

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**WEDNESDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 30811 OF 2012

Between:

Dasari Saraiah, S/o: Sammaiah, Aged 80 years, r/o H. No. 3-14-504 Reddy colony, Durga colony road no.2 Hanamakonda (VandM) Warangal District.

...PETITIONER

AND

The Government of India, Rep. by its Deputy Secretary, Ministry of Home Affairs, Freedom Fighters Division, Loknayak Bhavan, Khan Market, New Delhi.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ or direction preferably writ of mandamus declaring the action of the respondent in not granting pension to the petitioner from the date of application under "Swatantra Saint Samman Pension scheme-1980" and granting pension only with effect from 11-7-2011 i.e. date of order, as illegal, arbitrary, discriminatory and violative of principles of natural justice and consequently direct the respondent to release arrears of pension to the petitioner from the date of his application i.e. with effect from 1984 under the above said scheme.

I.A. NO: 1 OF 2012(WPMP. NO: 39310 OF 2012)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent to consider the case of the petitioner for grant of arrears of pension under Swatantra Sainik Samman Pension Scheme-1980 from the date of his application i.e. w.e.f. 1984 pending the disposal of writ petition in the interest of justice.

Counsel for the Petitioner: SRI KOWTURU PAVAN KUMAR

Counsel for the Respondents: SRI V. RAMESH REDDY

SC FOR CENTRAL GOVERNMENT

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.30811 of 2012

ORDER:

Heard learned counsel appearing on behalf of petitioners as well as Mr.V.Ramesh Reddy, learned Standing counsel for Central Government, appearing on behalf of sole-respondent.

2. The petitioner approached the Court seeking prayer as under:

"to issue writ or direction preferably writ of mandamus declaring the action of the respondent in not granting pension to the petitioner from the date of application i.e. from under "Swatantra Sainik Samman Pension Scheme-1980" and granting pension only with effect from 11-7-2011 i.e., date of order, as illegal, arbitrary, discriminatory and violative of principles of natural justice and consequently direct the respondent to release arrears of pension to the petitioner from the date of his application i.e. with effect from 1984 under the above said scheme and pass such other or further orders as this Hon'ble court deems fit and proper in the circumstances of the case."

PERUSED THE RECORD

3. It is the specific case of the petitioner that, petitioner had applied for pension in the year 1984 and after thorough verification, pension was granted to the petitioner vide

proceedings dated 20.09.2011 and pension was released to the petitioner with effect from 11.07.2011 onwards instead of granting pension from the date of application.

4. - It is the main grievance of the petitioner that, respondent ought to have granted pension from the date of petitioner's application instead of 11.07.2011 as the delay is attributable to the respondent only. Hence, the present writ petition.

5. It is represented by the learned Standing Counsel for Central Government, appearing on behalf of sole-respondent that, subject issue in the present writ petition is squarely covered by the common order passed by this Court on 27.04.2012 in Writ petition Nos.30769, 34587 of 2011 and 4213 of 2012 wherein the writ petition filed by the petitioner's thereunder seeking similar relief as sought for by the petitioner herein had been dismissed observing that there is no arbitrariness or illegality in passing the impugned sanction orders granting pension under the Swatantra Sainik Samman Pension Scheme from the date of the order but not from the date of their applications. The said contention of the learned standing counsel appearing on behalf of the respondent is not

disputed by the learned counsel appearing on behalf of the petitioner.

6. Taking into consideration the view of this Court in its order dated 27.04.2012 passed in W.P.Nos. 30769, 34587 of 2011 and 4213 of 2012 under similar circumstances and the submissions of the learned Standing Counsel for sole-respondent and the learned counsel for the petitioner, the Writ petition filed by the petitioner herein is dismissed since the same is devoid of merits. However, there shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in the Writ Petition shall also stand closed.

**SD/- C. PRAVEEN KUMAR
ASSISTANT REGISTRAR**

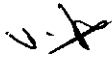
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SECTION OFFICER

To,

1. One CC to Sri Kowturu Pavan Kumar, Advocate [OPUC]
2. One CC to Sri V. Ramesh Reddy SC for Central Government [OPUC]
3. Two CD Copies

T J
GJP



DATED:28/02/2024

WP.No.30811 of 2012

**DISMISSING THE WRIT PETITION
WITHOUT COSTS.**

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