



WEB COPY

W.P.No.24929 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24929 of 2012

and

M.P.No.1 of 2012

V.Raman @ Ramin @ Ramamoorthy

... Petitioner

Vs.

1.Union Territory of Puducherry,
rep. by its Chief Secretary to Government,
Government of Puducherry,
Puducherry – 1.

2.The Joint Secretary to Government (Home)
Government of Puducherry,
Chief Secretariat (Home)
Freedom Fighters' Cell,
Puducherry – 1.

3.Union of India
rep. by its Deputy Secretary,
Ministry of Home Affairs,
Lok Nayak Bhawan,
Khan Market,
New Delhi – 110 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the



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3rd respondent in his proceedings in No.52/CC/Pon/147/2010-FF/SZ dated 01.07.2011 quash the same and consequentially direct the respondents to grant Swatantrata Sainik Samman Pension (SSS) and State Freedom Fighters Pension with interest on arrears, award costs.

For Petitioner	: Mr.Stalin Abhimanyu
For R1 & R2	: Mrs.V.Usha Additional Government Pleader [Puducherry]
For R3	: Mr.J.Madanagopla Senior Central Government Standing Counsel

ORDER

The order of rejection dated 01.07.2011, rejecting the claim of the writ petitioner for grant of Freedom Fighters Pension under Swatantrata Sainik Samman Pension (SSS) is under challenge in the present writ petition.

2. The petitioner at the time of filing of the writ petition was aged about 82 years and now he would be around 92 years. The petitioner states that he was a Freedom Fighter and fought for the liberation of Puducherry from the French Regime during the period from 1947 to 1954 as an employee



of the “Sudanthiram Printing Press”, which was a revolutionary weekly journal, promoting the cause of freedom.

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3. The learned counsel for the petitioner states that the petitioner submitted an application along with all relevant documents to grant freedom fighters pension under the Swatantrata Sainik Samman Pension (SSS) implemented by the Government of India. The petitioner's application was rejected and hence the petitioner filed W.P.No.15252 of 2008 seeking direction to the respondents to grant Swatantrata Sainik Samman Pension (SSS) and State Freedom Fighter Pension to the petitioner. This Court passed final orders on 02.02.2010 directing the authorities to consider the recommendations of the Government of Puducherry and pass appropriate orders. The State Government also sent its remarks to the Central Government. Again the respondents passed the impugned order in proceedings dated 03.05.2010, rejecting the claim of the writ petitioner on the following grounds:

1. *He has not furnished any acceptable record based primary evidence, duly verified by the State Government, in support of his claimed jail and*



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- underground sufferings undergone by him during freedom movement.*
2. *The petitioner has not furnished substantive evidence linking his imprisonment on murder charges with the merger movement of Puducherry.*
 3. *He has not furnished valid NARC from the State Government.*
 4. *The Certificate issued by Shri D.K.Ramanujam is neither a PKC nor CPC. Hence it is not acceptable.*

4. Challenging the said order dated 03.05.2010, the petitioner filed second writ petition in W.P.No.18220 of 2010. The said writ petition was adjudicated elaborately by this Court and a final order was passed on 17.02.2011.

5. Relying on the observations made in the said order by the High Court, the learned counsel for the petitioner reiterated that the reasons stated by the respondent for rejecting the Freedom Fighters Pension to the petitioner was considered by this Court and the writ petition was allowed directing the respondents to reconsider the case of the petitioner.



6. The learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 made a submission that mere imprisonment and non-release of the petitioner on 01.11.1954 cannot be ground to say that the conviction of the petitioner was not related to freedom struggle. Even after the elaborate orders passed by the High Court, the petitioner has now passed another impugned order, which is under challenge in the present writ petition.

7. The learned counsel for the petitioner states that the reasons for rejection in the earlier rejection order and the present impugned orders are one and same. All those reasons were adjudicated by the High Court in W.P.No.18220 of 2010. Thus, the impugned order is liable to be rejected.

8. The learned Additional Government Pleader appearing on behalf of the Government of Puducherry objected the said contention by stating that the case of the writ petitioner was considered and the Government of India found that the certificates / documents produced by the writ petitioner would be insufficient to grant the benefit under the Freedom Fighters Pension scheme. The petitioner was convicted in a criminal case and he was



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imprisoned based on his conviction in a murder case. Therefore, his case was not considered. Even while reconsidering the application, the certificates were scrutinised and the authorities found that the petitioner is not eligible to avail the benefit of the freedom fighters pension scheme.

9. The learned Senior Central Government Standing Counsel appearing on behalf of the Government of India reiterated that all such cases seeking Freedom Fighters Pension were scrutinised carefully by the competent authorities. Only if the certificates required are genuine and in consonance with the conditions stipulated in the schemes, the cases would be considered and not otherwise.

10. In the present case, the reasons are assigned and more so, this Court also considered those reasons and raised certain doubts which were reconsidered by the competent authorities. Thus, the impugned order cannot be assailed.

11. The reason for rejection mainly stated is that the petitioner was a murder convict and imprisoned in a criminal case, which is not related to freedom struggle. Secondly, the petitioner had not furnished substantive



evidence linking his imprisonment on murder charges with the freedom struggle movements of Puducherry. The petitioner has not furnished valid NARC from the State Government. The certificate issued by the other freedom fighter Shri D.K.Ramanujam is neither a PKC nor CPC and thus, the authorities competent rejected the application submitted by the writ petitioner.

12. No doubt, this Court elaborately adjudicated the reasons for rejection furnished by the respondents in W.P.No.18220 of 2010. However, against the said order the petitioner has filed a contempt petition. Even otherwise, this Court made certain observations with regard to certain queries and the non-consideration of inference that has to be drawn from and out of the conviction of the petitioner as to whether the petitioner was imprisoned on account of a murder case or due to freedom struggle. Thus, the authorities have again considered and formed an opinion that the certificates would be insufficient to grant the freedom fighter pension.

13. This Court cannot again made a finding that the petitioner is a freedom fighter in the absence of any materials available on record. The materials, which were already adjudicated by this Court in the said writ



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petitions are produced now and therefore, this Court is not satisfied with the grounds raised by the petitioner to reconsider his case for grant of freedom fighters pension under the scheme. The applicants should produce all necessary certificates which must be in consonance with the requirement stipulated under the schemes and the said adjudication was elaborately done in the case of the petitioner and this being the factum, the petitioner is not entitled for the relief as such sought for in the present writ petition.

14. With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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(1/2)

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Index : Yes
Speaking order
Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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