IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 18.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No.32188 of 2004

D.Ponniah ...Petitioner

Vs

The Secretary to Government
Tamil Nadu (Political Pension)
Public Department, Fort St.Geroge,
Chennai-600 009. ...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of a Writ of Mandamus, directing the respondent to sanction and pay the Freedom Fighters Pension to the petitioner from 10.05.99 onwards as recommended by the District Collector at Chennai, vide his reference in Lr.No.E3/61359/86, dated 10.05.1999, within a time frame as may be fixed by this Court.

For Petitioner : Mr.T.Sivagnanasambandan

For Respondent : Mr.S.Suresh Kumar, GA

O R D E R

Heard Mr.T.Sivagnanasambandan, learned counsel for the petitioner and Mr.S.Suresh Kumar, learned Government Advocate appearing on behalf of the respondent.

2.The petitioner herein claims to be a freedom fighter, who had participated in the freedom movement and Quit India Movement. According to the learned counsel for the petitioner, the petitioner had attended a public meeting on 03.07.1947 at Alangudi, Pudukottai District in which, he was arrested on that point of time and imprisoned in Pudukottai Jail in view of his participation in the freedom struggle. Subsequently, he was released on 30.07.1947. Since he had contributed to the noble cause of nation's freedom by participating in the struggle, he had given a representation to the authorities time and again.

3.According to the learned counsel for the petitioner, the District Collector had recommended for payment of pension to him

in his letter No.E3/61359/86, dated 10.05.1999. In spite of such recommendation, pension has not been paid to him. Hence, he has filed the present writ petitioner seeking a direction to the respondent to pay him freedom fighter pension.

4.In my view, the grant of pension would be subject to the petitioner's eligibility based on various documents and evidences to show that the petitioner had participated in the freedom struggle along with an appropriate application. As such, it will be desirable for the respondent alone to consider the said application.

5.In the light of the above observations, the petitioner is granted liberty to make out an appropriate application enclosing the required authentication evidencing that he had participated in the freedom struggle and on receipt of the same, the respondent herein, shall consider it on its merits and pass appropriate orders, within a period of 12 weeks from the date of receipt of a copy of this order. In case, the District collector had given any positive recommendation in his letter No.E3/61359/86, dated 10.05.1999, the respondent herein, shall also consider such a recommendation along with the petitioner's application.

6.The writ petition stands ordered accordingly. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

jrs Sub Assistant Registrar

To

1)The Secretary to Government
Tamil Nadu (Political Pension)
Public Department, Fort St.Geroge,
Chennai-600 009.

2)The District Collector,
Chennai.

+1 cc to the Government Pleader, S.R.No.26281

WP.No.32188 of 2004

SPD(CO)
SSM(23/04/2019).