

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 2373 of 2015

and

M.P. No. 1 of 2015

Kanthammal,
(W/o. Late N.V.Rajan - Freedom Fighter),
Kurumbar Street,
Nallampalli Village,
Dharmapuri Taluk & District. ... Petitioner

-vs-

1. Government of India,
Ministry of Home Affairs,
FFR Division, II Floor,
NDCC III Building,
Parliament Street, New Delhi - 110 001.
represented by Deputy Secretary to Government of India.
2. The Secretary to Government,
Public (PP - II) Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
3. The District Collector,
Dharmapuri District,
Dharmapuri. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned letter F.No.119/Pen/TN/117/2014 - FF (SZ) dated 09.12.2014 of the 1st Respondent rejecting the claim of the Petitioner, quash the same and consequently direct the First Respondent to disburse the Central Government Freedom Fighters' Pension from 15.06.1994 onwards due to the Petitioner's deceased husband Sri.N.V.Rajan (Freedom Fighter) as sanctioned vide Lr. 29/1GEN/73 FF VIII dated 09.03.1973 of the First Respondent and also to disburse the arrears of pension due to the Petitioner's husband from 1974 onwards till his death on 14.06.1994 and continue to pay pension to the Petitioner.

For Petitioner : Mr. R.Dhanasekar

For Respondents: Mr. G.Karthikeyan,
Assistant Solicitor General of India
(for R1)

Mr. D. Sathyaraj,
Special Government Pleader (for R2 & R3)

O R D E R
(through video conference)

Heard Mr. R.Dhanasekar, Learned Counsel for the Petitioner, Mr. G.Karthikeyan, Learned Assistant Solicitor General of India appearing for the First Respondent and Mr. D.Sathyaraj, Learned Special Government Pleader appearing for the Second and Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the Order in F. No. 119/Gen/TN/117/2014-FF (SZ) dated 09.12.2014 passed by the First Respondent rejecting the claim of the Petitioner as widow of Late N.V.Rajan, Freedom Fighter to receive pension as his dependant under the Swatantrata Sainik Samman Pension Scheme, 1980 (hereinafter referred to as the 'Scheme' for short).

3. It is brought to notice by the Learned Assistant Solicitor General of India appearing for the First Respondent that the application made by the said Late N.V.Rajan for Freedom Fighters Pension under the Scheme, had been initially approved on the basis that he had been sentenced to imprisonment for a period of six months on 22.04.1941 satisfying that eligibility prescribed, but it later came to notice that he was released on 06.06.1941 within two months by tendering apology as per G.O. Ms. No. 2670, Home Department dated 06.06.1941 and had not undergone required period of imprisonment for that benefit and the aforesaid grant of pension had been suspended by Order No. 29/1/Gen/73-FFVIII dated 25.04.1974 issued by the First Respondent, which had not been challenged by the said Late N.V.Rajan till his demise on 14.06.1994 and has attained finality. In view of the same, it is submitted that it would not be possible to consider the claim of the Petitioner for grant of pension as dependant of Freedom Fighter under the Scheme.

4. Accepting the aforesaid submissions made, Learned Counsel for the Petitioner states that since the Petitioner is now getting pension from the Government of Tamil Nadu for dependents of Freedom Fighters satisfying the conditions prescribed under the State Scheme, she is not pressing the claim made under the Central Scheme. A memo has been filed through e-

mail dated 23.09.2020 seeking permission of this Court to withdraw the Writ Petition, which is placed on record.

5. Accordingly, the Writ Petition is dismissed as withdrawn with the aforesaid clarification. Consequently, the connected Miscellaneous Petition is closed. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Deputy Secretary to the Government of India,
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MP(CO)
SP(01/10/2020)

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