



W.P.No.34866 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.07.2026

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.34866 of 2024

R.Anthonymmal

... Petitioner

vs.

1. The Under Secretary to Government of India
Ministry of Home Affairs
Freedom Fighters Divisions
2nd Floor, NDCC – II Building,
Jai Singh Road, New Delhi – 110 003.
2. The Assistant Accounts Officer (NP3)
Central Pension Accounting Officer
Trikoort – II, Bhikaji Cama Place
New Delhi – 110 066.
3. The Senior Accounts Officer
Pay and Account Office (Pension and Miscellaneous)
Ministry of Home Affairs
2/10, Jamnagar House, New Delhi – 110 011. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying a writ of Certiorarified Mandamus, to call for the records of the first respondent pertaining to the order dated 06.08.2014 made in file No.45/03/2014-FF(P) in the (Annexure – R2, 5.2 para) quash the same and



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direct the first respondent to provide the Central Government Freedom Fighter Dependent Pension from the date of 08.10.2020 to 08.06.2021 along with 12% interest per annum for belated payment.

* Prayer amended vide order dated 15.09.2025 made
in W.M.P.No.39178 of 2025 in W.P.No.34866 of 2024

For Petitioner : Mr.V.Nandagopalan
For Respondents : Mr.R.Sanjay
Central Government Standing Counsel
for Mr.R.Rajesh Vivekananthan
Deputy Solicitor General of India

ORDER

The petitioner has challenged paragraph 5.2.2 of the Guidelines for Disbursement of Central Samman Pensions (“the Guidelines”) issued by the first respondent, insofar as it provides that dependent pension shall be payable to the spouse/daughter of a Freedom Fighter only from the date of submission of the application and not from the date of death of the pensioner.

2. The petitioner’s husband was a Freedom Fighter and was granted Freedom Fighter Pension by both the Central and State Governments with effect from 27.03.1998. He died on 08.10.2020 and, consequently, his pension was discontinued. The petitioner submitted an application on 22.07.2021



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seeking dependent pension. Her application was allowed and dependent pension was granted from the date of the application. The petitioner contends that she is entitled to dependent pension from the date of death of her husband and not merely from the date of her application. Hence, this writ petition.

3. Learned counsel for the petitioner submitted that paragraph 5.2.2 of the Guidelines is arbitrary and has no rational basis. According to him, there is no justification for restricting dependent pension to the date of application, particularly when paragraph 5.2 of the Guidelines contemplates transfer of pension to the dependent upon the death of the pensioner.

4. Learned Central Government Standing Counsel appearing for the respondents submitted that paragraph 5.2.2 was consciously incorporated as a policy safeguard. It is intended to ensure that claims are made within a reasonable time, eligibility is promptly verified and belated or unverifiable claims are avoided. Since the petitioner applied for dependent pension only on 22.07.2021, the pension was rightly granted from that date in accordance with the Guidelines. It was therefore submitted that paragraph 5.2.2 is neither arbitrary nor discriminatory and that the writ petition is liable to be dismissed.



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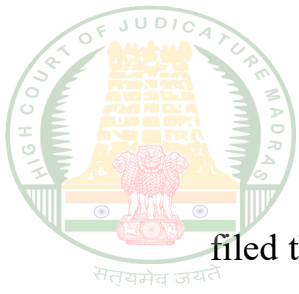
5. The rival submissions have been considered.

6. There is no dispute that the petitioner's husband was receiving Freedom Fighter Pension and that, upon his death, the petitioner became eligible to claim dependent pension subject to the conditions prescribed under the Guidelines.

7. Paragraph 5.2 of the Guidelines deals with transfer of pension to the spouse/daughter after the death of the pensioner. It provides that where an application is made within six months from the date of death, the claim can be processed by the Bank. Where the application is made beyond six months, the Bank is required to refer the matter to the Ministry, which has to decide whether dependent pension should be granted and whether arrears should be paid.

8. Paragraph 5.2.2, however, provides that dependent pension shall be payable only from the date of submission of the application by the spouse/daughter and not from the date of death of the pensioner.

9. Thus, the Guidelines contemplate two categories of applications: those filed within six months from the date of death of the pensioner and those



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filed thereafter. According to the respondents, the requirement is intended to facilitate timely verification of claims and to prevent belated or unverifiable claims. Such an object may justify closer scrutiny of a belated application. However, it does not, by itself, provide a reasonable basis for denying arrears of pension from the date of death once the Ministry has examined the belated application and found the dependent otherwise eligible for pension.

10. Significantly, paragraph 5.2 does not provide that an application made beyond six months shall stand rejected. On the contrary, it requires such an application to be referred to the Ministry for consideration, including the question whether arrears are to be paid. Therefore, once the competent authority accepts the claim and finds the applicant eligible for dependent pension, restricting the pension in every case to the date of application, solely because the application was filed beyond six months, has no rational nexus with the object sought to be achieved.

11. The respondents have not placed any material before this Court to justify such differential treatment. Delay in submitting an application may justify verification of the claim and consideration of the reasons for the delay, but it cannot automatically deprive an otherwise eligible dependent of pension



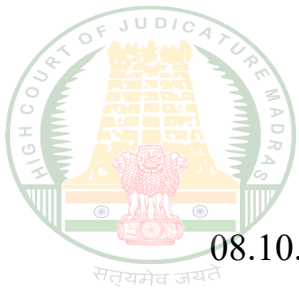
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for the intervening period. Such an automatic restriction would also be inconsistent with paragraph 5.2, which expressly leaves the question of payment of arrears open for consideration by the Ministry.

12. In the present case, the petitioner's entitlement to dependent pension has already been accepted by the respondents. The only dispute is regarding the date from which such pension is payable. In these circumstances, denying pension for the period between the death of the pensioner and the date of application merely on the basis of paragraph 5.2.2 cannot be sustained.

13. Accordingly, the Writ Petition is allowed. Paragraph 5.2.2 of the Guidelines, insofar as it mandates that dependent pension shall be payable only from the date of application and not from the date of death of the pensioner, is declared inoperative and shall not be given effect to.

14. Consequently, the petitioner is entitled to dependent pension with effect from 08.10.2020, the date of death of her husband, and not merely from 22.07.2021, the date of her application. The respondents are directed to calculate and pay the arrears of dependent pension for the period from



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08.10.2020 to 21.07.2021 within a period of two months from the date of receipt of a copy of this order.

15. If the arrears are paid within the aforesaid period, they shall not carry interest. In the event of failure to pay the arrears within the stipulated period, the amount shall carry interest at 6% per annum from 08.10.2020 until the date of actual payment. There shall be no order as to costs.

23.07.2026

Speaking / Non-speaking order
Neutral Citation : Yes / No
Index : Yes / No

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To

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HEMANT CHANDANGOUDAR, J.,

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