



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.17049 of 2017

Janakiammal

... Petitioner

Vs.

1. The Union of India,
rep. by its Deputy Secretary to the Government
Ministry of Home Affairs/Grih Mantralaya,
(FFR Division), 2nd Floor, New Delhi City Centre-II
Parliament Street,
New Delhi-110001.

2. The Additional Secretary,
Public (Political Pension-I) Department
Secretariat, Government of Tamil Nadu,
Chennai-9.

3. The District Collector,
Madurai District,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent herein to grant Freedom Fighter Pension of the petitioner's husband under the Swatantrata Sainik Samman Pension Scheme to the petitioner herein in the light of the order passed in W.P.No.10744/1993 on the file of the Hon'ble High Court of Madras within the time fixed by this Court.

For Petitioner : Mr.K.Mariyappan

For Respondents : Mr.R.Murugappan

for R-1

Mr.J.Gunaseelan Muthiah

Additional Government Pleader

for RR-2 & 3

O R D E R

The writ petition has been filed for issuance of Writ of Mandamus, directing the 1st respondent herein to grant Freedom Fighter Pension of the petitioner's husband under the Swatantrata Sainik Samman Pension Scheme to the petitioner herein in the light of the order passed in W.P.No.10744/1993 on the file of the Hon'ble High Court of Madras within the time fixed by this Court.



2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

3. The petitioner's husband was a freedom fighter. He applied for freedom fighters' pension. His application was not considered by the first respondent. Hence, he filed a writ petition before this court for writ of mandamus directing the respondents to grant Swatantrata Sainik Samman Pension to the petitioner. However, during the pendency of the writ petition itself, his request is rejected. Therefore, this Court by an order dated 08.07.1984 has modified the prayer of the writ petition from writ of mandamus to certiorarified mandamus and quashed the rejection order passed by the Central Government. A further direction was issued to consider the application submitted by the petitioner's husband afresh. However, the respondents have not taken any action. While the matter stood thus, in the year 2013, the petitioner's husband passed away. Thereafter, on 30.01.2014, the petitioner, wife of the freedom fighter renewed her request for grant of freedom fighter pension. On receipt of the representation, the first respondent, by his letter dated 06.06.2014, directed the second respondent to conduct enquiry as to the genuineness of the claim. On enquiry, it was certified that the petitioner's husband was a freedom fighter, but the credentials were lost by the petitioner. The petitioner has also lodged a police complaint for loss of those certificates. However, it is seen that a Co-prisoner Certificate and a certificate issued by the Village Administrative Officer to show that the petitioner's husband was a freedom fighter are available in the typed set. Now that the freedom fighter is not alive and the wife of the freedom fighter is seeking pension under the scheme.

4. Considering the facts and circumstances of the case, a direction is issued to the second respondent to forward all the available materials with them to the first respondent, for considering the case of the petitioner/dependent for pension under the Swatantrata Sainik Samman Pension Scheme. The petitioner is also directed to produce all the available certificates with her to the second respondent enabling them to forward a complete set of application to the first respondent. The first respondent is directed to consider the grant of freedom fighter's pension within a period of three months from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/



To:

1. The Deputy Secretary to the Government
Ministry of Home Affairs/Grih Mantralaya,
(FFR Division), 2nd Floor, New Delhi City Centre-II
Parliament Street,
New Delhi-110001.

2. The Additional Secretary,
Public (Political Pension-I) Department
Secretariat, Government of Tamil Nadu,
Chennai-9.

3. The District Collector,
Madurai District,
Madurai.

+1CC to Mr.K.Mariyappan, Advocate, SR.No.69567

+1CC to Mr.R.Murugappan, Advocate, SR.No.69311

W.P.(MD) No.17049 of 2017
21.06.2018

VS

ES/SKN/RSK/SAR 1/06.07.2018/3P/6C