

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.24754 of 2019

M.Panch Beer

...Petitioner

Vs.

1.Under Secretary to Government of India,
Ministry of Home Affairs,
Freedom Fighters Division,
First Floor, Lok Nayak Bhavan,
New Delhi.

2.The Deputy Secretary of Government,
Government of Tamil Nadu,
Fort St.George,
Secretariat,
Chennai-09.

3.The District Collector,
Chennai Collectorate,
Chennai.

...Respondents

Prayer:Writ Petitions filed under Article 226 of the
Constitution of India praying to issue a Writ of mandamus to
direct the first respondent to grant Dependent Freedom Fighter
Pension to the petitioner pursuant to the representation dated
11.09.2018 within the stipulated time.

For Petitioner : Mr.N.Balasubramanian

For Respondent : Mr.G.Karthikeyan,
Assistant Solicitor General for R1

Mr.K.Magesh,
Special Government Pleader
for R2 and R3

O R D E R

The petitioner seeks for a mandamus directing the first
respondent to grant Dependent Freedom Fighters Pension based on
his representation dated 11.09.2018.

2. It is claimed by the petitioner that his father Mohammad Gani was a freedom fighter and he was drawing Freedom Fighters Pension from the State Government till his lifetime. It is further claimed that his father passed away 22.02.2009 and after his death, he applied for Dependent Freedom Fighters Pension from the State Government and the same was granted to him on 19.07.2011. It is further stated that he sought similar Dependent Freedom Fighters Pension from the first respondent herein through his representation and the same has not been considered so far, even though the petitioner has produced all the necessary documents. Therefore, the present writ petition is filed with the relief as stated supra.

3. Learned Assistant Solicitor General Mr.G.Karthikeyan appearing for the first respondent submitted that the claim of the petitioner was already rejected by the first respondent through proceedings dated 07.02.2019, addressed to the second respondent herein, also by marking a copy of the said communication to the petitioner. Therefore, he submitted that without challenging the said order, the petitioner is not entitled to maintain the present prayer in the writ petition.

4. Perusal of the proceedings dated 07.02.2019 would show that the first respondent has rejected the request of the petitioner by stating various reasons. As it is seen that the said order has not been challenged and on the other hand, only a mandamus is sought for in this writ petition, this Court is of the view that it is for the petitioner to work out his remedy against the said order dated 07.02.2019 in a manner known to law before the appropriate forum. The first respondent shall furnish copy of the said order dated 07.02.2019 to the petitioner within a period of two weeks. On receipt of such copy of the order dated 07.02.2019, it is open to the petitioner to challenge the same as stated supra. It is also made clear that this Court is not expressing any view on the merits of the claim made by the petitioner in this writ petition in view of the above development. Granting such liberty, this writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(C.S.VIII)

/True Copy/

Sub Assistant Registrar

To

1.Under Secretary to Government of India,
Ministry of Home Affairs,
Freedom Fighters Division,
First Floor, Lok Nayak Bhavan,
New Delhi.

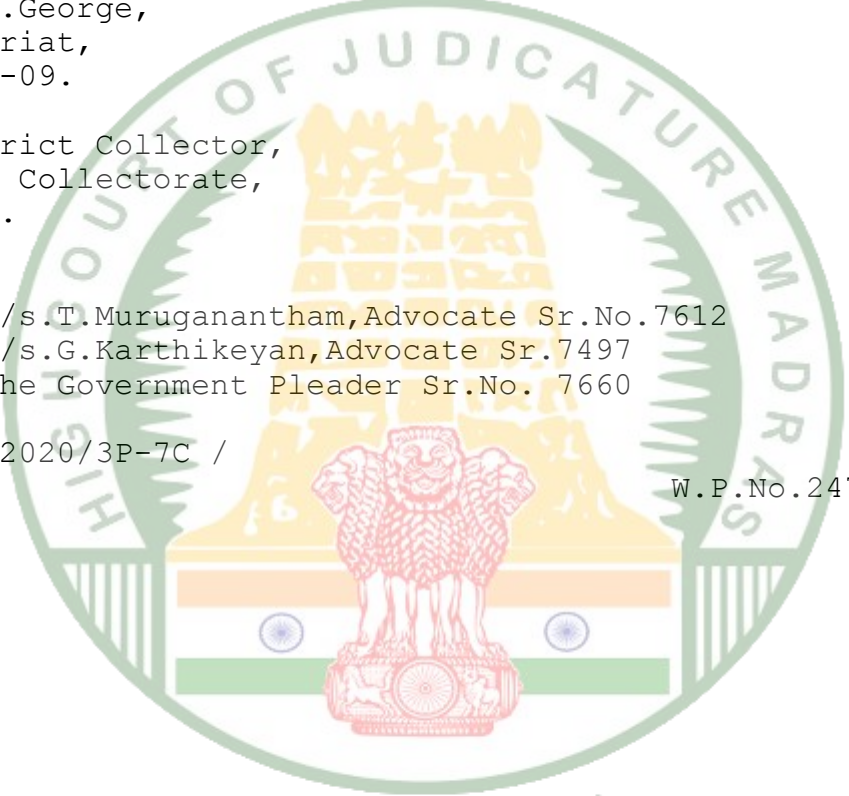
2.The Deputy Secretary of Government,
Government of Tamil Nadu,
Fort St.George,
Secretariat,
Chennai-09.

3.The District Collector,
Chennai Collectorate,
Chennai.

+1 cc to M/s.T.Muruganantham,Advocate Sr.No.7612
+1 cc to M/s.G.Karthikeyan,Advocate Sr.7497
+1 cc to The Government Pleader Sr.No. 7660

AKM/26.02.2020/3P-7C /

W.P.No.24754 of 2019



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