

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.A.No. 502 of 2019
&
C.M.P.No.4355 of 2019

1. The Government of Tamil Nadu,
Rep by its Secretary,
Public (Political Pension) Department,
Fort St.George, Chennai - 600 009.
2. The District Collector,
Virudhunagar District,
Virudhunagar.
3. The Tahsildar,
Sattur Taluk,
Sattur, Virudhunagar District.

...Appellants

Vs.

R.Muppudathi (deceased)

M.Ayyammal (deceased)

1. M.Pitchai
2. M.Veluchamy
3. M.Ramasamy

4. M.Lakshmi

...Respondents

(R.1 to R.4 are substituted as LR of
deceased R.1 as per order dated 03.12.2009
in M.P.No.1 of 2009 in W.P.No.25807 of 2008)

PRAYER:

Writ Appeal filed under Clause 15 of Letter Patent, against
the Order dated 12.10.2018 in W.P.No.25807 of 2008.

W.P.No.25807 of 2008:-

Filed under Article 226 of the Constitution of India for
issuance of a Writ of Mandamus to direct the 1st and 2nd

Respondents herein to sanction the Freedom Fighters pension to the petitioner on following the order passed by this court in WP.No.5990 of 2004, dated 11.03.2004.

For Appellants : Mr.R.P.Prathap Singh
Government Advocate

JUDGMENT

(Judgment of the Court was delivered by T.S.SIVAGNANAM, J.)

This Writ Appeal is directed against the order in the Writ Petition No.25807 of 2008 dated 12.10.2018 filed by the appellant praying to set aside the above order.

2. Heard Mr.R.P.Prathap Singh, learned Government Advocate appearing for the appellants.

3. This appeal has been directed challenging the correctness of the order dated 12.10.2018. Initially, the writ petition was filed by R.Muppudathi S/o. R.Munusamy hailing from Virudhunagar District. During the pendency of the writ petition, the writ petitioner died and his legal heirs were brought on record vide order dated 03.12.2009. The deceased writ petitioner sought for sanction of Freedom Fighters pension by following the decision of this Court in W.P.No.5990 of 2004 dated 11.03.2004.

4. The objections raised by the writ petitioners before the writ Court was that the deceased writ petitioner did not produce any record to show that he was imprisoned while participating in the Freedom struggle. The writ Court after considering the entire facts noted that the co-prisoner certificate dated 21.03.1985 and 30.03.1985 showed that the deceased writ petitioner was a co-prisoner along with two other prisoners. Admittedly, those persons who certified that the deceased writ petitioner was a co-prisoner along with others are receiving pension as on date.

5. Thus, we find that the learned writ Court on going through the factual position held that the legal heirs of the deceased writ petitioners are entitled to receive pension payable to the deceased writ petitioner. In the year 2009, wife of the deceased writ petitioner was stated to be 89 years, his sons and daughters are all aged more than 55 years. Considering all these facts, the Writ Court allowed the writ petition by

directing the payment of Freedom Fighters pension to the legal heirs of the deceased freedom fighter from 11.07.2009 together with interest @ 7.5% per annum within a period of six weeks from the date of receipt of copy of this order. We find that there is no error in the order passed by learned writ Court.

6. For the above reasons, the appeal fails and dismissed. The appellants are directed to pay the freedom fighter pension to the surviving legal heirs of the writ petitioner Thiru R.Muppudathi from 11.07.2009 together with interest @ 7.5% per annum as ordered by the writ Court within a period of 8 weeks from the date of receipt of copy of this Order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrm/ssb

To

1. The Secretary to Government,
State of Tamil Nadu,
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3. The Tahsildar,
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EU(CO)

CS/29/03/2019