
(1997) 01 P&H CK 0011
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 1049 of 1996

Smt. Sona Devi	Vs	APPELLANT
State of Haryana and Another		RESPONDENT

Date of Decision : 29-01-1997

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (1997) 116 PLR 138

Hon'ble Judges : B. Rai, J

Bench : Single Bench

Advocate : Maharaj Kumar, for the Appellant; M.S. Sindhu, for the Respondent

Final Decision : Allowed

Judgement

B. Rai, J.—This petition under Articles 226/227 of the Constitution of India has been filed by Smt. Sona Devi widow of Late Shri Sudhan Singh for issuance of a writ of mandamus directing the respondents to grant Samman Pension to her.

2. Facts

Husband of petitioner Late Shri Sudhan Singh son of Joth Ram joined Arya Samaj Movement in Late 1930 within erstwhile Nizam State of Hyderabad. He was convicted under different provisions of criminal law prevailing within the Nizam State and was sentenced to more than two years imprisonment. While undergoing the sentence the general amnesty was granted by the then Nizam on his birth anniversary and the sentence was reduced. As a result, Sudhan Singh was set free along with other participants of the Arya Samaj Movement. Jail Certificate is Annexure P.1. The Arya Samaj Movement has been accepted a part of freedom struggle. On 25th anniversary of Independence, Government of India introduced Freedom Fighter Pension Scheme, 1972 which has been re-named as Swatantrata Senani Samman Pension Scheme, 1980. The Arya Samaj Movement has been equated with the freedom struggle and the benefits of the abovesaid Pension Scheme are also admissible to the participants of the Arya Samaj

Movement. The petitioner is the widow of Late Shri Sudhan Singh and is domicile and resident of Haryana State. Under the said pension scheme, she has been granted pension by the Central Government vide letter No. MHAFF 9403544/5586, dated September 27, 1994 of the Ministry of Finance, Government of India, Annexure P.2. The Government of Haryana introduced a Pension Scheme for freedom fighters belonging to the State of Haryana and their widows with effect from January 1, 1981. The brochure published by the Haryana Government General Administration (Protocol) Department states that all those freedom fighters belonging to Haryana State who have been receiving freedom fighter pension of the Union of India and have not received any financial assistance shall receive the Samman Pension with effect from January 1, 1981, copy Annexure P3. Smt. Sona Devi submitted her application for grant of Freedom Fighter Pension Scheme from Haryana Government. The Haryana Government vide letter, Annexure P4, granted the Freedom Fighter Pension to the petitioner with effect from November 24, 1994. It is alleged that many freedom fighters and their widows who participated in Arya Samaj Movement and were imprisoned along with the husband of the petitioner, have been allowed pension by the Haryana Government with effect from January 1, 1981, but the petitioner has been denied that benefit without assigning any reason. In Para 6 of the petition, she has given a list of freedom fighters who have been granted Samman Pension by the Haryana Government with effect from January 1, 1981. They are Shri Chhotu Ram son of Shri Surjan, Smt. Tejo Devi widow of Shri Ram Sarup, both residents of Village and Post Office Milkpur, District Hisar, Shri Gian Chand and Asha Nand sons of Shri Sada Ram, resident of House No. 638 Ramesh Nagar, Karnal and Smt. Hari Devi widow of Jawahar Lal son of Shri Anant Ram Jawahar Gali, Tohana, District Hisar. It is further pleaded that Smt. Shanti Devi widow of Shri Nanu Ram who remained imprisoned with the husband of the petitioner filed a Civil Writ Petition No. 17218 of 1994, seeking Samman Pension from the Haryana Government. That Writ Petition was allowed by this Court vide order, dated August 9, 1995 holding that the petitioner (therein) was entitled to Samman Pension from the Haryana Government with effect from January 1, 1981. Similarly, another Civil Writ Petition No. 17222 of 1994 was also decided in terms of the order dated August 9, 1995 passed in Civil Writ Petition No. 17216 of 1994.

