



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.04.2017
CORAM :

THE HONOURABLE MR. JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR. JUSTICE **T.VELMURUGAN**

W.A.(MD)Nos.427 to 429 of 2017
in
C.M.P.(MD).Nos.3971, 3972 and 3973 of 2017

- 1.The Joint Secretary to Government,
Public (Political Pension) Department,
Chennai - 9.
 2. The District Collector,
Collector Office,
Dindigul District.
 3. The District Collector,
Collectorate Officer,
Madurai District.
- ...Appellants/Respondents 1 to 3 in W.A.(MD).No.427/2017

1. The Secretary to Government,
Public (Political Pension) Department,
Chennai -9.
 2. The District Collector,
Collectorate Office,
Madurai District.
- .. Appellants/Respondents in W.A.(MD).Nos.428 & 429/2017

Versus

M.Ayyathevar
... Respondent/Writ Petitioner in W.A.(MD).No.427/2017

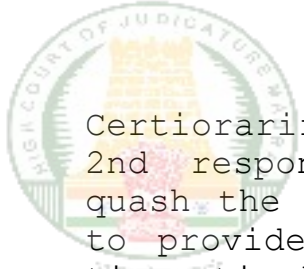
P.Karuppiah
... Respondent/Writ Petitioner in W.A.(MD).No.428/2017

A.Duraisamy Thevar
... Respondent/Writ Petitioner in W.A.(MD).No.429/2017

Writ Appeals are filed under Clause 15 of Letters Patent,
to set aside the orders dated 16.12.2016, 23.01.2017 and
15.12.2016 in W.P(MD).No.13068 of 2013, W.P.(MD).No.9238 of 2015
and W.P.(MD).No.6412 of 2016 respectively.

Prayer in WP(MD). 13068/ 2013 :

<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 of



Certiorarified Mandamus to call for the records pertaining to the 2nd respondent in Na.Ka.No.69390/2012/Y4 dated 17.10.2012 and quash the same as illegal, consequently directing the respondents to provide Freedom Fighter Pension to the petitioner within the time stipulated by this Honble Court.

Prayer in WP(MD) . 9238/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st respondent vide letter No.67226/A.O.4/2007-3 dated 10.03.2008 and quash the same as illegal and consequently direct the respondents to issue freedom fighter pension to the petitioner at the earliest.

Prayer in WP(MD) . 6412/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS to call for the records relating to the impugned order passed by the 2nd respondent vide Na.ka.No.Y4/9832/2015 dated 12.01.2016 to directing the respondents to issue freedom fighter pension to the petitioner at the earliest.

For Appellants : Mr.V.Muruganantham
Additional Government Pleader

COMMON JUDGMENT

(Common Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**)

Heard Mr.V.Muruganantham, learned Additional Government Pleader for the appellants.

2. These appeals are directed against the orders passed in W.P(MD).No.13068 of 2013, W.P.(MD).No.9238 of 2015 and W.P.(MD).No.6412 of 2016, dated 16.12.2016, 23.01.2017 and 15.12.2016 respectively. The said writ petitions were filed by the respondents herein challenging the order of rejection of their claim for freedom fighters pension. The two grounds were raised for rejecting the applications namely, on the ground that the respondents have not completed 18 years of age and the birth certificate produced by them did not contain their names.

3. So far as the second ground is concerned, a child's name is not mentioned in the birth certificate, whereas it is mentioned only as to whether it is a male or female and the names of the parents are given. Therefore, that cannot be a ground for rejecting the respondents/writ petitioners claim. With regard to the age criteria is concerned, the respondents/writ petitioners have produced a secondary evidence namely the co-prisoners certificate which is certified by two of the freedom fighters namely, Mr.Ar.Lakshmanan and Mr.A.C.Periyasamy.



4. The correctness and veracity of the co-prisoners certificate has not been questioned. In such circumstances, the rejection of the claim made by the respondents/writ petitioners is not tenable. However, we find that the Writ Court, while allowing the writ petitions have made certain observations as against the respondents with regard to the manner in which they have scrutinized the applications. We find that there is no tangible materials produced by the respondents so as to come to a conclusion that the appellants were insensible to the issue or they have acted in a manner which they should not have acted. Therefore, we vacate all the adverse observations/remarks made against the appellants in the impugned orders, while confirming the conclusion and the directions issued in operative portions of the orders. Accordingly, while vacating all the observations made as against the appellants in the impugned orders, we are confirming the directions issued in all the final orders passed in the writ petitions, whereby the order of rejections have been quashed and the respondents therein were directed to reconsider the application of the respondents/writ petitioners.

5. For all the above reasons, the Writ Appeals are dismissed with the above observations and directions. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

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JM/JC/02.05.2017/3P/5C