

IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.2937 of 2005

1. SMT.SARASWATI DEVI, WIDOW OF LATE RAMJI PARIHAST, RESIDENT OF VILLAGE- CHAUHETA, P.O.- CHAUHATA, P.S.- KISHANPUR, DISTRICT- SAHARSA (NOW SUPAUL).
2. BHAGWAT PRASAD YADAV, SON OF LATE CHUMAN PRASAD YADAV, RESIDENT OF VILLAGE- PIPARAHARI, P.O.-PIPRA KHURD, P.S.- SUPAUL, DISTRICT- SAHARSA (NOW SUPAUL).
3. BADAR PANDIT, SON OF LATE SOMAN PANDIT, RESIDENT OF VILLAGE-SUPAUL WARD NO. 10, P.S. & P.O.- 8, DISTRICT- SUPAUL.

..... PETITIONERS

Versus

1. THE UNION OF INDIA, THROUGH MINISTRY OF HOME AFFAIRS, F.F. DIVISION, GOVERNMENT OF INDIA, LOK NAYAK BHAWAN, KHAN MARKET, NEW DELHI.
2. THE UNDER SECRETARY, MINISTRY OF HOME AFFAIRS, F.F. DIVISION, GOVERNMENT OF INDIA, KHAN MARKET, LOK NAYAK BHAWAN, NEW DELHI.
3. THE DEPUTY SECRETARY, GOVERNMENT OF BIHAR, HOME (SPECIAL) DEPARTMENT, PATNA.
4. THE COLLECTOR, SAHARSA, BIHAR.
5. THE ACCOUNTANT GENERAL, BIHAR AT RANCHI.
6. THE TREASURY OFFICER, SAHARSA, BIHAR.
7. THE STATE OF BIHAR

..... RESPONDENTS.

2 30.1.2009 For the reasons mentioned in this application (I.A. No. 510 of 2009), the name of Bhagwat Prasad Yadav (petitioner no.2), who is said to have died in the month of November, 2006, is directed to be deleted by substituting him through his widow Buchuni Devi.

On merits, in view of the only prayer in this writ application relating to grievance against an order of the Government of India dated 14.7.1995 as contained in Annexure-2 Series in respect of the petitioners suspending grant of pension under the Freedom Fighter Pension Scheme and asking them to show cause as to

why the earlier pension granted to them be not cancelled, this writ application seems to be both misconceived and premature inasmuch as the counsel for the petitioner has taken a specific stand that no order of cancellation of pension was ever passed and served on the petitioners.

On the other hand, counsel for the Union of India with reference to the earlier counter affidavit filed in the case of the petitioners C.W.J.C. No. 7943 of 1999 has drawn attention of this Court that the C.B.I. had found the records of G.R. Case No. 531 of 1942 submitted by late Ramji Parihast, the husband of the present petitioner no.1 as well as petitioner nos. 2 & 3 (Bhagwat Prasad Yadav and Badar Pandit) to be doubtful and as such the pension sanctioned to Ramji Parihast, Bhagwat Prasad Yadav and Badar Pandit had already been cancelled. He has also submitted that in paragraph no.12 of the counter affidavit, there is similar averments with regard to the cancellation of the pension of all the petitioners or their spouses in their life time.

In that view of the matter, as the petitioners claimed that they have not been served with the copy of such order cancelling their pension nor the respondents have also annexed the same in their earlier counter affidavit or even given details thereof, this Court would

direct the authorities of the Government of India to supply the copy of such orders cancelling pension of the petitioners/their spouses. Such copies therefore, must be supplied to them within a period of three months from the date of filing an application for this purpose by the petitioners.

With the aforementioned observations/directions, this application is disposed of. It is, however made clear that this Court has expressed no opinion on the merits of this case and therefore, it will be always open for the petitioners to challenge the correctness of such orders in accordance with law.

Rsh

(Mihir Kumar Jha, J.)

