

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3451 of 2014

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Bipin Bihari Singh Son Of Late Ram Naresh Singh Resident Of Village -
Jagnath Ram Lane, Jogsar, P.S. - Kotwali, District - Bhagalpur

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Home Affairs, Government of India, New Delhi.
2. The Under Secretary, Govt. Of India, Ministry Of Home Affairs/Grih Mantralaya (F.F.R. Division) 1st Floor, Lok Nayan Bhawan, Khan Market, New Delhi.
3. The Joint Secretary, Ministry Of Home Affairs, Govt. Of India New Delhi
4. The Controller Of Accounts Pension And Misc. Ministry Of Home Affairs, Block No. 10, Lane No. 1 and 2 Jam Nagar House, New Delhi
5. The Pay And Sr. Accounts Officer, Central Pension, Accounting Officer Ministry Of Finance Trilok -II, Complex Bhikaji Gama Place, New Delhi
6. The State Of Bihar Through The Chief Secretary Govt. Of Bihar, Patna
7. The Home Secretary, Govt. Of Bihar, Patna
8. The Addl. Secretary Home (Spl.) Department Govt. Of Bihar, Patna
9. The District Magistrate Bhagalpur
10. The District Magistrate Banka
11. The Treasury Officer Banka

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhijeet Gautam, Advocate Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Sanjay Kumar, AC to SC-8
For the UOI	:	Mr. Awadhesh Kumar Pandey, Sr. C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 30-01-2025

Heard Mr. Abhijeet Gautam, learned counsel for the petitioner, Mr. Sanjay Kumar, learned counsel for the State as well as Mr. Awadhesh Kumar Pandey, learned senior Central Government counsel appearing on behalf of the Union of India.

2. The present writ petition has been filed for the



following reliefs;

(i) to quash the order contained in letter no. CW/114/B/497/98 F.F. Bihar dt. 25.10.2013 issued from Freedom Fighter Division, Ministry of Home Affairs, Government of India, whereby and whereunder "Swatantrata Sainik Samman" pension to petitioner which stood suspended effect from 20.03.2007 was cancelled.

(ii) To further quash the consequential order contained in letter no. PAO/P & M/MHA/FF-321/544-47 dt. 04.11.2013 issued by Pay and Accounts Office, Ministry of Home Government of India whereby and whereunder order to recover the amount of said pension drawn by petitioner from the date of sanction till the date of suspension having given to concern authority.

(iii) To stay the order passed by the concerned respondent authority for recovery of the Pension already drawn by petitioner during pendency of the writ petition.

(iv) For any other relief/reliefs for which petitioner may be entitled in the present facts in the present case.

3. Learned counsel for the petitioner submits that Government of India, Ministry of Home Affairs introduced a



scheme to provide “Samman” to living freedom fighters. The scheme known as Freedom Fighter Pension Scheme, 1972. The Government of India issued certain guidelines for those who have not having any certificate of their sufferings of Jail custody, or abscondance for the reason the records were not available in jail or in District office authorising known freedom fighters to issue certificate of their co-participants was directed to be accepted in absence of the documentary evidence available in jail or district office. The petitioner applied for the pension under the aforesaid scheme with the relevant documents available with the petitioner. The case of the petitioner was considered by the State Consultant Committee on 21/22.2.89 and the claim of the petitioner under the Freedom Fighter Pension Scheme, 1972 was sent way back on 09.07.1989 to the respondent no.2 (The Under Secretary, Govt. Of India, Ministry Of Home Affairs/Grih Mantralaya (F.F.R. Division). Pursuant to the aforesaid order, the respondent no.2 has made certain query with respect to the claim of the petitioner to the State Government. The proposal of the petitioner was resubmitted to the respondent no.2 by the State Authority of Bihar.

