
(1997) 02 PAT CK 0003
In the Patna High Court
Case No : C.W.J.C. No. 509 of 1997 (R)

Dhirendra Nath Chatterjee

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 21-02-1997

Acts Referred:

Citation : (1997) 2 PLJR 416

Hon'ble Judges : P.K. Deb, J

Bench : Single Bench

Judgement

P.K. Deb, J.—Heard Mr. Alok Lal, appearing for an on behalf of the Petitioner and also heard Mr. Trivedi, appearing for and on behalf of the Union of India.

2. The Petitioner, an old man is trying to get his recognition as a freedom fighter for long days. His prayer was rejected as the certificates given by him were not according to the scheme, as contained in Annexure-9. The Petitioner came up before this Court in C.W.J.C. No. 3282 of 1995 (R). The said writ petition was allowed vide order dated 5.7.96 holding that the consideration of the certificates and its assessment were not correct and hence the rejection order passed on 22.11.95 was rejected and the matter was sent back before the Central Government for re-assessment. On the basis of the order of this Court, as contained in Annexure-11, the Central Government again considered the Petitioner's prayer, but by Annexure-17 dated 21st January, 1997, it has been specifically mentioned that the certificate granted by co-prisoner Mr. Gopal Kumhar was accepted but as per the scheme, as Anr. certificate was necessary and the Petitioner was informed so he could not produce any such co-prisoner's certificate and, as such, his prayer has been rejected.

3. According to Mr. Alok Lal, not only Mr. Kumhar's certificate, there was also certificate of Mr. R.N. Rao, who was an Ex-M.L.C. regarding the imprisonment of this Petitioner and Mr. Kumhar at Bhagalpur Jail and in the certificate given by Mr. Kumhar, it has been specifically stated that alongwith them many Ors. had also been arrested at Chaibasa in 1930 movement and out of them. R.N. Rao

was also there and he was also arrested and sent to Jail. While Mr. Kumhar and the Petitioner were imprisoned at Bhagalpur Jail, Mr. R.N. Rao was taken to Arrah at a time.

4. In that view of the matter, perhaps, the certificate of Mr. R.N. Rao together with the certificate of Mr. Kumhar, if read in between line can attract the provisions of the scheme, as contained in Annexure-9 and hence Annexure-17 is again quashed and the matter is sent back to the Respondent No. 2 to re-consider the case of the Petitioner. Such re-consideration should be made within a month next from the date of presentation of a copy of this order from the side of the Petitioner or communication being received by the Respondent No. 2.

5. The writ petition is disposed of accordingly.

Let a copy of the order be made available to the parties.