

A

SHAKUNTLA DEVI
v.
UNION OF INDIA AND ANR.

OCTOBER 3, 2005

B

[R.C. LAHOTI, CJ., AND G.P. MATHUR AND P.K.
BALASUBRAMANYAN, JJ.]

Constitution of India, 1950:

C

Article 32—Freedom Fighters Pension—Claimed in writ petition—Held, the case does not call for consideration in exercise of jurisdiction under Article 32—Such matters, wherever the petitioners have a genuine grievance, can better be dealt with by the High Court—Filing of such petitions in this Court directly by invoking Article 32 of the Constitution has to be discouraged.

D

CIVIL ORIGINAL JURISDICTION : Writ Petition (C) No. 10 of 2005.
(Under Article 32 of the Constitution of India).

E

Madan Mohan Rai, Husband of the Petitioner, Mrs. K. Sarada Devi, (SCLSC) for the Petitioner.

E

The following Order of the Court was delivered:

ORDER

F

We have heard Mr. Madan Mohan Rai who states that he is the husband of the petitioner herein. Pursuant to the order dated 25.8.2005 Mrs. K. Sarada Devi, Advocate has been appointed as legal aid counsel for the petitioner. She has also been heard by us.

G

We have also perused the contents of the writ petition and the documents annexed therewith. We are satisfied that the case does not call for consideration in exercise of our jurisdiction under Article 32 of the Constitution of India.

H

We are constrained to observe that a number of cases are being filed in this Court wherein the petitioners claim themselves to be freedom fighters and hence entitled to pension under a scheme framed by the Central

Government. In most of these cases, the State Governments have found the petitioners' not entitled to the grant of such pension and, therefore, their cases have not been recommended by the State Governments to the Central Government. By filing petitions under Articles 32 of the Constitution before this Court the State Governments are being noticed to appear and show cause here and also to produce the relevant documents. We feel that such matters, wherever the petitioners have a genuine grievance, can better be dealt with by the High Court. Filing of such petitions in this Court directly by invoking Article 32 of the Constitution has to be discouraged.

The writ petition is dismissed with liberty to the petitioner to file an appropriate petition in the High Court, if so advised.

R.P.

Writ Petition dismissed.