

Duli Chand and Others

Vs

Union of India and Others

I.A. No.4 of 1991 in Writ Petn. (Civil) No.1190 of 1989

(Kuldip Singh, Smt. M.S. Fathima Beevi JJ)

15.01.1992

ORDER

1. This application is on behalf of 12 petitioners who have been denied Freedom Fighters' pension with effect from August 1, 1980 as directed by this Court. This court by order dated July 16, 1990 disposed of the writ petition in the following terms:

"Mr. Mahabir Singh states that claim of each of these 41 petitioners is supported by relevant documents which he has produced. This assertion is not denied. In view of the same and on account of the statement made on behalf of the Union of India on the earlier occasion to the effect that on documents being produced in support of the claim, there would be no objection to grant of pension and in view of the fact that no counter has been filed challenging the specific claims, we direct that these 41 petitioners shall be paid Freedom Fighters' pension at least from 1-8-80, the date from which petitioner No. 20 has been ordered to receive the same. While granting pension from that date the appropriate authority shall ensure that pension at varying rates from time to time is paid to the respective petitioners within three months from today. The writ petition is disposed of accordingly."

2. This Court, thus, categorically directed that the applicants be paid Freedom Fighters' pension from August 1, 1980. The respondents have granted pension to the applicants from different dates after August 5, 1986. In the counter-affidavit filed on behalf of the respondents it has been stated that the pension has been given to the applicants from the respective dates when documentary proof in support of their claims was produced by the applicants. No such plea was raised at the time of the hearing of the writ petition. As mentioned in the order reproduced above the Union of India did not file any counter in the writ petition. In the face of clear direction by this Court that the applicants be paid, Freedom Fighters' pension with effect from August 1,1980 there is no justification with the respondents to deny the same to the applicants on the ground now raised in the counter filed to the application. The action of the respondents in not granting pension to the applicants with effect from August 1,1980 amounts to defying the directions of this Court. We take serious view of the matter but are not inclined to take any action at this stage. We direct that the orders of this Court dated July 16,1990 be complied with and the applicants be paid Freedom Fighters' pension with effect from August 1,1980. This should be done within two months, from today. The application is disposed of. Order accordingly.

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