



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2016

CORAM :

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.3640 of 2015

R.Balakrishnan

... Petitioner

Vs.

1. The Secretary to Government
Public (Political Pension-II) Department,
Secretariat,
Chennai - 600 009.

2. The Secretary to Government,
Department of Health and Family Welfare,
Secretariat,
Chennai - 600 009.

3. The District Collector,
Tuticorin District,
Tuticorin.

4. The Tahsildar,
Kovilpatti Taluk,
Tuticorin District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation, dated 24.11.2014, to extend the benefits in G.O.Ms.No.748, Public (political Pension -II) Department, dated 11.8.1995 to grant continuance of the freedom fighter pension under political pension to the petitioner for lifetime as the petitioner is crippled and disabled with Advance Osteoarthritis disease with varus deformity underwent left knee replacement or to grant any other appropriate special life pension to the petitioner to sustain the rest of the life, within stipulated time.

For Petitioner

: Mr.P.Krishnasamy

For Respondents

: Mr.A.Muthukaruppan

Additional Government Pleader

ORDER

The petitioner now aged about 68 years seeking for freedom fighter pension under the category of the son of the freedom fighter



based on the G.O.Ms.No.748, Public (political Pension -II) Department, dated 11.8.1995.

2.The case of the petitioner is as follows:-

His father, by name, Ramasamy was a freedom fighter and receiving freedom fighter pension till his death on 19.05.1974. Subsequently, his mother received family freedom fighter pension till her death on 10.07.2004. The petitioner is suffering from Advance Osteoarthritis disease with various deformities in the left knee and due to such deformity, he became physically disabled to sustain his livelihood. He does not have any other pecuniary resources to look after himself and his wife. Therefore, he applied for the freedom fighter pension, as the order issued by the Government in G.O.Ms.No.748, Public (political Pension -II) Department, dated 11.8.1995, contemplates the payment of pension to the son or daughter of freedom fighter entitling them to receive the pension even after attained majority, if they suffered any disorder, disability of mind or physically crippled or disabled.

3.The respondent filed a counter affidavit, wherein, it is stated that the request of the petitioner cannot be entertained, since he is in stable mind and good physique and well supported by his sons and daughter. It is also contended that the G.O.Ms.No.748, Public (political Pension -II) Department, dated 11.8.1995 is not applicable to the case of the petitioner, as he has not produced any medical certificate in support of his claim that he is physically disabled.

4.Mr.P.Krishnasamy, learned counsel appearing for the petitioner submitted that the petitioner is a disabled person and would certainly come under the category of persons eligible for pension, as stipulated in the said Government Order. However, he fairly submitted that the petitioner has not obtained any disability certificate and produced the same before the respondents. Therefore, he contended that the petitioner would get such certificate from the competent authority and produce the same before the respondents so as to enable them to consider his case for grant of pension.

5.Considering the above-stated facts and circumstances and considering the G.O.Ms.No.748, Public (political Pension -II) Department, dated 11.8.1995, I am of the view that if the petitioner can obtain a disability certificate issued by a Civil Surgeon and produce the same before the respondents, his claim can be considered.

6.Accordingly, the petitioner is directed to obtain the disability certificate from the competent Civil Surgeon and produce the same before the fourth respondent, within a period of four weeks from the date of receipt of a copy of this order. If any such certificate is produced by the petitioner, the fourth respondent shall consider his case for grant of pension and pass appropriate



orders, within a period of four weeks thereafter.

7. With the above directions, this writ petition is disposed of.
No costs.

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Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government
Public (Political Pension-II) Department,
Secretariat,
Chennai - 600 009.

2. The Secretary to Government,
Department of Health and Family Welfare,
Secretariat,
Chennai - 600 009.

3. The District Collector,
Tuticorin District,
Tuticorin.

4. The Tahsildar,
Kovilpatti Taluk,
Tuticorin District.

+ 1 CC TO Mr.P.KRISHNASAMY, ADVOCATE IN SR No. 80432

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 80504

SKN

TE/GSV-PM : 04/01/2017 : 3P/7C

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