

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.44082 of 2022

ORDER:

Heard Sri J. Raghuram, learned counsel appearing for the petitioner, Sri Gadi Praveen Kumar, learned Deputy Solicitor General of India appearing for respondent Nos.1 and 2, learned Assistant Government Pleader for Revenue appearing for respondent No.3 and M/s.Pearl Law Associates appearing for respondent No.4. Perused the record.

This writ petition is filed to declare the action of respondent No.4 in not responding to the letter of respondent No.2 dated 11-02-2022 and not paying pension to the petitioner under Swatantra Sainik Samman Pension Scheme, 1980, as illegal.

Learned counsel appearing for the petitioner, on instructions, informed this Court that petitioner expired on 11-12-2022. Therefore, learned Deputy Solicitor General of India would submit that the legal heirs of freedom fighter, except un-married daughter, is not entitled for pension and

arrears under the aforesaid scheme. Therefore, learned counsel appearing for the petitioner sought time to get instructions.

Today, on instructions, he would submit that petitioner is not having any un-married daughter and the daughter of petitioner is widow.

As per Clause 5 of the latest guidelines, dated 06-08-2014 of respondent No.1, widow daughter is not entitled for the pension and also arrears under the aforesaid scheme. The said clause reads as follows:

“5. Sanctioning the dependent pension to spouse or daughters of Freedom Fighter:
Dependent pension shall be sanctioned to the spouse or unmarried daughters only if their names were appearing in the original application form submitted by the freedom fighter or the sanction letter issued by the Ministry. If the freedom fighter marries or has a daughter, either own or adopted, after the sanction of the pension, then family pension to such spouses or daughter shall not be admissible.”

In view of the aforesaid discussion, this writ petition is liable to be dismissed and accordingly dismissed. There shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

K. LAKSHMAN, J

December 13, 2022

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