

No.52/CC/28/UP/2007-FF(NZ)
Government of India / Bharat Sarkar
Ministry of Home Affairs / Grah Mantralaya

1st Floor, Lok Nayak Bhavan, Khan Market,
New Delhi-110 003, Dated the 7.4.2011

To,

Pay & Accounts Office,
(Pension & Misc.),
Ministry of Home Affairs,
2/10 Jam Nagar House,
New Delhi-110011.

Subject: *Swatantrata Sainik Samman* Pension from Central Revenues to the Freedom Fighters and their families –Implementation of Court order dated 23.10.2008 in WP No.2144 of 2007 (M/S) filed by Shri Omkar Nath Shastri S/o Late Shri Briz Mohan Lal Shastri R/o Village Bareilly Nagar, P.O. Kilakhara, Tehsil Gadarpur, District Udham Singh Nagar. Uttarakhand.

Sir,

I am directed to refer to Court order dated 23.10.2008 passed by the High Court of Uttarakhand at Nainital in WP No. 2144 of 2007 (M/S) filed by Shri Omkar Nath Shastri S/o Late Shri Briz Mohan Lal Shastri and to say that the operative part of the court order dated 23.10.2008 is reproduced below:-

"The writ petition is allowed. Impugned order dated 29.3.2007 passed by respondent no. 1 is quashed. The respondent no.1 by a writ of mandamus is directed to consider the claim of the petitioner for grant of pension under the provisions of Swatantrata Sainik Samman pension Scheme 1980 and pass an appropriate order sanctioning the pension to him expeditiously as far as possible. No order as to costs".

2. An L.P.A. was filed against aforesaid order in the Hon'ble High Court of Uttarakhand at Nainital and same i.e. Special Appeal No. 55 of 2009 was dismissed on 25.11.2009 by the Divisional Bench Hon'ble High Court. Thereafter, an S.L.P. was filed with the approval of Ministry of Law against the aforesaid order in the Hon'ble Supreme Court of India as Special Leave to Appeal(Civil) No. CC 16511/2010. The Hon'ble Supreme Court vide order dated 8.11.2010 has dismissed the S.L.P. and however, it is made clear that this will not be cited as a precedent for any other case.


3. In compliance of the aforesaid court orders dated 23.10.2008, 25.11.2009 and 8.11.2010, his case has been examined based on the claim made in the application, documents submitted in support of claim including CPCs and recommendations of the State Government and sanction of the President is hereby conveyed for grant of Swatantrata Sainik Samman pension provisionally @ Rs. 3000/-p.m. (Rupees Three thousand only) with effect from date of receipt

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2. Shri Omkar Nath Shastri S/o Late Shri Briz Mohan Lal Shastri R/o Village Bareilly Nagar, P.O. Kilakhera, Tehsil Gadarpur, District Udham Singh Nagar, Uttarakhand with the request that he may furnish the following documents in original in four sets on separate sheets duly attested by the District Collector or any of his subordinate officers not below the rank of a Tehsildar. The stamps of the attesting officer should clearly indicate his rank/ designation and his Department/ office.
- (a) Joint Photographs of his own, spouse and unmarried /unemployed daughters if any duly attested on front side. In case he has no unmarried/ unemployed daughters, he should make a statement to that effect.
 - (b) Specimen signature.
 - (c) Impression of thumb and four fingers of left/right hand.
 - (d) Descriptive Roll, i.e. identification marks.
 - (e) Affidavit on a non-judicial stamp paper about her status as dependent of freedom fighter indicating date of birth and educational qualification etc., and
 - (f) Name and address of the Nationalized Public Sector Bank and Bank (with full signature and date) Account No. and copy of the passbook.
 - (g) BSR Code(Basic Statistical Return Code) of the Bank Branch from where you want to draw the pension.

All the above documents should be duly attested by the District Magistrate or any Subordinate Officer, not below the rank of a Tehsildar. The stamp should clearly indicate the rank/designation and Department/ Office of the Officer concerned. On receipt of these documents, necessary PPO will be issued by PAO, MHA and thereafter authorisation to make payment to the nominated bank will be issued by Central Pension Accounting Office of Ministry of Finance.

3. The Central Pension Accounting Officer, Ministry of Finance, Deptt. of Expenditure, Block No.II, Trikot Bhawan, Bhikaji Cama Place, R.K. Puram, New Delhi- 110066.
4. The Deputy Commissioner, Udham Singh Nagar, Uttarakhand. .
5. Smt. Anjali Bhargava, Addl. Central Govt. Standing Counsel, R/o Bisht Bhavan, Hemant Kunj, Pilgrim Loge Compound, (Malital), Nainital Uttarakhand, with the request to inform the Hon'ble Court accordingly in contempt petition No. 194 of 2009.
6. FF(P) Section.
7. Guard File.


(Om Prakash)

Under Secretary to the Government of India

of his application i.e. 22.3.2005 onwards and as revised from time to time plus Dearness Relief at the rates admissible from time to time to Shri Omkar Nath Shastri S/o Late Shri Briz Mohan Lal Shastri R/o Village Bareilly Nagar, P.O. Kilakhera, Tehsil Gadarpur, District Udham Singh Nagar. Uttarakhand.

4. The pension will be for the lifetime of the recipient and would be in addition to pension, if any, sanctioned by the State Government. This sanction will be subject to review by the President. In particular, it is liable for cancellation/modification without any notice if it is found that it was sanctioned on mistaken ground/false information. The Government have also the full right to the recovery of the wrongly drawn pension in case the pension is cancelled.

5. The expenditure involved will be debitable to the Major Head "2235" – 60-Other Social Security and Welfare Programmers, 60.107-Swatantrata Sainik Samman Pension Schemes-03- Central Government Pension,(Miner Head), 03.00.04-Pensionary Charges under Demand No. 55 –Other expenditure of the Ministry of Home Affairs for the financial year 2011-2012.


6. Shri Omkar Nath Shastri is being advised to submit four sets on separate sheets of the following documents in original to this Ministry..

- (a) Joint Photographs of his own, spouse and unmarried /unemployed daughters duly attested on front side. In case he has no unmarried/unemployed daughters, he should make a statement to that effect.
- (b) Specimen signature.
- (c) Impression of thumb and four fingers of left/right hand.
- (d) Descriptive Roll, i.e. identification marks.
- (e) Affidavit on a non-judicial stamp paper about her status as dependent of freedom fighter indicating date of birth and educational qualification etc., and
- (f) Name and address of the Nationalized Public Sector Bank and Bank (with full signature and date) Account No. and copy of the passbook.
- (g) BSR Code(Basic Statistical Return Code) of the Bank Branch from where you want to draw the pension.

6 The documents mentioned above will be passed on to you as soon as received from the applicant for issuing pension payment order.

7 This issues under the powers delegated to this Ministry and with the approval of the competent authority.

Yours faithfully,


(Om Prakash)

Under Secretary to the Government of India

Copy By Speed Post for information and necessary action to:

- 1 The Secretary , Home (General – 3) Department Government of Uttarakhand, Dehardun, Uttarakhand.