



W.P.(MD)No.19383 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.19383 of 2018

S.Ganesan

... Petitioner

versus

1. State of Tamil Nadu,
Rep. by its Joint Secretary,
Public (Political Pension) Department,
Fort St. George,
Chennai – 600 009.

2. The District Collector,
Collectorate Office,
Madurai District,
Madurai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to provide petitioner's father Shanmugam Pillai's freedom fighter pension arrears to petitioner.

For Petitioner : Mr.R.Venkatesan



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For Respondents : M/s.D.Farjana Ghoushia,
Special Government Pleader

ORDER

The petitioner claims that his father, (late) Shanmugam Pillai, was a freedom fighter, who went to the prison for participating in the Quit India Movement, from the month of September 1943 till 29.04.1994. The petitioner's father has applied for the freedom fighter pension in the year 2006 and he was directed to appear before the second respondent and produce the relevant documents. Though he had appeared before the second respondent along with the relevant documents, there was no response from the second respondent. Thereafter, he died on 26.12.2009. After his death, the petitioner's mother has also submitted a representation to the respondents, but, there was no response on the said representation and she also died on 07.11.2011. After the death of his mother, the petitioner has made a representation to the respondents seeking to provide arrears of freedom fighter pension of his father. As there was no response from the



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respondents, the petitioner is before this Court.

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2. The learned counsel appearing for the petitioner submits that the freedom fighter's pension is given to honour the sacrifices made by them for the nation in the freedom struggle. The petitioner's father went to the prison for participating in the Quit India Movement, from the month of September 1943 till 29.04.1994. Therefore, he applied for freedom fighter pension on 07.04.2006 and he has also produced the relevant document, however, the same has not been considered by the respondents. If the application of his father was considered by the respondents properly, he would have get the pension. But, due to the slackness on the part of the respondents, his father did not get the pension. Therefore, the petitioner has submitted a representation to the respondents seeking arrears of freedom fighter pension of his father.

3. The learned Special Government Pleader appearing for the respondents submits that the petitioner's father has not produced any



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documents to substantiate his claim for freedom fighter. Therefore, his application was not processed. Even now, the petitioner was directed to produce the legal heir certificate and the relevant documents in the enquiry conducted on 05.12.2023. But, the petitioner has not furnished any relevant documents to the respondents and therefore, decision has not been taken on the petitioner's application.

4. In response to the said submission, the learned counsel for the petitioner, by relying on the documents, which are enclosed in the typed set of papers, submits that all the relevant documents which are required by the respondents have been furnished in the typed set of papers itself. He further submits that these documents were also produced before the respondents in the year 2017 and even then, they have not taken any decision on the petitioner's application.

5. This Court considered the rival submissions.



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6. The petitioner's father, who was the freedom fighter, had approached the respondents for freedom fighter pension in the year 2006. The respondents sought for certain documents from the petitioner's father. Since the relevant documents have not been produced, the request of the petitioner's father was not considered.

7. The petitioner claims that the relevant documents were furnished to the respondents in the year 2017 itself. Even then, his application was not considered.

8. The petitioner further claims that he is the legal heir of Shanmugam Pillai and therefore, he is entitled for freedom fighter pension which was due to be paid from the date of his application, i.e. from the year 2006 to 2009. Therefore, he has submitted a representation to the respondents, but, the same has also not been considered by the respondents. The petitioner further claims that he is having all required documents and he is ready to produce the same



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before the respondents.

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9. In view of the same, the writ petition is disposed of with a direction to the respondents to conduct a fresh enquiry on 18.03.2024. On that day, the petitioner shall appear before the respondents along with the relevant documents. If any further documents are required, the respondent shall provide an opportunity to the petitioner to produce the same and take a decision within a period of six weeks from thereon. No costs.

07.02.2024

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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