



IN The HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.04.2021

CORAM:

The HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P.No.9984 of 2021 and
WMP No.10605 of 2021

A.Michaelammal

... Petitioner

-vs-

1. The District Collector of Chennai,
Chennai - 600 001.
2. The Tahsildar of Perambur,
Perambur - 600 011.
3. The Government of TN rep.
by Additional Secretary,
Public (Political Pension) Department,
Secretariat, St. George Fort, Chennai - 9. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the record of the first respondent pertaining to the order dated 31.10.2020 made in Oo.Mu.,3/21400/2020 and quash the same and direct the first respondent to provide the State Freedom fighters Pension from the date of the application along with the arrears.

For Petitioner : Mr.V.Nandagopalan

For Respondents: Mr.M.Elumalai,
Additional Government Pleader

O R D E R

This Writ Petition has been filed, to quash the order dated 31.10.2020 made in Oo.Mu.,3/21400/2020 and to direct the first respondent to provide the State Freedom Fighters Pension from the date of the application along with the arrears.

2. Mr.M.Elumalai, learned Additional Government Pleader takes notice for respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. After hearing both the petitioner and respondents, it is clear that the impugned order dated 31.10.2020 is a non speaking order. When the petitioner has already produced the document, while passing the order rejecting or allowing the claim of the person who seeks for Freedom Fighters Pension, the said documents are not referred to. However, those documents



produced by the parties concerned and referred to in those Exhibits are not produced for the purpose of the conclusion of granting or rejecting the pension. Even though the petitioner has produced the same, there is no whisper about the same in the impugned order. Hence, the order impugned in the present Writ Petition is liable to be set aside and the same is set aside accordingly. The matter is remitted back to the authorities concerned to take a decision on the request of the petitioner after scrutinizing all the documents available with the petitioner and the authorities may also seek other documents from the petitioner, if needed. In case of production or non production of those documents, the decision can be taken by the authorities depending upon the documents that may be produced by the petitioner. All the documents need to be referred to or shown as Exhibits in the order to be passed by the authorities concerned. Reference to those documents needs to be followed by all the authorities while dealing with the request for Pension either by the person or the legal representatives / dependants.

4. The Writ petition is ordered by setting aside the impugned order of the 1st respondent and the 1st respondent shall consider the request of the petitioner after affording an opportunity of hearing to the petitioner and taking into consideration all the documents produced by the petitioner and decision within four months can be arrived at afresh within four months, without being influenced by the impugned order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vum

To

1. The District Collector of Chennai,
Chennai - 600 001.

2. The Tahsildar of Perambur,
Perambur - 600 011.

3. Additional Secretary,
The Government of TN rep.
Public (Political Pension) Department,
Secretariat, St. George Fort, Chennai - 9.

+1 cc to Government Pleader Sr.No. 24709

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VBM(CO)

B.VC(19.07.2021)

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