



WEB COPY



W.P.No.23080 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.23080 of 2006

1 K.Ramasami Chettiar (Deceased)

2 Saraswathi Ammal

3 R.Rajagopal

4 R.Shanmugam

5 R.Rani

6 R.Gunasundari

...Petitioners

(P3 to P6 are substitute as LR's of Deceased P2.Saraswathi Ammal as per Order dated.12.04.2018 by MDIJ in WMP.4877/18 in Wp.23080/2006)

-Vs-

1. The Union of India,
Rep by its Secretary,
Ministry of Home Affairs,
Lok Nayak Bhawan,
Khan Market, New Delhi.

2. The State of Tamil Nadu,
Rep by Deputy Secretary to the Government,
Public (Political Pension) Department,
Fort St. George Madras-9.

...Respondents



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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 from the file of the 1st respondent made in No.129/23/2004-FF/SZ dated 12.04.2005 and quash the same and further direct the 1st respondent to grant pension to the petitioner under Swatantrata Sainik Samman Pension Scheme.

For Petitioners : Mr.N.Stalin

For Respondents :
(for R1) : Mr.R.Rajesh Vivekananthan
Dy.Solicitor General of Police
(for R2) : Mr.T.Arun Kumar

ORDER

The order of rejection rejecting the claim of the original writ petitioner seeking Freedom Fighters' Pension is under challenge in the present writ petition.

2.The petitioner submitted an application for sanction of the Central Freedom Fighters' Pension under the scheme. Even at the time of filing of the writ petition, the petitioner was aged about 85 years and during the pendency of the writ petition, the original writ petitioner died, his wife also died and the legal heirs are impleaded as petitioners.



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3.Perusal of the order impugned reveals that the original writ petitioner has submitted application without enclosing the requisite documents enabling the authorities to consider the case for sanctioning of the Freedom Fighters' Pension. The original petitioner had not furnished any evidence of his own jail suffering for a period of one year or more. It is also not shown before a 1st Class Magistrate on a Stamp Paper. As per the scheme, the application is to be submitted in compliance with the terms and conditions stipulated in the scheme.

4.In the present case, the petitioner has not furnished any official primary documentary evidence and thus, the case of the petitioner was rejected. As of now, the petitioner and his wife are no more and the legal heirs at this length of time cannot claim any Freedom Fighters' Pension.

5.Based on the defective application submitted by the writ petitioner, the writ petition stands **dismissed**. No costs.

Index:Yes
Speaking order
Neutral Citation:Yes
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(¹/₂)



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S.M.SUBRAMANIAM, J.

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