



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.A. (MD) No.142 of 2015

and

M.P. (MD) No.1 of 2015

1. The Joint Secretary to Government,
Public (Political Pension IV) Department,
Fort St. George,
Chennai 9.

2. The District Collector,
Madurai District, Madurai.

3. The Tahsildar,
Mellur Circle,
Mellur Taluk,
Madurai District.

4. The Village Administrative Officer,
Kodukampatti Village,
Mellur Taluk,
Madurai District.

... Appellants/Respondents

Vs.

V. Dhanushkodi

... Respondent/Petitioner

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent against the order dated 06.08.2014 made in W.P. (MD) No.1218 of 2013 by this Court.

Prayer in WP (MD). No.1218/2013: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 31.01.2011 made in Na.Ka.No. 69989/08/Y4 passed by the 2nd respondent and consequential memorandum made in Na.Ka.No. 3828/2012/Y4 dated 19.06.2012 passed by the 2nd respondent and quash the same and consequently direct the respondent to grant State Freedom Fighter Pension to the petitioner from his original date of application i.e., 18.02.2007 within time stipulated by this Court.

For Appellant : Mr. M. Manohar, Spl. G.P.

For Respondents : Mr. T. Antony Arul Raj

JUDGMENT

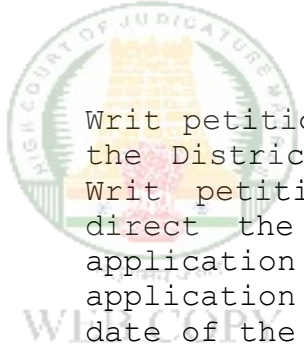
(Judgment of this Court was delivered by S.TAMILVANAN, J.)

The Writ Appeal has been preferred challenging the order dated 06.08.2014 made in W.P. (MD) No.1218 of 2013 by the Learned Single Judge of this Court.

2. Heard the learned Special Government Pleader appearing for the appellants as well as the learned counsel appearing for the respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3. As per the impugned order, the Learned Single Judge allowed the



Writ petition setting aside the impugned order dated 31.01.2011 passed by the District Collector, Madurai District, the second respondent in the Writ petition and also the consequential order dated 19.06.2012 and direct the appellants 1 and 2 herein to consider the respondent's application and grant freedom fighters pension from the date of his application i.e., on 18.02.2007 within a period of eight weeks from the date of the receipt of the copy of the order.

4. Having gone through the impugned order and the grounds raised by the appellants, we are of the view that the grounds raised by the appellants are legally not sustainable against the impugned order. The Learned Single Judge having considered the supporting documents produced by the respondent / Writ petitioner has held that the respondent / Writ petitioner has proved that he is a freedom fighter and entitled to claim pension and hence, rejection of his claim should not be justified.

5. The respondent / petitioner had approached the District Scrutiny committee relating to freedom fighters' pension. It is not in dispute that freedom fighter Mr. G. Mayandi Bharathy, Mr. A. C. Periyasamy and Mr. A. M. Lakshmanan were the members of the said committee and they have recognized the petitioner's name for the grant of freedom fighter's pension. The plea of the appellants is that the respondent / petitioner had not completed the age of 18 years during the freedom movement, however, we are of the considered view that the said plea has no relevancy for denying pension to the Writ petitioner as freedom fighter. In the detailed order, the Learned Single Judge has discussed the supporting materials produced by the respondent / Writ petitioner and held that the respondent / petitioner was one of the freedom fighters and undergone imprisonment and that factum has been established. As there are sufficient materials available in favour of the respondent / petitioner to decide that he is a freedom fighter and undergone imprisonment and that has been recognized by the said committee of the respectable Freedom Fighters, it is not open to the appellants raise objection stating that the respondent / Writ petitioner was only a minor during the said period of Independence Movement.

6. On the aforesaid facts and circumstances, we could find no error or infirmity in the order passed by the learned Single Judge holding that the respondent / petitioner is a freedom fighter and entitled to get pension as a freedom fighter. Accordingly, we are of the view that the Writ Appeal is liable to be dismissed.

7. In the result, the Writ Appeal is dismissed confirming the order passed by the learned Single Judge in W.P. (MD) No. 1218 of 2013. The appellants are directed to disburse the freedom fighter pension in favour of the respondent / Writ petitioner within a period of 8 weeks from the date of receipt of a copy of this order without causing any delay. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar-RTI

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To

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Madurai District.

+1cc to Mr.T.Antony Arulraj, Advocate SR.No.13547
+1cc to the special Government Pleader SR.No.13742

sm:28.04.2015:3P/7C
nbj

W.A. (MD) No.142 of 2015
18.03.2015