

Kerala High Court

Smt.Pullanhiyodan Kalliani Amma vs The Union Of India on 9 March, 2010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 7581 of 2010(W)

1. SMT.PULLANHIYODAN KALLIANI AMMA,  
... Petitioner

Vs

1. THE UNION OF INDIA, REP. BY ITS UNDER  
... Respondent

2. THE STATE OF KERALA, REP. BY ITS

3. THE DISTRICT COLLECTOR KANNUR.

For Petitioner :SRI.V.C.JAMES

For Respondent : No Appearance

The Hon'ble MR. Justice T.R.RAMACHANDRAN NAIR

Dated :09/03/2010

O R D E R

T.R. Ramachandran Nair, J.

W.P.(C) No. 7581 of 2010-W

Dated this the 9th day of March, 2010.

JUDGMENT

The petitioner is the widow of late Shri Ettissery Kuttiat Kannan Nambiar. He had participated in the Kavumbhai struggle and was entitled to get pension under the Swathanthratha Sainik Samman Pension Scheme of the Central Government. The said said struggle is one recognized for sanction of SSS pension. The late husband of the petitioner had suffered imprisonment for a period of 8 months and 25 days in connection with the above struggle. Ext.P1 is the true copy of the convict register issued by the Central Prison, Kannur in that regard. The application forwarded for grant of pension

directly to the first respondent, was directed to be forwarded to the State Government with a direction to the State Government to scrutinize the same and send a verification and entitlement to pension report along with their specific recommendation. Ext.P2 is the reply dated 17.9.1998 given in this regard. The application was processed by the District Collector and forwarded to the State Government as evidenced by Ext.P3 communication dated 24.5.1999. Therein, the details regarding the suffering of the late husband of the petitioner have been mentioned after verifying the jail certificate. By Ext.P4, the State Government forwarded the papers to the Central Government along with their recommendation. The same is dated 22.7.1999. He was a recipient of Thamrapathra also, as evidenced by Ext.P6. Ext.P5 is the copy of the order sanctioning pension under the Kerala Freedom Fighters Pension Scheme, to the petitioner.

2. Heard learned counsel for the petitioner, learned Asst. Solicitor General for the first respondent and learned Govt. Pleader for respondents 2 and 3.

3. There will be a direction to the first respondent to take a decision on the application for grant of SSS pension, especially in the light of the recommendation made by the State Government as per Ext.P4 and after examining all documents, within a period of five months from the date of receipt of a copy of this judgment. The petitioner will forward a copy of the writ petition along with a copy of this judgment for compliance.

The writ petition is disposed of as above. No costs.

(T.R. Ramachandran Nair, Judge.) kav/