4. Learned counsel for the petitioner further submits that the matter of the petitioner was remained pending



since, 1989, the petitioner has filed a representation before the respondent no.8, annexing the order dated 07.04.1944 passed in Amarpur P.S. Case No. 59 of 1942, G.R. Case No. 205/42 in which the name of the petitioner was find place at serial no. 57. The said representation of the petitioner was forwarded by respondent no.8 to respondent no.2 on 05.06.1995. On 07.11.1996, the petitioner was allowed pension on temporary basis thereafter the Pension Payment Order (PPO) was issued in favour of the petitioner and S.B.I., Bhagalpur Branch was authorised to make monthly amount to the petitioner of Rs. 1500/- per month.

5. Learned counsel for the petitioner submits that the respondent no.2 issued a letter dated 20.03.2007 stating therein that the Central Samman Pension Under Swatantrata Sainik Samman Pension Scheme, 1980 was sanctioned to the petitioner on provisional basis w.e.f. 20.09.1997. The claim of the petitioner was based upon the document produced in support of claimed under ground suffering. The claim was re-examined because the claim of one Shri Ramanand Singh was suspended earlier, whose claim was based on the document and some shortcomings/discrepancies have been noticed. The said document was not verified by the State Government and there



was also lacking of specific comments/recommendation on behalf of the State Government/competent authority. Pursuant to the order dt. 20.03.2007 the pension of the petitioner was stopped w.e.f. 12.04.2007 by the Bank. Aggrieved by the action of the respondents, the petitioner has challenged the aforesaid in C.W.J.C. No. 8131 of 2007, the same was disposed of vide order dated 07.08.2012, with the direction to the respondent authority, to reconsider the case of the petitioner, and to take final stand within a period of three months from the date of production or communication of a copy of this order. The aforesaid order was not complied with by the authorities concerned then the petitioner filed a Contempt Petition M.J.C. No. 4156 of 2013. During the pendency of the Contempt Petition the respondents have passed the order dated 25.10.2013 which was passed on the recommendation of the District Magistrate, Banka. The authority concerned has not taken cognizance of the records of G.R. Case No. 205/1942 and without verifying the same has passed the impugned order.

6. A counter affidavit has been filed on behalf of the State of Bihar stating therein that the State Government is only a recommending authority under the scheme, The Union Government is the final authority to grant or cancel the pension



to any person under the scheme. The State Government has very limited role in implementation of the claim. In fact, the petitioner has submitted his application for granting the SSS pension under the scheme. The claim of the petitioner for pension was based on under ground suffering from 25.09.1942 to 07.12.1943. The claim of the petitioner was based on documents G.R. No. 205/1942 which the petitioner has annexed/produced in support of his claim.

7. Learned counsel for the State further submits that in compliance of the order dt. 07.08.2012 passed in C.W.J.C. No. 8131/2007, the Ministry of Home Affairs, Government of India vide letter dt. 16.04.2013 enclosed a copy of the reply to show cause submitted by the petitioner and requested the State Government to expedite their report/recommendation to enable the Ministry to implement the judgment of the Hon'ble Court. The State authority vide letter no. 271 dt. 14.05.2013 requested the District Magistrate, Banka to make available the enquiry report in the matter in the light of said letter and reply to show cause submitted by the petitioner. The District Magistrate, Banka sent his enquiry report vide letter no. 657 dated 22.07.2013 stating therein that letter no. 939 dt. 09.03.1993 said to have been issued by the District Magistrate,



Banka and addressed to Deputy Secretary, Home (Special) Department, Patna is forged one and opined that the claim of the petitioner is not maintainable and after receiving the enquiry report from the District Magistrate, Banka, the State authority has sent the same to the Ministry of Home Affairs to take final decision in the present matter. On the basis of the report of the State Government, the Government of India has passed the order.

8. Having heard the learned counsel for the parties and perused the materials available on the record, it appears that the Government of India after due verification of the documents submitted by the petitioner and in light of the report of the District Magistrate, Banka has taken the decision that the petitioner is not entitled for grant of pension under the Scheme.

9. In view of the aforesaid, there is no merit in the writ petition. It is accordingly dismissed.

(Rajesh Kumar Verma, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.02.2025
Transmission Date	NA

