



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.17290 of 2017

A.Alagam Perumal Kone

... Petitioner

-vs-

1. The Government of India,  
Rep. by the Secretary,  
Ministry of Home Affairs,  
(Freedom Fighters Division),  
Lognayak Bhavan, New Delhi.

2. The Government of Tamil Nadu,  
Rep. by its Secretary,  
Public (General) Department,  
Secretariat, Chennai.

3. The District Collector,  
Madurai District,  
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to grant freedom fighters pension to the petitioner under the Swantantra Sainic Samman Pension Scheme from 2011.

|                |   |                    |
|----------------|---|--------------------|
| For Petitioner | : | Mr.M.Pounraj       |
| For R1         | : | Mr.K.Sundaram      |
| For R2 & R3    | : | Mr.M.Alagathevan   |
|                |   | Spl. Govt. Pleader |

O R D E R

This writ petition has been filed, seeking a direction to the 1<sup>st</sup> respondent to grant freedom fighters pension to the petitioner under the Swantantra Sainic Samman Pension Scheme from 2011.

2. Heard the learned counsel for the parties. By consent on either side, this writ petition is taken up for final disposal.

3. The case of the petitioner is that he had participated in the Quit India Movement in August, 1942 and was jailed in [redacted] Prison in Bellary District, Karnataka on the orders of the then Special Magistrate, Madurai in Case No.1 of 1942 from 05.01.1944 to 05.07.1944. The petitioner has submitted



several representations to the 3<sup>rd</sup> respondent requesting for Freedom Fighters pension, supported by all the required documents including the bonafide / co-prisoner certificate issued by the veteran Freedom Fighter A.C.Periasamy. It is the further case of the petitioner that though he appeared before Scrutiny Committee along with all the required documents as per the direction of the 3<sup>rd</sup> respondent and the Scrutiny Committee also forwarded his application to the respondents 1 & 2 on 22.02.2011, thereafter, there was no further improvement and his effort ended in vain. Aggrieved by the same, the petitioner is before this Court.

4. On a conspectus of the facts obtaining in this case, it is apparent that the petitioner has duly produced all the required certificates/documents to the respondents, despite which, his request fell on deaf ears and his livelihood is at stake. It only shows the lethargic attitude of the respondents in not considering the genuine request of the petitioner, which cannot at any cost be countenanced. The Hon'ble Supreme Court in the case of State of Tamil Nadu and another vs. A.Manickam Pillai, reported in (2010) 2 MLJ 413 (SC) has been pleased to hold that the certificate issued by approved certifiers is sufficient for grant of pension. In the present case on hand, the co-prisoner, namely, A.C.Periasamy has supported the claim of the petitioner and also issued a certificate to that effect.

5. Hence, this petition is disposed of, directing the 1<sup>st</sup> respondent to grant freedom fighter pension to the petitioner under the Swantantra Sainic Samman Pension Scheme and pass suitable orders in this regard within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1. The Government of India,  
Rep. by the Secretary,  
Ministry of Home Affairs,  
(Freedom Fighters Division),  
Lognayak Bhavan, New Delhi.

2. The Secretary,  
Government of Tamil Nadu,  
Public (General) Department,  
Secretariat, Chennai.



3. The District Collector,  
Madurai District,  
Madurai.

+1cc to M/S.M.Pounraj, Advocate SR.No. 83733

+1cc to Special Government Pleader, SR.No. 84059

W.P(MD) No.17290 of 2017  
26.10.2017

ar

JM/SV MMS/SAR 3/31.10.2017/3P/6C