

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.26930 of 2012

W.M.P.Nos. 1 of 2012 & 20644 of 2016

A.Munusamy

.. Petitioner

Vs.

1. Union of India,
Rep. by its Secretary to Government,
Ministry of Home Affairs,
(FF/IN A Pension Division)
Lok Nayak Bhavan, Khan Market,
New Delhi-110 003.

2. State of Tamil Nadu,
Rep. by its Deputy Secretary to Government,
Public (Political Pension) Department,
Chief Secretariat,
Chennai-600 009.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorified Mandamus to call for the records of the first respondent in which the petitioner's pension claim was rejected vide their letter F.No.52/CC/10/2007-FF(INA) dated 31.12.2008 and quash the same and direct both the respondents to grant pension to the petitioner under their respective Schemes within a time frame.

For Petitioner : Mr.S.Lakshminarayanan
For Respondent 1 : Mr.J.Madhana Gopal Rao,
(Senior Central Government
Standing Counsel)
For Respondent 2 : Mr.R.Venkatesh,
(Government Advocate)

O R D E R

The Writ petition has been filed praying for issuance of a Writ of Certiorified Mandamus to call for the records of the first respondent in which the petitioner's pension claim was rejected vide their letter F.No.52/CC/10/2007-FF(INA) dated 31.12.2008 and quash the same and direct both the respondents to

grant pension to the petitioner under their respective Schemes within a time frame.

2. The case of the petitioner is that the Indian National Army was formed by Nethaji Subash Chandra Bose in the year 1943, wherein the petitioner was trained at Saraitha Camp in Singapore, attached to INA 5th Regiment under the command of Camp Commander and his Regimental No. was 14126. According to the petitioner, the leader Nethaji came from Germany to Malaysia in the year 1943 and started Indian National Army (I.N.A), by mobilising all the migrant Indians and several Indians joined I.N.A for the sake of nation and undergone training to combat British forces.

2.1. Petitioner states that he actively participated in the freedom movement of I.N.A. from 1943 to 1945 under the august leadership of Nethaji in South East Asia against the British imperialism and he was arrested by the British Army and imprisoned in Rangoon Central Jail up to one year as a Prisoner of War. Thereafter, he went back to Malaysia in the year 1946 and started working in an Estate called Scarboro Estate till the year 1950. He further stated that his National Registration Identity Card No. was 089489 which was allotted by the Malayan American Plantations Ltd. during his brief employment. After the downfall of Japan, the Britishers started arresting members of INA in Malaysia, which made the petitioner to come back to India in the year 1950 and from the year 1982 onwards, he kept knocking at the doors of various authorities for the purpose of getting SSS (FS/INA) Pension, but of no avail. Since the petitioner's request was not considered, the petitioner preferred W.P.No.25146 of 2007 and this Court by an order dated 03.03.2008, directed the respondents to consider the request of the petitioner on merits.

2.2. On 31.12.2008, the request of the petitioner was rejected on the ground that the petitioner did not produce the primary evidence and also the secondary evidence, as there is no documentary proof that the petitioner joined INA at the age of 14 years and the petitioner could not satisfy the eligibility criteria to get the benefit of Swatantrata Sainik Samman Pension Scheme, 1980. However, the petitioner has stated that he did not take any steps on account of his illness and due to the sudden death of his daughter. Hence, the present Writ petition has been filed challenging the impugned order dated 31.12.2008 rejecting the pensionary benefits payable to the petitioner.

3. According to the petitioner, he has already produced the secondary evidence, i.e. Co-Prisoner Certificate given by one Mr.M.Velayutham, which shows that the Co-Prisoner has seen the petitioner in Jail. Since it is not possible to produce I.N.A Primary evidence, a provision was made to produce the secondary

evidence. But, unfortunately, the same was rejected. The certificate given by the Co-Prisoner was brushed aside on the ground that the Certifier himself was imprisoned for less than a year from May 1945 to December 1945. The request of the petitioner is also rejected on the ground that I.N.A employment would not be given to minors, as the petitioner stated that he joined I.N.A. at the age of 14 years and hence, the petitioner's claim of joining in INA itself was doubtful.

4. According to the petitioner, the respondent failed to note that the petitioner was commended by the members of INA Screening Committee constituted by the Tamil Nadu State Government on the occasion of Golden Jubilee of our Independence in the year 1997. But, unfortunately, the request of the petitioner was rejected by the first respondent through the impugned order. Since no relief is granted to the petitioner, the petitioner is before this Court to set aside the impugned order dated 31.12.2008.

