



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.08.2015

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THE HONOURABLE **MR.JUSTICE R.SUBBIAH**

W.P(MD) .No.15614 of 2015

V.Ponnaiah

...Petitioner

Vs.

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

2.The District Collector,Thoothukudi District,
Thoothukudi. ...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the second respondent to complete the enquiry pursuant to the enquiry bearing Na.Ka.No.A2/911/2015, dated 11.03.2015 on the petitioner's application for freedom fighter pension, dated 21.06.2014 within a stipulated time and forward the same to the first respondent for further process.

For petitioner : Mr.T.Antony Arul Raj

For Respondents : Mr.S.Kumar,

Additional Government Pleader takes notice

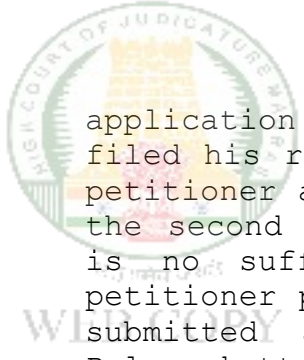
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the second respondent to complete the enquiry pursuant to the enquiry bearing Na.Ka.No.A2/911/2015, dated 11.03.2015 on the petitioner's application for freedom fighter pension, dated 21.06.2014 within a stipulated time and forward the same to the first respondent for further process.

2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents.

3. By consent, this Writ Petition itself is taken up final disposal.

4.It is averred in the petition filed in support of the Writ Petition that the petitioner is a freedom fighter. He participated in several agitations against the British Government. The Tamil Nadu Government have introduced the scheme of pension to the freedom fighters and the petitioner has been certified by the Tamil Nadu Congress Committee in the year 1990 and 1995 and therefore, the petitioner is fully eligible for the freedom fighter pension. Hence, the petitioner submitted an application to the second respondent in the year 2010 to get freedom fighter pension. The second respondent ordered enquiry on the



application submitted by the petitioner. The Revenue Inspector has also filed his report confirming the genuineness of the statement made by the petitioner and recommended the case to the second respondent. However, the second respondent rejected the application on the ground that there is no sufficient evidence available on record to show that the petitioner participated in the freedom fighting. Earlier, the petitioner submitted an application to the Superintendent of Police(Prison), Palayamkottai Central Jail seeking certificate to show that the petitioner was in jail during the period of freedom fighting. By communication, dated 24.07.2010, the petitioner was informed that the file was not traced out and it was misplaced. It is further averred that as per freedom fighter pension scheme, if anyone of the co-prisoner's certificate is enclosed along with the application, then, the same can be considered for the pension under the scheme. Therefore, the petitioner got a certificate from Thiyagi Arumuga Pandian, who was convicted by the Special Magistrate, Tirunelveli and hence once again the petitioner applied for pension on 21.06.2014. In this regard, the petitioner appeared for enquiry and produced all the relevant records. However, no final order is passed. Hence, the petitioner has come forward with the Writ Petition for the above stated relief.

5. Considering the submissions made, without going into the merits of the matter, this Court directs the second respondent to complete the enquiry and pass appropriate orders on the application submitted by the petitioner on 21.06.2014, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

pm

To

1.The Secretary,
Public(Political Pension) Department,
State of Tamil Nadu,
Fort St. George,
Chennai.

2.The District Collector,
Thoothukudi District,Thoothukudi.

+1CC to Spl.Government Pleader Sr.No.50034
+1CC to Mr.T.Antony Arul Raj Advocate Sr.No.49812

GJM/JGB/DP/15.9.15-2P-5C

W.P (MD) .No.15614 of 2015

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