

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.02.2015

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.4754 of 2015

M.Jayanarayanan

.. Petitioner

Versus

1. The Union of India Rep.by its  
Under Secretary to the Government of India  
Ministry of Home Affairs/ Freedom Fighters Division  
1<sup>st</sup> Floor, Lok Nayak Bhavan, Khan Market  
New Delhi.

2. The Government of Pondicherry  
Rep.by its Joint Secretary to the  
Government (Home)  
Freedom Fighters Cell  
Pondicherry - 1

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1<sup>st</sup> Respondents to consider the petitioners representation dated 02.2.2014 given for grant of Swatantrata Sainik Samman Pension Scheme.

For Petitioner : Mr. A.Arunbabu  
For R1 : Ms. M.Christella  
Central Government Standing Counsel

For R2 : Mr.A.Tamilvanan  
Government Advocate

ORDER

Heard Mr. A. Arunbabu, learned counsel for the petitioner, Ms.M.Christella, learned Central Government Standing Counsel for the first respondent and Mr.A.Tamilvanan, learned Government Advocate for the second respondent. By consent, the Writ Petition itself is taken up for disposal at the admission stage.

2. The petitioner in this writ petition seeks for grant of freedom fighter pension under the Swatantra Sainik Samman Pension Scheme of the Central Government. The petitioner submitted his application on 11.5.1993 followed by representation dated 12.12.2005 and another application dated 29.1.2014.

3. As rightly pointed out by the learned Government Advocate appearing for the second respondent, the petitioner has to submit the application to the second respondent and after verification only, the second respondent will forward the same to the first respondent. However, it is seen that the petitioner has not given any such application to the second respondent.

4. In the light of the above, the petitioner is directed to submit a fresh application along with copy of the application dated 29.01.2014 along with the copy of this order and the representation requesting the second respondent to consider his application and forward the same to the first respondent. As and when the petitioner submits such a representation along with fresh application along with the copy of the earlier applications and the copy of this order, the second respondent is directed to conduct enquiry on the same and if the petitioner is found to be eligible in the opinion of the second respondent, the application shall be forwarded to the first respondent with proper recommendation. If the petitioner is found to be not eligible in the opinion of the second respondent, then appropriate orders assigning reasons shall be passed and communicated to the petitioner after issuing show cause notice to the petitioner. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Under Secretary to the Government of India  
Ministry of Home Affairs/ Freedom Fighters Division  
1<sup>st</sup> Floor, Lok Nayak Bhavan, Khan Market  
New Delhi.

2. The Joint Secretary to the  
Government of Pondicherry  
Government (Home)  
Freedom Fighters Cell, Pondicherry - 1

1 cc to Mr.S.Arun Babu ,Advocate, SR.No.9919  
1 cc to Mr.M.Chrislella ,Advocate, SR.No.9929

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