

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 63 OF 2009

SUBEDAR MISHRA

Petitioner(s)

VERSUS

UNION OF INDIA TR.SEC.& ANR.

Respondent(s)

I.A.No.1(Appln.for exemption from filing O.T.)

Date: 15/11/2010 This Petition was called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s) Mr. C.L. Sahu,Adv.
 Mr.P.C.Srivastava,Adv.
 Mr.Manmohan Sharma, Adv.

For Respondent(s) Ms.Indra Jaisingh, ASG
 Ms.Sadhana Sandhu, Adv.
 Mr.C.K.Sharma, Adv.
 for Mr. Shreekant N. Terdal,Adv.

Mr.Pramod Swarup, Sr.Adv.
Mr.Ameet Siingh, Adv.
Mr.Manoj Dwivedi, Adv.
For Mr. Gunnam Venkateswara Rao ,Adv

UPON hearing counsel the Court made the following
O R D E R

We have heard learned counsel for the parties.

A detailed affidavit has been filed on behalf of the Under Secretary to the Government of India in which it is enumerated that the petitioner's request for grant of pension cannot be acceded and the case of the petitioner was considered and rejected on 20.09.2007 on the following grounds :

1. ".He has not furnished any acceptable record based primary evidence in support of his claimed jail suffering and underground suffering.
2. He has not furnished a valid non-availability of records certificate from the State Government of Uttar Pradesh (I.e. competent authority) containing all ingredients prescribed therefor as detailed in para 1 above.
 : 2 :
3. In the absence of a valid NARC secondary evidence I.e. the Co-prisoner certificate (CPC) and personal knowledge certificate (PKC) cannot be considered and are not acceptable.
4. The State Government of Uttar Pradesh in its letter dated 11.05.2007 has not recommended his case for grant of Samman Pension."

In the facts and circumstances of this case, learned counsel appearing for the petitioner undertakes to file all necessary documents before the Central Government within four weeks and after receiving all the documents, the matter would

be decided de novo by the Central Government within three months from the date of receipt of the representation.

With these observations, the Writ Petition is disposed of.

(G.V.Ramana)
Court Master

(Neeru Bala Vij)
Court Master