



WEB COPY



W.A.No.1334 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

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1. The Government of Tamil Nadu  
rep. by the Additional Secretary  
Public (Political Pension) Department  
Secretariat, St. George Fort, Chennai – 9.
2. The Collector of Thiruvallur  
Thiruvallur – 602 001.
3. The Tahsildar of Ponneri  
Ponneri – 601 204.

.. Appellants

Vs

M.Velu

.. Respondent

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 18.4.2022 passed by the learned Single Judge in W.P.No.18332 of 2021.

For the Appellants

: Mr.P.Muthukumar  
State Government Pleader  
assisted by  
Mr.K.Karthick Jeganath  
Government Advocate



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## JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.P.Muthukumar, learned State Government Pleader, assisted by Mr.K.Karthick Jeganath, learned Government Advocate, for the appellants.

2. The learned Single Judge has partly allowed the writ petition filed by the present respondent by directing the arrears of freedom fighters pension to be paid from 13.12.2008.

3. It is not disputed that the present respondent has been granted with the freedom fighters pension pursuant to the order of the learned Single Judge of this court dated 16.12.2020 in W.P.No.15616 of 2020. However, the freedom fighters pension was granted from the year 2021. The writ petition was filed by the present respondent seeking pension from the year 1987, i.e., the date when the first application was made by the present respondent. The learned Single Judge did not totally accept the case of the original writ petitioner about the application being made in the year 1987, however,



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considering that the order refers to the application of 2008, directed to pay the arrears of pension from 13.12.2008. The said order is assailed by the government.

4. Learned State Government Pleader submits that the original writ petitioner had not submitted the relevant documents in the year 2008. It is only in the year 2020, the documents were submitted and when the application was not complete in all respects, he was not entitled to freedom fighters pension from the date of application. The said aspect has not been considered.

5. Upon perusal of the order passed by the learned Single Judge in W.P.No.15610 of 2020, dated 16.12.2020, we cannot comprehend the arguments of learned State Government Pleader. In the said writ petition, the learned Single Judge had observed that the petitioner had submitted the certificates given by the co-prisoners, however, the said certificates were not relied upon. The learned Single Judge thereafter directed the respondents to again process the application by setting aside the order of the authority and further directed to sanction the freedom fighters pension of the State Government. Pursuant to the



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said order, freedom fighters pension is sanctioned, however only from a later date.

6. Though the original petitioner claimed that he first filed the application in the year 1987, the learned Single Judge did not allow the arrears of pension from 1987, however allowed it from the date of application, i.e. 13.12.2008. Along with that application the original petitioner submitted all the documents, which as per the earlier order in W.P.No.15610 of 2020, dated 16.12.2020, the learned Single Judge directed the authority to accept and pass orders.

We do not find any error in the order passed by the learned Single Judge. The writ appeal is dismissed. There will be no order as to costs. Consequently, C.M.P.No.13088 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

28.06.2023

Index : Yes/No  
Neutral Citation : Yes/No  
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THE HON'BLE CHIEF JUSTICE  
AND  
P.D.AUDIKESAVALU,J.

(sasi)

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