

(2003) 12 PAT CK 0032
In the Patna High Court
Case No : L.P.A. No. 1067 of 2003

Govind Saran Karan

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 10-12-2003

Acts Referred:

Citation : (2004) 1 PLJR 543

Hon'ble Judges : Ravi S. Dhavan, C.J.; Shashank Kr. Singh, J

Bench : Division Bench

Advocate : Ram Janam Ojha and B.K. Pandey, for the Appellant; Ajay Bihar Sinha, for the Respondent

Final Decision : Dismissed

Judgement

1. The present appeal has been preferred against the order dated 25.9.2003, whereby the learned writ Court did not interfere in the order of the Government of India rejecting the grant of freedom fighter pension to the Petitioner-Appellant.
2. The contention on behalf of the Petitioner-Appellant is that he had already filed an application in the year 1981 for grant of pension under the aforesaid scheme. From the order of learned writ Court it transpires that the aforesaid application had already been rejected. A fresh representation was filed by the Appellant which again was rejected on 22.1.1999. The aforesaid order is appended as Annexure-1 to the writ application.
3. Contention on behalf of the Appellant is that the Appellant had participated in 1942 movement and had been underground to escape his arrest. According to learned Counsel for the Appellant as the Petitioner-Appellant had remained underground and had participated in the freedom struggle for which certificate had been given by other freedom fighters and his application was duly forwarded by the State of Bihar, as such, the Union of India should have accepted the recommendation of the State of Bihar and freedom fighter pension should have been allowed to him.

4. From bare perusal of the scheme which is known as Swatantrata Sainik Samman pension scheme it would transpire that a person who had remained underground for six months or more is also entitled to freedom fighter pension. The aforesaid scheme further goes to show that such person claiming benefit under the scheme must be a proclaimed offender during the relevant period.

5. Learned Counsel for the State relying on the counter affidavit filed in the writ application by the Union of India showed that minimum jail suffering for the purpose of eligibility for pension was reduced from six months to three months in case of women, scheduled castes and scheduled tribes freedom fighters. In other cases Samman pension as per scheme was admissible to those freedom fighters who have suffered imprisonment/internment/externment or have been absconders for at least six months against an executive order of the government at that time in connection with freedom struggle. It has further been contended that the Appellant did not fulfill the required condition for grant of freedom fighter pension as he had neither been in custody nor had been shown as an absconder rather whether any F.I.R. had been lodged against him in which he was required as an accused has also not been brought on record.

6. Learned writ Court relying on the aforesaid submission of the State and interpreting the scheme i.e. Swatantrata Sainik Samman pension scheme has come to the conclusion that as the Appellant was not covered under the aforesaid scheme, the Government of India rightly rejected his claim for grant of freedom fighter pension.

7. We do not find any error in the aforesaid order to interfere in the same. The Letters Patent Appeal fails and is accordingly dismissed.