

WP NO 7479/2002

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 28TH DAY OF MARCH, 2003

B E F O R E

THE HON'BLE MR JUSTICE CHANDRASHEKARAIHAH

WRIT PETITION NO.7479 OF 2002(GM-FF)

BETWEEN:

Yellappa Jabagoudra,
S/o Ningappa Jabagoudra,
Aged about 80 years,
R/o Suladhala Village & Post,
Gokaka Taluk,
Belgaum District

PETITIONER

(By Sri.B H Mahesh Babu & K V Jyothi, Advocates)

AND:

1 The Govt of India,
Ministry of Home Affairs,
Freedom Fighter's Pension Division,
Lokanayaka Bhavan,
New Delhi-110 001
Represented by its
Under Secretary

2 The Govt of Karnataka,
Dept of Personal & Administrative
Reforms(Political Pensions),
11th Floor, Main Tower,
Visweswarayya Centre,
Bangalore-560 001
Represented by its
Under Secretary

RESPONDENTS

(By Smt Shobha Patil, HCGP for R 2
Sri R Veerendra Sharma, CGSC for R 1)

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WP NO 7479/2002


This Writ Petition is filed under Articles 226 and 227 of the Constitution of India, praying to direct R 1 to accept the cause already shown to the show cause notice vide Annexure-C dated 31 10 1977 revoke the suspension of pension sanctioned on 14 12 1974 and restore the pension sanctioned to the petitioner and pay the amount of pension withheld from 1 11 1977 together with the revision effected on and from 1 8 1980 and 1 6 1985 together with interest at the rate of 6% P A till the date of payment, for the inordinate delay caused in the matter of holding enquiry for the past twenty-five years

This Writ Petition coming on for preliminary hearing in 'B' Group this day, the Court made the following:

ORDER

The petitioner in this Writ Petition has sought for quashing of Annexure-C under which, the pension granted to the him was suspended and for restoration of pension sanctioned to him

2 This Court by an interim order dated 22 10 2002 has directed the respondents to consider and pass appropriate order by



WP NO 7479/2002

considering the documents already submitted by the petitioner for grant of pension On 26 2 2003 since the respondents have not furnished the information regarding compliance of the interim order, I passed an order directing the office to issue a show-cause-notice as to why contempt proceedings shall not be initiated

3 Now the counsel for the respondents have filed an affidavit along with an order passed by the respondents on 31st January, 2003 Accepting the cause shown in the affidavit, I order to drop any further proceedings under the Contempt of Courts Act

4 Since the respondents have passed the order granting pension in favour of the petitioner, this Writ Petition does not survive for consideration If at all the petitioner is aggrieved of the order at Annexure-R-I which is produced along with the affidavit, it is open for the petitioner to challenge the same

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WP NO 7479/2002

5 With this observation, I pass the following order:

Writ Petition is dismissed as having become infructuous

Sd/3
Judge

gng/-