

**(2000) 07 DEL CK 0055**  
**In the Delhi High Court**  
**Case No : CW. No. 2400/94**

Dattatraya

APPELLANT

Vs

Union of India

RESPONDENT

**Date of Decision :** 03-07-2000

**Acts Referred:**

**Citation :** (2000) 07 DEL CK 0055

**Hon'ble Judges :** Manmohan Sarin, J

**Bench :** Single Bench

**Advocate :** Mr. R.K. Kapur, for the Appellant;

## **Judgement**

Manmohan Sarin, J.—The petitioner by this writ petition seeks a writ of mandamus for grant of pension under the Swatantra Sainik Samman Pension Scheme 1980. Petitioner claims to have participated in the freedom struggle and that he had undergone sufferings on account of the said participation. The petitioner claims to have been charged under Sections 33 and 37 of the Hyderabad Security Act and under Sections 243 and 368 of the Hyderabad Penal Code.

2. As per the petitioner, he remained underground from 27.6.1948 to 17.4.1949. Petitioner claims that he and his associates were tried by the judicial Magistrate First Class, Hadgaon Court and warrants were issued against the petitioner and 33 associates/freedom fighters compelling them to go underground. Respondents have filed the counter affidavit wherein it is averred that the petitioner had vide his application dated 24.7.1981, received on 30.7.1981, claimed that he was a underground worker during the Hyderabad Freedom Movement from 15.8.1947 to 17.9.1948 in a border camp. It is stated that this claim was duly considered by the Hyderabad Special Screening Committee, which reached the conclusion that there was no sufficient ground to accept the petitioner's claim. Mr. R. K. Kapur, counsel for the petitioner submits that the petitioner is not pressing the claim with regard to sufferings on the account of being an underground worker in border camp. He submits that in the present writ petition, petitioner is only

claiming on account of underground sufferings on the basis of his having undergone from 27.6.1948 to 17.4.1949. The respondents have rejected this contention also on the ground that in the copy of the arrest warrant produced, the name of the petitioner does not appear. It is averred that the said document does not pertain to the petitioner. The controversy in this regard is a short one namely: whether that the name of the petitioner is Dattatraya S/O. Kisha Rao Anil Kantnwar. Mr. Kapur submits that the name of the petitioner appears at entry No.4. Entry No. 4 simply reads " Datta".

3. From the foregoing, it cannot be inferred that the said entry relates to the petitioner. Learned counsel for the petitioner submits that the petitioner would like to substantiate its claim before the authorities by producing further evidence as according to him the said entry relates only to the petitioner. The petitioner may within 2 months from today move an appropriate representation to the respondents giving corroborative additional evidence to show that the case was registered against petitioner and he was covered by the arrest warrant and the entry "Datta" related to the petitioner and no one else.

4. The petition is disposed of in above terms.