5. The first respondent has filed counter affidavit stating that the Freedom Fighters' pension is regulated under the Swatantrata Sainik Samman (SSS) Pension Scheme, 1980. Initially, the Freedom Fighters Pension Scheme, 1972 was started on 15.08.1972. The Scheme provided for the grant of pension to living Freedom Fighters and their families and if the freedom fighters were no more, pension is provided to the widows of the Martyrs. The Freedom Fighters' Pension Scheme, 1972 was further liberalized in 1980 and it was renamed as "Swatantrata Sainik Samman Pension Scheme, 1980". Under the above scheme the following conditions are laid down:

(i) As per the provisions of the Scheme, any applicant who claims imprisonment suffering is eligible for Samman Pension, provided the following conditions are fulfilled:

Imprisonment Sufferings: A person who had suffered minimum imprisonment of six months (3 months in case of women, SC/ST freedom fighters) on account of participation in freedom struggle subject to furnishing of the following evidence:

(a) **Primary Evidence:-** Imprisonment/detention certificate from the concerned jail authority, District Magistrate or the State Government indicating the period of sentence awarded, date of admission, date of release, facts of the case and reasons for release.

(b) **Secondary evidence:-** In case records of the relevant period are not available, the secondary evidence in the form 2 co-prisoners' certificates (CPCs) from freedom fighters who have proven jail

suffering of minimum one year and who were with the applicant in the jail could be considered. In case the certifier happens to be a sitting or ex-M.P/M.L.A., only one certificate in place of the two is required. In the case of persons belonging to INA category only one CPC is required.

6. According to the first respondent, the claim of Central Samman Pension Scheme, 1980 has to be considered by the Central Government after due verification and on the recommendations made by the State Government/Union Territory concerned, in accordance with the provisions of the said Scheme. As per the Scheme, the verification and recommendation report of the State Government is entertained to avoid fraudulent claims of the Scheme. If the claim of the Swatantrata Sainik Samman Pension does not satisfy the eligibility criteria and evidentiary requirements, the request for pension certainly has to be rejected. The cases of Military Category of INA are normally considered based on the documentary evidence from the official records issued by the concerned Indian Army authorities. The cases of Civilian Category of Ex-INA are decided inter-alia taking into consideration the secondary evidence i.e. Co-Prisoner Certificate (CPC) from renowned freedom fighters who themselves had undergone imprisonment for not less than one year in connection with the freedom struggle and remained in the jail and are recipients of pension from the Central Revenue. In addition, they may submit other corroborative evidence like movement order/certificate issued by INA Inquiry and Relief Committee, Repatriation Certificate, etc. In the absence of primary evidence, the applicants are allowed to furnish secondary evidence. However, secondary evidence should be reliable enough to induce reasonable belief that the applicant fulfils the conditions of the said Scheme. Such certificates cannot always be taken to be genuine containing correct facts.

7. The Courts held that if the secondary evidence is not satisfactory, the relief sought can be rejected, in the light of the decision of the Supreme Court in the case of State of Maharashtra and ors. Vs. Raghunath Gajanan Waingankar, reported in [2004(6) Scale 478] and In the said case, the respondent therein claimed himself to be a freedom fighter and sought pension from the State of Maharashtra. According to him, he participated in Goa Liberation Movement and he sustained bullet injuries on his left shoulder. He did not have any primary evidence to establish his claim. He relied on a certificate from Goa Vimochan Samiti. The claim was rejected by the State Government. The respondent therein filed a writ petition before the Bombay High Court. The Bombay High Court issued a direction to the State of Maharashtra to re-consider the issue. Once again the Maharashtra Government rejected the claim that he did not satisfy the criteria laid down for sanction of pension. He again

filed a writ petition questioning the said order. The High Court, placing reliance on Mukund Lal Bhandari -v- Union of India [1993 supp (3) SCC 2] (AIR 1993 SC 2127) held that the Government shall adopt a liberal approach and a direction was issued to pay pension. The matter was taken to the Apex Court. The Apex Court held that the High Court could not act as an appellate authority. The Apex court also found that the name of the petitioner is not found place in the list furnished by the Goa Vimochan Samiti. In the said circumstances, the Apex Court reversed the decision. Therefore, the said judgment cannot be relied on here.

