
(2015) 08 KL CK 0027
In the High Court Of Kerala
Case No : W.A. No. 1858 of 2013

Union of India

APPELLANT

Vs

Elizabeth Sipri and Others

RESPONDENT

Date of Decision : 19-08-2015

Acts Referred:

Citation : (2015) 4 KHC 777

Hon'ble Judges : Antony Dominic and S.P. Chaly, JJ.

Bench : Division Bench

Advocate : S. Krishnamoorthy, Central Government Counsel, for the Appellant;
K.K. Satheesh, Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

Antony Dominic, J.—1st Respondent in WP (C) No. 18170 of 2008 is the appellant. The writ petition was filed by the 1st Respondent herein claiming pension under the "Swatantrata Sainik Samman Pension Scheme", on the basis of Ext. P4 application dated 20/03/1998. During the pendency of the writ petition, by Ext. P8 order dated 31/08/2010, dependant family pension was granted with effect from 12/02/2005. By the judgment under appeal, the learned Single Judge ordered that the said benefit shall be given with effect from 20/03/1998, the date on which Ext. P4 application was made and that arrears shall be calculated and disbursed within three months from the date of receipt of a copy of the judgment. It is this judgment which is under challenge. We heard the learned Counsel for the appellant, learned Counsel for the 1st Respondent and the learned Government Pleader appearing for the 2nd Respondent.

2. It is contended on behalf of the appellant that the appellant having received the application long after 20/03/1998, when the application was made to the State Government, they cannot be made liable for granting pension from the date of the application. However, this contention cannot be accepted in the light of the principles laid down by the Hon'ble Apex Court, which have been followed by the learned Single Judge, where it has been held that when pension is granted

on the basis of the "primary evidence" such grant shall be effective from the date of application. Insofar as this case is concerned, admittedly, Ext. P8 order was issued on the basis of "primary evidence" as contemplated under the Scheme. If that be so, the learned Single Judge was fully justified in directing that payment of pension be made from 20/03/1998, the date when the application was made.

We do not see any illegality in the judgment. Appeal fails and accordingly it is dismissed.