

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.8.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.1807 and 4464 of 2015 and M.P.No.1 & 1 of 2015

- 1 Nagoor Gani
S/o.Abdul Rahman,
Kamaraj Nagar Korukupet
Chennai-21 PETITIONER IN W.P.
No.1807/2015
- Kadavul
S/o.Subbiah Chettiar,
No.36 Sanjeeva Rayan Koil Street,
Old Washermanpet Chennai-21. ... PETITIONER IN
W.P. No.4464/2015
- Vs.
- 1 The Principal Secretary to
Government of Tamil Nadu,
Public (Political Pension III) Dept.,
Secretariat, Fort St. George Chennai-9.
- 2 The District Collector
Chennai District Chennai. RESPONDENTS IN
BOTH W.Ps.

PRAYER IN W.P.No.1807/2015:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari Mandamus, calling for the proceedings of the 1st respondent Vide his proceedings G.O.Ms.No.14107 dated 1.2.2014 and quash the same and consequently direct the 1st respondent to give the freedom fighter pension from the date of application with interest fixed by this Honourable court for the delay period.

PRAYER IN W.P.No.4464/2015:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari Mandamus, Calling for the records relating to the proceedings of the 1st respondent vide retirement payment order No.14112 dated 22.9.2014 and quash the same and consequently direct the 1st respondent to pay the

arrears of freedom fighter pension payable from the date of application i.e. on 11.12.2009 with interest rate fixed by this Honourable Court within a specified period.

For Petitioner in both

W.Ps. : Mr.T.Muruganantham

For Respondents-1&2 : Mr.S.Pattabiraman, G.A.
in both W.Ps.

O R D E R

In both these case, the petitioners have been given freedom fighter pension on the ground that they were members of the Indian National Army.

2 Now, the only question that arises for consideration is that as to whether the petitioners are entitled for the said payment from the date of their original application.

3 The learned counsel for the petitioner has made reliance upon the two orders passed by the Government, dated 22.9.2014 and 12.12.2012.

4 A perusal of the record would show that the petitioner who have not produced relevant documents at the time of earlier application made on the request made by the respondents, they have given those documents from time to time. Now, the Annexure to the Madras Freedom Fighters Pension Rules says as under:

'14. The pension sanctioned under these rules will be payable from the date of issue of the sanction order and it cannot be commuted in exchange for a lump-sum

5 Thus, pension sanctioned under Rules will be payable from the date of issuance of sanction order. The two orders passed were based upon the peculiar facts of the case. Even in the order, dated 22.9.2014, it was ordered to be paid from the date of filing of the writ petition and not from the date of application. It is not clear whether it has taken into consideration the applicability of Annexure to the rule. Similarly, the application was made prior to 29.7.1998 the date on which it was processed. Even then the pension was paid from only 9.8.2001 onwards. It is also not known as to whether in these two cases, the applications were in order or not.

6 Thus, in view of the facts of the case and taking note of the Annexure 14 of the Madras Freedom Fighters Pension Rules as referred to supra, relief sought for cannot be granted.

Accordingly, the writ petition is dismissed. No costs.
Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1 The Principal Secretary to Government,
Govt. of Tamil Nadu,
Public (Political Pension III) Dept.,
Secretariat, Fort St. George Chennai-9.

2 The District Collector
Chennai District Chennai.

+2ccs to Mr.T. Muruganathan, Advocate, S.R.No.43675

+2ccs to the Government Pleader, S.R.No.43676

GP(CO)
EU(04/09/2015)

W.P.No.1807 and 4464 of 2015
and M.P.No.1 & 1 of 2015

सत्यमेव जयते

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