

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.04.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.29701 of 2018

P.Rajagopal

.. Petitioner

..Vs..

- 1.The Government of India,
Represented by its Secretary,
Ministry of Home Affairs,
(Freedom Fighter Pension)
North Block, Cabinet Secretariat,
Raisina Hill, New Delhi-110001.
- 2.The Director (PP)
Department of Pension & Pensioners Welfare,
Lok Nayak Bhawan Khan Market,
New Delhi-110003.
- 3.The Deputy Secretary,
Department of Pension & Pensioners Welfare,
Ministry of Home Affairs,
Lok Nayak Bhawan Khan Market,
New Delhi-110003.
- 4.The Principal Secretary to Government,
Public Department (Pension),
Fort St.George, Secretariat,
Chennai-600009.
- 5.The District Collector
Vellore District,
Collectorate, Sathuvachari,
Vellore-632009.
- 6.The Revenue Divisional Officer,
Vellore Division, Vellore,
Collectorate Building, Sathuvachari,
Vellore-632009.
- 7.The Tahsildar,
Vellore Taluk,
Arni Road, Velappadi,
Vellore-632001.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 7 to grant the Swatantrata Sainik Samman Pension (Central Freedom Fighters Pension) to the petitioner without further delay considering the petitioner age of 98 years in pursuance of the directions dated 11.06.2018 passed by the 5th respondent District Collector, Vellore and as per the petitioner representations dated 07.05.2018.

For Petitioner : Mr.R.Anandha Babu

For RR1to 3 : Mr.G.Karthikeyan,

Assistant Solicitor General of India

For RR4 to 7 : R.S.Selvam, Government Advocate

O R D E R

The relief as such sought for in the present writ petition is for a direction to direct the the respondents 1 to 7 to grant the Swatantrata Sainik Samman Pension (Central Freedom Fighters Pension) to the petitioner without further delay considering the petitioner age of 98 years in pursuance of the directions dated 11.06.2018 passed by the 5th respondent District Collector, Vellore and as per the petitioner representation dated 07.05.2018.

2.Though the present writ petition has been filed seeking the Writ of Mandamus, the Learned Assistant Solicitor General of India brought to the notice of this Court, that the representation submitted by the writ petitioner was already been considered by the Competent Authorities and a reply was furnished to the writ petitioner in proceedings dated 14.06.2018.

3.The claim of the applicant at the first instance must be scrutinized by the State Government / Union Territory Administration in consultation with State Advisory Committee on the basis of copy of application submitted by them. After receipt of State Verification and entitlement to pensions report the claim of the applicant is scrutinized and if found eligible Pension is granted. Thus, the procedure to be adopted for grant of Freedom Fighter Pension is that the State Government has to first scrutinize the papers and genuinity of the claim and thereafter, forward the same to the Central Government for appropriate consideration.

4.It is brought to the notice of this Court that no such recommendations or forwarding letter was received by the first respondent, Government of India and therefore, the respondents are not in a position to consider the claim of the writ petitioner favorably. In the event of receiving any such proper

application through the State Government, the said application will be considered in accordance with the terms and conditions of the scheme of Freedom Fighters Pension.

5.This being the factum, the writ petitioner is at liberty to approach the State Government by filing a proper application, establishing the genuinity of his claim and in the event of forwarding the application to the Central Government by the Authorities Competent of the State Government, then the respondents shall consider the same and take a decision and pass final orders on merits and in accordance with law within a reasonable period of time.

6.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

Pns/smv

To

- 1.The Government of India,
Represented by its Secretary,
Ministry of Home Affairs,
(Freedom Fighter Pension)
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- 2.The Director (PP)
Department of Pension & Pensioners Welfare,
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New Delhi-110003.
- 3.The Deputy Secretary,
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- 4.The Principal Secretary to Government,
Public Department (Pension),
Fort St.George, Secretariat,
Chennai-600009.

5.The District Collector
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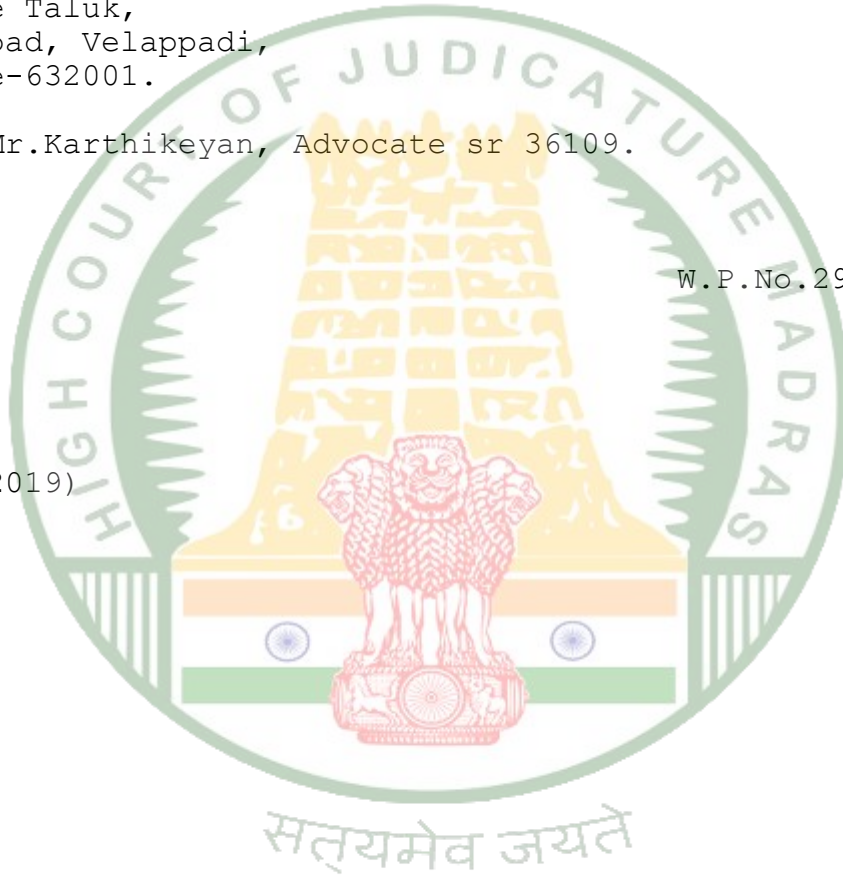
6.The Revenue Divisional Officer,
Vellore Division, Vellore,
Collectorate Building, Sathuvachari,
Vellore-632009.

7.The Tahsildar,
Vellore Taluk,
Arni Road, Velappadi,
Vellore-632001.

+1 CC to Mr.Karthikeyan, Advocate sr 36109.

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MG (CO)
SP(14/05/2019)



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