



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A[MD].No.966 of 2018
and
C.M.P. (MD).No.6469 of 2018

1.The State of Tamil Nadu

Rep 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,
Dindigul.

: Appellants/Respondents

Vs.

Chinnasamy

: Respondent /Writ Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order of this Court dated 29.11.2017 passed in W.P.(MD). No.14639 of 2017.

Prayer in WP(MD). 14639/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue 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 Appellants	: Mr.VR.Shanmuganathan
	Special Government Pleader
For Respondent	: Mr.K.Chengizkhan

JUDGEMENT

[Judgement of the Court was delivered
by K.RAVICHANDRABAABU, J]

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

THIS Writ Appeal is directed against the order passed in W.P. (MD).No.14639 of 2017 dated 29.11.2017.



2.The appellants are the respondents in the writ petition. The writ petitioner challenged the proceedings of the second respondent/District Collector, dated 30.01.2017, wherein the petitioner was called upon to furnish certain documents for considering his claim for grant of freedom fighter pension. The Writ Court allowed the said writ petition and set aside the proceedings of the District Collector. Consequently, the writ Court directed the respondents to consider the grant of freedom fighter pension to the petitioner within a period of six weeks.

3.Heard Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the appellants and Mr.K.Chengiz Khan, learned counsel appearing for the respondent.

4.Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the appellants submitted that the impugned proceedings of the District Collector, dated 30.01.2017 itself is not an order rejecting the request of the writ petitioner for grant of freedom fighter pension and on the other hand, it only sought for production of material documents in support of the claim for freedom fighter pension. He further submitted that only before the writ Court, the writ petitioner filed certain documents and therefore, the learned Judge allowed the writ petition and set aside the impugned order with a direction to consider the claim of the writ petitioner. He fairly submitted that as those documents are not produced before the respondents before filing the writ petition, a liberty may be given to the appellants to consider those documents and pass appropriate orders based on such documents.

5.The learned counsel for the respondent/writ petitioner submitted that since the petitioner is 92 years old, time frame may be fixed for considering those documents.

6.The Writ petitioner seeks for freedom fighter pension. Needless to say that in support of such claim, the writ petitioner has to produce necessary documents. It is contended by the appellants that those documents were not produced by the writ petitioner and on the other hand, they were produced before the writ Court as the first item.

7.A bare perusal of the documents filed by the writ petitioner viz., Co-prisoner Certificate etc., as would prima facie support the claim of the writ petitioner, the respondents shall have to consider those documents and pass orders without loss of further time.

8.Considering the above said facts and circumstances and also considering the age of the writ petitioner, the writ appeal is disposed of by directing the appellants to consider all the documents relied on by the writ petitioner and pass appropriate orders in respect of the claim of the writ petitioner for grant of freedom fighter pension, within a period of four weeks from the date



of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/

Assistant Registrar(CS-I)

/True copy/

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Sub Assistant Registrar (CS-III)

To

1.The State of Tamil Nadu

Rep 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,
Dindigul.

+1cc to Mr.CHENGIZ KHAN, Advocate, SR.No. 75100

+1cc to M/s.Special Government Pleader,SR.No. 75027

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and

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KK/SKN RSK/SAR-3/06.08.2018/3P-5C/