

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

116

CWP-19678-2022 (O&M).

Date of Decision: September 02, 2022.

Basso

... Petitioner

Versus

Union of India and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. S.K.Bishnoi, Advocate, for
Mr. Pardeep Panwar, Advocate, for the petitioner.

Mr. Tanvi Jain, Advocate, for respondent - Union of India.

VINOD S. BHARDWAJ, J. (ORAL)

CM-13605-CWP-2022

Allowed as prayed for subject to all just exceptions.

Main case

The instant writ petition has been filed under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of mandamus directing the respondents to release the pension to the petitioner who is widow of Kurdiya Ram son of Badam @ Lodia, a freedom fighter.

Learned counsel appearing on behalf of the petitioner contends that the deceased husband of the petitioner was sentenced to 1½ years in June, 1939 and was accompanied by many persons. He contends that a certificate was issued to the husband of the petitioner which is a freedom fighter certificate No.10146 and is appended along with the instant petition

as Annexure P-4. It is submitted that the petitioner is entitled to the pension as a widow of the deceased freedom fighter, however, the same is not being released to the petitioner. He submits that a representation dated 01.06.2022 (Annexure P-3) has already been submitted to the Deputy Secretary, Govt. of India, Ministry of Home, in the Freedom Fighter Division and that the petitioner would be satisfied in case a direction is issued to the respondents to decide on the said representation submitted by the petitioner in a time bound manner.

Notice of motion

Mr. Tanvi Jain, Advocate, has entered appearance on behalf of the respondent – Union of India and has no objection to the aforesaid prayer being granted.

Accordingly, the instant petition is disposed of with a direction to respondent No.1 to consider and decide the representation dated 01.06.2022 (Annexure P-3) submitted by the petitioner after granting an opportunity of hearing to the petitioner and by passing a reasoned speaking order within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in case the claim of the petitioner is found due, the necessary admissible retiral dues shall be released in favour of the petitioner within a period of 3 months thereafter.

September 02, 2022
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No