3. The writ petition was contested by the respondents controverting all the contentions of the petitioner raising a specific plea that as per contents of Annexure P2, the Central Government have granted pension to Smt. Sona Devi widow of Late Shri Sudhan Singh with effect from August 3, 1993 under Swatantrata Sainik Samman Pension Scheme. It was admitted that Haryana Government introduced a Pension Scheme for the freedom fighters of Haryana State with effect from January 1, 1981 but it was denied that the pension is granted to them with effect from January 1, 1981 and that benefit was granted prior to August 11, 1994. It was further pleaded that in the cases mentioned by the petitioner in para 6 of the Writ Petition the pension has been sanctioned to

them prior to August 11, 1994. It is also pleaded that the petitioner submitted her application for grant of freedom fighter pension on November 24, 1994 and, therefore, she has been sanctioned pension from November 24, 1994, i.e., from the date of application submitted by her. It was denied that any application submitted by her. It was denied that any representation of the petitioner was received by the Haryana Government in its Protocol Branch. Other averments were denied.

4. I have heard learned counsel and have carefully gone through the pleadings of the parties.

5. Mr. Maharaj Kumar, learned counsel for the petitioner placing reliance on the judgment of the Supreme Court in Writ Petition (Civil) No. 75/91 (Surja and Ors. v. Union of India and Ors.), decided on September 13, 1991, argued that the petitioner is entitled to get the Sainik Samman Pension with effect from January 1, 1981. The learned counsel also produced a copy of the order, dated March 6, 1996 issued by the Haryana Government, General Administration (Protocol) Department, vide endorsement No. 49/26/93-2PP, dated March 7, 1996, vide which the Haryana Government granted pension to Smt. Bugli Devi widow of late Shri Chandu alias Chand and Smt. Surti Devi widow of late Shri Kali Ram, both residents of Village & Post Office Keorak, District Kaithal, with effect from January 1, 1981. Para 2 of the said order reads as under :

"These two cases have been reviewed afresh, in the light of judgment dated 13.9.91 of Hon"ble Supreme Court of India in Writ Petition (Civil) No. 75/91 "Surja and Ors. v. Union of India and Ors." and it has been decided by the Govt. to grant the Sainik Samman Pensions to Smt. Bugli Devi widow of late Sh. Chandu alias Sh. Chand village & P.O. Keorak, Distt. Kaithal and Smt. Surti Devi widow of late Shri Kali Ram, village & P.O. Keorak, Distt. Kaithal w.e.f. 1.1.1981, as per details given below:-

From To Rs. 1.1.81 31.3.83 50/- p.m. 1.4.83 14.8.85 100/-p.m. 15.8.85 8.8.87 200/- p.m. 9.8.87 19.10.89 250/- p.m. 20.10.89 2.8.92 300/-p.m. 3.8.92 8.8.93 400/-p.m. 9.8.93 onwards 500/- p.m."

6. It was further argued that for centuries together, Indian Nation was in the shackles of slavery and now is enjoying independence for which innumerable persons sacrificed their comforts and won freedom for us. Therefore, the Indian Nation was in the shackles of slavery and now is enjoying independence for which innumerable persons sacrificed their comforts and won freedom for us. Therefore, the Indian Nation which owes great debt to those freedom fighters and their widows who suffered for the Nation in getting independence, but it is unfortunate that some surviving freedom fighters of Freedom Movement and the widows of some of those freedom fighters are made to suffer by the callous attitude of the bureaucracy and complacency on their part and have to go from pillar to post to secure the benefits of the welfare schemes formulated by the Government for them. Therefore, the authorities concerned are expected to be

alive to the sacrifices of the freedom fighters and sensitive enough to redress the grievances of the freedom fighters and their widows giving them preferential treatment, but it is unfortunate that in the instant case the grievance of the present petitioner was not treated with expected promptitude and the petitioner has been compelled to approach this Court for seeking redressal of her grievance and to claim benefit of the pension scheme formulated for her welfare by the Government of Haryana. Keeping in view all the facts and circumstances of the case, I am of the opinion that the case of the present petitioner is fully covered by a Division Bench decision of this Court in Civil Writ Petition No. 17218 of 1994 (Smt. Shanti Devi v. The State of Haryana etc.), decide on August 8, 1995, wherein the respondents were directed to grant Samman Pension to the petitioner with effect from January 1, 1981 and that the arrears of pension shall be paid within three months from the date of judgment, i.e. August 9, 1995.

7. In the light of the above discussion, this Writ Petition is allowed. The respondents are directed to grant Samman Pension to the petitioner with effect from January 1, 1981. The arrears of pension shall be paid within three months from today, failing which the petitioner shall also be entitled to interest at the rate of 12 per cent per annum.