

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

**TUESDAY, THE NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 34759 OF 2011

Between:

1. Bhukya Golu, S/o. Ramachandru, aged 81 years, R/o. Nallela (V), Kuravi (M), Warangal District.
2. Dharamsoth Samya, S/o. Chinna Eerya, aged 81 years, R/o. Nallela (V), Kuravi (M), Warangal District.

...PETITIONERS

AND

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

...RESPONDENTS

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 petitioners from the date of their applications under "Swatantra Sainik Samman Pension Scheme 1980" and granted pension only with effect from 22.02.2010 as illegal, arbitrary, discriminatory and violative of principles of natural justice and consequently direct the respondent to release arrears of pension to the petitioners from the date of their applications i.e. from 1998 onwards under the above said scheme.

I.A. NO: 1 OF 2011(WPMP. NO: 43215 OF 2011)

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 petitioners for grant of arrears of pension under Swatantra Sainik Samman Pension Scheme 1980 from the date

of their applications from 1998, pending disposal of writ petition in the interest of justice.

**Counsel for the Petitioners: SRI KOWTURU VINAYA KUMAR, Sr. COUNSEL,
REP. FOR SRI KOWTURU PAVAN KUMAR**

**Counsel for the Sole Respondent: M/s. MANI DEEPIKA,
SC FOR CENTRAL GOVT.**

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.34759 of 2011

ORDER:

Heard learned counsel appearing on behalf of petitioners as well as Mrs. Mani Deepika, learned Standing counsel for Central Government, appearing on behalf of sole-respondent.

2. The petitioners 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 petitioners from the date of their applications under "Swatantra Sainik Samman Pension scheme- 1980" and granted pension only with effect from 22-2-2010 as illegal, arbitrary, discriminatory and violative of principles of natural justice and consequently direct the respondent to release arrears of pension to the petitioners from the date of their applications i.e. from 1998 onwards 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."

3. It is represented by both the learned counsel appearing on behalf of petitioners and 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 thereunder seeking similar relief as sought for by the petitioners 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.

4. 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 and the submissions of both the learned counsel on record, the Writ petition filed by the petitioners herein is dismissed. 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/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI KOWTURU PAVAN KUMAR, Advocate [OPUC]
2. One CC to M/s. MANI DEEPIKA, SC FOR CENTRAL GOVT. [OPUC]
3. Two CD Copies

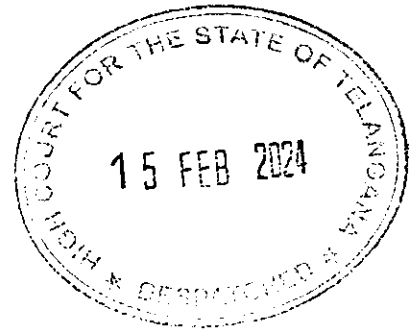
BSR ~~AN~~
GJ

HIGH COURT

DATED: 09/01/2024

ORDER

WP.No.34759 of 2011



**DISMISSING THE WRIT PETITION,
WITHOUT COSTS**

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9/2/24
HVA