

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**FRIDAY, THE 31ST DAY OF JANUARY 2014/11TH MAGHA, 1935**

**OP.No. 5620 of 2002 (R)**  
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**PETITIONER:**  
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**VELU VASUDEVAN, S/O. VELU, AGED 77,  
KATTUNKAL HOUSE, ARATTUVAZHI WARD,  
NOW RESIDING AT KAIRALI ALUMINIUM, MANNANCHERY,  
WARD - 18, ALAPPUZHA.**

**BY ADV. SRI.MOHAMMED NIYAS.V.P.**

**RESPONDENTS:**  
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- 1. THE SECRETARY TO GOVERNMENT OF INDIA,  
MINISTRY OF HOME AFFAIRS, F.F. DIVISON, 1ST FLOOR,  
LOK NAYAK BHAVAN, NEW DELHI.**
- 2. THE DISTRICT COLLECTOR,  
COLLECTORATE, ALAPPUZHA.**

**R1 BY ADV. SRI.K.M.JAMALUDHEEN, C.G.C,  
R2 BY GOVERNMENT PLEADER SMT. LILLY LESLIE.**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD  
ON 31-01-2014, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

**Prv.**

**O.P.NO. 5620/2002-R:**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

- EXT.P.1 COPY OF THE CERTIFICATE ISSUED BY SRI. V.K. KARUNAKARAN  
DTD. 23/07/1971.
- EXT.P.2 COPY OF THE EXTRACT CONVICT REGISTER OF CENTRAL PRISON,  
TRIVANDRUM DTD. 21/03/1952.
- EXT.P.3 COPY OF THE PROCEEDING OF THE ACCOUNTANT GENERAL  
DATED 24/08/92.
- EXT.P.4 COPY OF THE APPLICATION DATED 02/06/93 FILED BY THE  
PETITIONER BEFORE THE R.1.
- EXT.P.5 COPY OF THE LETTER DATED 29/01/2000 SEND BY THE PETITIONER  
BEFORE THE R.1.
- EXT.P.6 COPY OF THE COMMUNICATION DATED 15/01/2001.
- EXT.P.7 COPY OF THE COMMUNICATION DATED 05/02/2001.
- EXT.P.8 COPY OF THE REPRESENTATION DTD. 03/04/2001 FILED BY THE  
PETITIONER BEFORE THE R.1.
- EXT.P.9 COPY OF THE ORDER SANCTIONING KERALA FREEDOM FIGHTERS  
PENSION TO THE PETITIONER DATED 10/05/1972 ISSUED BY DISTRICT  
COLLECTOR, ALLEPEY.

**RESPONDENTS' EXHIBITS:** NIL.

**//TRUE COPY//**

**P.A. TO JUDGE.**

**Prv.**

**A.MUHAMED MUSTAQUE, J.**

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**O.P.No.5620 of 2002**  
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Dated this the 31<sup>st</sup> day of January, 2014

**JUDGMENT**

The original petition is filed for disbursement of Swatantra Sainik Samman Pension under the Central Government Scheme. During the pendency of this original petition, the petitioner died and his wife was impleaded as additional petitioner. The case of the petitioner is that the petitioner has taken part in freedom struggle of the country and also a recipient of state freedom fighter's pension. The petitioner points out various instances in which he had taken part in freedom struggle of the country in the memorandum of writ petition. The Petitioner claims that he is entitled for the pension under the Central Government Scheme. The petitioner made Ext.P4 application. The application of the petitioner has been rejected as per Ext.P7, stating various grounds. The petitioner in this writ petition states that he has valid answer to the objections on which the application for pension has been turned down. He reiterates those answers in the reply affidavit filed before this Court. The petitioner further states that

in the light of explanation given by him, the application need to be reconsidered.

2. Heard the learned counsel for the petitioner and the learned counsel for the Central Government.

3. The application for pension by Freedom Fighters has to be treated sympathetically and requires a lenient approach. It appears that before rejection of the pension as per Ext.P7, the petitioner was not given an opportunity to explain on the objections on which, the application has been rejected. This court finds that if authority had chosen to obtain explanation from the petitioner, the decision rendered in ExtP7 would have been based on such explanations and it seems failure of such exercise had unnecessarily dragged the petitioner to this court.

4. In such circumstance, I set aside Ext.P7 issued by the first respondent and direct first respondent to reconsider the application in the light of explanation to be furnished by the petitioner. Such exercise shall be done within a period of four months from the date of receipt of a certified copy of this judgment. Needless to say that the petitioner shall furnish

necessary explanation to the objection found against him in Ext.P7 before the second respondent, who in turn shall forward the same through the State Government to the first respondent within a period of two months.

With the above direction, the original petition is disposed of.

Sd/-

**A.MUHAMED MUSTAQUE, JUDGE**

In

/True copy/

P.A. to Judge.