



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.2982 of 2022

Saraswathy

... Petitioner

Vs.

1.The under Secretary to Government,
Government of India,
Ministry of Home Affairs,
Freedom Fighters Division,
NDCC-II Building,
Jai Singh Road,
New Delhi - 110 001.

2.The Deputy Secretary to Government,
Government of Tamil Nadu,
Public (Political Pension-I Department),
Secretariat,
Chennai - 600 009.

3.The District Collector,
District Collector Office,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to take necessary action with regard to the letter No.23839/PP.1/2021-2 dated 29.11.2021 within stipulated time as may be fixed by this Court, which is forwarded by the second respondent by considering the petitioner's representation dated 27.12.2021.

For Petitioner	: Mr.Ayyanar Premkumar for Ms.P.Sepana @ Sree
For Respondent No.1	: Mrs.L.Victoria Gowri Assistant Solicitor General of India
For Respondents 2&3	: Mr.B.Saravanan Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to take necessary action pursuant to the letter dated 29.11.2021, issued by the second respondent within a time frame to be fixed by this Court.



2.It is the case of the petitioner that her husband was a freedom fighter and he was getting pension from the State and Central Governments. He died on 02.08.2013. According to the petitioner with great difficulty after the death of her husband, she has been getting the family pension from the State Government. However, she has not been receiving the family pension from the Central Government. According to the petitioner, though the State Government by its communication dated 29.11.2021 has recommended the case of the petitioner to the Central Government for family pension, till date the same has not been received by her. In such circumstances, the petitioner has filed this writ petition.

3.Heard Mr.Ayyanar Premkumar for Ms.P.Sepana @ Sree, learned Counsel appearing for the petitioner, Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India who accepts notice on behalf of the first respondent and Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents 2&3.

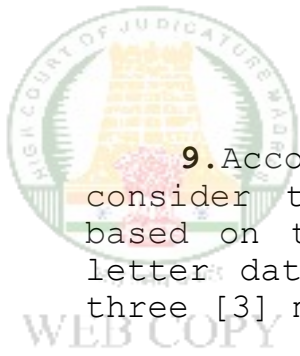
4.A counter affidavit has also been filed by the first respondent stating that they require some more time to process the petitioner's application for family pension on the ground that the said application has been filed after a lapse of more than eight [8] years from the date of death of the petitioner's husband. It is also stated in the counter affidavit that the petitioner's application is under examination by the first respondent.

5.Learned Assistant Solicitor General appearing for the first respondent would submit that since the petitioner has submitted the application seeking for family pension with the Central Government after a lapse of more than eight [8] years from the date of her husband's death, the first respondent requires sufficient time to process the petitioner's application. The said statement is recorded.

6.As seen from the counter affidavit, the first respondent has not rejected the petitioner's claim for family pension. The first respondent only seeks time to process the petitioner's application and pass final orders thereafter.

7.No prejudice would be caused to the first respondent if the petitioner's application seeking for family pension is considered within a time frame to be fixed by this Court.

8.After giving due consideration to the counter affidavit filed by the respondents, this Court is of the considered view that the application of the petitioner seeking for family pension can be considered and final order be passed by the first respondent within a period of three [3] months from the date of receipt of a copy of this order.



9. Accordingly, this Court directs the first respondent to consider the petitioner's application seeking for family pension based on the recommendations made by the State Government in its letter dated 29.11.2021 and pass final orders within a period of three [3] months from the date of receipt of a copy of this order.

10. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-II)

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/ /2022

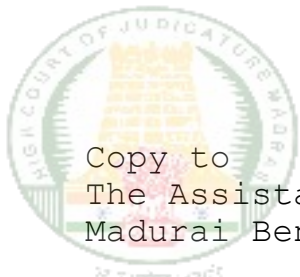
Sub Assistant Registrar(CS)

MR

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The under Secretary to Government,
Government of India,
Ministry of Home Affairs,
Freedom Fighters Division,
NDCC-II Building,
Jai Singh Road,
New Delhi - 110 001.
2. The Deputy Secretary to Government,
Government of Tamil Nadu,
Public (Political Pension-I Department),
Secretariat,
Chennai - 600 009.
3. The District Collector,
District Collector Office,
Ramanathapuram District.



Copy to
The Assistant Solicitor General of India,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.SEPANA @ SREE, Advocate (SR-13098[F] dated
18/03/2022)

+1 CC to M/s.SPL GP (SR-13214[F] dated 21/03/2022)

ORDER MADE IN
W.P. [MD]No.2982 of 2022
18.03.2022

ck(CO)
TR(22.03.2022) 4P 7C