



WEB COPY



W.P.No.25381 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.25381 of 2022

Muniammal

.... Petitioner

-Vs-

1.The State of Tamilnadu
Rep.by Secretary to Government
Public (Political Pension-4) Department
Fort St.George
Chennai 600 009.

2.The District Collector
Dharmapuri District
Dharmapuri.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the Impugned Letter dated 4.8.2022 in Govt. Letter No. 26913/ A.O2/ 2022-1 on the file of the 1st Respondent herein, quash the same and consequently direct the Respondents herein to grant Freedom Fighters' Pension from the date of Application made by the petitioners husband or in the alternate from the date of Application made by the petitioner within a stipulated period.



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For Petitioner : Mr.K.Govi Ganesan
For Respondents : Mr.S.J.Mohamed Sathik
Government Advocate

ORDER

Writ petition has been filed in the nature of Certiorafied Mandamus records relating to a letter dated 04.08.2022 in Government Letter No. 26913/ A.O2/ 2022-1 filed by the 1st respondent Secretary to Government, Public (Political Pension-4) Department, State of Tamil Nadu and quash the same and direct the respondents to grant Freedom Fighters' Pension from the date of application made by the husband of the petitioner are in the alternate from the date of application made by the petitioner.

2.In the affidavit filed in support of the writ petition, it had been stated that the late husband of the petitioner, Perumal was a freedom fighter and participated in the freedom movement. It had been stated that a Scheme had been framed by the Central Government and the State Government to grant pension to freedom fighters, who are living and to their families. It was also stated that the husband of the petitioner was arrested and imprisoned at Alipur Camp Jail and was in jail from 30.09.1942 till 30.12.1942. It had been stated



that after independence he was leading a life of poverty. It was under those circumstances that he had applied for grant of Freedom Fighters Pension' on 23.06.2010.

3.The matter had come up before this Court on several occasions earlier and finally, in WP.No.791 of 2018, filed by the petitioner herein, by an order dated 19.11.2021, the learned Single Judge of this Court had directed as follows:

“Accordingly, the Writ Petition is allowed, the impugned order dated 18.11.2017, is set aside and consequently, the 2nd respondent is directed to consider the request of the petitioner and pass appropriate orders, by granting the Freedom Fighters Family Pension to her, without insisting upon any further documents from her. No costs.

4.Thereafter, the respondents taking a decision to grant pension to the petitioner herein and accordingly, they have also granted the pension by proceedings dated 06.01.2022. The present writ petition has been filed claiming that the pension should be granted not from the date of sanction but from the date of application. In the impugned order, it had been reiterated that the pension can be granted only from the date of sanction.



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5. On the side of the respondents, reliance is placed on G.O.Ms.No.2064, Public (General.C) Department dated 28.9.1966. In the said Government Order, while enclosing the Madras Freedom Fighters' Pension Rules, it had been specifically stated as follows:

“14. The pension sanctioned under these rules will be payable from the date of issue of the sanction order and it cannot be commuted in exchange for a lump-sum”.

6. It is seen that the pension can be sanctioned under the rules will be payable only from the date of issue of the sanction order. In this case, the late husband of the petitioner was not paid with any pension and for the first time, the petitioner had got the benefit of pension being paid to her. Therefore, it had been paid from the date of issue of the sanction order. I find no infirmity in the impugned order.

7. Writ Petition stands dismissed. No costs.

19.11.2024

Index : Yes/No
NCS : Yes/No
KP



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