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WA Nos.2358 and 2359 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2024

CORAM:

THE HON'BLE MR.D. KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

WA Nos.2358 and 2359 of 2024

1.The Collector of Thiurvallur
Thiruvallur.

2.The Tahsildar of Thiruvottiyur
Thiruvottiyur, Chennai -600 019.

3.The Government of Tamil Nadu
Represented by Additional Secretary,
Public Department, Secretariat, George Fort,
Chennai.

Appellants in
WA No.2358 of 2024

1.The State of Tamil Nadu
Represented by its Secretary,
Public (Political Pension.I) Department,
Fort St.George,
Chennai -600 009

... Appellant in
WA No.2359 of 2024



WA Nos.2358 and 2359 of 2024

versus

1.S.Susila

...First respondent
in WA No.2358 of 2024

Mr.C.Thompson

...Deceased respondent
in WA No.2359 of 2024

2.Union of India

Represented by its Special Secretary to Government,
Ministry of Home Affairs,
Freedom Fighters Divisions,
First Floor Lok Nayak Bhavan,
New Delhi

...Second respondent in
WA Nos.2358 of 2024 and
First respondent
in WA No 2359 of 2024

3. T.Glory Vasanthakumari

4.T.Mercy Sarojabhai

5.T.Glory Epsybai

6.T.Bhaktha Valsalaraj

7.T.Baktha Manohara Dhas

respondents 2 to 6 in
WA No,2359 of 2024

respondents 2 to 6 substituted in
CMP No.16723 of 2024
in WA No.2359 of 2024
by ACJ and PBBJ

PRAYER: Writ Appeals filed against the order of the learned Single Judge
in WP Nos. 34069 of 2019 and 26613 of 2019 dated 22.04.2022.

For the Appellants

:Mr.S.Kumaresan
Additional Advocate General
Assisted by Mr.Harish,
Government Advocate (in both)



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For the Respondents :Mr.V.NandhaGopal
for private respondents (both)

COMMON JUDGMENT

(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

These Writ Appeals are filed against the common order of the learned Single Judge in WP Nos. 34069 of 2019 and 26613 of 2019, dated 22.04.2022.

2. By consent of parties, these Writ Appeals are taken up for final disposal.

3. The first respondent in WA No.2358 of 2024 has filed the writ petition challenging the proceedings of the second respondent dated 07.05.2019 and quash the same and to direct the appellants to issue Freedom Fighters Pension under Swatantrata Sainik Samman Pension Scheme 1980 from the date of application of the first respondent dated 03.11.2001.



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4. The deceased respondent in WA No.2359 of 2024 has filed the writ petition seeking for a direction to the appellants to dispose of the representation made on 21.06.2005, 10.01.2011, 15.03.2016 and 18.03.2019.

5. Learned Additional Advocate General appearing for the appellant department submitted that pending the writ petitions, pursuant to the interim direction of the writ court dated 23.09.2020, the State Level Screening Committee, by orders dated 16.04.2022 and 17.12.2020 respectively has recommended for grant of both State and Central pensions and hence, the prayer as sought for in the writ petitions have become infructuous. However, since the writ petitioners have not received the said pension, the writ court has directed the appellant Department to grant the pensionary benefits with effect from the date of application within a period of two weeks from the date of receipt of a copy of that order.

6. Learned Additional Advocate General further submitted that the Government is final authority for passing such order, based on the



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recommendation made by the State Level Screening Committee. He further submits that the Government also undertakes to pass positive order in favour of the writ petitioners by granting the pensionary benefits, based on the said recommendation.

7. He further submitted that as directed by this writ court, the writ petitioners are entitled for the grant of such pensionary benefit with effect from the date of applications, will be considered by the Government and appropriate orders will be passed. To that extent, he seeks liberty may be granted to the authority concerned to consider and pass appropriate orders.

8. Learned counsel for the respondents may not have serious objection for considering the applications dated 03.11.2001 and 21.06.2005 of the writ petitioners, in the light of the recommendation made by the State Level Screening Committee.



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9. In the light of the above, we are inclined to pass order as follows:

i) The order of the writ court is insofar as the direction granted in the writ petitions are set aside.

ii) The third appellant in WA No.2358 of 2004 is directed to consider whether the writ petitioners are eligible for grant of pensionary benefits from the date of their applications dated 03.11.2001 and 21.06.2005, based on the report submitted by the State Level Screening Committee, and pass orders, as orders as expeditiously as possible, within a period of two weeks from the date of receipt of a copy of this judgment.

iii) We make it clear while passing the final order, the authority concerned shall also take into consideration whether there was any delay on the part of the department, in considering the grant of pension from the date of applications.

iv) If being aggrieved by final order passed by Government, towards the grant of said pensionary benefit from the date of application, liberty is granted to the writ petitioners to challenge the same.



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10. With the above directions, the writ appeals stand disposed of.

There shall be no order as to costs.

J.)

(D.K.K., ACJ.) (P.B.B.,

05.08.2024

Index : Yes/No

Neutral Citation : Yes/No

mrn

To
The Special Secretary to Government,
Ministry of Home Affairs,
Freedom Fighters Divisions,
First Floor Lok Nayak Bhavan,
New Delhi



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WA Nos.2358 and 2359 of 2024

THE HON'BLE ACTING CHIEF JUSTICE

and

P.B. BALAJI, J.

(mrn)

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