



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2790 of 2018

S.Muniyandi

... Petitioner

vs.

1. The State to Government,
Public (Political-A) Department,
Chennai-600 009.

2. The District Collector,
Virudhunagar District,
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.J3/31360/2015, dated, 09.10.2015 passed by the second respondent and quash the same and subsequently, direct the respondent to sanction the political pension for petitioner by declaring the petitioner as the descendants of King Marudhu Pandiar brothers.

For Petitioner : Mr.K.Mahendran

For Respondents : Mr.P.Mahendran

Additional Government Pleader

O R D E R

Heard Mr.K.Mahendran, learned counsel appearing for the petitioner and Mr.P.Mahendran, learned Additional Government Pleader appearing for the respondents.

2. In recognition of the bravery and involvement of the Maruthupandi Brothers of the erstwhile Sivagangai State, the State Government had provided freedom fighters political pension to the descendants of Maruthupandi Brothers and accordingly, had constituted a Committee of Three Members to ascertain the claims of the descendants of Maruthupandi Brothers. Accordingly, the Three Member Committee had identified 202 persons as descendants of Maruthupandi Brothers and the political pension was also released in their favour. The honour of receiving the political pension was not restricted to the quantum of the pension but in recognition of their lineage.

3. The petitioner herein, claims to be one of the descendants of Maruthupandi Brothers and according to him, the petitioner's father Subbiah and his father's brother Rakkusamy @ Rengasamy, who are the sons of Sathaiya, died long years ago, leaving behind his wife Rakku and two sons, namely, Rakkusamy @



Rengasamy as the eldest son of the family and the petitioner's father and two daughters, namely, Thangammal and Muniyammal. According to the learned counsel for the petitioner, the petitioner's senior paternal uncle's sons received pension and their names were listed among the 202 descendants identified by the Committee at Serial Nos.112, 113 and 114 respectively. His request in this regard to include his name as one of the descendants of Maruthupandi Brothers and for a consequential political pension came to be rejected by the respondents on the ground that the inclusion of the name of the claimants requires to be identified only by the Committee and since the petitioner's claim is not supported by any document, his request is unreasonable.

4. The learned counsel also placed reliance on two decisions of this Court in the case of **Kalyani and Kasthuri Kannan Vs. The Secretary to Government of Tamil Nadu, Public Department, (Pensions Political), Fort St.George, Chennai**, passed in W.P.(MD). Nos.7234 and 7235 of 2009, dated, 13.10.2009 as well as in the case of **1.V.Kanaga, 2.C.Maragatham 3.K.Rasu @ Rajeswari Vs. The Secretary to Government, the State of Tamil Nadu, Public (Political Pension-2) Department, Secretariat, Chennai-600 009 and others** in W.P.(MD). No.1271 of 2018, dated, 11.09.2020, wherein, a similar claim of the petitioners therein, came to be ordered by this Court, consequent to which, the respondents have also included the names of Kalyani and Kasthuri Kannan, insofar as the petitioners in W.P.(MD).No.1271 of 2018 are concerned.

5. The learned counsel submitted that the Writ Appeal filed by the respondents in W.A.(MD).No.355 of 2021, came to be rejected and thereby, the order of the learned Single Judge, directing the inclusion of three claimants viz., 1. V. Kanaga 2. C.Maragatham, 3. K.Rasu @ Rajeswari, is under consideration of the respondents.

6. The learned Additional Government Pleader appearing for the respondents on the other hand submitted that the tracing of the descendants of Maruthupandi Brothers requires to be done extensively, for which purpose, the Government had constituted a Three Member Committee. The Committee had exhaustively conducted the enquiry and identified 202 descendants alone and therefore, the inclusion of any other persons as the descendant is not permissible. He also submitted that there has been a number of claims for inclusion of their names as descendants of Maruthupandi Brothers and such claimants cannot be permitted to misuse the Government policy to recognize the political freedom fighters pension. Insofar as the cases of Kalyani and Kasthuri Kannan are concerned, the learned Additional Government Pleader placed reliance on the averments and the counter affidavit and submitted that these two names are included only on the basis of the Court Orders and therefore, the petitioner cannot cite the same as a precedent.

