

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 28.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.28013 of 2004

J.Alagarsamy

...Petitioner

V.

1.The Collector,
Tirunelveli District.

2.The Director,
Tamil Development Directorate,
Kuralagam,
Chennai - 5.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Mu Mu K4/65381/04 on the file of the first respondent herein and to quash the order dated 26.06.2004 made thereunder and consequently, direct the respondents to pay pension to the petitioner in connection of his participation in the struggle for the Transfer of the Tamil Border Region to the Tamil Nadu spearheaded by K.Sattanatha Karayalar the then M.L.A from 20.08.1997.

For Petitioner : Ms.K.Parameshwari

For Respondents: Mr.S.Suresh Kumar, GA

सत्यमेव जयते
O R D E R

Heard Ms.K.Parameshwari, learned counsel for the petitioner and Mr.S.Suresh Kumar, learned Government Advocate appearing on behalf of the respondents.

2.The prayer sought for in the Writ Petition, seeking for pension under 'MOZHIPOR THIAGI' Scheme, cannot be considered at this point of time, since the Scheme itself came to be abolished through G.O.Ms.No.468, Tamil Development and Endowments Department dated 23.11.2007 and this aspect has been dealt with in the decision of the Hon'ble Apex Court reported in AIR 1976 Supreme Court 1559 [R.R. Dalavai V. State Of Tamil

Nadu], as well as this Court in W.P.No.4565 of 1997 dated 08.10.2003 [Madras Provincial Consumers Assn. (Reg.) and Freedom Fighters Assn. (Reg.) Rep. by its President C.H.Krishnan V. Government of Tamil Nadu rep. by the Secretary, Public Department, Fort St. George, Madras-9], which came to be confirmed by the First Bench of this Court in the Appeal in W.A.SR.No.89407 of 2005 & M.P.No.2 of 2007 [Government of Tamil Nadu, rep., by the Secretary, Public Department, Fort St. George, Chennai-9 V. Madras Provincial Consumers Assn. (Reg.) & Freedom Fighters Assn. (reg.) rep., by its President C.H.Krishnan] on 26.03.2007. In view of the aforesaid Government Order, no effective orders can be passed in the prayer sought for in this Writ Petition. Accordingly, the Writ Petition stands closed. No costs.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

DP

To

- 1.The Collector,
Tirunelveli District.
- 2.The Director,
Tamil Development Directorate,
Kuralagam,
Chennai - 5.

+1cc to the Government Pleader, S.R.No. 30469

सत्यमेव जयते

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GJ II(CO)
GN(30/05/2019)