8. According to the respondents, the pension scheme for freedom fighters operated by the State Government and the Central Government are distinct having different eligibility criteria. If a freedom fighter person has undergone imprisonment of three months under the Scheme of Tamil Nadu Government, he is entitled to pension. However, in the Central Scheme, there should be a minimum imprisonment of six months in terms of SSS pension Scheme, 1980.

9. The learned Senior Central Government Standing Counsel appearing for the first respondent contended that if the petitioner does not fulfill the criteria for pension under the Central pension Scheme, merely because the State Government has issued the award and granted pension, it would not entitle the claimant to get pension automatically under the S.S.S. Pension scheme. The parameters applicable for getting State Government pension and Central Government pension is different. The claim of the petitioner is that even though he had participated in the INA Movement and undergone imprisonment in Rangoon Central Jail from June 1945 to March 1946, his claim has not been considered, as the petitioner has not satisfied the provisions of S.S.S. Pension Scheme 1980. The learned Counsel for the first respondent further contended that the petitioner's request has been rejected on the ground that there is no primary evidence in this case and the secondary evidence is also not satisfactory. Therefore, the petitioner would not be entitled for S.S.S. Pension Scheme, 1980.

10. In reply, the learned counsel for the petitioner produced I.D. Card issued to the petitioner by the Tamil Nadu I.N.A. League, Madurai. He further, stated that the petitioner has also produced INA Certificate of Honour commended by the members of the INA Screening Committee constituted by the Tamil Nadu State Government to prove the petitioner's participation in the INA freedom movement from 1943 to 1945 under the leadership of Netaji Subash Chandra Bose in South East Asia during the IInd World War against the British Imperialism, which is a testimonial of his great patriotic fervour, dedication and valour. In gratitude of his supreme sacrifices, the nation

salutes him.

11. The fact that the petitioner joined INA in 5th Regiment is not disputed and that he was in jail from 3rd June 1945 to March 1946. The only reason for the rejection of pension under SSS Scheme is that under the terms of SSS Pension Scheme, 1980, the petitioner has neither produced primary evidence nor satisfactory secondary evidence. It is also stated that merely because the petitioner was entitled to State Government pension, it would not automatically entitle him to get Central Government pension, as the petitioner would have to comply with the conditions prescribed by the Central Government to get the pension under the SSS Scheme.

12. Heard both sides and perused the materials available on record.

13. The rejection of freedom fighters' pension by the impugned order is on the ground that the petitioner joining INA at the age of 14 is doubtful, the rejection would not be in dispute if the State pension scheme had not been extended to the petitioner and if the INA has not issued any certificate to the petitioner.

14. The petitioner has not produced documents to show that he was in INA and that he was present approximately for a period of 9 months i.e. from June 1945 to March 1946. It may be correct that the prescribed certificates are required under similar Scheme and certificate issued by Co-prisoner namely, one Velayutham who was imprisoned only for a period of 8 months, is a valid ground to reject the request of petitioner. But, the sum and substance of the scheme is to extend the pensionary benefit to persons who participated in the freedom fight.

15. There is no denial that the petitioner and his co-prisoner were in the same jail. Even though the petitioner and the Co-prisoner were in jail subsequent to December 1945, as the Co-prisoner, who was in prison till December 1945, however, he has to give certificate only upto the date till he was in prison and not subsequent date. Subsequently, the petitioner who was a Freedom fighter, joined the Indian National Army in the year 1943 and worked till it was disbanded in the year 1945. When he was in 5th Regiment, he was arrested by the British Army along with about 12,000 INA soldiers and was detained in Rangoon Open Jail and he was imprisoned for nearly an year. The petitioner has applied for Freedom Fighters' Pension on 15.10.2001, according to the direction given by the Government of India. Accordingly, the petitioner has applied the Civilian pension proforma with necessary documents for the claim. After duly verifying the genuineness of the petitioner's claim by the District Collector, the said application has been submitted to the Government of Tamil Nadu and the Government of Tamil Nadu

had forwarded the application to the first respondent.

16. It is submitted by the learned Government Advocate appearing for the second respondent that the request of the petitioner has been considered and the claim of the petitioner was recommended. But unfortunately, the relief has not been granted. Therefore, the petitioner has approached this Court against the rejection of the claim. Thereafter, the 1st respondent was directed to consider the claim of the petitioner on merits by this Court by order dated 03.03.2008 in W.P. No.25146 of 2007.

