



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.9509 of 2021

S. Gaffor

... Petitioner

-vs-

1. The Government of Tamil Nadu
rep.by Additional Secretary,
Public (Political Pension) Department,
Secretariat, St.George Fort,
Chennai - 600 009.
2. The Collector of Chennai
Chennai 600 001.
3. The Tahsildhar of Perumbur,
Perumbur - 600 011.

... Respondents

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to dispose the representation made on 15.01.2021 by the petitioner.

For Petitioner : Mr.V. Nandagopalan

For Respondents: Mr.M.Elumalai
Additional Government Pleader

ORDER

This writ petition has been filed, seeking a direction to the respondents to dispose of the petitioner's representation dated 15.01.2021.

2. The case of the petitioner is that he is a freedom fighter (INA) and he had applied SWATANTRA SAINIK pension scheme on 18.06.1997 and the same was acknowledged on 01.04.1999. The petitioner had participated in the IIL for against the British Force in the head of Shri Nethaji Subhash Chandra Bose in Burma and was arrested by the British force and imprisoned at Rangoon



Central Jail from July 1945 to January 1946 and obtained a certificate from All India Freedom Fighters Organisation, Janmanthiar, New Delhi issued on 26.07.1999 and Tamil Nadu INA Forum provided the certificate on 20.12.2006 by Mr.P.K.Servai one of the key member of screening committee from INA. The petitioner had obtained co-prisoner certificate from R.Kannan dated 18.06.1997 and other co-prisoner certificate obtained from G.Kumar dated 18.06.1997. Thereafter he filed W.P.No.14733 of 2020 order dated 07.12.2020 and obtained the State Freedom Fighter pension order No.14152/2020 dated 15.12.2020. The state did not provide the arrears from the date of application and hence made a representation to the respondents on 15.01.2021 for the arrears from application dated 18.06.1997 along with the interest 12% per annum for inordinate delay. Since there was no reply from the respondents the petitioner has approached this Court with the present writ petition.

3. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondents and if the representation is not already disposed of earlier, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation preferred by the petitioner dated 15.01.2021 if the petitioner is found to be eligible and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 15.01.2021 and this order, to the respondents forthwith;



v) The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

dpq

To:

1. The Additional Secretary,
Public (Political Pension) Department,
Secretariat, St. George Fort,
Chennai - 600 009.
2. The Collector of Chennai
Chennai 600 001.
3. The Tahsildhar of Perumbur,
Perumbur - 600 011.

+2 CC to Mr. V. Nandagopalan, Advocate Sr 23932.

+1 CC to The Government Pleader, Sr 24018.

W.P.No.9509 of 2021

LN(CO)
SP(14/07/2021)