



WEB COPY



WP.No.9462 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

WP.No.9462 of 2018

D.Rajagopal

...petitioner

Vs.

1. The Deputy Secretary Govt of India,
Ministry of Home Affairs,
Freedom Fighters Division, Lok Nayak Bhavan,
New Delhi 110003.
2. The Secretary to Government,
The Public (Political Pension-3) Department,
Secretariat, Chennai 600 009.
3. The District Collector,
Office of the District Collector,
Chennai.

...respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the first, second and third respondents to consider the petitioner's pension application and pass orders granting freedom fighters (I.N.A.) pension to the petitioner along with the arrears from 1980.



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For Petitioner : Mr.S.Thamil Prabhu
For Respondents
for R1 : Mr.B.Sudhir Kumar,
Senior Panel Counsel
for RR2 and 3 : Mrs.M.Geetha Thamaraiselvan,
Special Government Pleader

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to consider the petitioner's pension application and pass orders granting freedom fighters (I.N.A.) pension to the petitioner along with arrears from 1980.

2. The petitioner states that he had participated in the freedom struggle by joining in Netaji's Indian National Army (I.N.A.) and served in I.N.A. in the civilian category as Propagandist and in the War Fund Collection Unit under the chairmanship of Shri. Lalkhan and Secretary Shri. Subramanian in the Indian Independence League (I.I.L.) at Kamayut Branch, Rangoon.

3. It is the case of the petitioner that he served in I.N.A. Burma between 1943 to 1945. After the surrender of I.N.A. in May 1945, he was arrested by the British Forces and detained him in the Rangoon Central



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Prison from May 1945 to December 1945 for a period of more than 6 months. The petitioner also states that he returned to India in 1965 as a repatriate and settled in India. The petitioner applied for Central Freedom Fighters (I.N.A.) pension on 21.08.1980 and also submitted several reminders to the first respondent at regular intervals. Thereafter, the application of the petitioner was forwarded by the first respondent to the State Government on 24.03.1999 for getting verification report from the respondents 2 and 3.

4. It is submitted that the second and third respondents had scrutinised the application submitted by the petitioner and made several queries and sought for documents to prove the claim of the petitioner about his credentials to get Freedom Fighters Pension. Though the petitioner submitted all the documents, which were sought for by the respondents, his application was rejected for want of records.

5. Thereafter, the petitioner submitted another representation with "co-prisoner affidavit" and other necessary documents to grant the Central Freedom Fighters (I.N.A.) pension. Though the petitioner is now



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aged about 97 years and leading his life in poverty, his application has not been considered by the respondents. Hence, the present Writ Petition.

6. The learned Special Government Pleader appearing for the respondents 2 and 3 submitted that though the petitioner has not fulfilled one of the essential requirement of being in prison for more than one year, the eligibility of the petitioner will be considered in the light of the Rules and Regulations that are applicable as on date in respect of the similar applications that are filed by other freedom fighters for Central Freedom Fighters pension. He further submitted that after scrutinizing the petitioner's application, the State Government has forwarded its recommendation to the Government of India along with the remarks of the District Level Screening Committee for taking appropriate action.

7. In that view of the matter, this Court directs the first respondent to consider the application of the petitioner on the basis of the recommendations of the State Government and the report of the District Level Screening Committee and pass appropriate orders on merits, within a period of twelve weeks from the date of receipt of a copy of this order.



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8. With the above direction, this Writ Petition is disposed of. No

costs.

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Index : Yes/No
pvs

To

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2. The Secretary to Government,
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