

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.7712 of 2016 &
W.M.P.No.6918 of 2016

Jeeni Margina

... Petitioner

vs.

1.The Additional Chief Secretary
to Government of Tamil Nadu,
Public (Political Pension) Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The District Collector,
Chennai District,
Chennai.

3.The Tahsildhar,
Saidapet,
Chennai.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 2nd respondent vide Na.Ka.No.E3/18442/2015, dated 13.01.2016 and also the order passed by the 1st respondent vide his letter No.22430/A.O-3-2015-6, dated 28.01.2016 and quash the same and consequently direct the 1st respondent to grant dependent freedom fighter pension payable by the State Government pursuant to the representation dated 19.01.2016 to the petitioner.

For Petitioner : Ms.L.Srileka

For Respondents : Mr.R.Rajeswaran
Special Govt. Pleader

O R D E R

The petitioner has filed the above writ petition to issue a writ of certiorarified mandamus to call for the records relating to the proceedings of the 2nd respondent dated 13.01.2016 and quash the same and consequently direct the 1st respondent to grant dependent Freedom Fighter Pension payable by the State Government to her pursuant to the representation dated 19.01.2016.

2. According to the petitioner, her father viz., Fakir Mohideen was a Member of the I.L.L, a unit of INA formed by Netaji Subash Chandra Bose at Burma. He came to India as a Repatriate and settled down in Chennai. Thereafter, he applied for Freedom Fighter Pension payable by State Government and the same was granted by the 1st respondent vide their proceedings dated 19.09.2003 in G.O.Ms.No.13475. The petitioner's father passed away on 04.01.2007 and subsequently, on 21.04.2015, her mother also passed away. Thereafter, the petitioner, being the daughter and one of the legal heirs of Fakir Mohideen, who is also physically challenged and suffering from Tuberculosis, applied for the dependent Freedom Fighter Pension, enclosing all the relevant documents including the disability certificate. The respondents 1 and 2 had rejected the petitioner's representation stating that she has not produced the disability certificate. Challenging the said order passed by the respondents 1 and 2, the petitioner has filed the above writ petition.

3. The learned counsel appearing for the petitioner submitted that in similar circumstances, the respondents have granted the dependent Freedom Fighter Pension by order dated 19.07.2011 in Order No.14082. Further, the learned counsel submitted that the order dated 19.07.2011 is applicable to the petitioner also.

4. Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents submitted that the respondents may be directed to consider the petitioner's representation, after taking into consideration, the disability certificate and other documents produced by her and pass fresh orders in accordance with law.

5. In these circumstances, since the respondents have not considered the disability certificate produced by the petitioner, the impugned order dated 28.01.2016 passed by the 1st respondent is set aside and the matter is remitted back to the 1st respondent for fresh consideration. The 1st respondent is directed to consider the petitioner's representation afresh, taking into consideration the disability certificate and other documents produced by her. The 1st respondent is directed to decide the matter afresh, as stated above within a period of eight weeks from the date of receipt of a copy of this order.

With these observations, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/--

Assistant Registrar(CCC)

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To

1.The Additional Chief Secretarty
to Government of Tamil Nadu,
Public (Political Pension) Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The District Collector,
Chennai District,
Chennai.

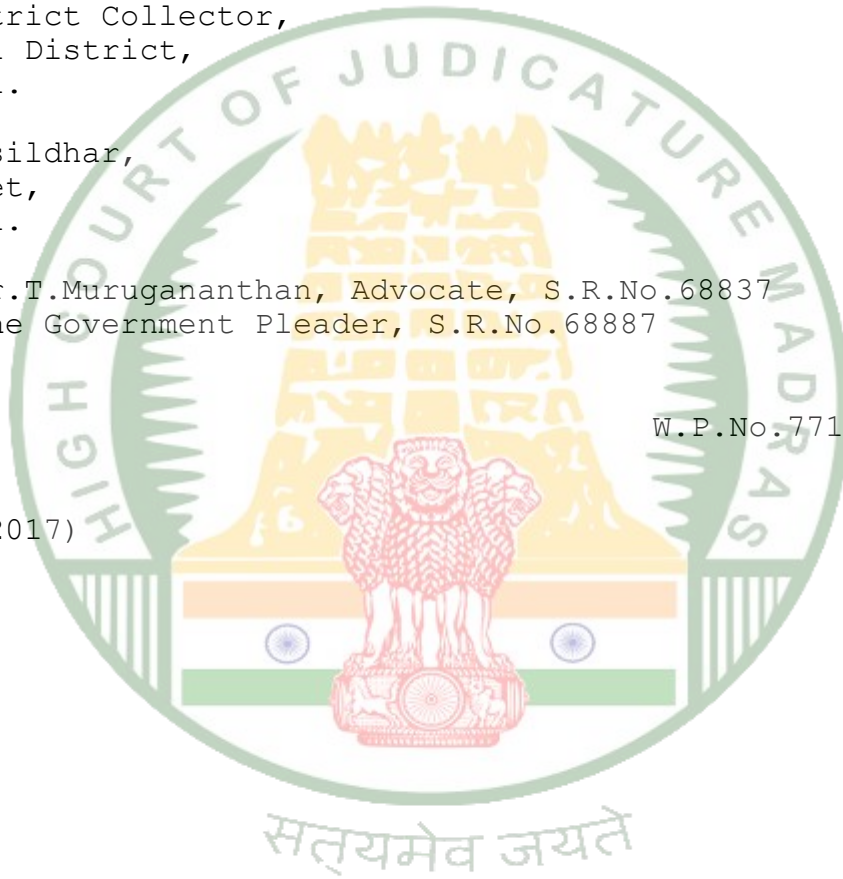
3.The Tahsildhar,
Saidapet,
Chennai.

+1cc to Mr.T.Murugananthan, Advocate, S.R.No.68837

+1cc to the Government Pleader, S.R.No.68887

W.P.No.7712 of 2016

RSY(CO)
GN(11/10/2017)



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