



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.17606 of 2015

and

MP(MD) No.1 of 2015 & W.M.P.(MD)No.1652 of 2017

S.Sethuraman

... Petitioner

Vs.

1.The Government of India,
rep. by the Secretary to the Government of India
Ministry of Home Affairs,
North Block, New Delhi.

2.The Deputy Secretary to the Government of India,
Ministry of Home Affairs, (FFR Division),
2nd floor, New Delhi City Centre-II,
Parliament Street,
New Delhi - 110 001.

3.The Under Secretary to Government of India,
Ministry of Home Affairs,
Freedom Fighters Division,
Loknayak Bhavan,
Khan Market,
New Delhi - 110 003.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus to call for the records pertaining (*) to letter No.129/10/2004-FF/SZ dated 15.12.2004 sent by the second respondent, consequently to call for the records pertaining to the impugned proceedings on the file of the second respondent in No.129/Gen/TN/2013-FF/SZ dated 05-12-2013 and quash the same as irregular and illegal and further granting direction to the respondents 1 to 3 to consider the petitioner's claim of granting freedom fighter's pension under the Swatantrata Sainik Samman Pension Scheme, 1980 on the basis of the State Government's recommendation already sent to them.

* Prayer amended vide Court order dated 13.04.2017
in WMP(MD)No.1651 of 2017.

**O R D E R**

This petition has been filed, seeking a Writ of Certiorarified Mandamus to call for the records pertaining to letter No.129/10/2004-FF/SZ dated 15.12.2004 sent by the second respondent, consequently to call for the records pertaining to the impugned proceedings on the file of the second respondent in No.129/Gen/TN/2013-FF/SZ dated 05-12-2013 and quash the same as irregular and illegal and further granting direction to the respondents 1 to 3 to consider the petitioner's claim of granting freedom fighter's pension under the Swatantrata Sainik Samman Pension Scheme, 1980 on the basis of the State Government's recommendation already sent to them.

2. Mr.N.Shanmugaselvam, learned Counsel takes notice for the respondents.

3. By consent, the writ petition itself is taken up for final disposal.

4. It is the case of the petitioner that he has participated in the Freedom struggle and also participated in Quit India Movement Struggle in August, 1942. On 17.08.1942, in connection with the agitation against the Foreign Government, the police chased the petitioner and he was absconded from 18.08.1942 to August 1943. The petitioner applied for Freedom Fighter's Pension to the respondents along with necessary certificates duly issued by the two Freedom Fighters, namely, S.Somasundarm and S.Yeganathan, who are the recipients of Freedom Fighter's Pension from the Central Government. But the claim of the petitioner was rejected by the respondents on 05.12.2013. Aggrieved by the same the petitioner is before this Court.

5. Whereas, the learned Counsel appearing for the respondents, has filed a counter affidavit and on instructions submitted that the petitioner has not submitted the application in proper format and has not enclosed necessary documents, before the authorities concerned. He fairly submitted that in the event of the petitioner submitting the same, the authorities shall pass appropriate orders, in a time bound manner, for which, the learned Counsel for the petitioner seeks time to submit the same.

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

7. In view of the rival submissions and also considering the facts and circumstance of the case, this Court, without expressing any opinion on the merits of the matter, directs the petitioner to submit a copy of proper application form, along with necessary documents and a copy of this order before the respondents within a period of two weeks from the date of receipt of copy of



this order and on such filing the respondents are directed to consider the same and pass appropriate orders thereon, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of four weeks thereafter.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Government of India,
rep. by the Secretary to the Government of India
Ministry of Home Affairs,
North Block, New Delhi.
2. The Deputy Secretary to the Government of India,
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3. The Under Secretary to Government of India,
Ministry of Home Affairs,
Freedom Fighters Division,
Loknayak Bhavan,
Khan Market,
New Delhi - 110 003.

+1cc to M/S.N.SHANMUGA SELVAM, Advocate SR.No.94680.

+2cc to M/S.A.L.VIJEYDEVRAJ, Advocate SR.No.94252.

W.P (MD) No.17606 of 2015
21.12.2017

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SDS/SKN:RSK/SAR 2/04.01.2018/3P/7C