



W.P.(MD) No.16715 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.16715 of 2021

J.George

... Petitioner

/vs./

1.The Secretary to Government,
Public (P.P) Department,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.

2.The Accountant General (A&E),
No.361, Anna Salai,
Teynampet,
Chennai 600018.

3.The District Collector,
Kanyakumari District,
Nagercoil.

4.The District Treasury Officer,
Kanyakumari District,
Nagercoil.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to forthwith disburse the arrears of enhanced pension payable to the deceased mother of the petitioner, A.Mary, W/o.P.Joseph, vide State Govt. PPO No.8146/81 together with interest at 12% per annum within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.V.S.Kumaraguru

For R1, R3 & R4 : Mr.J.John Rajadurai
Government Advocate

For R2 : Mr.P.Gunasekaran
Standing Counsel

ORDER

The above writ petition is filed for the issue of a Writ of Mandamus directing the respondents to disburse the arrears of enhanced pension payable to the deceased mother of the petitioner, A.Mary, W/o.P.Joseph, vide State Govt. PPO No.8146/81 together with interest at 12% per annum.

2.It is the case of the petitioner that his father, P.Joseph was the freedom fighter and was enjoying the freedom fighter's pension both from the State as well as the Central Government. After his death on 12.12.1981, his mother, A.Mary



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was being paid the pension vide PPO.No.7798/S. She had died on 10.10.2007 leaving behind the petitioner as a legal representative. The petitioner would submit that between the period from 13.12.1981 to 10.10.2007, she has been paid paltry pension and none of the Government Orders enhancing the pension has been applied in her case. The petitioner would submit that the last drawn pension in 2007 was Rs.500/-. The petitioner has set out the enhancement in a tabulated statement in the affidavit. The petitioner would submit that he has been repeatedly sending representations. However, no orders were passed. Therefore, the petitioner has come forward with the above writ petition.

3.The respondents have not filed any counter to date though they have been given several opportunities in this regard.

4.The petitioner, has been under the Right to Information Act, issued with the pension details with reference to two other freedom fighters. The statements submitted therein would clearly show that the petitioner's mother has not been given the pension as given to the aforesaid persons and that apart, the Government Order in G.O.Ms.No.824, Public (PP-2) Department, dated



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28.08.2009, would provide that till 01.09.2009, the pension has been periodically increased from Rs.50/- up to Rs.4,000/- which is also reflected in the details of the pension issued to Gabriel and Kesavan. This would clearly show that the petitioner's mother has been issued much less than what she is entitled to.

5. Therefore, the Writ Petition is allowed. The respondents are directed to calculate the arrears payable to the petitioner and pay the same within a period of four weeks from the date of receipt of a copy of this order subject to the petitioner providing that he is the only legal heir. In the event of there being other legal heirs, no objection affidavit shall be received from the others. However, there shall be no order as to costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

30.06.2023

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P.T.ASHA, J.

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