

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 06.07.2018****CORAM:****THE HONOURABLE MR.JUSTICE M.S.RAMESH****WEB COPY****W.P.(MD) No.14458 of 2018**

R.Paramasivan

... Petitioner

vs.

1. The Deputy Secretary to Government of India,
Ministry to Government of India,
Giri Manthralaya, 2nd floor, New Delhi City Centre II,
Jai Singh Road,
New Delhi.
2. The Additional Secretary to Government of Tamilnadu,
Public (Political Pension-4) Department,
Secretariat, Chennai.
3. The District Collector,
Madurai District.
4. The Tahsildar,
Usilampatti,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus to direct the respondents to grant freedom fighter pension to the petitioner under Swatantra Sainik Samman Pension Scheme.

For Petitioner : Mr.K.P.Narayanakumar

For R1 : Mr.P.Paul Pandi

Central Government Senior Counsel

For R2 to R4 : Mr.V.Anand

Government Advocate

O R D E R

Mr.P.Paul Pandi, learned Central Government Senior Counsel takes notice for the first respondent and Mr.V.Anand, learned Government Advocate, takes notice for the respondents 2 to 4.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representation dated 22.11.2017 seeking to grant freedom fighter pension to the petitioner under Swatantra Sainik Samman Pension



Scheme, has not been considered by the second respondent till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the third respondent to consider the petitioner's representation dated 22.11.2017 in the light of the recommendation of the fourth respondent herein dated 10.02.2017, on its own merits and take further action in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner and any other persons who may be interested in the subject matter.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-IV)

To:

1. The Deputy Secretary to Government of India,
Ministry to Government of India,
Giri Manthralaya, 2nd floor, New Delhi City Centre II,
Jai Singh Road,
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3. The District Collector,
Madurai District.



4. The Tahsildar,
Usilampatti,
Madurai District.

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+1cc to Mr.K.P.Narayanakumar, Advocate Sr.No.72012

pnn

VB/MMS/SAR4/06.08.2018/3P/6C

W.P. (MD) No. 14458 of 2018
06.07.2018