



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.08.2019**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

CONT.P.(MD)No.821 of 2018

in

W.P.(MD)No.17845 of 2016

K.Duraisamy

... Petitioner/Petitioner

-Vs-

Rajiv Mehrishi
under Secretary,
Ministry of Home Affairs (Freedom Fighter Division),
Grih Mantraliya Divison,
NDCC-II Building,
Jaishigh Road,
Opposite Parliament Street,
Near Tanter Mantar,
New Delhi-110 001.

... Contemnor/Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for wilful and deliberate disobedience to the orders dated 15.03.2017 in W.P(MD).No.17845 of 2016 of this Court.

Prayer in WP(MD). 17845/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the Impugned order dated August, 2006 vide No.29/14/2006 -FF(INA) of the 1st respondent and quash the same as illegal, unconstitutional, unfair, unjust, not proper and against the Sainik, Samman Pension Scheme, 1980 and consequently directing the 1st respondent to pay the petitioner monthly Freedom Fighters Pension under Swatantrata Sainik Samman Pension Scheme, 1980 called Samman Pension from the date of impugned order.

For Petitioner : Mr.R.Suresh Kumar

For Respondent : Mr.V.Kathirvelu
Assistant Solicitor General
for Mr.P.Subbiah
Central Government Standing Counsel



ORDER

This contempt petition has been filed for the alleged disobedience of the order of this Court, dated 15.03.2017 made in W.P(MD).No.17845 of 2016.

2.Pursuant to the said order, where direction was given by this Court to sanction the Freedom Fighter Pension to the petitioner and pay arrears of the petitioner, since the same alleged to have not been complied with, this contempt petition was originally filed. During the earlier hearing, some developments taken place, where order has been issued by the respondent sanctioning the pension to the petitioner. However, the amount i.e., the arrears of pension payable to the petitioner had not been disbursed to the petitioner. Therefore, on that ground, this Court passed an order on 15.07.2019 to the following effect :-

"4.In view of the aforesaid developments, this Court is inclined to give a direction to the Central Pension Accounting Office, Trikot II Complex, Bhikaji Cama Palace, (Behind Hotel Hyatt Regency), New Delhi-110066, to act upon immediately on the letter issued by the Government of India, Pay and Accounts Office (Pension & Misc.), Ministry of Home Affairs, New Delhi, dated 04.07.2019, in Letter No.PAO P&M/MHA/FF-25/2019/6549-53 and disburse the freedom fighters amount including arrears to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

5.It is made clear that if the said authority i.e., the Central Pension Accounting Office is not acted upon within the time stipulated herein, pursuant to this order, it would be viewed as a violation of the order of this Court and accordingly, appropriate proceedings would be initiated against the said authority.

6.Post the matter on 16.08.2019."

3.Pursuant to the same, when the matter is taken up for hearing today, the learned Assistant Solicitor General appearing for the respondent has produced a communication, dated 01.08.2019 issued by the Centralized Pension Processing Centre, Canara Bank, Head Office, Bangalore and submitted that, the entire arrears of the Freedom Fighter Pension payable to the petitioner from 31.03.2004 has been disbursed and the amount has been deposited in the account of the petitioner.

4.However, the learned counsel for the petitioner submitted that, though the arrears have been deposited in the petitioner's account, there is a difference or discrepancy in the amount calculated by the respondent. Therefore, according to the learned



counsel for the petitioner, still some more arrears amount has to be paid by the respondent.

5.Be that as it may, if there is any miscalculation or discrepancy with regard to the quantum of arrears calculated and paid by the respondent, it is open to the petitioner to agitate the issue by writing separately to the respondent and if the same is made, it is for the respondent to rectify the same, if any discrepancy actually crept it. However, since the order of this Court has been complied with, as the Freedom Fighter Pension was sanctioned to the petitioner and arrears has also been paid considerably to the petitioner and the said amount has been reached to the petitioner's account, this Court feels that no further order is required to be passed in this contempt petition. Accordingly, this Contempt Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

rmk

To
Rajiv Mehrishi,
Under Secretary,
Ministry of Home Affairs (Freedom Fighter Division),
Grih Mantraliya Divison,
NDCC-II Building,
Jaishigh Road,
Opposite Parliament Street,
Near Tanter Mantar,
New Delhi-110 001.

+1 CC to M/s.R. SURESH KUMAR, Advocate (SR-82263[F] dated 19/08/2019)

+2 CC to M/s.P. SUBBIAH, Advocate (SR-82228[F] dated 19/08/2019)

Order made in
CONT.P.(MD)No.821 of 2018
in
W.P.(MD)No.17845 of 2016
19.08.2019

JMN(31.12.2019) 3P : 5C