

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

261

CWP-15200-2023 (O&M).
Date of Decision: 13.03.2024.

DARSHAN SINGH

... Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. A.P. Singh, Advocate,
for the petitioner.

Mr. Anil Chawla, Senior Panel Counsel,
for the respondents/Union of India.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in present writ petition is for seeking a direction to the respondent authorities to sanction Central Freedom Fighter Pension payable to the petitioner with effect from the date, the application was submitted by the petitioner under the Swatantrata Sainik Samman Pension Scheme, 1980.

2 Learned counsel for the petitioner contends that the Government of India introduced Freedom Fighter Pension Scheme, 1972

for grant of pension as a token of gratitude to the persons who participated in the freedom struggle of the country. Swatantrata Sainik Samman Pension Scheme, 1980 was thereafter introduced on 15.08.1980 and made applicable w.e.f. 01.08.1980. He contends that the petitioner participated in the Quit India Movement during freedom struggle and suffered imprisonment in Central Jail, Lahore (now in Pakistan), for the period 20.10.1942 to 15.08.1943 on account of his active participation in the freedom struggle against the British Empire. Shri Kala Singh son of Sh.Pala Singh, resident of District Patiala and Shri Gopal Singh Qaumi son of Sh. Karora Singh, District Patiala, were lodged in the said jail at the relevant point of time. All the aforesaid mentioned co-prisoners including the petitioner was sanctioned freedom fighter pension by the Government of Punjab and a *Tamra Patra* was also awarded to them by the Government of India. He contends that an application was submitted by the petitioner to the respondent on 20.11.1981 which was received by the Department of Freedom Fighter, Government of Punjab on 27.11.1981. The petitioner made his claim on the basis of secondary evidence since the documents pertaining to imprisonment in Central Jail Lahore could not be obtained by him as they were left in the ancestral house at Lahore and could not be brought during the days of partition of India and Pakistan. The requisite certificate and other eligibility requirements prescribed under the Swatantrata Sainik Samman Pension Scheme, 1980, were furnished to the Government of Punjab for onward recommendation to the Government of India, however, as the needful was not done, the present writ petition was filed.

3 A reply was filed on behalf of the respondents No.1 to 3/Union of India, by way of an affidavit of Sumitra Rani, Under Secretary to the Government of India, Home Affairs, Freedom Fighters and Rehabilitation Division. Relevant extract i.e. paragraph 8 of the reply is extracted as under:-

“8. That it is further humbly submitted neither the Petitioner's application dated 20.11.1981 nor the State Government letter 30.09.1993 could be traced. In order to confirm the averments of the petitioner, this Ministry without any prejudice, issued a letter dated 27.09.2023 to the State Government of Punjab to intimate whether the Petitioner indeed submitted his claim application in the year 1981 and whether the State Government forwarded his application to this Ministry or otherwise. However, reply of the same is awaited from the State authorities. Copy of this Ministry letter dated 27.09.2023 is annexed herewith and marked as Annexure R-1.”

4 It is thus the case of the respondents/Union of India that the original application could not be traced by the respondents/Union of India and that they have already sent a letter to the Government of Punjab on 27.09.2023 to intimate and forward the case of the petitioner and details of forwarding of the application submitted by the petitioner.

5 Respondent No.4-State of Punjab, has, however, filed a separate reply by way of affidavit of Jasdeep Singh Aulakh, Special Secretary to the Government of Punjab, Department of Freedom Fighter wherein they have filed a formal reply of not being a necessary party.

6 Learned counsel for the State, however, prays for some time to verify the status of the communication received from the Union of India.

7 Taking into consideration that the petitioner was more than 98 years when the present writ petition was filed, I deem it appropriate to dispose of the present writ petition with following directions:-

- (i) The respondent state of Punjab shall respond to the information asked for by the Union of India as per communication dated 27.09.2023 (if already not responded to). The information as desired along with all necessary reports shall be forwarded by the Government of Punjab to the Department of General Administration (Freedom Fighter) within a period of 02 months of the receipt of certified copy of the order;
- (ii) If any deficiency or defect is noticed in the information furnished by the State of Punjab, the Union of India, shall convey the same within a period of 02 weeks whereupon a further period of 02 weeks shall be made available to the respondent State of Punjab as well as petitioner to furnish the requisite information as desired and/or file an affidavit /indemnity in case such information is not readily available;
- (iii) That on receipt of the said information, the respondents/Union of India shall take a decision on the application/claim of the petitioner for grant of pension under the Swatantrata Sainik Samman Pension Scheme, 1980 within a period of 02 months thereafter;
- (iv) In the event any amount is found payable to the petitioner on consideration of his claim, the necessary dues shall be released within a period of 06 week thereafter. In the event the needful

is not done by the respondents, the petitioner shall be entitled to interest @ 6% per annum from the date of filing of the present petition till actual disbursement of the dues.

8 Petition stands disposed of accordingly.

March 13, 2024.
raj arora

(VINOD S. BHARDWAJ
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No