



W.P.No.5639 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

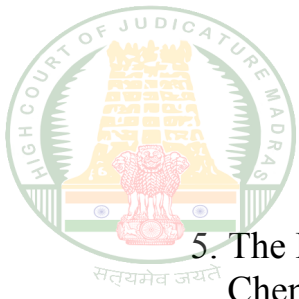
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Kulandai Theresa

... Petitioner

vs.

1. Union of India
Rep, by its Under Secretary,
Ministry of Home Affairs, Freedom Fighter Division,
2nd Floor, NDCC-II Building, Jai Singh Road,
New Delhi 110 001.
2. Union of India
Rep.by its Director of Pay & Accounts Office,
2/10, Jam Nagar House,
New Delhi 110 023.
3. Office of the Principal Accountant General,
(Accounts & Entitlements) Tamil Nadu,
No.361, Anna Salai, Teynampet,
Chennai 600 018.
4. The State of Tamil Nadu,
Rep.by its Under Secretary,
Public (Political Pension-1) Department,
Secretariat, Chennai 600 009.



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5. The District Collector,
Chennai District, Chennai.

.. Respondents

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Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the first and second respondents to cancel the pension payment order of late Mr.S.Soosai Laza in MHAF9801737 and to issue the fresh pension order to his legal heir/wife Kulandai Theresa, the petitioner and disburse the pension to the petitioner along with the arrears from the year 2019 within a time frame fixed by this Court.

For Petitioner : Mr.M.Arjun

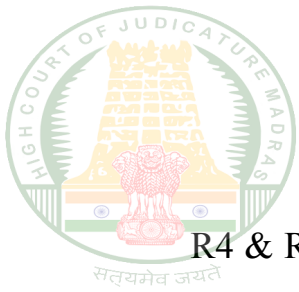
For R1 & R2 : Mr.R.Rajesh Vivekandan
Deputy Solicitor General of India

For R3 : Mr.V.Vijayshankar

For R4 & R5 : M/s.P.Aishwarya
Govt.Advocate.

ORDER

Mr.R.Rajesh Vivekandan, Deputy Solicitor General of India, takes notice for R1, R2 and Mr.V.Vijayshankar, learned counsel takes notice for R3 and M/s.P.Aishwarya, learned Government Advocate takes notice for



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R4 & R5. By consent of both the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The present writ petition has been filed to direct the first and second respondents to cancel the pension payment order of late Mr.S.Soosai Laza in MHAF9801737 and to issue the fresh pension order to his legal heir/wife Kulandai Theresa, the petitioner and disburse the pension to the petitioner along with the arrears from the year 2019.

3. It is the case of the petitioner that the petitioner's husband, namely Mr.V.Soosai Lazar, was dedicated freedom fighter who received the Swatantra Sainiki Samman Pension for his contributions to the nation. After the death of her husband in 2019, the petitioner is entitled to family pension as her husband's pension was recognized under the Government Scheme and she is now aged about 79 years. Despite her eligibility, the petitioner submitted the documents and representations for transfer of the pension and the same was not received. On 26.11.2024, the first respondent acknowledged the petitioner as the legal heir and issued instructions to cancel the pension order for her husband and issue a new

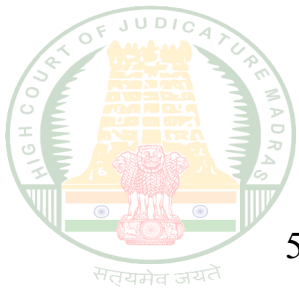


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order in her name. On receipt of the same, the pension has not been disbursed to her. Despite repeated representations to the respondents, respondents have not taken any steps to issue fresh pension order to the petitioner till date. Aggrieved by the same, the petitioner has filed the present writ petition.

4. The learned Deputy Solicitor General appearing for the respondents 1 and 2 submitted that the second respondent had sent a letter to the petitioner issued vide F.No.29/TN/04/2021-FF/INA-FF(CF.No.3530317) dated 14.03.2023 and the relevant paragraph is extracted hereunder :-

“I am directed to refer to your letter dated 24.06.2021 on the subject mentioned above wherein you have submitted Annexure VA, attested by the Tahsildar, which is not acceptable. Therefore, you are once again requested to submit Annexure VA (copy enclosed) duly attested by the District Magistrate with official seal and forward to this Ministry for the consideration of transfer of dependent family pension in your favour”.



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5. The learned Deputy Solicitor General further submitted a copy of the sanction order issued by the first respondent, Under Secretary to the Government vide letter dated 26.11.2024 sanctioning the pension to the petitioner . The relevant portion of the said letter is extracted hereunder :-

“4. In view of the above, I am directed to convey the Sanction of the President to the grant of dependent Swatantrata Sainik Samman (freedom fighter dependent pension) under the Swatanrata Sainik Samman Yojana to Smt.Kulandai Therasa W/o.Late Sh.S.Soosai Lazar @ S.Susai Lasar/Susai Lazar) w.e.f. 21.10.2020 onwards, @ Rs.26,000/- (Rupees Twenty Six thousand only) per month along with Dearness Relief (DR) at the rates admissible and as revised from time to time”.

6. The learned Deputy Solicitor General further submitted that the first respondent, Office of the Chief Controller of Accounts, Pay & Accounts Office (Pension & Misc.), New Delhi has issued vide proceedings No.PAO/P&M/MHA-/FF-36/2024/787-80 dated 09.12.2024 and copy of the same sent to the petitioner . The relevant portion of the said proceedings is extracted hereunder :-



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“Swatantrata Sainik Samman Yojana in respect of Smt.Kulandai Thresa W/o.Late Sh.S.Soosai Lazar was sanctioned by FFR Division, MHA vide sanction order No.29/TN/04/2021-FF/INA(C.F.No.3530317) (Code No.1033409) dated 26.11.2024 for issuance of fresh PPO.Documents of Smt.Kulandai Thresa have been received in this office.

Late Sh.S.Soosai Lazar @ S.Susai Lazar/Susai Lazar) was drawn Freedom Fighter pension against PPO No.MHAFF9801737 and he expired on 04.11.2019. This office has received Original Pensioner Portion and Original Disburser's Portion of PPO No.MHAFF9801737”.

7. The learned Deputy Solicitor General further submitted that they are unable to deposit the pension amount since the petitioner has not furnished KYC Form to the bank.

8. Heard the learned counsel appearing on either side and also perused the materials available on records.

9. In view of the submissions made by the learned counsel on either side, the petitioner is directed to submit KYC Form to the bank so as to enable the first respondent to deposit the arrears of family pension to the



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petitioner.

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10. This writ petition stands disposed of with the above direction.

No costs.

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Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
kkd

To

The Under Secretary,
Union of India,
Ministry of Home Affairs, Freedom Fighter Division,
2nd Floor, NDCC-II Building, Jai Singh Road,
New Delhi 110 001.

2. The Director of Pay & Accounts Office,
Union of India, 2/10, Jam Nagar House,
New Delhi 110 023.
3. Office of the Principal Accountant General,
(Accounts & Entitlements) Tamil Nadu,
No.361, Anna Salai, Teynampet,
Chennai 600 018.
4. The State of Tamil Nadu,
Rep.by its Under Secretary,



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Public (Political Pension-1) Department,
Secretariat, Chennai 600 009.

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5. The District Collector,
Chennai District, Chennai.

J.SATHYA NARAYANA PRASAD, J.

kkd

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