



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.08.2018

CORAM

THE HONOURABLE M/S.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE M/S.JUSTICE T.KRISHNAVALLI

W.A. (MD) No.907 of 2018

and

C.M.P. (MD) .No.5838 of 2018

and

WP (MD) 17290 of 2017

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

Vs.

... Appellant/1st Respondent

1. A.Alagam Perumal Kone

... 1stRespondent/Petitioner

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

3. The District Collector,
Madurai District,
Madurai.

... Respondents2&3/Respondents2&3

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent
against the order passed by this Court in W.P.(MD).No.17290 of 2017,
dated 26.10.2017.

Prayer in WP (MD) . 17290/ 2017 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a writ of
Mandamus directing the 1st respondent to grant freedom fighters
pension to the petitioner under the Swantantra Sainic Samman Pension
Scheme from 2011.

For Appellant	: Mr.K.R.Laxman
For R1	: Mr.M.Pounraj
For R2 & R3	: Mrs.J.Padmavathi Devi
	Special Government Pleader

J U D G M E N T

<https://hcservices.judges.gov.in/hcservices> The Court was delivered by PUSHPA SATHYANARAYANA, J.]

The Government of India has filed the writ appeal challenging

the order passed by the learned Single Judge, directing them to grant freedom fighters pension to the first respondent under the Swatantra Sainic Samman Pension Scheme.

2. The first contention of the leaned counsel for the appellant is that the writ petition in W.P.(MD).No.17290 of 2017 was allowed without notice to him. Secondly, it is contended that the writ petitioner has not furnished documents to show that he was eligible for the Samman Pension. The typed set filed by the appellant shows that the revised policy guidelines for disbursement of Swatantra Sainic Samman Pension Scheme, 1980, was introduced from Freedom Fighters' Pension Scheme, 1972. Clause 9 (a) of the said Scheme provides for the documents that have to be furnished by a pensioner making the claim.

3. The writ petitioner / the first respondent had submitted that he has participated in Quit India Movement in August 1942 and he was in Jail in Alipuram Central Prison, Bellary District, Karnataka State. The period of his imprisonment was from 05.01.1944 to 05.07.1944. In support of his contention, as required under Clause 9 (a) of the Swatantra Sainic Samman Pension Scheme, the first respondent/writ petitioner had produced the Non Traceable Certificate, which was issued by the Superintendent of Central Prison, Bellary, on 18.02.2006. The Jail authorities have given the certificate stating that the records pertaining to Alipuram Camp Jail, Bellary from 05.01.1944 to 05.07.1944 are not available. To substantiate his claim, the writ petitioner/first respondent also produced the Co-prisoner Certificate. The Co-prisoner viz., A.M.Lakshmanan, S/o. Muthukrishna Naidu, residing at Madurai, had certified that the writ petitioner was imprisoned for his participation in Quit India Movement during the freedom struggle and he was tried by the Special Magistrate Court, Madurai, in the year 1943 and he was lodged in the Central Jail along with him during the period from 05.01.1944 to 05.07.1944. The first respondent has already aged about 94 years and he is at the end of his life.

4. The Swatantra Sainic Samman Pension Scheme for the grant of pension to the freedom fighters from central revenues was introduced by the Government of India to honour the freedom fighters. In fact, the pension is not only to lead the life of freedom fighters but also to the families even if they are not alive, it has to be extended to the families or martyrs. The benefit of the Pension Scheme is extended to all freedom fighters as a token of SAMMAN to them. Be that as it may, the first respondent has participated in the Quit India Movement and he has come well within the definition of freedom fighters and he has also produced the relevant records and he made his application in the year 2006. However, he has been made to run from pillar to post for getting the sanction for the last 10 years, which would defeat the very purpose and the scheme for which created. Despite the fact that the first respondent has produced the certificate as required by the Scheme, the appellant had not considered the grant of freedom fighters pension to the first respondent. In such circumstances, the learned Single Judge



had directed the appellant to grant freedom fighters pension to the petitioner under the Swantantra Sainic Samman Pension Scheme within a period of four weeks from the date of receipt of a copy of this order.

5. In the light of the above discussion, there is no reason to interfere with the order passed by the learned Single Judge in W.P. (MD).No.17290 of 2017, dated 26.10.2017 and the writ appeal is dismissed. The appellant is directed to grant the freedom fighters pension to the first respondent/writ petitioner, as per the Scheme stated supra, within a period of four weeks from the date of receipt of a copy of this order. A representation has already been made by the first respondent/writ petitioner in accordance with the Scheme, both before the Union of India as well as before the second and third respondents. The second and third respondent are also directed to forward or recommend the case of the first respondent/writ petitioner to the Union of India within a period of two weeks from the date of receipt of a copy of this order, for the sanction of the pension. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

akv
To

1. The Secretary,
Government of Tamil Nadu,
Public (General) Department,
Secretariat,
Chennai.
 2. The District Collector,
Madurai District,
Madurai.
 3. The Secretary,
The Government of India,
Ministry of Home Affairs,
(Freedom Fighters Division)
Lognaya Bhavan New Delhi.
- +1cc to Spl Government Pleader SR No.81280
+1cc to Mr.K.R.Laxman, Advocate SR No.80904
+1cc to Mr.M.Pounraj, Advocate SR No.80839

W.A. (MD) No.907 of 2018

NM/RSK/SAR 2/20.09.18/3P/7C