

AD-22
Ct No.09
21.02.2024
TN

WPA No. 212 of 2024

Kajal Maity
Vs.
Union of India and others

Mr. Ramdulal Manna,
Ms. Manju Manna (Dey),
Mr. Sayan Mukherjee
.... for the petitioner

Mr. Asok Kumar Chakraborti, Ld. ASG,
Mr. Sukumar Bhattacharyya,
Ms. Anamika Pandey
.... for the respondent nos.1 to 5

Mr. Sk. Md. Galib,
Mr. Safik Dewan
.... for the State

1. Learned counsel for the petitioner contends that despite several representations given by the petitioner on the demise of her mother who was getting Swatantrata Sainik Samman Pension on the demise of the father of the petitioner, the respondent-authorities have been sitting tight over the issue.
2. Learned ASG hands over copies of communications made to the petitioner which indicate that at present there is a pending investigation ongoing with regard to the certificates issued by a particular person, who was also the person who issued certificate for getting the freedom fighter's pension to the petitioner's father.

3. Learned ASG argues that since the matter is pending before the Supreme Court, the same has to be taken into account while considering the petitioner's representations. A copy of the communication handed over in court today be kept on record. A copy thereof is also handed over to learned counsel for the petitioner.
4. It transpires that an investigation is at present going on with regard to the credentials and integrity of the person (allegedly a freedom fighter himself) on the strength of whose certificate the petitioner claims the pension under the concerned scheme.
5. Be that as it may, it would be premature to decide on the ultimate conclusion which may be taken by the respondent-authorities upon the investigation being completed. In any event, since the petitioner in the present writ petition has complained of non-consideration of the several representations given by the petitioner, the respondent-authorities are required to be directed to consider all facets of the matter, including whether the petitioner is entitled to get the benefit of the said scheme, taking into account not only the ongoing investigation but also the fact that the petitioner's father and thereafter the petitioner's mother have been

getting the benefit of the scheme and whether it can be discontinued midway on the ground as cited by the respondents.

- 6.** Accordingly, WPA No. 212 of 2024 is disposed of by directing the respondent-authorities to give a reasoned order on the representations of the petitioner and communicate the same to the petitioner, preferably within five weeks from date.
- 7.** It is made clear that in the event the petitioner is aggrieved by the outcome of such consideration, it will be open to the petitioner to challenge the same before this court afresh.
- 8.** There will be no order as to costs.
- 9.** 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.)