



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR. JUSTICE V.S.RAVI

W.A.(MD)No.93 of 2015

and

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

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

2.The District Collector,
Madurai District. Madurai. ... Appellants/Respondents

Vs.

V.M.Thirunavukkarasu ... Respondent/Petitioner

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent Act, to set aside the order dated 25.03.2014 passed in W.P.(MD) No.11653 of 2012 by a Learned Single Judge of this Court.

Prayer in WP(MD). 11653/ 2012: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS, to call for the records relating to the impugned order in Na.Ka.No.99371/2006/Y4 dated 10-11-2011 of the 2nd Respondent and quash the same and direct the Respondents to grant the freedom fighter Pension to the petitioner from the year 1983.

For Appellants : Mr.N.Manoharan, Spl.G.P.

For Respondent : Mr.K.Muthumalai

JUDGMENT

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

The Writ Appeal has been filed seeking an order to set aside the impugned order dated 25.03.2014 passed in W.P.(MD) No.11653 of 2012 by a Learned Single Judge of this Court.



2. Having gone through the grounds raised by the appellants / respondents and the submission made by the learned Special Government Pleader appearing for the appellants / respondents, we are of the view that the respondent has established that he was a freedom fighter and he is entitled to get pension from the State Government that would be available to any freedom fighter.

3. In the impugned order, the learned Single Judge has categorically held that the order dated 10.11.2011 passed by the second respondent is liable to be quashed accordingly, the Writ petition was allowed quashing the impugned order passed by the second appellant / second respondent.

4. As there is no legal grounds available as against the respondent, Writ petitioner, who is freedom fighter, we are of the view that the Writ Appeal is liable to be dismissed confirming the order passed by the Learned Single Judge

5. Accordingly, the Writ Appeal is dismissed and the order passed by the Learned Single Judge is confirmed. The appellants are directed to pay the pension to the respondent / Writ petitioner as freedom fighters, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To

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

2. The District Collector,
Madurai District.

+1cc to Mr.K.Muthumalai, Advocate, in SR. No.8562/15.

+1cc to Special Government Pleader, in SR No.9014/15.

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24.02.2015

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