
(2000) 02 PAT CK 0106
In the Patna High Court
Case No : C.W.J.C. No. 6844 of 1998

Surendra Prasad Singh

APPELLANT

Vs

The Union of India (UOI) and Others

RESPONDENT

Date of Decision : 21-02-2000

Acts Referred:

Citation : (2000) 2 PLJR 397

Hon'ble Judges : S.K. Chattopadhyaya, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

S.K. Chattopadhyaya, J.—Heard learned Counsel for the parties.

2. Though the Petitioner has been granted Freedom Fighter Samman Pension but a grievance has been made that instead of granting pension with effect from 22.7.1997 the Petitioner should have been granted the same from 1.8.1980., the date on which he applied for the same. He has also prayed for arrears of the amount from 1.8.1980 to 21.7.1997.

3. In the counter affidavit the Respondent has taken a plea that as because the said pension was granted on benefit of doubt, it was to be given from the date of the order and not from the date of application. On such submission being made, on 10.1.2000 this Court directed the Union of India to produce the original file because the order granting pension (Annexure-2) does not reveal that Freedom Fighter Samman Pension was granted on benefit of doubt. Pursuant to the said order, the original file has been produced before me by Mr. Pathak, Addl. SCCG, from which it appears that the pension was sanctioned on benefit of doubt.

4. In the case of Union of India v. Ganesh Chandra Dolai and Ors. (Civil Appeal No of 1993 arising out of SLP (C) No. 2325 of 1995) the Supreme Court while distinguishing the case of The Ramjas Foundation and Others Vs. Union of India and Others, has clarified the legal position and has held that where said Samman pension has been given on the benefit of doubt, the same should be granted with

effect from the date of the order. However, where relevant documents were produced by such Swatantrata Senani, the pension was to be paid from the date of application. This has been reiterated by their Lordships in the case of Union of India v. M.R. Chelliah Thevar (Civil Appeal No. 7762 of 1996 arising out of SLP (C) No. 25053 of 1995).

5. In this case there is no pleading as to whether the Petitioner applied for such pension with all relevant documents. However, from the order of the Union of India as contained in annexure-2 granting pension to the Petitioner indicates that the pension was granted on benefit of doubt and, therefore, the same was to be granted with effect from 22.7.1997. Even the representation of the Petitioner as contained in annexure-4 dated 15.1.1998 does not indicate that the Petitioner applied for the said pension with all relevant documents.

6. Under such circumstance, it is difficult for this Court to come to a clear cut finding that the Petitioner filed the relevant documents along with his application for grant of Freedom Fighter Samman Pension.

7. In the result, I find no merit in this application which is accordingly dismissed.