

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

WP(C).No. 21713 of 2007 (I)

PETITIONER(S) :

MR.S.ABDUL KARIM,
CHAVARIKKUZHI HOUSE, THEKKUMBAGAM P.O.,
PARAVOOR SOUTH, KOLLAM DISTRICT.

BY ADVS.SRI.JOHN.K.GEORGE
SRI.P.K.VARGHESE
SRI.K.S.ARUNKUMAR

RESPONDENT(S) :

1. UNION OF INDIA,
REP. BY THE DEPUTY SECRETARY TO THE GOVT.OF INDIA,
MINISTRY OF HOME AFFAIRS, FREEDOM FIGHTERS DIVISION,
FIRST FLOOR, LOKA NAYAK BHAVAN, NEW DELHI.

* ADDITIONAL R2 IMPEADED

2. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERALA ADMINISTRATION (FFPB),
SECRETARIAT, THIRUVANANTHAPURAM.

* ADDITIONAL R2 IS IMPEADED AS PER ORDER DATED 04.09.2007 IN
I.A.NO.11614 OF 2007.

R1 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 BY SR.GOVERNMENT PLEADER SRI.E.M.ABDUL KHADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: A TRUE COPY OF THE ORDER PASSED BY THE DISTRICT
COLLECTOR DATED 13.11.1998.**

**EXHIBIT P2: A TRUE COPY OF THE APPLICATION DATED 12.08.2000
SUBMITTED BY THE PETITIONER TO THE RESPONDENT.**

**EXHIBIT P3: A TRUE COPY OF THE CERTIFICATE DATED 20.04.1996 GIVEN BY
SRI.PADMANABHAN.**

**EXHIBIT P4: A TRUE COPY OF THE CERTIFICATE DATED 20.04.1996 GIVEN BY
SRI.GEE VARGHESE UNNOONNI.**

**EXHIBIT P5: A TRUE COPY OF THE CERTIFICATE DATED 17.04.1996 GIVEN BY
SRI.C.V.PADMARAJAN.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

A.M. SHAFFIQUE, J.

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W.P. (C) No. 21713 of 2007

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Dated this, the 9th day of November, 2015

J U D G M E N T

Petitioner had approached this Court seeking for a direction to the respondents to grant central pension for freedom fighters to the petitioner from the date of application. It is alleged that the petitioner was a freedom fighter who was involved in a freedom struggle and he was already granted pension by the State Government. No other material is seen mentioned in Ext.P2 application. The concerned freedom struggle in which he was involved is also not specified. He has only produced certificate from one Padmanabhan stating that he had suffered imprisonment for two years i.e, from 1938 to 1947 and the applicant was underground from 2/9/1938 to 8/5/1939. Another certificate is also produced as Ext.P4 from one Geevarghese Unnonni which also indicates the same fact.

2. No materials had been produced to indicate that an application has been filed before the State Government. In fact, the application has to be forwarded to the Central Government

-:2:-

through State Government. No materials had been produced to indicate so. State of Kerala is impleaded as additional respondent.

Under such circumstances, I am of the view that this writ petition can be disposed of as under;

The petitioner is permitted to submit an application to the State Government with all necessary particulars and if the State Government recommends the pension, thereafter, it shall be considered by the 1st respondent in accordance with the procedure prescribed under the Swathantrata Sainik Samman Pension Scheme and appropriate orders shall be passed.

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp
11/11/2015

//True Copy//

P.S to Judge