



W.P.No.10624 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

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CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.10624 of 2020
and W.M.P.No.12912 of 2020

T.Thangamani

... Petitioner

Vs.

The Union of India rep. by its
Under Secretary to Government (Policy),
Ministry of Home Affairs,
Freedom Fighter Division,
2nd Floor, New Delhi City Centre – II,
Jai Singh Road, New Delhi – 110 001.

... Respondent

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records connected with the Guidelines of the Central Government issued in F.No.45/03/2014-FF(P), dated 06.08.2014, Guideline Clause 1.5 passed by the respondent and quash the same and consequently direct the respondent to disburse the arrears of pension of his late father Thiru.Thangavel.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents : Mr.N.Ramesh,
S.P.C



W.P.No.10624 of 2020

WEB COPY

ORDER

The relief sought by the petitioner in this writ petition is to call for the records connected with the Guidelines of the Central Government issued in F.No.45/03/2014-FF(P), dated 06.08.2014, Guideline Clause 1.5 passed by the respondent and quash the same and consequently direct the respondent to disburse the arrears of pension of his late father Thiru.Thangavel.

2. Learned counsel for the petitioner submitted that the petitioner's father, Thiru.Thangavel, a freedom fighter, and Thamarai Pattayam recipient was imprisoned in 1940 and later worked as a teacher. He passed away on 23.03.1995 and the Cuddalore Collector sanctioned a family pension to his wife, Tmt.Velammal, through Order No. 205/95, including arrears. The State initially canceled Thangaval's pension in 1972 but later restored it in 1995. The Petitioner's brother, Tamilmani filed writ petition in W.P.No.5441 of 2015, seeking pension benefits. Later, the Petitioner found that his father's Central Government pension under the Swantantrata Sainik Samman Pension Scheme, 1980, was never sanctioned. Hence, he gave representation to the



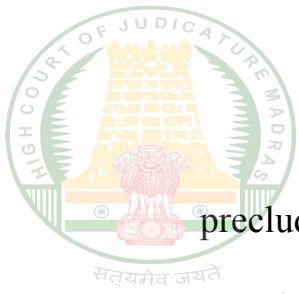
respondent, which was rejected on 28.04.2015, leading him to challenge in Writ Petition No.24415 of 2015, seeking to set aside Clause 1.5 of the 2014 Central Government guidelines, which unfairly restricts claims by spouses and daughters of freedom fighters. Hence, the petitioner has come forward with the present writ petition to set aside the guidelines of the Central Government issued in F.No.45/03/2014-FF(P), dated 06.08.2014.

3. Heard the learned counsel on either side and perused the materials available on record.

4. At this juncture, it is pertinent to extract the Clause 1.5 of the Guidelines and the same reads as follows:

“1.5 Sanction of pension after the death of Freedom Fighter - No pension shall be sanctioned in the name of the freedom fighter after his/her death even if his/her matter was under examination. This also entails that no life time arrears or dependent pension shall be sanctioned to his/her spouse/daughter after the death of the freedom fighter”

5. The Swatantrata Sainik Samman Pension Scheme is a privilege-based scheme governed by specific guidelines, and Clause 1.5 explicitly



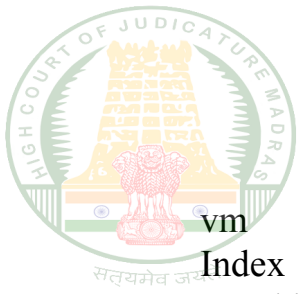
W.P.No.10624 of 2020

precludes the grant of pension or arrears if the freedom fighter has not been sanctioned pension during their lifetime. The petitioner's claim, being based on a retrospective demand for arrears, is not legally sustainable. Further, the issue has already been adjudicated in prior proceedings and no fresh grounds warranting interference have been made out. Thus, since the petitioner's father never applied for the pension during his lifetime, the ministry contends that the claim is legally unsustainable.

6. In view of the above factual matrix of the case, this Court is not inclined to interfere in the guidelines of the Central Government issued in F.No.45/03/2014-FF(P), dated 06.08.2024, Guideline Clause 1.5 passed by the respondent and the same is liable to be confirmed. Accordingly, the same is confirmed.

7. In the result, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

17.03.2025



W.P.No.10624 of 2020

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

To:

The Under Secretary to Government (Policy),
The Union of India,
Ministry of Home Affairs,
Freedom Fighter Division,
2nd Floor, New Delhi City Centre – II,
Jai Singh Road, New Delhi – 110 001.



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W.P.No.10624 of 2020

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W.P.No.10624 of 2020



WEB COPY



W.P.No.10624 of 2020

17.03.2025