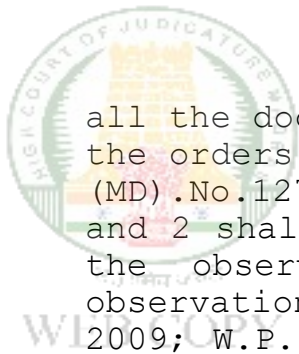


7. I have a careful consideration on the submissions made by the respective counsels.

8. The claim of the petitioners herein has been rejected only on the ground that the Committee had already concluded 202 descendants of Maruthupandi Brothers and any fresh claim cannot be included therein in the absence of any favorable proposal of the Committee. Such an objection made in the impugned order as well as in the counter statement have been deviated by the respondents, when they had included the names of Kalyani and Kasthuri Kannan. As a matter of fact, when this Court had earlier passed orders in W.P. (MD).Nos.7234 and 7235 of 2009, the only direction given to the respondents was to consider the representation for inclusion of their names among the descendants of Maruthupandi Brothers. Pursuant to the directions, the District Collector concerned seems to have conducted an enquiry and affirmed that Kalyani and Kasthuri Kannan were indeed the descendants of Maruthupandi Brothers. In the case of petitioner, a specific claim has been made that the petitioner's ancestors, namely, R.Chinnamarudhu, R.Bose and R.Mariappan had been included in Serial Nos.112 to 114 among 202 descendants of Maruthupandi Brothers. These three members, hailing from Narikudi Post, Tiruchuzhi Taluk, are claimed to be the petitioner's brothers' cousins. While that being so, it would not be proper to outrightly reject the claim of the petitioner herein, simply, on the ground that the Three Member Committee has already restricted the descendants of Maruthupandi Brothers. This Court has also taken note of the fact that pursuant to the orders of this Court passed in W.P.(MD).Nos.7234 and 7235 of 2009, the names of two persons have been additionally included in the list of descendants and in view of the subsequent orders passed in W.P.(MD).No.1271 of 2018, three further names are likely to be included also. While that being so, it would be appropriate to direct the respondents herein to re-consider the petitioner's case.

9. Though the learned counsel for the petitioner would submit that all the supporting documents which he was in possession to substantiate that he is one among the descendants of late Maruthupandi Brothers, have already been supplied to the respondents, it would be appropriate, if the petitioner is called upon to resubmit the copies of such documents once again with fresh application seeking for inclusion of his name in the descendants' list and for consequent allotment of political pension. As such, the present impugned order cannot be sustained.

10. In the light of the above observations, the impugned order passed by the second respondent in Na.Ka.J3/31360/2015, dated, 09.10.2015 is quashed. Consequently, the matter is remanded back to the first respondent herein, who shall reconsider the petitioner's request by authorizing the second respondent herein, to conduct an enquiry into the petitioner's claim. The petitioner shall submit



all the documents in supporting of his claim together with copies of the orders of this Court in W.P.(MD).Nos.7234 and 7235 of 2009; W.P.(MD).No.1271 of 2018 and W.A.(MD).No.355 of 2021. The respondents 1 and 2 shall reconsider the petitioner's application in the light of the observations made in the present order as well as the observations made by this Court in W.P.(MD).Nos.7234 and 7235 of 2009; W.P.(MD).No.1271 of 2018 and W.A.(MD).No.355 of 2021 and pass fresh orders by giving due opportunity of personal hearing to the petitioner. The respondent Nos.1 and 2 shall take endeavour to conclude the entire process as expeditiously as possible, preferably, within a period of six (6) months from the date of receipt of a copy of this order.

11. The Writ Petition stands ordered accordingly. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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 State to Government,
Public (Political-A) Department,
Chennai-600 009.

2. The District Collector,
Virudhunagar District,
Virudhunagar.

+1 CC to M/s.SPL GP (SR-12762[F] dated 22/03/2021)

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-13050[F] dated 23/03/2021)

Order made in
W.P. (MD) No.2790 of 2018
Dated :

19.03.2021

RK (26.04.2021) 4P 5C