



WEB COPY



W.P.No.23081 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.23081 of 2006

1. K.R.Venkataswamy

...Petitioners

-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

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.129/25/2004-FF/SZ dated 07.03.2005 and quash the same and further direct the 1st respondent to grant pension to the petitioner under Swatantrata Sainik Samman Pension Scheme.



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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 writ petition on hand has been filed, challenging the order of rejection dated 07.03.2005, for grant of Freedom Fighters' Pension.

2.The petitioner states that during the freedom struggle, he participated in several activities against the erstwhile British Government. The petitioner narrates several incidents wherein he participated in the freedom struggle. He submitted an application seeking a Central Freedom Fighters' Pension.

3.The Government of India considered the application with reference to the terms and conditions stipulated in the scheme. The application was rejected mainly on the ground that as per the Jail certificate furnished by the certifier, the petitioner was in Central Bellari Jail from 21.03.1945 to 11.05.1943, whereas the petitioner has claimed jail suffering from 15.09.1942 to 09.04.1943. In view of the



W.P.No.23081 of 2006

contradictions in the jail certificate, the authorities competent had not considered the case of the writ petitioner for the grant of Freedom Fighters' Pension.

4. Freedom Fighters' Pension is to be sanctioned in accordance with the terms and conditions stipulated in the scheme. Only in the event to furnishing requisite documents, the applicant would be eligible to claim a pension and not otherwise. In the present case, the authorities found contradictions and discrepancies in the jail certificate and thus, rejected the case of the writ petitioner.

5. This Court does not find any infirmity in respect of the decision taken. However, if the petitioner is possessing all requisite certificates in accordance with the terms and conditions of the scheme, he is at liberty to re-submit the application in the prescribed format and by complying with the terms and conditions. With these liberties, the writ petition stands **disposed of**. No costs.

Index: Yes
Speaking order
Neutral Citation: Yes/No
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(2/2)



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S.M.SUBRAMANIAM, J.

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