

AD-11
Ct No.09
08.08.2023
TN

WPA No. 21438 of 2022

Sabita Biswas
Vs.
Union of India and others

Mr. Supratim Laha,
Mr. Nemai Chandra Saha,
Sk. Kiran

.... for the petitioner

Ms. Indrani Chakraborty,
Ms. Sarda Sha

.... for the respondent nos. 1, 2, 4 & 5

Mr. Subrata Kumar Sinha

.... for the respondent nos. 6 & 7

The petitioner submits that the petitioner, as the daughter of a freedom fighter, is entitled to Freedom Fighters' Pension under a scheme floated by the Union of India.

Although the petitioner continued to get such pension as the daughter of the freedom fighter, long after the demise of her father, the freedom fighter, the same was stopped between August, 2008 and August, 2019.

It is submitted that thereafter the petitioner moved this court and pursuant to an order of a coordinate Bench of this court, a consideration was given by the respondent-authorities and subsequently

the current family pension is being disbursed in favour of the petitioner. However, the petitioner, despite being entitled to family pension for the interregnum, that is, between August, 2008 and August, 2019, the same has not yet been disbursed by the respondent-authorities.

Learned counsel for the Bank, by placing reliance on paragraph no. 2.3 of the Revised Policy Guidelines laid down vide F. No. 45/03/2014 dated August 06, 2014, submits that if pensioner does not submit his Life Certificate by 30th November and thereafter does not submit it even till next 31st October, then the pension is deemed to have been cancelled and in such cases, the Bank should return the Disburser's portion of PPO to CPAO.

As per the said Clause, after the said deemed cancellation, if the pensioner re-appears either at the Bank or at the Ministry, the pension shall only be resumed after a fresh sanction order is issued by the Ministry, followed by an issuance of fresh PPO. In such cases, no arrears shall be paid, in terms of the said revised policy guidelines.

Upon a consideration of the submissions of the parties, although the petitioner has a point in arguing that the freedom fighter pension is a beneficial scheme for distribution of public largesse, the petitioner, *per*

se, does not have a right to the same, unless she falls within the strict periphery of the contours thereof.

The petitioner is not the freedom fighter but the daughter of the freedom fighter. The matter pertains to State largesse, which is given in deference to the contribution of freedom fighters for the independence of the country.

However, keeping on balance the beneficial aspect of the same, with the practical considerations that State largesse cannot be distributed, simply at the whims of the Union or the Bank concerned, we are to look into the perimeters within which such largesse can be distributed.

Para 2.3 of the Revised Policy Guidelines of the Government clearly indicates that no arrears shall be paid for the period when the pension was stopped for non-submission of Life Certificate by the recipient of the pension. In the present case, it is an admitted position that between August, 2008 and August, 2019, the petitioner did not produce her life certificate. Such checks and bounds are required to be incorporated in such schemes, in order to avoid unnecessary abuse of State funds.

Since the Policy Guidelines of the State ought not to be interfered with lightly and, in fact, no challenge has been thrown thereto as well, it is

beyond the scope of the writ court to enter into the refusal by the respondent-authorities, particularly the Bank, to disburse the amount of arrears for August, 2008 till August, 2019 to the petitioner. Since the respondent-Bank is disbursing the current amount of pension regularly to the petitioner, subject to the petitioner complying with due formalities, there is no scope of interference in the present writ petition.

Accordingly, WPA No. 21438 of 2022 is dismissed on contest, without any order as to costs.

However, nothing in this order shall preclude the petitioner from getting the benefit of the freedom fighters' pension scheme insofar as the current payments are concerned, subject to the petitioner complying with the due formalities as per the extant Guidelines.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)