

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.NO.44145 OF 2016

K.Valli

... Petitioner

vs.

1. Government of India,
Ministry of Home Affairs,
(Freedom Fighters Pension)
New Delhi, represented by
The Secretary to Government.
2. The Under Secretary to Government of India,
Ministry of Home Affairs
(Freedom Fighters Pension)
New Delhi.
3. Government of Tamil Nadu,
Represented by Secretary to Government,
Public (P.P.III) Department,
Secretariat, Chennai - 600 009.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to order in No.52/CC/TN/1/2016-FF/INA dated 20.10.2016 of the 2nd respondent and to quash the same and to issue consequential direction to the first respondent to sanction monthly pension to petitioner under the Freedom Fighters Pension Scheme, from date which the State Government sanctioned Pension and disburse the arrears thereof within a reasonable period with 12% interest on the belated payment.

For Petitioner : M/s.T.Dharani

For Respondents : No appearance

O R D E R

The petitioner challenges the rejection of her claim for Freedom Fighters Pension under the Swatantrata Sainik Samman Pension Scheme, 1980 of the Government of India.

2. The request of the petitioner has been rejected on the ground that she has not produced primary or secondary evidence of incarceration of her husband during freedom struggle. The order impugned also refers to the revised guidelines in force from 06.08.2014 which reads as follows:-

"No pension shall be sanctioned in the name of the freedom fighter after his/ her death even if his/ her matter was under examination. This also entails that no Life time arrears or dependent pension shall be sanctioned to his/ her spouse/ daughter after the death of the freedom fighter."

3. It is not the case of the petitioner that her husband was sanctioned pension earlier. Hence, the claim of the petitioner has been rightly rejected by the respondents. I do not find any ground to interfere with the rejection order of the respondents.

4. The writ petition therefore fails and it is accordingly dismissed. The dismissal will be subject to the result of the batch of writ petitions challenging the 2014 circular and the petitioner is at liberty to renew her claim, if those writ petitions succeed. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Government of India,
Ministry of Home Affairs,
(Freedom Fighters Pension)
New Delhi.

2. The Under Secretary to Government of India,
Ministry of Home Affairs
(Freedom Fighters Pension)
New Delhi.
3. The Secretary to Government,
Government of Tamil Nadu,
Public (P.P.III) Department,
Secretariat, Chennai - 600 009.

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RR(CO)
RLP(21/07/2022)