17. The sum and substance of the Scheme, as extracted supra, is to ensure that the benefit goes to genuine freedom fighters. The various documents and evidence produced before this Court clearly establish that as a freedom fighter, petitioner was imprisoned from June 1945 to March 1946. The secondary evidence as per the Scheme, which has been produced should show that the petitioner should have been detained in the Jail for one year. The purpose of the Scheme as stated supra, is to ensure that the prisoner who has suffered in the hands of the Britishers, shall be entitled to get the benefit of the Freedom Fighters' Pension. The pension scheme stated supra was made to extend the benefit and not to reject it. The harmonious Scheme has been formed to give pension under this scheme to the Freedom fighters, and that by applying the clauses falling under the provisions and rejecting the freedom fighter scheme, may not be correct. Admittedly, the petitioner volunteered to remain a part of I.N.A even after December 1945 before the co-prisoner, who has given a certificate for imprisonment. The Courts have already held that when the person who is recognized as a freedom fighter, the issue is not to ascertain as to whether he is a minor or a major. If the petitioner was a minor, there is no reason for the State Government, to recommend the case of the petitioner and there is also no reason for the co-prisoner to tell a white lie.

18. It is useful to refer the following judgments relating to Freedom fighters pensions and the relevant portion of the same are extracted hereunder:

(i) W.P. No.4865 of 2015, dated 20.07.2017 (A.Muthian Vs.The District Collectors & ors).

"4. From the impugned order, it is clear that the request of the petitioner was rejected only on the ground that he has neither completed 18 years of age during detention nor he was imprisoned for 21 days. Hence, the petitioner has not proved by means of counter that he has undergone 21 days imprisonment. The petitioner has also produced documents with regard

to imprisonment, which according to the respondents is not suffice to grant pensionary benefits. Though the documents produced by the petitioner clearly show that the petitioner was in prison for 15 days and not 21 days, as per G.O.Ms.No.951, Public (Political Pension.II) Department, dated 18.05.1981, the object of Freedom Fighters' Pension is to mitigate the sufferings of those persons, who have struggled to achieve independence for our country. The person, who is arresting a person is not going to ask whether he is either under 18 years of age or above. A group of persons, who have participated in the freedom movement, have been imprisoned, which is not disputed by the respondents. As far as the petitioner is concerned, the respondents are disputing his imprisonment on account of freedom struggle, only on the ground that he was not in prison for 21 days and he was under-aged. Freedom Fighters' Pension under the scheme is not with regard to the age, but with regard to the struggle undergone by the freedom fighters. Therefore, as in the instance case, even minors would have participated in the struggle and if any evidence is shown, the same should be considered and rejecting the request for Freedom Fighters' Pension on technical grounds may not be correct.

5. A Division Bench of this Court, by judgment dated 12.03.2014 in W.A.No.2007 of 2013, has granted the relief to Freedom Fighters, who were below 18 years of age at the time of freedom struggle. Taking note of the fact that the petitioner had participated in the struggle for independence of our country, Freedom Fighters' Pension should be granted to him based on the documents produced by him.

6. In view of the above, I find that there is no justification on the part of the respondents in rejecting the request of Freedom Fighters' Pension to the petitioner.

7. Hence, in the interest of justice, I direct the respondents to sanction Freedom Fighters' Pension to the petitioner and as a sequel, the arrears of the same shall be disbursed to him from the date of his eligibility till date. The above exercise shall be completed within a period of 45 days from the date of receipt of a copy of this order. It is made clear that the respondents shall continue to pay Freedom

Fighters' Pension to the petitioner forthwith. With the above direction, the Writ Petition is disposed of. No costs.

8. Before parting with the judgment, this Court expresses its regret that persons like that of the petitioner who have struggled for the independence of our country, for our well-being, are deprived of their legal entitlement, ever after 70 years of independence.

(ii) W.P.(MD) No.14069 of 2011, dated 27.02.2014 (L.S. Ramadoss Vs.The District Collectors & ors).

