



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P (MD) No.14639 of 2017

Chinnasamy

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by
The Deputy Secretary to the Government,
Public(Political Pension) Department,
Fort St.George,
Chennai - 600 009.

2. The District Collector,
Collectorate Office,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified mandamus calling for the records relating to the proceedings in impugned order in Mu.Mu.No.6821/2013/R3 dated 30.01.2017 on the file of the 2nd respondent and quash the same and further directing the respondent to grant Freedom Fighter Pension of the Tamil Nadu Government.

For Petitioner : Mr.K.Chengiz Khan

For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate

ORDER

This writ petition has been filed, seeking a writ of Certiorarified Mandamus calling for the records relating to the proceedings in impugned order in Mu.Mu.No.6821/2013/R3 dated 30.01.2017 on the file of the 2nd respondent and quash the same and further directing the respondent to grant Freedom Fighter Pension of the Tamil Nadu Government.

2.Heard both sides.

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

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



at the stage of admission itself.

4.The learned counsel for the petitioner would submit that the petitioner is a freedom fighter and took part in Quit India Movement, during August 1942 and he was arrested and lodged in prison from 25.08.1942 to 25.02.1943. Hence, he applied for the State Government Freedom Fighter's Pension Scheme as early as on 11.04.1982 itself. Subsequently, he submitted necessary documents to the respondents. Despite the petitioner has produced the required documents, his request for pension was rejected. Challenging the order rejecting his claim, the petitioner is before this Court.

5.Per contra, the learned Government Advocate appearing for the respondents, on instructions, would submit that since the petitioner failed to submit required documents, his claim was rejected.

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

7.A Perusal of the typed set of papers filed along with this writ petition, would reveal that the petitioner has submitted a co-prisoner certificate issued by the then sitting MLA one Sri. V.Muthu and hence, the impugned order passed by the second respondent, dated 30.01.2017, is liable to be set aside, on the ground of non-consideration of the above said certificate.

8.Considering the same, this Court is of the view that the petitioner has satisfied one of the conditions for claiming freedom fighter pension and hence, the impugned order passed by the second respondent dated 30.01.2017, is set aside and the first respondent is directed to consider the grant of freedom fighters pension to the petitioner and pass necessary orders, in the light of the order passed by this Court in the case of, **A.Pitchai vs. The District Collector and others** [WP(MD)No.7758 of 2015, decided on 03.06.2015], within a period of six weeks from the date of receipt of a copy of this order.

9.Accordingly, this writ petition is allowed as above. No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar



To

1. The Deputy Secretary to the Government,
Public (Political Pension) Department,
Fort St.George, Chennai - 600 009.

WEB COPY

2. The District Collector,
The Collectorate,
Dindigul District.

+ 1 cc TO Mr.K.Chengiz Khan , Advocate in SR No. 90432

+ 1 cc TO The Special Government Pleader in SR No. 90570,90535

dsk

AE/SV MMS/SAR4/26.12.2017/3P/5C

ORDER MADE IN
W.P(MD)No.14639 of 2017
29.11.2017