



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.10739 of 2019

V.M.Thirunavukkarasu

... Petitioner

Vs.

1.The Government of India,
rep., by its Secretary,
Ministry of Home Affairs,
(Freedom Fighters Division)
Loganayak Bhavan, New Delhi.

2.The Government of Tamil Nadu,
rep., by its Secretary,
Public (General) Department,
Secretariat, Chennai.

3.The District Collector,
Madurai District, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in proceeding No.52/CC TN24/2018-FF(SZ) dated 21.12.2018 and to quash the same and consequently to direct the respondent to grant the central Government Swatantra Sainik Samman Pension Scheme 1980 to the petitioner.

For Petitioner : Mr.M.Pounraj

For Respondents : Mr.V.Kathirvelu

Additional Solicitor General of India
assisted by Mr.S.Ragaventhre
Central Government Standing Counsel (for R1)
Mr.Karuppasamy
Government Advocate (for R2 & R3)



O R D E R

This writ petition has been filed to quash the impugned order passed by the first respondent in proceeding No.52/CC TN24/2018-FF (SZ), dated 21.12.2018 and direct the respondent to grant the central Government Swatantra Sainik Samman Pension Scheme, 1980 to the petitioner.

2.Heard the learned counsel appearing for the petitioner, learned Additional Solicitor General appearing for the first respondent and learned Government Advocate appearing for the respondents 2 and 3.

3.Among various grounds raised by the petitioner challenging the rejection of his application seeking for Freedom Fighter Pension under Swatantra Sainik Samman Yojana. 1980, the learned counsel relied upon the extract from the convict register, which states that the petitioner was aged about 23 years as on 08.05.1941. As such, the observations made in the impugned order in paragraph No.7(a) that the petitioner would have been only 7 years at the time of freedom struggle may not be correct.

4.On this limited ground, the impugned order passed by the first respondent in proceeding No.52/CC TN24/2018-FF(SZ) is set aside and the matter is remanded back to the first respondent for fresh consideration. The petitioner is granted liberty to produce any records that may be available with him to substantiate that he had the necessary age, to establish that he would have participated in the Quit India Movement, along with further representation. The first respondent shall consider the representation and the documents filed by the petitioner, if any, on its own merits and pass appropriate order in accordance with law, within a period of three months from the date of receipt of a copy of this order.

5.It is needless to mention that any adverse decision taken by the first respondent, would entitle the petitioner to challenge the same in accordance with law.

6.With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Secretary,
Government of India,
Ministry of Home Affairs,
(Freedom Fighters Division)
Loganayak Bhavan, New Delhi.

2.The Secretary,
Government of Tamil Nadu,
Public (General) Department,
Secretariat, Chennai.

3.The District Collector,
Madurai District, Madurai.

+1 CC to M/s.M.POUNRAJ, Advocate (SR-105501[F] dated 18/12/2019)

+1 CC to M/s.Special Govt.Pleader (SR-105574[F] dated 18/12/2019)

W.P. (MD) No.10739 of 2019

17.12.2019

rmk

SDS (07.01.2020) 3P-6C