



WEB COPY

W.A.(MD) No.38 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2021

CORAM

THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM

and

THE HON'BLE MRS.JUSTICE S.ANANTHI

W.A. (MD) No.38 of 2019
and C.M.P. (MD) No.190 of 2019

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Tamil Nadu Development and Culture
and Religious Endowment Department,
Fort St. George, Chennai - 600 009.
- 2.The Director, Tamil Department, Kuralagam, Chennai.
- 3.The District Collector,
Kanyakumari District at Nagarcoil. ...Appellants/Respondents

-Vs-

1. V.Rajayyan Robin @ Thangappan (Died)
- 2.Esther Wilsy
- 3.Nalini Robin
- 4.Malini Robin
- 5.Shalini Robin
- 6.Amudini
(Respondents 2 to 6 are impleaded as legal
heirs of the deceased R1 vide order dated
29.04.2021 made in C.M.P. (MD) Nos.11556,
11560 & 11561/2019) ...Respondents

Prayer: Writ Appeal filed under Clause 15 of Letter Patent against the order dated 12.03.2018 made in W.P. (MD) No.5058 of 2016.

Prayer in WP (MD). 5058 of 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS to call for the records of the 1st respondent in G.O.Ms.No.120 dated 25.08.2014 and quash it in so far as it grants the petitioner pension from the date of the G.O. and direct him to sanction the Petitioner pension from the original date of application namely 15.11.1993.

For Appellants : Mr.K.P.Krishnadoss,
Special Government Pleader

For Respondents : Mr.T.S.R.Venkatramanan



JUDGMENT

[Judgment of the Court was made by **T. S. SIVAGNANAM, J.,**]

This Writ Appeal by the State is directed against the order dated 12.03.2018, passed in W.P.(MD)No.5058 of 2016.

2. We have heard the learned Special Government Pleader appearing for the appellant and Mr.T.S.R.Venkatramana, learned counsel appearing for the respondents.

3. The Writ Petitioner was a Ellaipor Thiyagi, who is entitled for grant of pension.

4. The issue involved is whether the grant of pension should be from the date of application or from the date of issuance of G.O.Ms.No.120, dated 25.08.2014. The issue is no longer *res integra* and has been decided in earlier cases as well. One such decision being in the case of **C.Natrarajan Vs. Government of Tamil Nadu and Ors, [(1999) 3 MLJ 728]**, wherein pension was directed to be granted from the date of application. There are other decisions with regard to the cases arising under the Freedom Fighters Pension Scheme both Central and State.

5. Thus, for the above reasons, we find no reasons to interfere with the order passed by the learned Single Bench. Accordingly, the appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

6. The learned counsel for the respondent/writ petitioner is right in his submission that no person can take advantage of his own wrong on the ground that the appellants, having delayed the consideration of the application for several years, cannot now say that they will not grant pension to the writ petitioner from the date of application and will grant only from the date of Government Order. Further more, we note that the writ petitioner is no more and the benefit will accrue to his legal heirs only. The daughter of the respondent/writ petitioner viz., Amudini is appointed as nominee of the legal heirs of the deceased writ petitioner, who shall be paid the amount by the appellants, who shall receive it on behalf of herself and all other legal heirs and distribute the same among themselves.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary,
State of Tamil Nadu
Tamil Nadu Development and Culture
and Religious Endowment Department,
Fort St. George, Chennai - 600 009.
- 2.The Director,
Tamil Department,
Kuralagam, Chennai.
- 3.The District Collector,
Kanyakumari District at Nagarcoil.

+1 CC to M/s.T.S.R.VENKAT RAMANA, Advocate (SR-18144[F] dated 30/04/2021)

W.A. (MD) No.38 of 2019
and C.M.P. (MD) No.190 of 2019
29.04.2021

mj (CO)
TR(24.06.2021) 3P 5C