

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.16858 of 2018

and

W.M.P.Nos.20047 & 20048 of 2018

M.Velu .. Petitioner

vs

1. The Collector of Thiruvallur,  
Thiruvallur.
2. The Thasildar of Ponneri  
Ponneri.
3. The Government of Tamil Nadu  
represented by Additional Secretary,  
Public (Political Pension) Department,  
Secretariat,  
George Fort,  
Chennai.
4. The Under Secretary to Government of India,  
Ministry of Home Affairs,  
Freedom Fighters Divisions,  
Lok Nayak Bhavarn, Khan Market,  
New Delhi 110 003. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the respondents to dispose the representation made on 02.05.2018 by the petitioner.

For Petitioner : Mr.V.Nandagopalan

For Respondents: Mr.K.Magesh,  
Special Government Pleader  
for R1 to R3  
Mr.G.Karthikeyan  
Assistant Solicitor General  
for R4.

## O R D E R

The petitioner seeks for Mandamus to direct the respondents to dispose the representation of the petitioner made on 02.05.2018 seeking for Freedom Fighter Pension under the State and Central Governments.

2. The case of the petitioner is as follows:

He is 94 years old Freedom Fighter. He participated in the movement to fight against the British Force, under the leadership of Shri Nethaji Subash Chandra Bose. He was arrested by the British Government and imprisoned at Rangoon Central Jail from May, 1945 to December, 1945. He obtained Personal Knowledge Certificate from Dr.(Col.)Lakshmi Sehgal on 25.08.2006 and another member of I.N.A. Mr.P.K.Servai has also given Personal Knowledge Certificate to the petitioner on 17.09.2008. He obtained Co-Prisoner Certificates from one T.Ramaiah and K.Arockiyasamy. The Village Administrative Officer also recommended his case for awarding Freedom Fighters Pension after verification of the documents. The petitioner thus, submitted the application for award of Freedom Fighters Pension from the Central and State Governments on 02.05.2018, however, the same was not considered. Hence, the present Writ Petition.

3. A counter affidavit is filed by the 1st respondent wherein it is stated that the claim for State Pension was rejected through proceedings dated 28.09.2018 and the same was intimated to the petitioner as well. It is further stated in the counter that insofar as the Central pension is concerned, the Tahsildar enquired the petitioner and recommended for sanction of Central Government Freedom Fighters Pension and the Revenue Divisional Officer, Ponneri, has also accepted the recommendation report of the Tahsildar and sent a report to the District Collector, Tiruvallur, who also recommended. On the basis of the above reports of the Revenue Officials, the State Government has to send a report to the Central Government after completion of the scrutinization.

4. Heard both sides.

5. The petitioner seeks Freedom Fighters Pension both from State and Central Government. It is seen from the counter of the 1st respondent that his request was rejected by the State Government through proceedings dated 28.09.2018. Therefore, it is for the petitioner to challenge the said proceedings in a manner known to law.

6. Learned Special Government Pleader appearing for the State Government is directed to furnish a copy of the rejection order dated 28.09.2018 to the petitioner within a period of two weeks so as to enable the petitioner to work out his remedy against the said rejection order.

7. Insofar as the Central Pension is concerned, it is admitted by the State Government that the Revenue officials including the District Collector have made recommendations and now, the file is pending with the State Government Secretariat. Therefore, the State Government has to forward the report to the Central Government for considering the claim of the petitioner for grant of Freedom Fighters Pension under the Central Scheme without loss of further time. Accordingly, the 3rd respondent is directed to forward the report/ recommendation received from the Revenue officials including the District Collector, Tiruvallur, to the Central Government within a period of two weeks from the date of receipt of a copy of this order so as to enable the 4th respondent/ Central Government to take a decision on the application filed by the petitioner and pass appropriate orders without loss of further time. On receipt of the communication from the 3rd respondent, the 4th respondent shall pass appropriate orders within a period of eight weeks thereafter. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vsi  
To

1. The Collector of Thiruvallur,  
Thiruvallur.
2. The Thasildar of Ponneri  
Ponneri.
3. The Government of Tamil Nadu  
represented by Additional Secretary,  
Public (Political Pension) Department,  
Secretariat, George Fort,  
Chennai.
4. The Under Secretary to Government of India,  
Ministry of Home Affairs,  
Freedom Fighters Divisions,  
Lok Nayak Bhavarn, Khan Market,  
New Delhi 110 003.

+2ccs to Mr.V.Nandagopalan , Advocate SR.No. 7484

+1cc to Mr.G.Karthikeyan , Advocate SR.No. 7495

W.P.No.16858 of 2018