



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.11395 OF 2014

1. R.Krishnan (deceased)

2. K.Seeniammal

W/o.Late R.Krishnan.

... Petitioner

.Vs.

Union of India,
Rep. by its Under Secretary,
Ministry of Home Affairs,
Mansingh Road, New Delhi.

... Respondent

(P2 is substituted as legal heir of deceased sole petitioner vide order dated 28.10.2020 made in W.M.P.No.14800 of 2020 in W.P.No.11395 of 2014 by RSKJ)

PRAYER:- Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a writ of certioraried mandamus, calling for the records and quash the impugned order dated 06.11.2013 passed in No.52/CC/06/2013-FF(INA) on the file of the Respondent and direct the respondent to sanction Swatantra Sainik Samman Pension and pay the arrears for pension due from 1972 and continue to pay the freedom fighters pension to the petitioner.

For Petitioner : Mr.S.Sadasharam

For Respondents : Mr.P.Ayyasamy
Central Govt. Standing Counsel

O R D E R

The order dated 06.11.2013 passed by the respondent is under challenge in the present writ petition.

2. The original petitioner, who filed the writ petition seeking Freedom Fighters Pension, died during the pendency of the writ petition and his wife is impleaded as petitioner.



3. The petitioner states that he was a member of the Indian National Army and undergone sufferings along with the members of the Indian National Army. The original petitioner, though, has stated that he had undergone imprisonments on arrest, the said statement was not substantiated before the competent authorities.

4. The application submitted by the petitioners were examined by the competent authorities and it is found that the original petitioner Shri.Krishnan has not claimed any jail suffering.

5. The reasons stated in the order impugned are in consonance with the Freedom Fighters Pension scheme. Once the requirements for grant of pension is not complied with, then the Court cannot dispense with the conditions for the purpose of sanctioning of Freedom Fighters Pension. In the present case, the original petitioner has not even established that he was imprisoned in jail.

6. This being the factum, this Court do not find any infirmity or perversity in the order of rejection impugned in this writ petition. Thus, the writ petition is devoid of merits and stands dismissed. No Costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ars/mka

To

The Under Secretary,
Ministry of Home Affairs,
Union of India,
Mansingh Road, New Delhi.

+1cc to Mr.S.Sadasharam, Advocate, S.R.No.51524

W.P.NO.11395 OF 2014

PVS (CO)
PBS/27/10/2021