"11. The fact that the petitioner was released on bail under the supervision of good behaviour of one year, is an ample proof that he was in Juvenile Home for the period of one year. Paragraph Nos.11 and 12 of the Honourable Kerala High Court decision dated 19.12.2012 in W.A. No.1462 of 2008 read as follows:

11. In this regard, we would also like to highlight the judgment of the Supreme Court in State of Orissa -vs- Choudhuri Nayak (D) Thr.L. Rs. and Ors. (AIR 2010 SC 3588) wherein the Supreme Court held as under: This Court in Mukund Lal Bhandari -v- Union of India [1993 supp (3) SCC 2] (AIR 1993 SC 2127): 1993 AIR SCW 2508, Guridal Singh -vs- Union of India [2001 (8) SCC 8] : AIR 2001 SC 3883: 2001 AIR SCW 3843) and State of M.P. -vs- Devkinandan Maheswari [2003(3) SCC 183]: (AIR 2003 SC 1136: 2003 AIR SCW 680) consider the object of the Freedom Fighters Pension Scheme and indicated what should be the approach of the authorities in dealing with the applications for pension under the scheme. We may summarize them as under:

(i) The object of the scheme was to honour, and where necessary, to mitigate the sufferings of those who had struggled to achieve independence for the country. Many freedom fighters, even though they did not have sufficient income to maintain themselves, would even be reluctant to receive the Pension under the Scheme, as they would consider it as putting a price on their patriotism. The spirit of the scheme being

both to assist and honour the freedom fighters and acknowledge the valuable sacrifices made by them, the authorities should treat the applicants with respect and courtesy. The scheme should not be converted into some kind of routine scheme for payment of compensation.

(ii) The persons intended to be covered by the Scheme are those who sacrificed and suffered for achieving the independence of the country, without expecting any reward for their sacrifice and sufferings. Therefore, they cannot be expected to maintain and produce perfect records or documents about their participation.

(iii) Once the country has decided to honour freedom fighters by granting a pension, the approach of the authorities implementing the scheme should not be obstructionist or technical while examining the applications and documents produced, but be practical having regard to the fact that most of the applications are by old persons with no proper records.

(iv) The criterion for pension under the scheme is not age, but participation in freedom struggle. The freedom fighters pension can, therefore, in exceptional cases, be granted even to those who were minors at the time of struggle, if evidence clearly showed that they had participated in the freedom struggle and fulfilled the requirements of the scheme.

The above principles were applied spelled out to ensure that no genuine freedom fighter was denied pension under the scheme.

12. In that view of the matter, we are of the view the judgment of the learned Single Judge is liable to be set aside. However, it does not prevent the respondents from making necessary endeavors to produce further documents which are available to enable the Government to re-consider the matter.

12. Referring to the decision of the Honourable Supreme Court, in paragraph '11' the Honourable Kerala High Court granted the relief of Freedom Fighters' Pension and the relevant portions of the decisions are extracted supra. Similarly, the Gauhati High Court in a decision dated 13.12.2004 in Shanti Ranjan Bhattacharjee -vs- Union of India (Uoi) and another, observed as follows:

"If confinement in one's own house can be treated as imprisonment for the purpose of pension scheme, it stands to no reason why confinement in a Borstal Jail or Juvenile or reformatory house should not be treated as imprisonment for the purpose of this Scheme."

From the Paragraph '11(4) of the Honourable Supreme Court decision extracted by the Kerala High Court and the decision of Gauhati High Court, this Court feels that the writ petition got to be allowed. This Court directs the respondents to consider the case of the petitioner for Freedom Fighters' Pension and extend the benefit within a period of eight weeks from the date of receipt of a copy of this order.

(iii) W.P.No.7194 of 1991, dated 16.12.1993 (R. Thangavelu Vs.The Government of India) reported in 1994 (1) MLJ 628, 1994 (1) LW 55 = CDJ 1993 MHC 608.

35.The last decision in the series is that of K.S. Bakthavatsalam, J. reported in Buviseshamuthu v. State of Tamil Nadu (1992)2 L.W. 255. The learned Judge, while considering the grant of pension by the Government of the Center and the State has held as follows:

A careful reading of the impugned order clearly shows that there is absolutely no application of mind on the part of the respondent herein. The Freedom Fighters' Pension Scheme has been formulated with a view to acknowledge the services rendered by freedom fighters to the country and to compensate the services of the freedom fighters who have suffered in one way or other for the sake of the country. The respondent herein has not understood the spirit behind this petition scheme and has rejected the application on a ground which is totally erroneous.

