



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 19.09.2017

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.A.(MD)No.791 of 2015
and
M.P.(MD)No.1 of 2015

1. The District Collector,
Office of the District Collector,
Madurai.
2. The Tahsildar,
Madurai North Taluk,
District Collector's Complex,
Madurai.
3. The Home Secretary,
Ministry of Home Affairs,
Freedom Fighters Pension Division,
New Delhi.
4. The Joint Secretary to Government,
Public (Political Pension) Department,
Fort St.George, Chennai - 9. ... Appellants/Respondents

Vs.

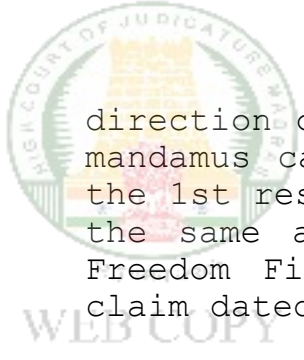
- 1.A.Pitchai (Died)
 - 2.Ariyanachi
 - 3.Murugan
 - 4.Jeyavel
 - 5.Amsavalli
- (RR-2 to 5 are substituted as LR's of deceased sole respondent vide Court order dated 14.09.2017 made in CMP(MD)No.6668 of 2017 in W.A.(MD)No.791 of 2015)

... Respondents/Petitioners

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD)No.7758 of 2015, dated 03.06.2015.

Prayer in WP(MD) 7758/ 2015 :
<https://hcservices.ecourts.gov.in/hcservices/>

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ, order or



direction or any other writ in the nature of writ of certiorarified mandamus calling for the records relating to the impugned order of the 1st respondent in Na.Ka.No. 33569/2013/Y4 dated 10.10.2014 quash the same and consequently direct the respondents herein to grant Freedom Fighters Pension to the petitioner from the date of his claim dated 25.01.2010.

For Appellants : Mr.M.Murugan
Government Advocate
For R2 to R5 : Mr.C.Christopher

JUDGMENT

[Judgment of the Court was delivered by M.M.SUNDRESH, J.]

This Writ Appeal is directed against the order of the learned single Judge, who while taking note of the status and repute of the co-prisoners, who certified that the writ petitioner has underwent imprisonment being a freedom fighter and thus, accordingly allowed the writ petition.

2. The learned Government Advocate would submit that in view of the discrepancy between the age given by the petitioner and as found in the ration card, the request was rejected. If one goes by the age in the ration card, the writ petitioner must have been a minor. Anybody, who is entitled to freedom fighters pension, would come only for a person, who has taken place in the freedom struggle after attaining 18 years. Thus, the appeal will not be allowed.

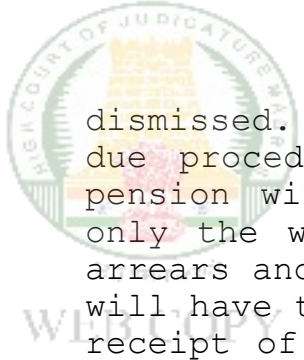
3. The learned counsel for the respondents 2 to 5 would submit that the learned single Judge has rightly taken into consideration the certificate given by the co-prisoners, especially the one given by the Late I.Mayandi Bharathi, who is a renowned freedom fighter. Therefore, no interference is required.

4. Pending the writ appeal, unfortunately, the writ petitioner died due to old age. This itself shows that the order of the learned single Judge does not require any interference. Now, the legal heirs have been brought on record.

5. On a perusal of the order passed by the learned single Judge, we find that no interference is required. The learned single Judge rightly found that a technical approach has been made. It is not known as if the writ petitioner did take place in the freedom struggle. There is no contrary material available as against the certificate given by the two freedom fighters including the Late I.Mayandi Bharathi. On the other hand, the learned single Judge taking note of the fact that even the great leader Thilayadi Valliyamai took part in the freedom struggle at the age of 16 years. Thus, the reason assigned was rightly rejected on technicalities.

<https://hcservices.ecourts.gov.in/hcservices/>

6. In such view of the matter, the Writ Appeal stands



dismissed. However, the appellants are directed to comply with the due procedure in deciding the payment of arrears and the future pension with respect to the legal-heirs, who are entitled to. If only the wife is entitled to as per the procedure, then both the arrears and the future pension can only be given to her. The needful will have to be done within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

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Fort St.George, Chennai - 9.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 79882
+ 1 CC TO Mr.C.CHRISTOPHER, ADVOCATE IN SR No. 79635

AKV

TE/MR-KKR/SAR-IV : 09/10/2017 : 3P/7C

W.A.(MD)No.791 of 2015 and
M.P.(MD)No.1 of 2015
19.09.2017