy

... For the Respondent Nos.6 & 7.

Affidavit of service filed in Court today be kept
with the record.

The writ petitioner claims spouse pension. Her
husband, Late Rajkrishna Dinda, who was a pensioner
under the Swatantrata Sainik Samman Pension
Scheme, died on 11th August 2014. He was regularly
receiving pension prior thereto.

By a communication dated 20th October 2014,
addressed to the State Bank of India, Khanchi Branch,
Kanchi, Purba Medinipur, the disbursing branch was
informed of the death of the husband of the petitioner.

The petitioner was allowed pension from 21st
December, 2015 onwards. However, strangely, by a
communication dated 23rd May 2016, the Ministry of
Home Affairs asked the petitioner to submit a large

number of documents. The object and purpose behind the said communication is not understood.

The petitioner claimed spouse pension for the period from 12th August 2014 till 20th December 2015. The Ministry has declined the same by placing reliance upon the provisions of the Swatantrata Sainik Samman Pension Scheme guidelines dated 6th August 2014.

It is submitted that the Ministry received communication/application of the petitioner's claim for dependent/spouse pension, beyond the permissible period of six months from the death of the original pensioner.

The short question that arises for consideration is as to whether the communication by the petitioner to the disbursing bank, State Bank of India, would constitute sufficient compliance of the terms to the Ministry of Home Affairs Guidelines for the purpose of entitlement for dependent/spouse pension. The guidelines of the Ministry of Home Affairs Circular No.45/03/2014 – FF(P) to be followed by the authorized public sector banks clearly stipulate at paragraph 5 and 5.1 that “The banks are authorized to transfer the pension of a freedom fighter on his/her demise in the name of his/her surviving spouse.”

It follows as an obvious corollary from the above, that even an intimation to the disbursing bank would constitute sufficient compliance of the

requirement of intimation within six months to the Ministry, of the death of the original pensioner.

Even otherwise, for the purpose of applying a beneficial interpretation of the aforesaid circular, reference is to be made to an order of this Court dated 17th March 2021 passed in WPCRC 19 of 2021 arising out of WPA 5585 of 2019 (Smt. Chanchala Hazra Vs. T. Srinivasan).

The aforesaid would all the more be relevant since the writ petitioner herself is a named spouse in the beneficiary list of the original pensioner, in the pension payment order issued by the Ministry itself. Reliance placed on the decision of the Delhi High Court in ***Bhagwani Vs. Union of India & Ors.*** being WP (C) 7874/2020 to argue that the order dated 19th January 2021 may not help, since the same has no relevance to the facts of this case.

In the above circumstances, the respondent No.3 is directed hereby to release the arrears of spouse pension to the writ petitioner for the period between 12th August 2014 to till 20th December 2015, within a period of one month from the date of communication of a copy of this order.

In the peculiar facts and circumstances of this case, this Court is not inclined to pass any order towards interest.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)