

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.17854 of 2018

V.Gandhi

... Petitioner

..Vs..

Union of India,
Rep by its Secretary to Government,
Ministry of Home Affairs,
(FF/INA Pension Division)
Lok Nayak Bhavan, Khan Market,
New Delhi-110 003.

... Respondent

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to expeditiously grant the freedom fighter pension to the petitioner who had undergone incarceration in Rangoon Central Prison from May 1945 to December 1945 as volunteer of Indian National Army (I.N.A) and the same being supported by the Co-prisoner certificate and also the "personal Knowledge Certificate" issued by the Legendary Dr.(Col.) Lakshmi Sahgal of I.N.A without further delay, under Swatantrata Sainik Samman Pension Scheme 1980, considering the petitioner's ripe old age of 92 years, as well as by considering the fact that the Government of the State of Tamil nadu has already granted Freedom fighter's pension in obedience to the orders of this Court in W.P.No.18262 of 2017 by its order dated 17.01.2018.

For Petitioner : Mr.M.Purushothaman

For Respondent : Mr.G.Karthikeyan
Additional Solicitor General

ORDER

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, directing the respondent to expeditiously grant the freedom fighter pension to the petitioner.

2.It is stated that the petitioner herein, who is a veteran member of the Indian National Army and had served in the Indian Independence League of the Nethaji Subash Chandra Bose and had been certified to have served by the Legendary Dr.(Col). Lakshmi Sahagal as having undergone incarceration in the Rangaoon Central Prison from May 1945 to end of December, 1945 in Burma. The petitioner had already been granted Pension sanction by the order of State of Tamil Nadu in pursuance to the orders of this Court in W.P.No.18262 of 2017 on 17.01.2018.

3.The learned Assistant Solicitor General stated that this writ petition has become infructuous.

4.Recording that statement, this case was actually posted under the caption 'for dismissal' and thereafter on the representation of the writ petitioner, the caption 'for dismissal' was removed.

5.The learned Assistant Solicitor General has drawn the attention of the order dated 07.03.2019, which had been passed even prior to the filing of the writ petition.

6.Today, the copy of the said order had been given to the learned counsel for the petitioner. Since, the petitioner has to challenge the same. This Court, is not discussing regarding the merits of the order passed.

7. Since, the petitioner has to challenge the order dated 07.03.2019, the present writ petition has become infructuous.

8.Accordingly, the writ petition is dismissed as infructuous with liberty is granted to the petitioner to file a fresh petition, questioning the ratio of the order dated 07.03.2019.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tta

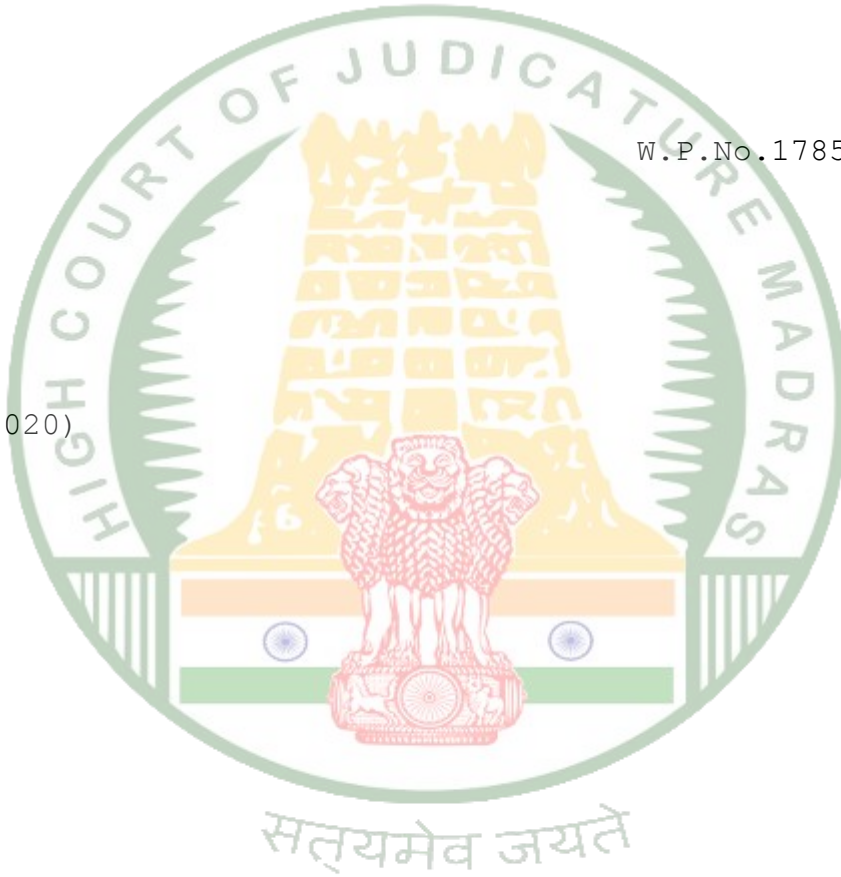
To

The Secretary to Government,
Ministry of Home Affairs,
(FF/INA Pension Division)
Lok Nayak Bhavan, Khan Market, New Delhi-110 003.

+1cc to Mr.M.Purushothaman, Advocate, Sr.No.13685
+1cc to Mr.G.Karthikeyan, Advocate, Sr.No.13864

W.P.No.17854 of 2018

RV(CO)
GS(03/06/2020)



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