

22.07.2025
Ct. No.7
Sl. No.6
akd

W. P. A. 9372 of 2022

[Mohini Bala Jana -Vs- Union of India& Ors.]

Mr. Bhaskar Chandra Manna
Ms. Munmun Sett
Ms. Moumita Biswas
... ... for the petitioner

Mr. Ashok Kumar Chakraborty ..ld. A.S.G.
Mr. Sukumar Bhattacharya
Ms. Sarda Sha
... ... for the UOI

1. A widow claiming herself to be wife of a deceased freedom fighter has invoked the extraordinary jurisdiction of this court, this Court, citing the inaction of the concerned respondent in granting her dependent pension under the Central Pension Sanman Scheme (hereinafter referred to as “the Scheme”).
2. Mr. Bhaskar Chandra Manna, learned advocate appearing for the petitioner, submits that the petitioner’s husband was a freedom fighter who actively participated in the national freedom struggle and remained in jail custody for a period of more than five years. It is further submitted that this fact was certified by Basanta Kumar Das, a renowned freedom fighter. Despite this, no benefit under the Scheme was extended to the petitioner’s husband during his lifetime.
3. Mr. Manna submits that the petitioner’s husband passed away in the year 1977, and the petitioner is presently facing acute financial hardship. It is further submitted that the petitioner brought the matter to the notice of the competent authority by way of a written representation. However, the representation

failed to elicit any favourable response, thereby prompting the petitioner to file the present writ petition. Mr. Manna prays that, in order to alleviate her financial distress, an appropriate direction be given to the concerned respondent to grant her the benefits under the Scheme by way of admissible pension.

4. Mr. Chakraborty, learned Additional Solicitor General and Senior Advocate appearing for the Union of India, vehemently opposes the contentions advanced by Mr. Manna. He submits that the petitioner's husband passed away as far back as on 01.09.1977, and the present writ petition has been filed nearly 45 years thereafter. He places strong reliance on the decision of the Constitution Bench of the Hon'ble Supreme Court in *State of Madhya Pradesh & Anr. vs. Bhailal Bhai & Ors.*, reported in AIR 1964 SC 1006, and contends that although there is no prescribed period of limitation for filing a writ petition, in matters involving monetary claims, the period of limitation provided under the Limitation Act should be applied.

5. Mr. Chakraborty draws my attention to Clauses 1.5 and 5 of the *Guidelines for Disbursement of the Central Samman Pension to be Followed by Authorised Public Sector Banks* (hereinafter referred to as "the Guidelines"), issued by the Ministry of Home Affairs, Freedom Fighters' Rehabilitation (FFR) Division. Relying on the same, he contends that no lifetime arrears or dependent pension shall be sanctioned to the spouse or daughter after the death of the freedom fighter. He further submits that dependent pension may be sanctioned only to the spouse or unmarried daughters, and only if their names

were included either in the original application submitted by the freedom fighter or in the sanction letter issued by the Ministry.

6. He contends that, in the present case, no pension was ever sanctioned in favour of the petitioner's husband, and as such, the question of releasing any benefit towards dependent pension in favour of the petitioner does not arise.

7. Heard the learned advocates for both the parties and perused the materials on record.

8. It is well settled that there is no prescribed time limit for filing a writ petition, nor can it be said that courts are absolutely barred from exercising their writ jurisdiction merely due to the passage of time. There is no rigid or inflexible rule as to when a delayed writ petition can be entertained or when it should be declined. However, if there is inordinate delay on the part of the petitioner, or if the delay remains unexplained or inadequately explained, the High Court may, in its discretion, refuse to intervene and grant relief unless the demand of justice is so compelling that the intervention of the writ court is warranted to remedy the injustice.

9. As noted earlier, in the present case, the petitioner's husband passed away as far back as in the year 1977. The petitioner, however, submitted a representation before the competent authority only in 2022, and alleging inaction in considering the same, instituted the present writ petition in 2022. Notably, no explanation has been offered to justify such an inordinate delay. In view of the above, the contention raised by the learned Additional Solicitor General cannot be ignored.

10. Now, with regard to the next limb of the submission advanced by Mr. Chakraborty, it may be noted that Clause 1.5 of the guidelines provides that no lifetime arrears or dependent pension shall be sanctioned to the spouse and/or daughter of the freedom fighter after the death of the freedom fighter. Clause 5 of the guidelines further states that dependent pension shall be sanctioned to the spouse or unmarried daughters only if their names appeared in the original application form submitted by the freedom fighter or in the sanction letter issued by the Ministry.

11. Therefore, a combined reading of these two clauses indicates that the petitioner has failed to fulfil the conditions to claim dependent pension under the guidelines.

12. Thus, I do not find any justification to entertain the present writ petition or to issue an directive to the authorities to consider the petitioner's grievance regarding non-payment of dependent pension under the Central Pension Sanman Scheme.

13. With these observations, this writ petition is dismissed.

14. There shall be no order as to costs.

(ParthaSarathiChatterjee, J.)