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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24523 2021

K.Vasantha

...Petitioner

-Vs-

1. The Joint Secretary
(General Political Pension-3 Department),
Government of Tamil Nadu,
Secretariat,
Fort St. George, Chennai.
2. The District Collector,
Vellore, Vellore District.
3. The Thasildar,
Katpadi Taluk,
Vellore District.

...Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus or any other writ, calling for the entire records in pursuant to the rejection order issued by the 1st respondent in Government Letter No. 5897/A.O.3/2021-I dated 06.09.2021 and quash the same and consequently direct the 1st respondent to sanction the Freedom Fighters Pension of the petitioner's deceased husband K.Kumaran within stipulated period.

For Petitioner : Mr. Sathish Kumar

For Respondents : Mr. U.Baranidharan
Addl. Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the entire records in pursuant to the rejection order issued by the 1st respondent in Government Letter No. 5897 / A.O.3 / 2021-I dated 06.09.2021 and to quash the same and to consequently



direct the 1st respondent to sanction the Freedom Fighters Pension of the petitioner's deceased husband K. Kumaran within stipulated period.

2. The case of the petitioner is that the petitioner's husband participated in the freedom struggles and he was a member of Cadre Wing and participated in the "Vellaiyana Velieru" Movement and was arrested and imprisoned for eight months and he has also participated in several Freedom struggle movements. The petitioner's husband/deceased has made multiple representation to the second respondent and the 2nd respondent had issued receipts in S.No.430 and 3122. On 08/07/2010, the 1st respondent had issued communication to the petitioner's husband to submit the application with relevant documents and the petitioner's husband has submitted the application on 20/09/2010 and the same was forwarded to the 2nd and thereafter to the 1st respondents vide communication Na.Ka.C4 5028/09 dated 16/05/2011 and Na.Ka.F1/34824/10 dated 10/09/2012 respectively.

3. It is further submitted that the petitioner's husband submitted his representation to the 2nd respondent along with the relevant documents for freedom fighter pension. Further the review committee headed by the 2nd respondent was held and resolution was passed to sanction pension to the petitioner's husband and the same was forwarded to the 1st respondent for the sanction of the freedom fighters pension. However, the petitioner's husband died on 22/10/2017. Thereafter, the petitioner submitted her representation to the respondents on 11/02/2021 for the sanction of the freedom fighter family pension and the same was rejected by the 1st respondent on 06.09.2021 stating that the 2nd respondent has issued rejection order that the petitioner's husband has not completed the age of 18 years when he was imprisoned. Hence, this Writ petition.

4. The learned counsel appearing for the petitioner reiterated the grounds taken in the affidavit and submitted that no notice was issued by the respondent prior to the passing of the impugned order.

5. The learned counsel appearing for the respondent submitted that though the petitioner has submitted the letter of two of the co-prisoners, however, no jail records have been submitted by the petitioner for proving his imprisonment in jail and considering the age difference in the proofs/documents submitted by the petitioner, the application of the petitioner's husband was rejected. Without challenging the said rejection



order submitting a fresh application claiming pension under Freedom fighter Scheme is not sustainable one. Hence, he pray this Court for the dismissal of the writ petition.

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6. Heard the counsels for both sides.

7. It is the stand of the respondents that the claim for Freedom fighters pension filed by the husband of the petitioner was rejected and no challenge has been made to the said order. The said fact is not disputed by the petitioner. Such being the admitted position, without challenging the said rejection order, the prayer sought for by the petitioner for considering her representation cannot be granted.

8. Therefore, for the reasons stated above, this Writ Petition is dismissed granting liberty to the petitioner to challenge the order of rejection in a manner known to law. No costs. Consequently, connected Miscellaneous petition, if any, is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Secretary
(General Political Pension-3 Department),
Government of Tamil Nadu,
Secretariat,
Fort St. George, Chennai.

2. The District Collector,
Vellore, Vellore District.

3. The Thasildar,
Katpadi Taluk,
Vellore District.

+1cc to Government Pleader, SR.No.59449

W.P.No.24523 2021

KG(CO)
GN(27/12/2021)