



Writ Petition No.2039 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: **30.11.2022**

C O R A M

THE HONOURABLE Mr.JUSTICE N. SATHISH KUMAR

Writ Petition No.2039 of 2017

C.M.Marisamy Gowda

... Petitioner

Vs

1. The District Collector,
Krishnagiri District, Krishnagiri.
2. The Secretary to the Government of Tamilnadu,
Public [Political Pension-II] Department,
Secretariat, Fort St. George, Chennai – 600 009.
3. The Deputy Secretary to the Government of India,
Ministry of Home Affairs, Freedom Fighters Division,
NDCC-II, Building, Jai Singh Road, New Delhi – 110 001.

[Respondents 2 & 3 Suo-motu impleaded vide Order
dated 06.08.2020 in WP.No.2039 of 2017by PDAJ]

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the first respondent in his proceedings in Na.Ka.No.76268/2003/J4 dated 01.07.2016 and quash the same and issue consequential directions to the



respondents to grant Central Freedom Fighters Pension to the petitioner from the date of his application with interest.

For petitioner ... Mr.Govi Ganesan

For respondents ... Mr.P.Sathish, Addl. Govt. Pleader – R1 & R2

Mr.Rajesh Vivekananthan – R2

ORDER

This Writ Petition has been filed to quash the proceedings of the first respondent dated 01.07.2016 and issue consequential direction to the first respondent to grant Central Freedom Fighters Pension to the petitioner from the date of his application with interest.

2. The grievance of the petitioner is that despite submission of the application as required by the Central Government, the respondents have not referred the same to the Central Government. The learned counsel appearing for the petitioner also filed a typed set to prove that the application has been submitted along with Co-Prisoner certificate and based on the above application the District Collector has to forward the application after translation of the documents to the Central Government. In the communication dated



19.08.2019, the District Collector was directed to conduct enquiry and the District Collector inturn directed the Tahsildar to conduct enquiry and the Village Administrative Officer was also directed to conduct enquiry. Thereafter, the impugned has been passed rejecting the application submitted by the petitioner. Hence, the present Writ Petition.

3. The learned Government Pleader appearing for the first and second respondents submitted that as the enquiry has been conducted, now they will refer the document to the Central Government within a period of six weeks.

4. In such view of the matter as the application has been submitted by the petitioner as requested by the Central Government, the State Government shall forward the same to the Central Government after translation as required in the communication of the State Government. Whether or not, the petitioner is entitled to pension will be decided by the Central Government. Accordingly, the District Collector is directed to forward the application of the petitioner to the Central Government within a period of one month from today.

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



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Index : Yes / No
Internet: Yes
Speaking/non speaking order

vrc

To

1. The District Collector,
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N. SATHISH KUMAR, J

VRC

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