

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2020

CORAM

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

W.P. No. 8722 of 2011

1. G. Mahalakshmi
2. G. Meena

... Petitioners

-vs-

- 1.The Government of India
Rep by its Secretary,
Home Affairs,
Freedom Fighters Division,
Loknayak Bhavan,
New Delhi - 100 011.

- 2.The Secretary to Government
Public (Political Pension-I) Department,
Secretariat, Chennai - 600 009.

- 3.The District Collector,
Madurai.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st Respondent herein to sanction Freedom Fighters' Pension to the Petitioners' deceased father from the date of his application dated 16.12.1982 with arrears accruing thereof and to sanction family pension to the petitioners as they are the unmarried and unemployed daughters of the deceased freedom fighter as the petitioners' mother was not granted family pension until her death on 04.05.2004.

For Petitioners: Mr. S. Pushpakaran

For R1 : Mr. G. Karthikeyan
(Additional Solicitor General of India)

For R2 and R3 : Mr. V. Kadhivelu
(Special Government Pleader)

O R D E R
(through video conference)

Heard Mr. S.Pushpakaran, Learned Counsel for the Petitioner, Mr. G.Karthikeyan, Assistant Solicitor General of India for the First Respondent and Mr. V.Kadhirvelu, Learned Special Government Pleader for the Second and Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the First Respondent to sanction Freedom Fighters' Pension to the Petitioners' deceased father from the date of his application, viz., 16.12.1982 with arrears accruing thereof and to sanction family pension to the Petitioners as they are the unmarried and unemployed daughters of the deceased freedom fighter and their mother, who was not granted family pension till her death on 04.05.2004.

3. It is brought to notice by the Learned Counsel for the Petitioners that after filing of the Writ Petition, the Deputy Secretary to the Government of India, Ministry of Home Affairs/Grih Mantralaya (FFR Division), New Delhi by letter dated 17.12.2012 has informed the Government of Tamil Nadu that the request for Freedom Fighters Pension to the mother of the Petitioners has been rejected and has sent a copy of the same to the Petitioners, which has been produced. In view of these subsequent developments, it is informed that the Petitioners intend to challenge that order.

4. Having due regard to the aforesaid submissions made, this Court does not express any view on the correctness or entitlement on the merits of the claim made by the Petitioners in this Writ Petition, leaving it open to them to assail the said order dated 17.12.2012 and seek other appropriate reliefs before the proper forum in the manner recognized by law.

5. Accordingly, the Writ Petition is disposed with the aforesaid observations. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

DM/Maya

To

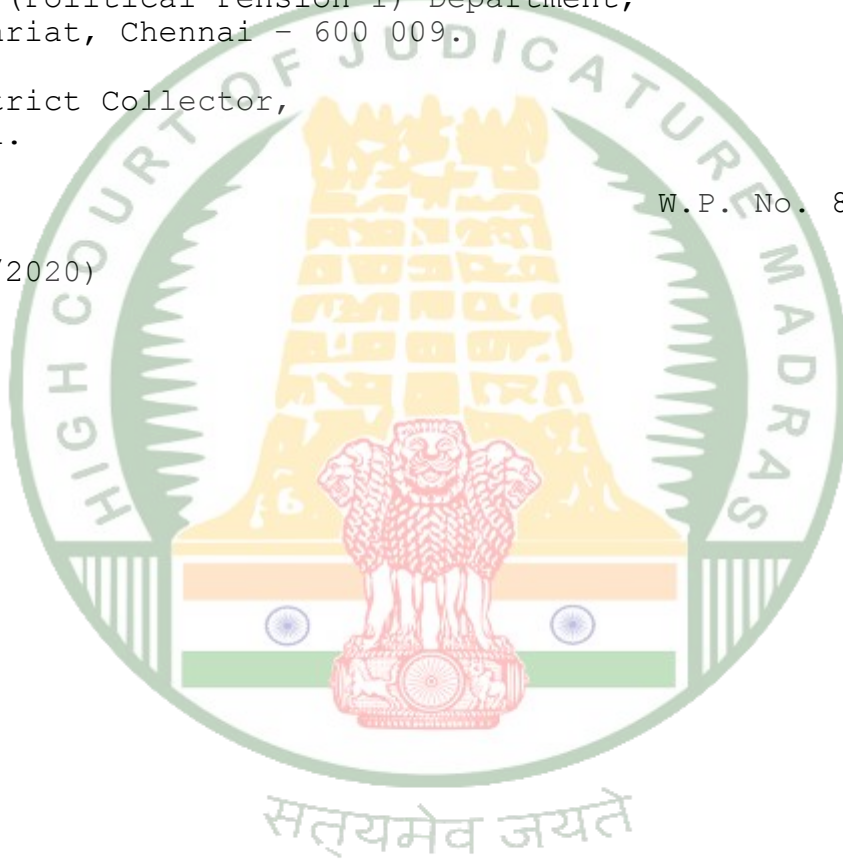
1.The Secretary,
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Home Affairs,
Freedom Fighters Division,
Loknayak Bhavan,
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RLD(CO)
RMP(24/07/2020)



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