

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 30TH OCTOBER 2009 / 8TH KARTHIKA 1931

WP(C).No. 30904 of 2009(G)

PETITIONER(S):

**THOMAS THOMAS, AGED 89 YEARS,
S/O.THOMAS, MULLUMKATTIL HOUSE (NEDIYAKALAYIL),
NELLIKAMON P.O., RANNY-689 680.**

**BY ADV. MR.P.R.VENKETESH
MR.K.S.BHARATHAN**

RESPONDENT(S):

- 1. UNION OF INDIA REPRESENTED BY THE
SECRETARY TO GOVERNMENT OF INDIA, MINISTRY OF
HOME AFFAIRS, FREEDOM FIGHTERS' DIVISION, I FLOOR,
LOKANAYAK BHAVAN, NEW DELHI.**
- 2. THE STATE OF KERALA REPRESENTED BY THE
PRINCIPAL SECRETARY, GENERAL ADMINISTRATION
(FFF-A) DEPARTMENT, THIRUVANANTHAPURAM.**

**R1 BY ADV. MR.T.P.M.IBRAHIM KHAN,ASST.SG.
R2 BY GOVERNMENT PLEADER MR.P.N. SANTHOSH.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30/10/2009,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C).No.30904 of 2009-G

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Dated this the 30th day of October, 2009.

JUDGMENT

1.Heard the learned counsel for the petitioner, the learned Central Government Counsel for the first respondent and the learned Government Pleader for the second respondent.

2.Ext.P12 issued by the State of Kerala to the petitioner shows that the State Government had forwarded a verification report to the Government of India duly recommending the claim of the petitioner for Swatantrata Sainik Samman Pension as per State Government letter dated 14.7.2009. The impugned Ext.P11 has been issued by the Central Government in July, 2009 stating, among other things, at paragraph 3(iii), that the mandatory verification cum entitlement to pension report of the State Government is not available

in this case. This, obviously, is a communication gap.

For the aforesaid reasons, this writ petition is ordered directing that the first respondent will re-consider Ext.P11 in the light of the report forwarded by the State Government with its letter dated 14.7.2009 and take a decision de novo at the earliest, having regard to the fact that even when Ext.P10 judgment was issued on 30th July, 2009, it was noted that the petitioner is nearing 90 years of age.

THOTTATHIL B.RADHAKRISHNAN,
JUDGE.

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