

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2019

CORAM :

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

Writ Appeal No. 1748 of 2018
&
C.M.P.No.13982 of 2018

The Government of Tamil Nadu
represented by Additional Secretary,
Public (Political Pension) Department,
Secretariat, Fort St.George, Chennai - 9.

...Appellant

-vs-

A.Parvathi

...Respondent

Writ Appeal filed under Clause 15 of Letters Patent
against the order dated 30.10.2017 made in W.P.No.11418 of
2017.

Prayer in W.P.No.11418 of 2017:

Writ Petitions under Article 226 of the Constitution
of India praying for issuance of Writ of Mandamus to direct
respondent to issue the freedom fighters pension arrears of
the petitioner.

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

For Respondent : Mr.V.Nandagopalan

JUDGMENT

[Judgement of the Court was delivered by T.S.Sivagnanam, J.]

This Appeal has been filed by the respondent in
W.P.No.11418 of 2017 against the order passed in
W.P.No.11418 of 2017 dated 30.10.2017.

2. The only ground on which the appeal has been filed is that there is no proof to show that the respondent's husband late S.Annamalai, Freedom Fighter has submitted his application in the year 1982. The writ Court while allowing the writ petition and directing grant of pension from 20.02.1982, took note of the earlier order passed in W.P.No.39772 of 2015 filed by the respondent herein wherein the Court while disposing of the writ petition on 17.12.2015 noted the fact that the respondent's husband late S.Annamalai has submitted his application during his lifetime and was pursuing the matter.

3. The learned writ Court also took note of the copy of the application which was filed by the respondent's husband late S.Annamalai. The copy of the said application has also been filed before us in the form of the typed set and we find that there is acknowledgement to show that the application for pension was made on 27.02.1982.

4. Considering these facts, in our considered view, the Writ Court rightly directed to grant pension from the said date. Furthermore, the case of the respondent is also strengthened by the decision of the Hon'ble Supreme Court in the case of Gurdial Singh Vs. Union of India & others [Appeal (Civil) 6718 of 2001] dated 25.09.2001.

5. For the above reasons, this writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

mrm
To
The Additional Secretary,
Government of Tamil Nadu
Public (Political Pension) Department,
Secretariat, Fort St.George, Chennai - 9.

+1cc to Mr.V.Nandagopalan , Advocate SR.No. 11401
+2CCs TO GOVERNMENT PLEADER SR.NO. 10276

W.A.No.1748 of 2018

A.SK(19/02/2019)