

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.19993 of 2016

S.Sarada Devi

.. Petitioner

-vs-

1. The Union of India,  
Rep., by its Deputy Secretary,  
Ministry of Home Affairs,  
Griha Mantralaya,  
Lok Naik Bhavan, New Delhi.

2. The Welfare Officer,  
Government of Pondicherry,  
Chief Secretariat (Home),  
Freedom Fighters Cell,  
Pondicherry.

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 1<sup>st</sup> respondent in his letter dated 28.01.2016 and quash the same and thereby direct the respondents to grant Swatantrata Sanik Samman Pension to the petitioner as widow of the Freedom Fighter with effect from 14.01.1974.

For Petitioner : Mr.N.Suresh

For Respondents: R1 - Mr.G.Karthikeyan,  
Assistant Solicitor General of India  
: R2 - Mr.A.V.Ramalingam,  
Additional Govt. Pleader (Puducherry)

## ORDER

The letter dated 28.01.2016, passed by the 1<sup>st</sup> respondent, rejecting the claim of the writ petitioner for grant of Swatantrata Sanik Samman (Freedom Fighters Pension) to the petitioner, as a widow of the Freedom Fighter, with effect from the year 1974, is under challenge in the present writ petition.

2.The learned counsel appearing on behalf of the writ petitioner states that the petitioner is the wife of Late Shanmuga Sundaramurthi, who was a Freedom Fighter. The petitioner states that she is the native of Pondicherry and her husband Late Shanmuga Sundaramurthi, son of Krishnamurthy Iyer, was a Freedom Fighter fought for the liberation of Pondicherry from the French Colonial Rule. He had sacrificed his life for the cause of freedom struggle. He was actually involved in the freedom struggle movement leaving aside his own welfare and the whole family.

3.The learned counsel for the writ petitioner further states that the application submitted by the writ petitioner for grant of family pension was rejected by the 1<sup>st</sup> respondent on the ground that the petitioner's claim was not found admissible for grant of Swatantrata Sanik Samman Pension for the reasons that the voluntary underground suffering or self-exile for party work under the command of the party leaders is not covered as eligible sufferings for pension under the Scheme. The said decision of the Government of India was communicated to the Government of Puducherry, vide letter of even number dated 15.04.2009, with an endorsement to Smt. S.Sarada Devi, the writ petitioner also.

4.It is contended that the policy guideline has since been revised and para 1.5, revised policy guidelines dated 06.08.2014 - Sanction of pension after the death of Freedom Fighter - provides that no pension shall be sanctioned in the name of the Freedom Fighter after his/ her death even if his/ her matter was under examination. This also entails that no Life time arrears or dependent pension shall be sanctioned to his/ her spouse/ daughter after the death of the Freedom Fighter.

5.The learned Assistant Solicitor General of India appearing on behalf of the 1<sup>st</sup> respondent made a submission that when the husband of the writ petitioner himself was not eligible, the question of granting family pension to the writ petitioner would

not arise at all. This apart, the reason stated in the impugned order is that the husband of the writ petitioner was not eligible for grant of pension under the Scheme. When that is made clear, then the writ petitioner is not entitled for the family pension under the Swatantrata Sanik Samman Scheme and under these circumstances, there is no infirmity in respect of the order impugned passed by the 1<sup>st</sup> respondent.

6.Thus, the writ petition is devoid of merits and stands dismissed with a liberty to the writ petitioner to approach the competent authorities, if she is eligible for any such widow pension under any other scheme. However, there shall be no order as to costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

abr

To

1.The Deputy Secretary,  
The Union of India,  
Ministry of Home Affairs,  
Griha Mantralaya,  
Lok Naik Bhavan, New Delhi.

2.The Welfare Officer,  
Government of Pondicherry,  
Chief Secretariat (Home),  
Freedom Fighters Cell,  
Pondicherry.

+1 CC to Public Prosecutor(Pondy) sr 97242.

+1 CC to Mr.N.Suresh, Advocate sr 96908.

+1 CC to Mr.G.Karthikeyan, Advocate sr 96824.

WEB COPY

W.P.No.19993 of 2016

BS (CO)

SP (27/12/2019)