38. Production of documentary evidence : As regards the production of documentary evidence like

imprisonment/detention certificate from the concerned Jail authorities/District Magistrates or the State Governments, the Government should adopt a pragmatic approach instead of being hyper technical. It is common knowledge that on account of long passage of time, the freedom fighters may not be in a position to produce the aforesaid certificates. In fact, the Government is also aware of the difficulties in insisting on the production of such certificates. It is, therefore, the scheme itself provided for acceptance of co-prisoner's certificate and INA Board's recommendation. Therefore, once a certificate from a co-prisoner or INA Board is produced and if the Government is satisfied about the genuineness of the same, it will not be necessary to insist on jail records/Court records or Government records. In such cases, it will be but fair that the concerned Government should act on the co-prisoner's certificate if it is genuine and found to be reliable.

(iv) W.P.No.14406 of 2001, dt.22.01.2004 (B.V.Gurushanthappa Vs. State of Karnataka and Anr.) reported in AIR 2004Kant437 =MANU/KA/0042/2004.

4. In my view, this reasoning is totally fallacious. When there was an upsurge in this country opposing the foreign rule, every person stirred by patriotism, joined the freedom movement crossing all barriers of age. To say age was a barrier is not to understand the emotional bond of the person to the Country. That apart, it is not the case of the Government, that under the circular only persons who had crossed a particular age alone were entitled to get the pension. In the absence of such a reason cannot be appreciated. In fact in the case of State of Madhya Pradesh Vs. Devkinandan Maheshwari, the Supreme Court recognised a boy of 12 years who had gone underground for participating in the freedom movement as a "Freedom fighter" and directed the authorities to grant freedom fighters pension to him. Unfortunately in this case, State Government has proceeded on a hypertechnical ground overlooking the spirit of granting pension to a freedom fighter.

5. Since the reasoning for rejecting the pension is unsupportable, the impugned order is quashed.

20. It is also worthwhile to notice a decision of this Court reported in: 2008(3)MLJ 1382 (N.Palaniappan Vs. State of Tamil nadu), wherein by following various judgments of the Supreme Court, this Court held that In the rejection of the claim for freedom fighter's pension, the authority instead of taking a pragmatic approach has only taken a technical stand for the purpose of denying the legitimate right of a person who has fought for the country in the freedom struggle for which there are abundant records, but taking impossible grounds.

21. It is also useful to refer to the judgment of this Court reported in (2013) 3 MLJ 503 (Palammal Vs. Government of India) wherein with reference to various Judgments of the Supreme Court, this Court had directed the first respondent therein to pay freedom fighters' pension to the claimant from the date of application within the time limit stipulated therein.

22. In the case on hand, the petitioner was a war prisoner and a person with patriotic dedication, who participated in the Indian freedom struggle along with other freedom fighters. The nation salutes him in gratitude of his supreme sacrifice, particularly for his dedication and patriotism and taking that into consideration, not only the nation, but also this Court salutes him.

23. The petitioner has also made a representation to the State Government and the State Government sought for certain details, in order to enable them to extend the benefit of freedom fighters' pension. It is common knowledge that due to long passage of time, the freedom fighter is not in a position to produce the certificate required by the respondents. Once the certificates of co-prisoner and INA are produced, if the State Government is satisfied and recommends under the same, the Central Government shall also extend the petitioner's pension, unless the Co-Prisoner is found not to be a genuine freedom fighter. Though Certificate for one year period of imprisonment from the co-prisoner is required, if the co-prisoner is a genuine person and confirms that he has seen that person in prison during the said period, the request of the persons like the petitioner cannot be rejected on technical grounds that the co-prisoner was not in prison for one year.

24. Prima facie, the case of the petitioner has to be considered and the arrears of pension payable to the petitioner by the Central Government from the date of eligibility till date, shall be paid within a period of two months from the date of receipt of a copy of this order. The pension payable from November 2017 shall be paid every month on or before 5th of the subsequent month, on par with the other freedom fighters, who are getting pension.

25. The Government, both Central and the State must realize that it is high time for another freedom struggle, as the citizens have to fight against corruption, that has penetrated in the blood of our own men/women. Second war of Indian independence is required for a corrupt-free society.

26. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

lbm/aeb

To:

1. Secretary to Government,
Ministry of Home Affairs,
(FF/IN A Pension Division)
Lok Nayak Bhavan, Khan Market,
New Delhi-110 003.
2. The Deputy Secretary to Government,
Public (Political Pension) Department,
Chief Secretariat,
Chennai-600 009.

+1 cc to M/s.J.Madhanagopal Rao Advocate sr 787326
+1 cc to M/s.Govt Pleader sr 78601

W.P.No.26930 of 2012
W.M.P.No.44092 of 2003

aa08/12/2017

WEB COPY