

(2002) 01 JH CK 0064
In the Jharkhand High Court
Case No : Writ Petition (C) No. 3671 of 2001

Surbali Devi

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 02-01-2002

Acts Referred:

Citation : (2002) 01 JH CK 0064

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Ramawatar Choubey, for the Appellant; S. Akhtar, SC-II, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—One Sri Bhagwati Prasad Ambasta, Freedom Fighter, was being paid freedom fighters pension. He died on 3rd March, 2000, whereinafter the pension was allowed in favour of the petitioner, being widow of the deceased, vide Memo No. 436 dated 5th August, 2000. However, the said order was subsequently stayed and it was ordered to maintain status quo by the Deputy Commissioner, Chatra, vide Memo No. 291 dated 30th May, 2001.

2. The respondents have taken plea that there is nothing on the record to suggest that the petitioner is the widow of deceased Bhagwati Prasad Ambasta.

3. However, petitioner has placed on record certain documents to suggest that she is the widow of late Bhagwati Pd. Ambasta and stated that the Sub Divisional Officer on enquiry through Block Development Officer has already submitted report in her favour.

4. From the impugned order dated 30th May, 2001 it appears that it is interim in nature, as mere order of status quo has been passed. The Deputy Commissioner, Chatra, while disputes that the petitioner as the widow of late Bhagwati Pd. Ambasta, for the reasons, best known to him, he has addressed the petitioner as the widow in the impugned order dated 30th May, 2001.

5. In the facts and circumstances, the case is remitted to the Deputy Commissioner, Chatra, to finalise the question relating to pension of the petitioner, after taking into consideration the relevant records and report. If any, available on the record. If so necessary, the Deputy Commissioner, Chatra, may request the Superintendent of Police, Chatra, to get the claim of the petitioner verified.

6. Final decision in this respect be taken and communicated to the petitioner within three months from the date of receipt/production of a copy of this order.

7. The writ petition stands disposed of with the aforesaid observations. Writ disposed of with directions.