

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-II organised by the High Court Legal Services
Committee

Tuesday, the 27 th day of August 2019

LOK ADALAT AWARD

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided over by

The Hon'ble Mr.JUSTICE N.V. BALASUBRAMANIAN (Retd.)
and

Member

Mr.B. Radhakrishnan

W.P.No. 23783 of 2015

Writ Petition has filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of Second Respondent in his proceedings letter No. 12065/A.O.1/2015-1 dated 21.04.2015 and consequential proceedings of Third Respondent in his proceedings Na.Ka. No. 19858/2014/AA.1 dated 02.05.2015 and quash the same and further direct the Respondents to sanction the Petitioner with freedom fighters family pensions recording the death of her father Varadaraju S/o. Govindasamy Chettiar and pass such other order or orders as this Hon'ble Court may deem fit in the circumstances of the case.

Gomathi

.... Petitioner

-Vs-

1. The Secretary,
Ministry of Home Affairs,
Govt. of India, Girih Mantralaya,
New Delhi - 110 001.
2. The Additional Secretary,
Public (Political Pension.1) Department,
Government of Tamil Nadu,
Secretariat, Chennai - 1.
3. The District Collector,
Nagapattinam.

4. Kunjammal

.... Respondents

On representation of the Learned counsel for Petitioner, this case is taken up for settlement before the Lok Adalat. The Learned Counsel for the Petitioner, Mr. S. Sounthar, and for the

Fourth Respondent Mr.R. Kumaravel and Mr.K. S. Suresh, Government Advocate for the Respondents 2 and 3 and the Petitioner as well as the Fourth Respondent appear in person along with their respective Counsel.

ORDER

The Petitioner is present and the Fourth Respondent is also present along with her son and daughter in law.

2. The Writ Petition has been filed challenging the order passed by the Second Respondent dated 21.04.2015 and also consequential order passed by the Third Respondent viz., the District Collector, Nagapattinam District dated 02.05.2015. There is no dispute and it has been admitted by the Third Respondent in his Counter Affidavit that the Petitioner is an unmarried daughter of the freedom fighter Varadaraju, S/o. Govindasamy Chettiar, father of the Petitioner.

3. During the pendency of the Writ Petition, Writ Petitioner and the Fourth Respondent entered in to a compromise dated 19.09.2018 wherein the Fourth Respondent has admitted the Petitioner's claim for freedom fighter family pension on death of Varadaraju, S/o. Govindasamy Chettiar. In the joint compromise memo dated 19.09.2018 signed by the Writ Petitioner as well as the Fourth Respondent, the Fourth Respondent has given up her claim of freedom fighter pension in favour of the Writ Petitioner, and it is above stated that the above Writ Petition may be allowed.

4. It is relevant to mention that the only son of the Fourth Respondent namely Mr. Kannadasan has also signed memo of compromise as a confirming party and he has also stated that he will not claim for the freedom fighter family pension through his mother, Fourth Respondent.

5. In view of the joint compromise memo filed by Petitioner and Fourth Respondent, there can be no impediment for the Second Respondent to pay the freedom fighter family pension in favour of the Writ Petitioner. Accordingly, the joint compromise memo filed by the Petitioner and Fourth Respondent is recorded and Respondents 1 to 3 are directed to pay the freedom fighter family pension to the Petitioner with effect from 07.03.2014 after adjusting the amount, if any, paid to the Fourth Respondent and Petitioner.

6. The First to Third Respondents are directed to pay the freedom fighter family pension amount together with arrears within a period of four weeks from the date receipt of copy of this order.

Sd/-
Gomathi

(Writ Petitioner)

Sd/-
Kunjammal

(4th Respondent)

Sd/-
Counsel for Petitioner

Sd/-
Counsel for 4th Respondent

Sd/-
Counsel for Respondents 2&3

Sd/-
Government Advocate

Sd/-
Judge

Sd/-
Member

Sd/-
Member

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. Gomathi
Through Advocate.
2. The Secretary,
Ministry of Home Affairs,
Govt. of India,
Girih Mantralaya,
New Delhi - 110 001.
3. The Additional Secretary,
Public (Political Pension.1) Department,
Government of Tamil Nadu,
Secretariat, Chennai - 1.

4. The District Collector,
Nagapattinam.

5. Kunjammal
Through Advocate

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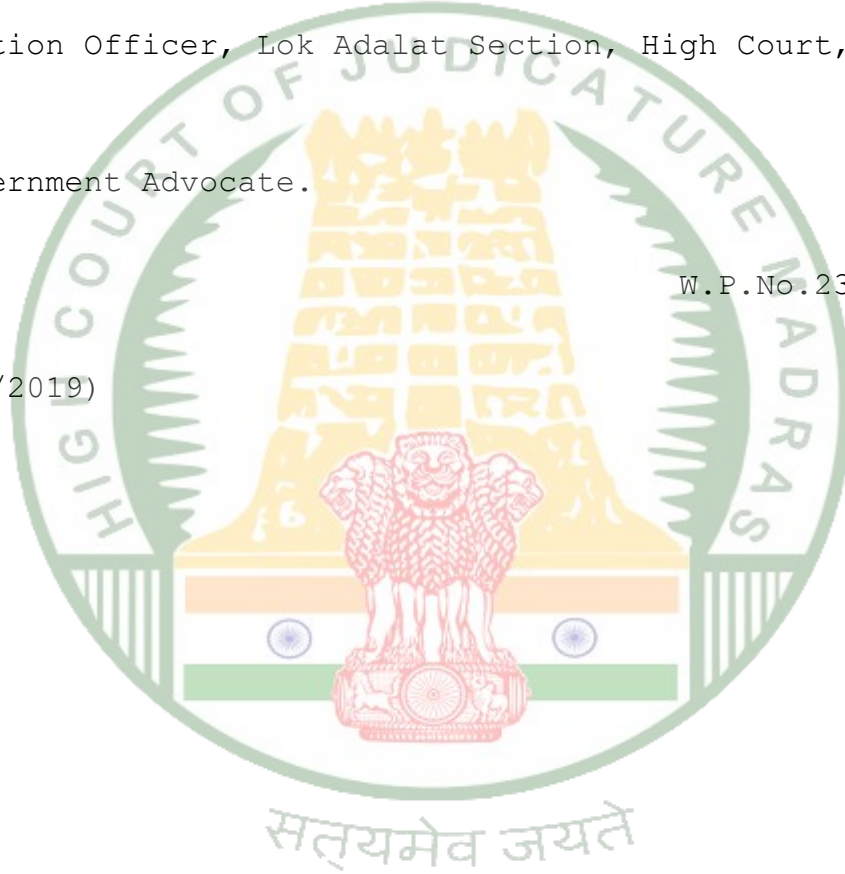
1.The Secretary, High Court Legal Services Committee, Chennai.

2.The Section Officer, Lok Adalat Section, High Court, Madras.+3
copies

3.The Government Advocate.

W.P.No.23783 of 2015

VG I (CO)
GMY (03/09/2019)



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