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W.P.No.17001 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.17001 of 2023

Tamilarasi

... Petitioner

Vs.

1.The Secretary to Government,
Government of India,
Ministry of Home Affairs,
Freedom Fighters Rehabilitation Division,
2nd Floor, NDCC II Building,
Jai Singh Road,
New Delhi – 110 001.

2.The Joint Secretary to
Government of Tamil Nadu,
Public (Political Pension – 1) Department,
Secretariat,
Chennai – 600 009.

3.The District Collector,
Nagapattinam,
Nagapattinam District.

4.The Tahsildar,
Vedaranyam Taluk Office,
Vedaranyam Taluk,
Nagapattinam District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to freedom fighter family pension to the petitioner within stipulated time may be fixed by this Court.

For Petitioner : Mr.R.Muruga Bharathi

For Respondents : Mr.Rajesh Vivekananthan
Deputy Additional Solicitor General [R1]
Mr.M.Alagu Gowtham
Government Advocate [R2 to R4]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents herein to give freedom fighter family pension to the petitioner within stipulated time may be fixed by this Court.

2. The case of the petitioner is that, her husband was a freedom fighter and the State Government of Tamil Nadu has sanctioned freedom fighter pension to her husband in the year 1984. Thereafter, in the year 2003, her husband died and after his demise, the petitioner got freedom fighter family pension till the year of 2009. However, after 2009, the family pension was stopped, thereby, the petitioner sent several representations to the respondents 3 and 4 seeking to pay the freedom fighter family pension to her.



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On 17.12.2012, the Branch Manager, Vedaranyam Branch, Indian Overseas Bank, issued a letter to the Treasury Officer, District Treasury, Nagapattinam, informing that they have stopped the family pension to the petitioner, since the Central Government has issued an order. Further, the petitioner sent several representations to the respondents requesting them to pay the family pension to her. Thereafter, the fourth respondent has issued a memorandum in Na.Ka.393/2017/Aa5 dated 20.01.2017 to the officials of the fourth respondent to conduct an enquiry and submit a report regarding issuance of family pension to the petitioner, based on which, the officials of the fourth respondent conducted the enquiry and submitted a report for recommending to pay the family pension. On 07.07.2022, the third respondent has issued a letter in Na.Ka.1761/2019/Aa1 to the second respondent to take further action regarding issuance of family pension to the petitioner and the same was received by the second respondent. The second respondent issued a letter to the first respondent on 25.08.2022 for further action regarding issuance of family pension to the petitioner and the same was sanctioned by the first respondent. However, till date, family pension was not disbursed to the petitioner. Hence, the petitioner has filed the above writ petition before this Court for appropriate directions.



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3. Though very many grounds have been raised in this writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court, issues a direction to the respondents to give freedom fighter family pension to the petitioner, within a time frame that may be stipulated by this Court.

4. The learned Deputy Additional Solicitor General appearing for the first respondent submits that, the petitioner's husband received freedom fighter pension from the Central Government. However, after his death, the petitioner has received family pension till the year 2009. In the meanwhile, the first respondent has sent a letter dated 28.03.2006 to the petitioner stating that, as per the provision, the petitioner has to approach the concerned pension disbursing authority from where the petitioner's husband was drawing his pension along with all the relevant supporting documents i.e., death certificate, copy of PPO and affidavit etc., from the competent authority in the manner. However, till date, the petitioner has not approached the concerned pension disbursing authority. Accordingly, he prays for dismissal of the writ petition.



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5. Admittedly, the petitioner's husband received the freedom fighter pension during his lifetime and he died in the year 2003. Thereafter, the entitlement of family pension to the petitioner was not intimated to the Indian Overseas Bank, Vedaranyam Branch, from which, the petitioner is receiving the family pension as per the letter issued by the first respondent, dated 28.03.2006.

6. In view of the above, this Court, directs the petitioner to approach the Indian Overseas Bank, Vedaranyam Branch, along with necessary proof, within a period of two (2) weeks from the date of receipt of a copy of this order. After the receipt of the same, the Branch Manager, Indian Overseas Bank, Vedaranyam Branch, is directed to pass appropriate orders, on merits and in accordance with law, within a period of four (4) weeks thereafter.

7. With the above directions, the Writ Petition is disposed of. No costs.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

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To

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