

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.1485 of 2016

Tmt.K.Valli

.. Petitioner

Vs.

1. Government of India,
Rep. by Secretary to Government,
Ministry of Home Affairs
Freedom Fighters Division, 1st Floor,
Lok Nayak Bhavan, Khan Market,
New Delhi-110 003.

2. Government of Tamil Nadu,
Represented by Secretary to Government,
Public (P.P.III) Department,
Secretariat, Chennai-600 009.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to sanction monthly pension to petitioner under the Freedom Fighters Pension Scheme, the date from which the State Government sanctioned pension and disburse the arrears thereof within a reasonable period with 12% interest on the belated payment.

For Petitioner : M/s.T.Dharani

For Respondents : Mr.K.Raju, CGSC for R-1
Mrs.P.Rajalakshmi,
Govt. Advocate for R-2

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent to sanction monthly pension to the petitioner under the Freedom Fighters' Pension Scheme, the date from which the State Government sanctioned pension and disburse the arrears thereof, within a reasonable period, with 12% interest on the belated payment.

2. In the affidavit filed in support of the Writ Petition, it is averred by the petitioner that her late husband

Shri.R.Kayambu was a freedom fighter and I.N.A. Personnel (Civilian Category). He participated in the Indian Independence League "Thingan Gyun" Branch and served as propagandist under the Chairman Shri.C.S.Naidu and office-in-charge Shri.Rajagopalan during 1943 to 1945. After surrender, the petitioner's husband was arrested by British C.I.D. office and imprisoned at Rangoon Central Jail for the period from May 1945 to December 1945. Her husband applied for FF/INA pension on 15.02.1981 and gave representations/reminders to the Central and State Governments, with all relevant records and evidence, which were not considered. Her husband died on 22.04.1990. Thereafter, the petitioner applied on 14.11.1994 to the Government of India for the grant of Freedom Fighters' Pension and also to the Government of Tamil Nadu. It is her further case that though she is eligible for pension under the Government of India Freedom Fighters' Pension Scheme, she is also permissible to get the said pension from the State Government. It is required to produce a certificate to the effect that the applicant for such pension, was imprisoned during the freedom struggle. In this connection, the petitioner relies on the Certificate, dated 05.03.1987 issued by Dr.(Col.).Lakshmi Sehgal, INA, to the petitioner's husband. It is further stated by the petitioner that the Personal Knowledge Certificate, dated 07.11.1999 was issued by the Tamil Nadu I.N.A. Forum, certifying that the petitioner's husband was genuine freedom fighter and was in active service and eligible for Freedom Fighters' Pension under the Tamil Nadu State Government F.F. Pension Scheme. It is her further case that she has fulfilled the criteria for sanction of Freedom Fighters' Pension and she has submitted various representations to the authorities and the last of such representation is dated 27.07.2006 to the first respondent, requesting sanction of monthly pension under the Freedom Fighters' Pension Scheme, 1972, from 01.04.1980, in the light of the sanction under the State Government Freedom Fighters' Pension, but no order has been received by the petitioner. The petitioner prays that as she is about 67 years, a liberal approach may be adopted by the authorities, instead of technical approach in sanctioning the said pension. Since no order has been passed by the first respondent, the petitioner has filed this Writ Petition for the above said relief.

WEB COPY

3. Heard both sides.

4. Without going into the merits of the claim of the writ petitioner, this Writ Petition is disposed of, directing the first respondent to consider the above said representation of the petitioner, dated 27.07.2006 for sanction of Freedom

Fighters' Pension to the petitioner, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Copy to

1. The Secretary to Government,
Government of India,
Ministry of Home Affairs
Freedom Fighters Division, 1st Floor,
Lok Nayak Bhavan, Khan Market,
New Delhi-110 003.
2. The Secretary to Government,
Government of Tamil Nadu,
Public (P.P.III) Department,
Secretariat, Chennai-600 009.

+1cc to Mr.T.Dharani, Advocate Sr.13860
+1cc to Mr.K.Raja, Advocate sR.13622
+1cc to the Government Pleader Sr.1450

Kji[co]
srg 21/03/2016

सत्यमेव जयते

W.P.No.1485 of 2016

WEB COPY