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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 03rd February, 2023*

+ W.P.(C) 8587/2019

SMT. SAVITRI DEVI

..... Petitioner

Through: Mr. I.C. Mishra, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Vijay Joshi, Senior Panel
Counsel for R- 1 to 3.

Mr. Manish Kumar and Mr. Avi Srivastava,
Advocates for R-4.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. Present writ petition has been filed seeking the following reliefs:-

*"It is therefore most respectfully prayed that this Hon'ble Court may kindly please to issue a writ in nature of **prohibition, certiorari & mandamus** or as may be appropriate with directing the respondents to accept the IDs submitted by Late Biltu Roy and her wife Savitri Devi i.e. Petitioner and immediately direct to respondent for payment of SSS pension since 21.08.2015 and the pension of her husband since 21.07.2010 to 20.08.2015 alongwith all arrear and cost Rs.25,000/- which has not paid by respondent till date despite repeated request alongwith 12% of interest on entire arrears. It is also further prayed that the exemplary cost be imposed upon respondent and for entire episode and exploitation the respondent No.2 and 3 are responsible and therefore, both officers are not attending the grievance of freedom fighter and they are intentionally humiliating and exploiting the freedom fighter, widow and LRs of the freedom fighter which is bad in law as well as in their duty, therefore a fit and proper direction be issued against them, and respondent No.4 also be directed for issuance of allowances as State Govt. is paying to freedom fighter & widow. The respondent No.1 be compelled to produce the file of Biltu Roy in which entire material is available.*

Any other fit and proper direction also be passed in favour of petitioner and against the respondents in interest of justice, prayed accordingly.”

2. Husband of the Petitioner Late Shri Biltu Roy was a participant of Quit India Movement, 1942 and was declared a proclaimed offender in G.R. Case No. 834/42 and thus became eligible under SSS Pension Scheme, 1980-81. On being denied the benefits, Petitioner filed W.P.(C) 4344/2010, which was allowed on 16.01.2013, directing the Respondents to grant pension to the husband of the Petitioner from 01.07.2010, with cost of Rs. 25,000/-. Thereafter, certain formalities were required to be completed by Petitioner's husband such as furnishing of the IDs, etc., which was done. Unfortunately, the husband of the Petitioner died in 2015 and the Petitioner made representations along with the Death Certificate for release of the arrears of pension, family pension and costs. When despite passage of so many years, no action was taken by the Respondents, Petitioner was compelled to approach this Court.

3. Learned counsel appearing on behalf of the Petitioner, at the outset, submits that Respondents No. 1 to 3 have now released the arrears of pension due and payable to the Petitioner under the SSS Pension Scheme and have also commenced payment of monthly family pension. He, however, submits that there are certain allowances which are payable by the State of Bihar/Respondent No. 4, which to the best of his knowledge are to the tune of Rs.5,000/- per month and therefore, a direction be issued to Respondent No. 4 to pay the said allowances along with arrears.

4. Since Respondents No. 1 to 3 have released the arrears of pension to the Petitioner and have also commenced payment of the family pension, to this extent no further orders are required to be

passed in the present writ petition. Insofar as the contention of the Petitioner that certain allowances are payable by the State Government i.e. Respondent No. 4 is concerned, suffice would it be, at this stage, to issue a direction to Respondent No. 4 to consider the case of the Petitioner and examine, if any, allowances are payable on account of Petitioner's husband being a Freedom Fighter. Needless to state that if the allowances are payable, the same shall be released to the Petitioner along with arrears.

5. Writ petition is disposed of, in the aforesaid terms.

JYOTI SINGH, J

FEBRUARY 03, 2023/rk

