



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 20.09.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.17883 of 2020

M.Indira

..Petitioner

Vs

- 1.The Deputy Secretary to Government of India,
Freedom Fighter's Division,
Ministry of Home Affairs,
Second Floor,New Delhi City Centre-II Building,
Jai Singh Road,
New Delhi – 110 001.
- 2.The Deputy Secretary to Government(FAC),
Public(Political Pension-I) Department,
Secretariat,
Chennai – 600 009.
- 3.The District Collector,
Office of the District Collector,
Thoothukudi,
Thoothukudi District.
- 4.The Tahsildar,
Taluk Office,
Kovilpatti Block,
Thoothukudi District.
- 5.The Manager,
Central Bank,
Kovilpatti Branch,
Thoothukudi District.
- 6.The Treasury Officer,
Sub-Treasury Office,
Kovilpatti,
Thoothukudi District.

..Respondents.



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to allot the dependent family Thiyagi Pension under the Swantanatrata Sainik Samman Pension Scheme (SSSP),1980) to the Petitioner since 1.5.2013 based on the direction in No.8/02/98-FF(P), dated 13.10.2000 issued by the Director of Ministry of Home Affairs, Government of India to consider the Petitioner's representation dated 25.3.2019 within the time stipulated by this Court.

For Petitioner :Mr.A.Vanchinathan

For Respondent-1 :Mr.A.Srinivasan

For Respondents :Mr.D.Sadiq Raja
2 to 4 and 6 Addl.Govt.Pleader

For Respondent-5 :Mr.N.Dilip Kumar

ORDER

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the first respondent to allot the dependent family Thiyagi Pension under the Swantanatrata Sainik Samman Pension Scheme (SSSP),1980) to the Petitioner since 1.5.2013 based on the direction in No.8/02/98-FF(P), dated 13.10.2000 issued by the Director of Ministry of Home Affairs, Government of India to consider the Petitioner's representation, dated 25.03.2019 within the time stipulated by this Court.

2.Heard the learned counsel appearing on either side and perused



the materials placed before this Court.

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3.The case of the Petitioner is that the Petitioner's father Thiyagi Madasamy was a soldier in I.N.A, which was organized by Nethaji Subash Chandra Bose and he died on 14.05.2002. Till his death, the Petitioner's father received the Thiyagi pension under the Swatanatrata Sainik Samman Pension Scheme(SSSP),1980. After his demise, the Petitioner's mother Valliyammal received the same and she died on 9.4.2013. As the petitioner is the only eligible person to receive the dependent family pension under the above said scheme, since 2013, the same was not allotted to the Petitioner. As per the direction of the Director to the Ministry of Home Affairs, Government of India in No.8/02/98-FF(P), dated 13.10.2000, the Petitioner, as unmarried daughter, is eligible to get the dependent pension till her death. From May 2013 onwards, the Petitioner has submitted so many representations to the respondents 1 and 2 for allocation of dependant family pension and also filed Writ Petitions in this regard, but all ended in vain. On 25.03.2019 the Petitioner sent a representation to the first respondent and complied with all the formalities as required by the authorities. But the first respondent did not take any steps to consider the Petitioner's representation. Moreover, the Petitioner is a 51 year old unmarried woman, fighting for so many years for freedom fighters pension. Having no other option, the Petitioner has filed this Writ Petition for the relief stated supra.



4.The State Government has intervened in this matter and the Deputy Secretary to the Government, Public (Political Pension-I) Department, Secretariat, Chennai-9 wrote a letter to the Under Secretary to Government of India(INA)(name cover), Ministry of Home Affairs, Freedom Fighter's Division, NDCC-II Building, Jai Singh Road, New Delhi 110001 in Letter NO.1440/PP-1/2018-13, dated 18.3.2022, recommending the proposal of the District Collector of Thoothukudi District, forwarding the application of Selvi Indira, daughter of Late Madasamy(PPO No.3044/S), dated 14.5.2022)the only eligible legal heir to Late Madasamy, Freedom Fighter, Thoothkudi District in the prescribed format to the Government of India along with all original documents for transfer of Central Government Freedom Fighter's Dependent Pension and requested the above authority to sanction the Central Government Freedom Fighter's Pension to Selvi Indira at the arliest, as the matter is pending for more than eight years.

5.In the above facts and circumstances, this Court directs the first respondent to consider the request of the Petitioner for freedom fighter's pension based on her representation, dated 25.3.2019 and in the light of the direction of the Director to the Ministry of Home Affairs, Government of India in No.8/02/98-FF(P), dated 13.10.2000 and pass appropriate orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.



6. With the above direction, the Writ Petition is disposed of.

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19.09.2022

Index : Yes/No

Internet: Yes/No

vsn

To

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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

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