

October 1, 2024
Sl. No.12
Court No.9
s.biswas

WPA 2520 of 2023

Miss Mira Rani Jana @ Mira Jana
vs.
The Union of India and others

Mr. Sanjib Bandyopadhyya

... for the petitioner

Mr. Asok Kumar Chakraborti, Id. ASGI

Mr. Sukumar Bhattacharyya

... for the Union of India

Mr. Marthanda Pratap Chakraborty

Ms. Sanchayeeta De

... for the State

Mr. Sourav Mondal

... for the Principal Accountant General

1. The petitioner prays for grant of freedom fighter pension under the Swatantra Sainik Samman Yojana, as a dependant of the original pensioner. The father of the petitioner was a freedom fighter, who was granted pension. After demise of the father, the mother was allowed such pension. The mother expired in 1998. The petitioner now prays for grant of pension in her favour, under the said scheme, as a dependant unmarried daughter. The petitioner submits that the scheme covers unmarried daughters as well, but the Government of India did not process her application.
2. According to learned Additional Solicitor General, the scheme required a declaration by the original applicant/freedom fighter pensioner, with the names of the nominee and all the dependents who would receive pension after his demise. No

such declaration had been made in favour of the petitioner.

3. The second contention raised is with regard to the inordinate delay in filing the application before the authority, upon demise of the mother.
4. According to the learned Additional Solicitor General, the petitioner should have at least come within three years from the death of her mother.
5. The other fact which is a disputed matter is whether the petitioner is actually a dependant unmarried daughter or not, as per the terms of the scheme.
6. Under such circumstances, this court deems it prudent to direct the Under Secretary (EZ), Ministry of Home Affairs, Freedom Fighter Division, to treat this writ petition as representation of the petitioner and dispose of the same, in accordance with law, by deciding the question raised by the petitioner. The petitioner may be called for either a physical or a virtual hearing, if necessary. The authority may also call for further documents from the petitioner. The authority shall pass a reasoned order, upon considering all the relevant aspects and communicate the same to the petitioner within a period of two months from receipt of the petitioner's application or two months from

receipt of further documents from the petitioner, if required by the authority, whichever is later.

7. This court has not gone into the merits of the claims and counter-claims of the parties. The concerned authority will decide the matter independently. As no affidavit has been called for, the allegations are deemed to be denied.
8. Accordingly, the writ petition is disposed of.
9. There shall be no order as to costs.
10. All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)