

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15331 of 2004

1. SUSHIL KUMAR LAL DAS son of late Laxmi Narayan Das resident of village Raghopur Balat, P.S. Raj Nagar, District Madhubani.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, New Delhi.

2. The Under Secretary, Government of India, Ministry of Home Affairs, New Delhi.

3. The State of Bihar, through the Joint Secretary, Home (Special) Department of Government of Bihar, Patna.

4. Pay and Accounts Officer (Pension & Miscellaneous) Ministry of Home New Delhi

5. District Magistrate, Madhubani

6. Additional District Magistrate, Madhubani

7. Sub-Divisional Officer, Sadar, Madhubani

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Priyadarshi

Mr. Arun Kumar Prasad

For the Union of India : Mr. Awadesh Pandey, Sr. C.G.C.

Mr. R.K. Sharma, C.G.C.

Mr. Lokesh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

27 22-11-2023

Heard learned counsel for the parties.

2. From the order dated 04.03.2002, it appears that the petitioner has not been heard before cancellation of the Freedom Fighter Pension which was granted to the petitioner and was paid regularly to him for ten years.

3. The impugned order is illegal because the same has been passed without issuing notice of the petitioner and, thereafter, the final order dated 3rd of September, 2004 (Annexure-9) has been passed without hearing the petitioner and in complete violation of the Principal of Natural Justice. The



same is set aside with liberty to the State to pass a fresh order in accordance with law.

4. Mr. Awadesh Pandey, learned counsel for the Union of India has submitted that the petitioner is not required to be heard in the facts of the case and there was a report that he is not a Freedom Fighter.

5. In view of the above, the follow up orders dated 03.09.2004 and 26.10.2004 passed by the Sub-Divisional Officer (Sadar), Madhubani are hereby quashed.

6. It is made clear that any consideration must be done after hearing the petitioner by the authorities.

7. Accordingly, this application is allowed.

(Sandeep Kumar, J)

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