



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.982 of 2017

K.Chelladurai

... Petitioner

Vs.

1.The Government of India

Represented by its Secretary,
Ministry of Home Affairs,
New Delhi.

2.The Deputy Secretary to Government of India (F.F. (INA),
Ministry of Home Affairs,
Lok Nayak Bhavan,
Khan Market,
New Delhi-110003.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 23.12.2016 for sanction freedom Fighter Pension from the year 1980 .

For Petitioner : M/S.N.Krishnaveni

For Respondents : Mr.R.Murugappan Senior Panel
Counsel for Central Government
for R1 & R2
Mr.C.Selvaraj
Spl. Government Pleader for R3

ORDER

This writ petition is filed by a 99 years old freedom fighter seeking for a direction to the respondents to consider his representation, dated 23.12.2016, for sanction of freedom fighter pension by the Central Government.



2. When this matter was taken up for admission on 20.01.2017, this Court directed the first and second respondents to inform this Court regarding the status of the petitioner's application and the decision taken on the same.

3. Today when the matter is taken up for further hearing, the learned Central Government Standing Counsel appearing for the respondents 1 and 2, based on instructions, submitted that no such application dated 23.12.2016 was received by the respondents 1 and 2 and on the other hand, the same was sent only to the third respondent, namely, the District Collector, Tirunelveli District. Therefore, the learned Central Government Standing Counsel submitted that in the absence of any application from the petitioner seeking for Central Government Pension, there is no occasion for the respondents 1 and 2 to consider his claim.

4. The learned counsel appearing for the petitioner submitted that the petitioner was under the impression that sending an application to the third respondent is sufficient for him to get the pension from the Central Government. Needless to say that the petitioner has to make separate application before the respondents 1 and 2 and only then, the same will be considered by those respondents.

5. Considering the fact that the petitioner is 99 years old and further fact that he is already a recipient of freedom fighter pension from the State Government, I am of the view that the petitioner should be given liberty to make an application to the respondents 1 and 2, which in turn shall have to be considered by those respondents and pass appropriate orders without prolonging the matter.

6. Accordingly, this writ petition is disposed of by giving liberty to the petitioner to make an application to the respondents 1 and 2 seeking for freedom fighter pension, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such application from the petitioner, the respondents 1 and 2 shall consider such application and pass orders within a period of four weeks thereafter. No costs.

Sd/-

Assistant Registrar (Cr1.Side)

/True Copy/

Sub Assistant Registrar

skn
To

1. The Secretary, Government of India, Ministry of Home Affairs,



2.The Deputy Secretary to Government of India(F.F.(INA),
Ministry of Home Affairs, Lok Nayak Bhavan,
Khan Market, New Delhi-110003.

3.The District Collector, Tirunelveli District,
Tirunelveli.

+1CC to Spl.Government Pleader Sr.No.5703
+1CC to Mr.N.Krishnaveni, Advocate Sr.No.5781
+1CC to Mr.R.Murugappan, Advocate Sr.No.5926

GJM/RSK/SAR-2-6.2.17-3p-7C

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