
(2002) 08 PAT CK 0109
In the Patna High Court
Case No : C.W.J.C. No. 5919 of 2002

Ramprasad Singh

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 14-08-2002

Acts Referred:

Citation : (2002) 08 PAT CK 0109

Final Decision : Dismissed

Judgement

Aftab Alam, J.—Heard Mr. Indu Bhushan Prasad, counsel appearing for the Petitioner.

2. The Petitioner somehow got pension sanctioned for himself under the Swatantra Sainani Samman Scheme and he received the pension for a number of years. By letter, dated 18.1.2002 (Annexure-5) issued by the Under Secretary to the Govt. of India, he was intimated that his pension was suspended and he was further asked to show cause why the pension granted to him may not be cancelled. From the letter, it appears that the Petitioner was one of the 27 persons in respect of whom the State Government informed the Central Government that it had never approved or forwarded their claim for pension to the competent authority in the Central Government.

3. At that stage, the Petitioner filed a writ petition being CWJC No. 3344 of 2002; the Petitioner in that case was given the high sounding name of "All India Freedom Fighters" Dependents Welfare Association". That writ petition, filed professedly in public interest, was listed before a division bench of this Court which was already monitoring the matter of grant of freedom fighters' pension to fake and undeserving persons. By order, dated 4.4.2002, the division bench found that there was no public interest involved in that writ petition and it was filed "chasing an individual or individual cases". The order went on to observe as follows:

...Today whether it is the Union of India or the State of Bihar both acknowledge

that there have been several cases in which it has been found that pensions were received by the persons who are not entitled to it or on the basis of forged documents.

In the circumstances, the inquiry which has been undertaken by the two Governments cannot stop. If this be the purpose of this petition, then the court cannot injunct the Union of India or the State of Bihar not to inquire matters when admittedly there have been irregularities in grant of political pensions. If any person is receiving an irregular pension it is being paid out of public funds. The inquiry will go on.

4. Failing to get any relief in that case from the division bench, the Petitioner filed the present writ petition on individual basis. In this writ petition, a grievance is made that the pension allowed to him was suspended without affording him any opportunity of hearing.

5. It may be noted here that on the basis of certain news paper reports a bench of this Court presided over by the Hon''ble the Chief Justice suo motu got a proceeding initiated which is registered as CWJC No. 10638 of 2001. In that case directions were given to the concerned authorities both in the State Government and the Central Government to find out the fake pensioners with a view to weed them out. Following the orders passed in that case, enquiries were made by the Dist. Magistrates in different districts of the State and on the basis of the reports submitted by the Dist. Magistrates, the State Govt. made recommendation for review of the cases of a number of pensioners. In respect of 27 pensioners, it was found that they were able to secure the pensions in their favour by fraudulent means. The case of the Petitioner falls in this category.

6. In para 2 of the show cause notice issued to the Petitioner on 18.1.2002, it was stated as follows:

Government of Bihar vide their letter dated 5.1.2002 has now informed that their cases were not recommended by State Advisory Committee and issue number and date of issue of State Government's recommendation letters are incorrect and their cases were sent unauthorisedly to Government of India. State Government has recommended for immediate cancellation of their pension. It is obvious that the pensioners or someone on their behalf had sent these applications illegally to Government of India to obtain undue pecuniary benefit to them.

7. In response to the notice, the Petitioner filed his show cause, dated 5.3.2002 on a consideration of which the Central Govt. finally decided to cancel the pension allowed to him and to recover the amount already drawn up by him. It was also decided to lodge a F.I.R. against the Petitioner for having obtained pension by deception and fraudulent means.

8. In the counter affidavit filed by the Central Government in this case, it is stated that the State Govt. had informed that 27 cases including that of the

Petitioner were never recommended by them nor cleared by the State Advisory Committee and the recommendation letter in those cases bore fictitious dispatch number and the date of issue. As it transpired that those cases were never recommended by the State Govt. it was evident and manifest that the pensions were wrongly granted to 27 persons and hence the decision for cancellation of their pension.

9. Mr. Indu Bhushan Prasad submitted that if the communication from the State Govt. had incorrect date or issue number, it was not for the Petitioner but for the State Govt. to explain the anomaly. He insisted that the State Govt. must be asked to file a counter affidavit explaining the anomaly in the issue number and date etc. in its communication to the Central Government. At the same time he made the tongue in cheek remark that the State Govt. would find it impossible to file a counter affidavit in this case because the records of the case were no longer available in the State Govt. office. I find the actions and the behavior of the Petitioner quite shocking. It appears that he not only secured pension in his favour by adopting fraudulent means but further that he is still upto mischief's in order to cover up his past misdeeds and he does not hesitate in resorting to such actions as removal of the records from the Government office.

10. In these facts and circumstances, this Court is of the view that the concerned authorities should lodge the F.I.R. against the Petitioner without any further delay.

11. Before concluding the order, it must be recorded, in fairness to the counsel appearing for the Petitioner, that he cited a number decisions in support of the case of the Petitioner. These are Mukund Lal Bhandari and others Vs. Union of India and others, ; R. Narayanan Vs. Union of India and another, and Tej Singh Nidharak Vs. Union of India (UOI) and Another, Those decisions have no application to the facts of this case in which the pension allowed to the Petitioner earlier stands cancelled on the ground that it was obtained by fraud and misrepresentation.

12. I thus find no merit in this writ petition. It is dismissed.