



W.P.No.10265 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.10265 of 2018

M.Vadivel (Deceased)

2.Theivanai

3.Bose

4.Devika

5.Iswariya

6.Mathikanda Devan

7.Rajasekar

8.Maheswari

9.Shanthi

(P2 to P9 substituted as Legal Representatives of
the deceased petitioner vide order dated 27.08.2020
made in W.M.P.No.193 of 2020 in
W.P.No.10265 of 2018)

... Petitioners

Vs



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- 1.The Government of India,
Represented by its Secretary,
Ministry of Home Affairs,
(Freedom Fighters Division),
Lok Nayak Bhawan,
New Delhi - 110 003.
- 2.The Under Secretary,
Ministry of Home Affairs,
(Freedom Fighters Division),
Lok Nayak Bhawan,
New Delhi - 110 003.
- 3.The Secretary to Government,
Home Department, Fort St. George,
Chennai - 600 009.
- 4.The District Collector,
Thiruvarur Division,
Thiruvarur.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the third and fourth respondents to forward and recommend the resubmitted application dated 06.03.2017 of the petitioner for sanction the Swathantratha Sainik Samman INA Pension to the petitioner with effect from 09.02.1989 (the date on which the State Government forwarded the representation to the respondents), with interest at the rate of 12% per annum to the first and second respondents.



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For Petitioners : No appearance
For Respondents :
For R1 & R2 : No appearance
For R3 : Mrs.P.Rajarajeswari
Government Advocate
For R4 : Mr.N.Naveen Kumar
Government Advocate

ORDER

There is no representation on behalf of the petitioners and on behalf of the first and second respondents.

2. This writ petition has been filed for a Mandamus, to direct the third and fourth respondents to forward and recommend the resubmitted application dated 06.03.2017 of the petitioner for sanction the Swathantratha Sainik Samman INA Pension to the petitioner with effect from 09.02.1989 (the date on which the State Government forwarded the representation to the respondents), with interest at the rate of 12% per annum to the first and second respondents.



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3. At the time when the writ petition was filed, the petitioner was aged about 101 years. The petitioner died during the pendency of the present writ petition. Thereafter, his legal heirs namely his wife and children were substituted as legal heirs vide order of this Court in W.M.P.No.193 of 2020 dated 27.08.2020.

4. The learned Government Advocate for the third respondent has filed a copy of the Government Letter dated 26.12.2020 bearing Ref.No.35524/PP.1/2020-5 issued by the Public (Political Pension-I) Department, Secretariat, Chennai-9.

5. Sl.No.9 of the Government Letter pertains to the deceased petitioner's pension. The issue in the present writ petition is covered by it. It reads as under:-

Sl. No	Name & District/WP & Year	District Level Screening Committee Report
9	M.Vadivelu, Deceased, Thiruvarur. W.P.No.10265/2018	Tmt.Devani, W/o.(Late) M.Vadivelu has submitted the documents before the District Level Screening Committee and found that the petitioner is receiving the State Freedom Fighters'



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Sl. No	Name & District/WP & Year	District Level Screening Committee Report
		Family Pension. To get the central pension, the primary evidences such as the Imprisonment/Detention certificates were not submitted before the DLSC. Hence, the secondary evidence such as the co-prisoner certificate was submitted by the petitioner and was verified by the DLSC. In that, the co-prisoner certificate issued by the freedom fighter found genuine. Therefore, the Committee has recommended the case of Tmt.Deivani for grant of Central Government Freedom Fighter Pension in respect of husband (late) Vadivelu.

6. Considering the fact that the second petitioner is aged about 81 years at the time when the miscellaneous petition in W.M.P.No.193 of 2020 was filed and also considering the aforesaid Government Letter, I direct the first and second respondents to process the petitioner's pension now payable to his legal representatives. This exercise may be carried out by the first and second respondents as expeditiously as possible,



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preferably, within a period of three months from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of in terms of the above observations. No costs.

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Index : Yes/ No
Speaking/Non-Speaking Order

arb

To

- 1.The Secretary,
Government of India,
Ministry of Home Affairs,
(Freedom Fighters Division),
Lok Nayak Bhawan,
New Delhi - 110 003.
- 2.The Under Secretary,
Ministry of Home Affairs,
(Freedom Fighters Division),
Lok Nayak Bhawan,
New Delhi - 110 003.
- 3.The Secretary to Government,
Home Department, Fort St. George,
Chennai - 600 009.



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C.SARAVANAN, J.

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4.The District Collector,
Thiruvarur Division,
Thiruvarur.

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