

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.15931 of 2022
and WMP No.15233 of 2022

P.Seethalakshmi

... Petitioner

Versus

1. The Under Secretary to Govt. of India (INA),
Ministry of Home Affairs, Freedom Fighters Divisions,
2nd Floor, NDCC-II Building, Jain Singh Road,
New Delhi-110003.
2. The Government of Tamil Nadu by
Additional Secretary,
Public (Political Pension) Department,
Secretariat, St.George Fort, Chennai-9.
3. The District Collector of Chennai,
Chennai-600001.
4. The Tahsildar of Perambur,
Perambur-600 011.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Madamus to direct the first respondent to issue the Central Government Freedom Fighter the family dependent pension from 18.06.2019 to the Petitioner.

For Petitioner : Mr.V.Nandagopalan

For Respondents : Mr.Rajesh Vivekananthan
Asst.Solicitor General
For R.1
Mr.T.Seenivasan
Spl.Govt. Pleader
For R.2 to R.4

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to issue Central Government Freedom Fighters family dependent pension based on the petitioner's representation dated 18.06.2019.

2. According to the petitioner, her husband S.Paul was a freedom fighter who was honoured by the Government of Tamil Nadu by providing the freedom fighter pension from 21.06.1982 onwards and he died on 18.06.2019 due to illness. According to the

petitioner, after the death of her husband, the respondents stopped the pension from 18.06.2019 onwards. According to the petitioner, she is entitled to get family dependent pension. The petitioner has submitted all the documents and has given a representation to the respondents requesting for grant of family dependent pension for her late husband S.Paul, who died on 18.06.2019,

3. Heard Mr.V.Nandagopalan, learned counsel for the petitioner and Mr.Rajesh Vivekanand, learned Assistant Solicitor General for the first respondent and Mr.T.Seenivasan, learned Special Government Pleader for the respondents 2 to 4.

4. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

5. The request for family pension has also been forwarded by the State Government to the Central Government recommending the case of the petitioner. The letter dated 13.04.2022 issued by the Deputy Secretary to Government, Public (Political Pension) Department is placed on record by the learned Special Government Pleader appearing for the respondent 2 to 4.

6. Learned Assistant Solicitor General appearing for the first respondent would submit that the petitioner's application seeking for family pension under the Freedom Fighters Category will be considered on merits and in accordance with law.

7. After recording the fact that the petitioner's case has already been recommended, this Court is of the considered view that no prejudice would be caused to the respondents if the petitioner's representation seeking for grant of family pension on account of death of her husband S.Paul, who, according to the petitioner, was a freedom fighter, is considered on merits and in accordance with law.

8. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's representation, seeking for grant of family pension on account of the death of her husband S.Paul, who died on 18.06.2019, based on the recommendation sent by the State Government through its letter dated 13.04.2022 within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

sr

To

1. The Under Secretary to Govt. of India (INA),
Ministry of Home Affairs, Freedom Fighters Divisions,
2nd Floor, NDCC-II Building, Jain Singh Road,
New Delhi-110003.
2. The Additional Secretary,
The Government of Tamil Nadu
Public (Political Pension) Department,
Secretariat, St.George Fort, Chennai-9.
3. The District Collector of Chennai,
Chennai-600001.
4. The Tahsildar of Perambur,
Perambur-600 011.

+1cc to Mr.R.Rajesh Vivekananthan, Advocate SR. No. 39674
+1cc to Government Pleader SR. No. 40355
+1cc to Mr.V.Nandagopalan, Advocate SR. No. 40537

W.P.No.15931 of 2022

AKII (CO)
PR (11/07/2022)