

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14106 of 2015

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Murti Devi @ Jay Murity Devi Wife of Late Ramchandra Singh, Resident of
Village - Sherpur, P.S. , District - Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Under Secretary, Home Spl. Department Freedom Fighter Cell,
Government of Bihar, Patna. null null
3. The Union of India through the Secretary Home Department New Delhi.
4. The Under Secretary, Ministry of Home Affairs, Freedom Fighter Division
CZ Section - IInd Floor, ND

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Pawan Kumar Singh
For the UOI	:	Mr. Ram Anurag Singh CGC
For the Respondent/s	:	Mr.Vikash Kumar, SC-11
		Mr. Rewti Kant Raman, AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 19-01-2023

Heard counsel for the parties.

This writ petition has been filed by the petitioner
for following reliefs:-

“(i) for issuance of appropriate writ(s) directing the Respondent No. 4 to sanction the Freedom Fighter Samman Pension in favour of the petitioner who is dependent wife of Late Ramchandra Singh prominent Freedom Fighter whose case has been recommended twice by the Respondent State of Bihar vide letter no. 453 dated 21.04.1992 and subsequently, vide letter no. 592 dated 20.09.2014 to the Respondent Union of India who are sitting right over the matter for the reason best known to them.

(ii) for consequently issuance of appropriate writ(s)



thereby commanding and directing the Respondent to pay the petitioner current and arrears of Samman pension with interest and costs.

(iii) for grant of any other relief(s).”

It is the case of the petitioner that her husband Late Ramchandra Singh was a prominent freedom fighter who remained underground and absconded in connection with Gurua PS Case for his alleged involvement in putting fire on the Guruar Post Office and destructing the Sherghati Bridge in the year 1942 for which he was granted certificate of suffering by abscondence by two prominent freedom fighter namely, Sahdeo Singh and Madan Mohan Singh who certified that Late Ramchandra Singh remained in abscondence with them. The petitioner’s husband possessed the required eligibility for grant of *Swatantra Sainik Samman* Pension along with the required certificates. The petitioner’s application was placed before the State Advisory Committee in its meeting dated 07.08.1990 of October 1991 and in the said meeting late Ramchandra Singh’s case was recommended from the District-Gaya on 07.02.1992 by the State Advisory Committee. Accordingly, Respondent State of Bihar vide letter no. 453 dated 21.04.1992 recommended the petitioner’s case on the proforma recommendation sheet and recommended the petitioner’s case



on the abscondion certificate granted by proforma freedom fighter-cum-MLA Sri Madan Mohan Singh who certified that Late Ramchandra Singh remained absconder from September 1942 to 1946. In spite of recommendation of the State Government and repeated representation, no action was taken on the petitioner's case for grant of *Samman* Pension and ultimately, on 21.06.1998 petitioner's husband Ramchandra Singh died. After death of late Ramchandra Singh petitioner being widow and the dependent started pursuing the matter of Samman Pension before the respondent/State of Bihar vide letter no. 592 dated 29.09.2014 again recommended the case of Late Ramchandra Singh in view of specific recommendation of State Advisory Committee meeting dated 09.10.1991 and the respondent State of Bihar sent its recommendation along with application and other related documents to the respondent Union of India. Lastly, petitioner placed her representation dated 17.10.2014 before the respondent Union of India for sanction of her Samman Pension in view of State recommendation dated 29.09.2014, but in spite of valid recommendation in favour of the husband of petitioner and repeated reminders nothing happened on her representation.

Learned counsel for respondent Union of India in



reply submits that all persons who took part in freedom movement in some way or the other are not eligible for Samman Pension under the “Swatantra Sainik Samman Pension Scheme, 1980” (the Scheme). Only such freedom fighters are eligible for Samman Pension who fulfills the conditions of the scheme by furnishing the proof of claimed sufferings of the nature and in the manner specified in the scheme itself. He next submits that for claims for the grant of Samman Pension can be considered by the Central Government only when these are duly verified and recommended by the State Government/UT Administrations concerned and no action is, therefore possible on the applications sent directly to the Central Government without routing through the State Government/UT Administration concerned. As per the provisions of the scheme, the verification and recommendation report is mandatory in view of the fact that the documents and other evidences of the claims are in the possession of the State Government/UT Administrations and not the Central Government. Verification cum entitlement to pension report of the State Government is mandatory requirement to grant central pension and there are provisions in the scheme in this regard. He next submits that even a positive recommendation of the State Government is therefore not



binding on the Central Government (if the claim does not satisfy the eligibility criteria and evidentiary requirements prescribed under the central scheme). Grant of freedom fighter pension by the State Government under their own pension scheme does not ipso facto entitle a person for grant of Samman Pension under the Swatantra Sainik Samman Pension Scheme, 1980 of the Central Government. The two schemes are separate and distinct schemes. He next submits that petitioner applied for the Swatantra Sainik Samman Pension on 30.03.1982. It is pertinent to mention herein that claim of the petitioner was rejected vide letter dated 11.04.1992 on the ground that the same was found not eligible as per the Swatantra Sainik Samman Pension Scheme. He next submits that further recommendation was made by the State Government on 29.09.2014 for Swatantra Sainik Samman Pension, but as per the revised guidelines of 2014, no pension shall be sanctioned in the name of the freedom fighter after his/her death even if his/her matter was under examination which is annexed as Annexure-R/2 to the counter affidavit.

1.5 Sanction of pension after the death of Freedom Fighter – No pension shall be sanctioned in the name of the freedom fighter after his/her death even if his/her matter was



under examination. This also entails that no life time arrears or dependent pension shall be sanctioned to his/her spouse/daughter after the death of the freedom fighter, as such claim of the petitioner is baseless.

Considering the rival submissions of the parties and after careful consideration of materials placed on record, in view of specific stand of respondent no. 3, this court is of the opinion that this writ petition has got no merit. It is an admitted case that the application of the husband of petitioner was rejected by the Central Government on 11.04.1992 itself on the ground that the same was not eligible as per the Swatantra Sainik Samman Pension Scheme. Counsel for petitioner has also not disputed the contention made on behalf of the Union of India that the recommendation made by the State Government is not binding upon the Union of India. Thirdly, even as per the revised guidelines petitioner is not entitled for any consideration in view of point 1.5 of the revised Swatantra Sainik Samman Pension Scheme, 2014 annexed as Annexure-R/2, therefore, the case of petitioner cannot be considered.

In view of the aforesaid discussions and for the reasons indicated above, this court does not find any merit in this case.



Accordingly, this writ petition stands dismissed
being devoid of merit.

(Prabhat Kumar Singh, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	31.01.2023
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