



W.P(MD)No.212 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.212 of 2021

Ammani Ammal

... Petitioner

Vs.

1.The Secretary to Government,
Government of India,
Ministry of Home Affairs,
Freedom Fighters Division,
1st Floor, Lok Nayak Bhavan,
New Delhi – 110 003.

2.Under Secretary to Government of India,
Ministry of Home Affairs,
Grih Mantralaya (Freedom Fighters Division),
2nd Floor, NDCC Building,
Jai Sign Road,
New Delhi – 110 001.

3.The Deputy Secretary,
Public (Political Pension.1) Department,
Government of Tamil Nadu,
Secretariate, Chennai – 9.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for the



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records relating to the impugned order passed by the 2nd respondent in F.No.52/CC/TN/21/2015-FF-SZ(INA) dated 18.01.2019 and quash the same as illegal and consequently direct the 2nd respondent to grant central government freedom fighters family pension to the petitioner within a stipulated time as may be fixed by this Honourable Court.

For Petitioner : Mr.J.Balameenakshi

For Respondents : Mr.S.Karthik for R1 & R2.
Mr.N.Ramesh Arumugam,
Government Advocate for R3.

ORDER

Heard the learned counsel on either side.

2.The petitioner applied to the second respondent for grant of freedom fighter pension. The petitioner's request was rejected by the impugned order dated 18.01.2019. Questioning the same, this writ petition came to be filed.

3.The learned counsel for the writ petitioner took me through the averments set out in the affidavit filed in support of the writ petition and called upon this Court to quash the impugned order of rejection and allow the writ petition as prayed for.



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4.The State Government as well as Central Government filed their counter affidavits. The learned standing counsel for the Central Government submitted that for grant of Central Government pension for the freedom fighters under the petition mentioned scheme certain requirements will have to be fulfilled. The petitioner's case does not meet those requirements. He drew my attention to paragraph No.4 of the impugned order in which as many as five defects have been pointed out.

5.I am not impressed by the objections raised in the impugned order and which have been reiterated by the learned standing counsel for the Central Government. In my view, the case on hand is squarely covered by the order dated 12.07.2019 made in W.A.(MD)No.449 of 2019. The Hon'ble Division Bench came to the conclusion that when the State Government has chosen to grant freedom fight pension to the applicant, his case cannot be negated by the Central Government. Otherwise, anomalous situation would arise. One will be a freedom fighter as far as State Government is concerned and he will not be a freedom fighter as far as Central Government is concerned. This would be an absurd situation. The petitioner has enclosed in the typed set of papers the copy of the sanction order granted in her favour following the



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demise of her husband. In this view of the matter, the impugned order is set aside and the writ petition is allowed. The respondents 1 and 2 are directed to sanction the Central Government Freedom Fighter Family Pension to the petitioner forthwith and without any delay. No costs.

12.08.2022

Index : Yes / No
Internet : Yes/ No
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To:

The Deputy Secretary,
Public (Political Pension.1) Department,
Government of Tamil Nadu,
Secretariate,
Chennai – 9.



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G.R.SWAMINATHAN, J.

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