

(2008) 08 JH CK 0150
In the Jharkhand High Court

Rishi Kumar Sahay

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 25-08-2008

Acts Referred:

Citation : (2009) 1 JCR 360

Hon'ble Judges : Dabbiru Ganeshrao Patnaik, J

Bench : Single Bench

Judgement

D.G.R. Patnaik, J.—The petitioner in the instant writ application has prayed for a direction to pay him the monthly political family pension, which is payable to him under the Scheme announced by the Government of India on the ground that the petitioner being a freedom fighter, is entitled for payment of family pension under the aforesaid Scheme.

2. Learned Counsel for the petitioner referring to several Annexures, submits that pursuant to the aforesaid Scheme, wherein it was stipulated that those freedom fighters who have remained in jail for six months or more in connection with National Movement for freedom, are entitled for Monthly Political Family Pension. The petitioner claiming eligibility for payment of family pension, had applied to the concerned authorities and pursuant to the application made by the petitioner, the concerned authorities had sanctioned payment of pension to the petitioner with effect from 15th August, 1972. Thereafter, petitioner used to be paid the monthly family pension. However, on account of a subsequent circular of the Government, whereby such family pension is payable only to those freedom fighters whose annual income is less than Rs. 5,000/- and, since the annual income of the petitioner has been increased above Rs. 5,000/- consequent upon the Pay-Revision, the petitioner had surrendered his pension. Later, however, by a subsequent notification issued by the Government, the condition relating to the annual income was omitted. Consequently, the petitioner became eligible and submitted his application to the concerned authorities of the Government to restore payment of the monthly family pension to him. In the correspondences

exchanged between State of Jharkhand and the State of Bihar, the petitioner's identity and the status as freedom fighter has once again been reaffirmed and for final processing, the State of Jharkhand after receiving the relevant files and documents pertaining to the petitioner in the matter of political family pension, has written to the Government of India on 16th September, 2002 vide Memo No. 4612 (Annexure-8) stating, therein, that in spite of repeated representations filed by the petitioner, the family pension has not been sanctioned to the petitioner and the matter has been held up at the level of the Respondent No. 1 and the petitioner, who is already 86 years old person, is being deprived of the benefits, which he is entitled under the Government Schemes with effect from September, 1980.

3. Though learned Counsels for the Respondents-Union of India, State of Jharkhand and the State of Bihar are present but no counter affidavit has been filed by any of them.

4. Considering the facts and circumstances as submitted by the learned Counsel for the petitioner, learned Counsel for the Respondent-Union of India, is directed to obtain instructions and to file counter affidavit within four weeks from today positively.

Let this case be posted on 29th September, 2008 under the same heading.

5. Let a copy of this order be given to the counsel for the Respondent-Union of India,