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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.12473 of 2021
and W.M.P No.13254 of 2021

M.Palani

...Petitioner

Vs.

1. The Govt. of TN
rep. by Additional Secretary,
Public (Political Pension) Department,
Secretariat, St. George Fort, Chennai - 9.
2. The Collector of Chennai,
Chennai - 600 001.
3. The Tahsildar of Thiruvottiyur,
Thiruvottiyur, Chennai - 19.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the record of the first respondent pertaining to the order dated 25.03.2021 of the first respondent made in Letter No.8230/A O-3(1)/2020-1 and quash the same and direct the respondents to provide the State Freedom fighters pension arrears from the date of the application on 25/9/2010 along with the rate of interest 12% per annum for the belated payment.

For Petitioner : Mr.V.Nandagopalan

For Respondents : Mr.D.Ravichander
Special Government Pleader

O R D E R

The petitioner, admittedly, is a Freedom Fighter and has been granted State Freedom Fighters Pension under order dated 29.04.2016, bearing No.14126.

2. A counter has been filed by the second respondent, i.e., the District Collector, Chennai. There appears no dispute on the position that the petitioner has been, in receipt of pension from 29.04.2016, which is the date of order. However, his



prayer is for payment of arrears from the date of his application which is 25.09.2010 along with interest at the rate of 12% p.a. for the belated payment. There is some lack of clarity in regard to the date of application itself.

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3. Admittedly, the petitioner has submitted application on 25.09.2010 that appears to have been returned by the authorities for want of sufficient supporting annexures. It perhaps has been re-submitted on 21.11.2014 as referred to in reference No. (1) of order dated 29.04.2016 sanctioning pension. Thus, while the petitioner would submit that his entitlement would flow from 25.09.2010 itself, according to the authority, such entitlement would flow from date of order, i.e., 29.04.2016.

4. The application in this case has been admittedly received by the authority along with full particulars as required on 21.11.2014. The authority has disposed it only on 29.04.2016 and the petitioner cannot be held to be responsible for the delay in disposal of the application.

5. That apart, the original file that is now circulated by Mr.D.Ravichander also makes it clear that the original date of submission of application is 25.09.2010 and it has been returned/kept pending for want of requisite particulars from the side of the petitioner.

6. Notwithstanding this, once requisite particulars have been duly furnished by the petitioner and the application is found to be acceptable, and in fact accepted, then the pension, once sanctioned, must run from the first date of submission of the application itself, in this case, 25.09.2010. Hence, the petitioner is entitled to pension from 25.09.2010.

7. In light of the above, this Writ Petition is allowed. The respondents are directed to compute the amount and pay over the same to the petitioner within a period of four (4) weeks from date of uploading of this order in the official website of this Court, failing which, interest clock will start ticking at the rate of 6% for every completed month of delay. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Secretary,
Public (Political Pension) Department,
Secretariat, St. George Fort, Chennai - 9.

2. The Collector of Chennai,
Chennai - 600 001.

3. The Tahsildar of Thiruvottiyur,
Thiruvottiyur, Chennai - 19.

+2cc to Mr.V.Nandagopal, Advocate, S.R.No.26911

+1cc to the Government Pleader, S.R.No.26753

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SKM(CO)
SB(05/05/2022)