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W.P.No.36240 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.36240 of 2016

And

W.M.P.No.31158 of 2016

- 1.M.Palani Gounder (Died)
- 2.Chennammal
- 3.Mayilmurugan
- 4.Madheshwari
- 5.Rani
- 6.Gowri
- 7.Periyasami
- 8.Muniyappan
- 9.Boopal

(P2 to P9 substituted as LR's of deceased
sole petitioner vide order dated 10.02.2022
made in W.M.P.4276 of 2021 in
WP.36240 of 2016 by VBDJ)

... Petitioners

Vs.

- 1.The Government of Tamil Nadu
Rep. by its Secretary
(Public Political Pension) – IV Department,
Fort St.George,
Chennai – 600 009.



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2.The Collector of Dharmapuri
Dharmapuri District,
Dharmapuri.

3.The Forensic Department,
Kamarajar Salai,
Situating next to DGP Office,
Chennai.

(R3 – Suo motu impleaded as per
order dated 19.7.18 by VPNJ in
WPs.36176 & 36240 of 2016)

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the Collector of Dharmapuri communicated in MM22281/2008/82 dated 30.12.2015 and quash the same and direct the respondents herewith to sanction the Tamil Nadu Freedom Fighters pension to the petitioner with all attending benefits such as Bus travel concession, Medical health benefits etc.

For Petitioners : Mr.K.Govi Ganesan

For Respondents : Mr.P.Ganesan

Additional Government Pleader

ORDER

This writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the order passed by the Collector of Dharmapuri in MM22281/2008/82 dated



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30.12.2015 and quash the same and direct the respondents to sanction the Tamil Nadu Freedom Fighters Pension to the petitioners with all attending benefits such as bus travel concession, medical health benefits etc.

2.The learned counsel appearing for the petitioners submitted that the deceased first petitioner was a freedom fighter. He participated in Quit India Movement and suffered conviction in the Alipuram Camp Jail near Bellari of Karnataka State from 15.10.1942 to 14.01.1943 and he made application on 04.09.2006 for payment of pension under the Tamil Nadu Freedom Fighters Pension Rules and the first petitioner's conviction was certified by his co-prisoner S.K.Kaliappan, an approved freedom fighter, however, his application was rejected on the ground that the signature of S.K.Kaliappan was different and the same ought to have certified by Forensic Department. Hence, the petitioner filed W.P.No.35071 of 2012 seeking direction to the respondents 1 and 2 to sanction Tamil Nadu Freedom Fighters Pension and this Court vide order dated 12.01.2015 directed the second respondent to meet the expenses for obtaining report from the Forensic Department to ascertain whether the signature of the co-prisoner is genuine or not. Thereafter, the



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second respondent passed the impugned order rejecting the first petitioner's application for grant of pension on the ground that the Forensic Department has sent a report stating that the signature of the co-prisoner Kaliappan's signature differs and hence the first petitioner has not submitted the relevant documents required under the Pension Rules.

3.The learned counsel appearing for the petitioners further submitted that S.K.Kaliappan gave co-prisoner certificate on 06.12.2005 and the same was enclosed with the application for grant of pension along with other necessary papers and the said S.K.Kaliappan died on 03.02.2006 and hence the first petitioner was unaware as to how the Forensic Department opined that the co-prisoner certificate given by the first petitioner was not genuine. The learned counsel further submitted that the respondents did not give any opportunity to the first petitioner before passing the impugned order.

4.Per contra, the learned counsel appearing for the respondents submitted that the first petitioner himself invited the order of this Court in W.P.No.35071 of 2012 dated 12.01.2015 and on the basis of



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that order, the co-prisoner's signature was sent along with the admitted signature and the Expert opined that the signature in the co-prisoner certificate is not genuine. The learned counsel further submitted that the Expert's opinion cannot be differed by this Court and prayed for dismissal of this writ petition.

5.Heard both sides and perused the material available on record.

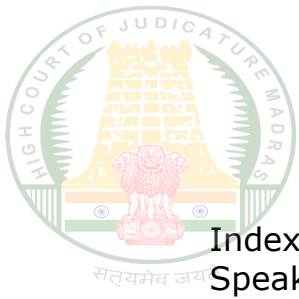
6.Perusal of counter affidavit reveals that the Government Order for grant of State Freedom Fighter Pension was issued during the year 1996, however, the first petitioner has applied for the same on 04.09.2006 and the delay in making the application is not properly explained. Further, once the Expert has opined that the signature in the co-prisoner certificate is not genuine, this Court cannot interfere with the same. Hence, this Court is not inclined to interfere with the impugned order.

7.The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

01.09.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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M.DHANDAPANI,J.
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To

- 1.The Secretary
(Public Political Pension) – IV Department,
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