

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2017

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

W.P.No.2821 of 2012

Mullai Ammal

... Petitioner

Vs.

The Secretary to Government,
Government of India,
Ministry of Home Affairs,
Freedom Fighter Division,
New Delhi

... Respondent

Prayer : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 14.03.2011 and grant Central Government Freedom Fighter Family pension to the petitioner.

For Petitioner : Mr.A.Sundaravadhanan

For Respondent : Mr.Madanagopal Rao,
SCCG

O R D E R

Heard Mr.A.Sundaravadhanan, learned counsel for the petitioner and Mr.Madanagopal Rao, learned Standing Counsel for Central Government appearing for the respondent.

2. The petitioner has approached this Court for seeking the following relief,

" To issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 14.03.2011 and grant Central Government Freedom Fighter Family pension to the petitioner. "

3. The case of the petitioner is as follows:

The petitioner is the W/o Late V.Chinnaiah. The petitioner's husband had served as a member in the Indian National Army and was posted at various places, initially in the Reinforcement Unit, Bidadari, Singapore. He served in the Army and had suffered imprisonment by the British forces at Seramban camp jail from 15.08.1945 to 28.02.1946 for a period of more than six

months. According to the petitioner, her husband was severely tortured by the British Forces. A number of co-prisoners and others who joined along with the petitioner's husband in the Indian National Army were granted with the Freedom Fighter's Pension in terms of the Central Government Scheme.

4. The petitioner's husband was also granted Freedom Fighter's Pension by the State Government and was in receipt of the same till his death on 16.02.1992. After his death, the petitioner had been in receipt of a very meager amount of Family Pension. During the life time of her husband, an application was submitted in May 1987 for grant of Central Government Pension, in due form, which was also duly received by the Central Government. However, the petitioner's husband became ill and could not pursue the application and died in the year 1992.

5. Since the petitioner is an illiterate and due to lack of guidance and knowledge, she did not pursue the above application for Freedom Fighter's Pension as well as Family Pension. In the said circumstances, she made a representation on 14.03.2011 to the respondent requesting the respondent to consider her husband's application and grant the Freedom Fighter's Family Pension to her. According to the petitioner, she had submitted her application along with copies of the necessary certificates. It appears that the application was received by the Central Government namely the respondent on 25.03.2011 itself. The petitioner further submitted that a certificate showing the delivery of the above application to the respondent is available for reference and the same has been provided by the Post Master, Pattukottai Head Post Office to the petitioner. However, the said representation has been kept pending and no orders were passed. Therefore, the petitioner was constrained to approach this Court seeking to issue a Writ of Mandamus to the respondent.

6. Upon Notice, Mr. Madanagopal Rao, learned Standing Counsel for Central Government entered appearance on behalf of the respondent.

7. Since the prayer sought in the writ petition is limited in itself and the scope of prayer sought is only to direct the respondent to dispose of the petitioner's representation, the Senior Standing Counsel for Central Government cannot have objections to such directions being issued.

8. In the above circumstances, the Writ Petition is Allowed and the respondent is directed to dispose of the representation, as such have been made by the petitioner dated 14.03.2011 on merits and in accordance with law and in terms of the scheme of Freedom Fighter's Pension by the Central Government for the said

purpose.

9. The petitioner is also directed to submit a fresh application along with the necessary certificates within a period of one week from the date of receipt of a copy of this order and further the respondent is directed to dispose of the representation of the petitioner and consider her request sympathetically and pass final order with regard to the representation, within a period of three weeks from the date of receipt of a copy of the petitioner's representation.

Connected M.P. Is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

The Secretary to Government,
Government of India,
Ministry of Home Affairs,
Freedom Fighter Division,
New Delhi

+1cc to Mr.J.MADANAGOPAL RAO, Advocate, S.R.No. 76416

Order in
W.P.No.2821 of 2012

RR (CO)
TR(21/11/2017)

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