



W.P.No.27675 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 08.07.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.27675 of 2024

S.Susila

Petitioner(s)

Vs.

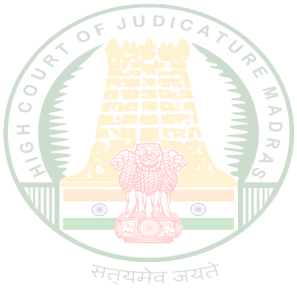
1.The Secretary
Public (Political Pension)
Department, Secretariat, George Fort,
Chennai 9

2.The District Collector of Chennai
Chennai 600 001.

3.The Tahsildar of Thiruvottiyur
Thiruvottiyur,
Chennai 19.

Respondent(s)

Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent pertaining to the order dated 16.08.2024 of the first respondent made in Government A.O.No.12398/Ao-3(1)/2019-10 and quash the same and direct the first respondent to comply the order of the W.P.No.34069/2019 dated 22.04.2022 of the petitioner.



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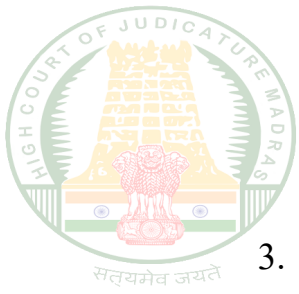
For Petitioner : Mr.V.Nandagopalan

For Respondents : Mr.M.Sivavarthanan
Government Counsel

ORDER

The petitioner challenges the order dated 16.08.2024 passed by the first respondent, whereby her claim for grant of Freedom Fighter Pension under the Swatantrata Sainik Samman Pension Scheme, 1980, from the date of her application dated 03.11.2001, was rejected.

2. The petitioner is the wife of late P. Sivaprakasam. According to her, her husband was a member of the Indian Independence League (I.I.L.) and served as a propagandist in the Thinganjan Branch, Rangoon, Burma, under the leadership of Netaji Subhas Chandra Bose. It is claimed that he participated in the freedom movement under the leadership of C.S. Naidu, Chairman of the Thinganjan Branch, and was arrested in 1943 and imprisoned in the Central Jail, Rangoon. It is further stated that he applied for both the State and Central Freedom Fighter Pension by submitting an application dated 21.06.2005, but passed away before his claim was decided.



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3. The petitioner's earlier claim for Freedom Fighter Pension was rejected, which led to the filing of W.P.No.34069 of 2019. By order dated 22.04.2022, this Court allowed the writ petition and directed the respondents to sanction pension along with arrears. Challenging the said order, the State preferred W.A. No.2358 of 2024. The Division Bench set aside the order of the learned Single Judge and directed the first respondent to reconsider the petitioner's claim, taking into account the report of the State Level Screening Committee, and pass fresh orders. Pursuant thereto, the impugned order came to be passed.

4. Learned counsel for the petitioner submitted that the report of the State Level Screening Committee, the co-prisoner certificate, and the certificate issued by the I.N.A. Freedom Fighter Pension Committee clearly establish that the petitioner's husband had participated in the freedom movement and was imprisoned in Rangoon Central Jail in 1943. It was therefore contended that the rejection of the claim is unsustainable.

5. Learned Government Counsel, on the other hand, submitted that the documents relied upon by the petitioner contain material inconsistencies. While the petitioner claims that her husband was arrested in 1943, the co-prisoner



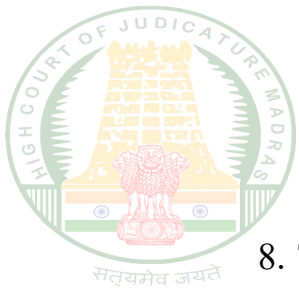
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certificate states that the alleged co-prisoners were imprisoned only from May

1945 to December 1945. It was further submitted that the transfer certificate produced by the petitioner is fabricated. Reliance was also placed on the communication issued by Dr.(Col.) Lakshmi Sehgal, advising the Government not to accept any certificate unless it is supported by proof of primary membership in the I.N.A./I.I.L., identity card, and other supporting records. Since no such primary evidence has been produced, it was contended that the claim was rightly rejected.

6. The submissions made on either side and the materials placed on record have been carefully considered.

7. The petitioner has produced a transfer certificate said to have been issued by the Immanuvel Educational Society, Rangoon, certifying that her husband studied in the school from 11.06.1932 to 26.05.1940. However, the records show that the Educational Society itself was established only in 1950. Therefore, a certificate issued by an institution which came into existence after the relevant period cannot be accepted as genuine. This clearly casts serious doubt on the authenticity of the transfer certificate.



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8. The petitioner has also relied upon a certificate dated 13.01.2006 said

to have been issued by the I.N.A. certifying that her husband was a member of the Indian Independence League. However, the respondents have produced the communication dated 29.07.1998 issued by Dr. (Col.) Lakshmi Sehgal to the Joint Secretary to Government, specifically directing that no certificate should be accepted unless it is accompanied by proof of primary membership in the I.N.A./I.I.L., identity card, and other supporting documents. In the absence of such primary records, the certificate relied upon by the petitioner cannot be accepted.

9. The petitioner has further relied upon a co-prisoner certificate. However, the co-prisoners have stated that they were imprisoned in Rangoon Central Prison only from May 1945 to December 1945, whereas the petitioner's consistent case is that her husband was arrested and imprisoned in 1943. This material inconsistency weakens the petitioner's claim. Further, the co-prisoner certificate itself shows that the co-prisoners had undergone imprisonment for only eight months, whereas the applicable scheme requires the prescribed minimum period of imprisonment for such certificates to be accepted. Therefore, the co-prisoner certificate issued by Thiru V. Kandhasamy and Thiru G. Natesan cannot be treated as valid supporting evidence.



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10. The first respondent has examined all the documents produced by the petitioner and has rightly concluded that the petitioner has failed to establish that her husband participated in the freedom movement or underwent imprisonment in Rangoon Central Jail as claimed. This Court finds no illegality or perversity in the impugned order warranting interference under Article 226 of the Constitution of India.

11. Accordingly, the Writ petition is dismissed. There shall be no order as to costs.

08.07.2026

Index : Yes/No
Speaking order : Yes/No
dna



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HEMANT CHANDANGOUDAR.J.,

dna

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