

27.11.2024  
Item No. 8  
RP/KS  
Ct. No.1

**M.A.T. 1219 of 2024**  
**With**  
**I.A. No. CAN 1 of 2024**  
**+**  
**CAN 2 of 2024**  
**Sujan Kumar Pattanayak**  
**Versus**  
**The Union of India & Ors.**

Mr. Ramdulal Manna  
Mrs. Manju Manna (Dey)  
Mr. Sabyasachi Mondal  
Mr. Sayan Mukherjee  
Mrs. Puja Naskar  
Ms. Payel Khanra

.....For the Appellant

Mr. Asok Kumar Chakraborty,  
Ld. Addl. Solicitor General of India  
Mr. Sukumar Bhattacharyya  
Ms. Anamika Pandey

.....For the Union of India

Ms. Mousumi Choudhury  
Ms. Mriaur Rahaman

.....For the State

**In Re. IA No. CAN 2 of 2024**

1. We have heard the learned advocates for the parties.
2. There is delay of 75 days in filing the appeal. We have perused the affidavit filed in support of the petition and we find that sufficient cause has been shown for not being able to prefer the appeal within the period of limitation.
3. I.A. No. CAN 2 of 2024 is allowed and the delay in filing the appeal is condoned.

**In Re. M.A.T. 1219 of 2024**

4. This appeal by the writ petitioner is directed against the order dated 28<sup>th</sup> February, 2024 in W.P.A. 1610 of 2024

by which the prayer made by the petitioner for grant of freedom fighter's pension being a dependent's son of his father, who was a freedom fighter was rejected.

5. Admittedly, as per the 1981 Scheme, sons have been excluded altogether from the purview of the benefits of the Scheme. Therefore, the appellant cannot seek for a direction from the writ court to rewrite the terms of the Scheme, more so, when the Scheme was not put to challenge.
6. Thus, we are in full agreement with the reasoning given by the learned Single Bench for dismissing the writ petition.
7. For the above reasons, appeal along with the connected application stand dismissed.
8. It is stated that the petitioner/appellant is 90% disabled, it will be well open to the appellant to apply for any benefit, which the Government of West Bengal would have formulated for differently abled person.
9. No costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

**(T.S SIVAGNANAM)**  
**CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**