

W.P.No.26028 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.09.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.26028 of 2025

P.Ulagesan,
Represented by his Limited Guardian,
P.Murugesan.

.. Petitioner

Vs.

1.Union of India,
Represented by its Secretary to Government,
Ministry of Home Affairs, New Delhi – 110 013.

2.The Director (Pension),
FFR Division,
Second Floor, NDCC-II Building,
Jai Sing Road, New Delhi – 110 001.

3.The Secretary to Government,
Government of Tamil Nadu,
Public (Political Pension-II) Department,
Secretariat, Fort St. George, Chennai – 600 009.

4.The District Collector,
Collectorate, Fort Salem Road,
Salem – 636 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to sanction Freedom Fighters' pension to the petitioner under the Swatantrata Sainik Samman Pension Scheme, 1980 based on the



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recommendation made by the 4th respondent vide Na.Ka.No. e-13882/2024/A7 dated 24.09.2024 addressed to the 3rd respondent with effect from 26.06.2023 within a time frame as fixed by this Court.

For Petitioner : Mr.Harshavarthan.G
For RR 1 & 2 : Mr.R.Rajesh Vivekananthan
Deputy Solicitor General of India
For RR 3 & 4 : Mrs.P.Vijayadevi
Government Advocate

ORDER

The petitioner seeks for the following relief:

“to issue a Writ of Mandamus directing the 2nd respondent to sanction Freedom Fighters' pension to the petitioner under the Swatantrata Sainik Samman Pension Scheme, 1980 based on the recommendation made by the 4th respondent vide Na.Ka.No. e-13882/2024/A7 dated 24.09.2024 addressed to the 3rd respondent with effect from 26.06.2023 within a time frame as fixed by this Court.”

2.Heard Mr.Harshavarthan.G for the petitioner, Mr.R.Rajesh Vivekananthan, Deputy Solicitor General of India for respondents 1 & 2 and Mrs.P.Vijayadevi, Government Advocate for the respondents 3 & 4.



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3.The undisputed facts are that the petitioner is the son of one G.Palanivelayutham, who was a Freedom Fighter. He was honoured with Tamra Patra by the then Hon'ble Prime Minister of India. As a mark of recognition for the fight that G.Palanivelayutham engaged in against the British Colonialists, the Government of India recognized him as a 'Freedom Fighter' and was paying him pension. The State Government also followed suit.

4.G.Palanivelayutham passed away on 23.11.2011. He left behind his wife M.Angulaxmi, four sons and one daughter as his legal heirs. M.Angulaxmi was being paid pension, till her death on 26.06.2023. The offsprings of G.Palanivelayutham and M.Angulaxmi are as follows:

Sl. No.	Name	Age	Relationship with Smt.M.Angulaxmi	Marital Status
1.	P.Ahilan	67	Son of the deceased	Married
2.	P.Ulagesan	62	Son of the deceased	Unmarried
3.	P.Murugesan	61	Son of the deceased	Married
4.	P.Arunachalam	56	Son of the deceased	Married
5.	P.Selvi	51	Daughter of the deceased	Married

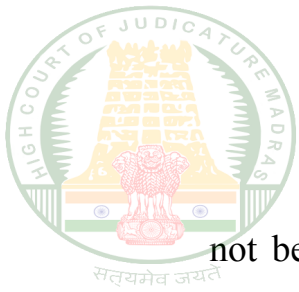
5.The person second mentioned in the tabular column is an adult



with special needs. He is suffering from schizophrenia. The percentage of disability as assessed in September, 2023, was 70%. It is stated that Mr.P.Ulagesan was entirely dependant on the Freedom Fighter and his wife for his daily needs. As they are no more, he is currently living with his younger sibling, who has filed the writ petition representing the petitioner as his limited guardian.

6.As Mr.P.Ulagesan is mentally challenged and is unable to take care of himself, the petitioner approached the 2nd respondent seeking for the Freedom Fighter's pension in favour of the petitioner. The 2nd respondent promptly forwarded the application to the 4th respondent for verification. The 4th respondent – The District Collector, Salem District, conducted an enquiry and referred Mr.P.Ulagesan for assessment of disability to the Government Mohan Kumaramangalam Medical College and Hospital at Salem.

7.A special medical board was constituted to examine Mr.P.Ulagesan. Thereafter, they submitted a report stating the percentage of disability suffered by Mr.P.Ulagesan is 85%. The medical board also found that the disability is permanent in nature and Mr.P.Ulagesan will



not be able to earn a livelihood on his own, and during his lifetime he would have to be entirely dependant on others for his daily needs.

8.This report was forwarded by the 4th respondent to the 3rd respondent. The 3rd respondent too, recommended the case and forwarded it to the 2nd respondent for appropriate orders. As no orders are passed, the petitioner has come forward with the present writ petition.

9.This Court entertained the writ petition and directed the respondents to go on record by way of a counter. The State Government stands by the report submitted by the District Collector, and the recommendation made by the 3rd respondent. The respondents 1 & 2 have filed a counter stating that there is no mention of “son” under who is eligible for the purpose of grant of Freedom Figheter's Pension in the Swatantrata Sainik Samman Pension Scheme, 1980. The respondents have taken a stand that as Swatantrata Sainik Samman Pension Scheme, 1980 is a document based policy. No one else other than those mentioned in the Scheme can be considered. Curiously enough, in paragraph No.13 of the counter affidavit, it is pointed out that the Swatantrata Sainik Samman Pension Scheme, 1980 is a welfare Scheme. They state that as



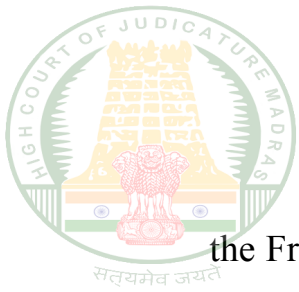
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“son” is not covered under who are eligible dependants, they have not passed any orders on the same.

10.At this stage, Mr.Harshavarthan.G invited my attention to the OM issued by the Government of India, Ministry of Personnel, P.G. & Pensions, dated 16.01.2013. He urges that the Central Government has decided to allow family pension to mentally / physically challenged children of Government servants and therefore, similar extension be made to the case of the petitioner also.

11.I have carefully considered the submissions made on both sides and have gone through the records.

12.The manner in which pension is granted to the Freedom Fighters and their families is governed by the Scheme that has been evolved to provide for grant of pension to living Freedom Fighters or their eligible dependents in case of martyrs. Perhaps when the Swatantrata Sainik Samman Pension Scheme, 1980, was evolved, much attention was not paid to the existence of mentally or physically challenged children of Freedom Fighters, who are entirely dependant on



the Freedom Fighter during his lifetime and on his spouse thereafter. The idea of granting family pension post the death of a Freedom Fighter is a welfare measure as stated in the counter for the benefit of survivors of the Freedom Fighter, who were dependant on him or her.

13.A person who is mentally challenged and suffers a disability of 85%, and when the disability is permanent in nature, it should not require great consideration to come to the conclusion that during lifetime of the Freedom Fighter and then during the lifetime of his wife, he would have been dependant on them. On account of the circumstances of the death of his parents, such a person cannot be denied the right to exist in a reasonable and dignified circumstances. Mentally and physically challenged persons are also covered by the protective umbrella of Article 21 of the Constitution of India. Hence, I am of the view that the 1st respondent may take a call on the application filed for family pension, on behalf of the mentally challenged person, who was entirely dependant on the Freedom Fighter and his wife during their lifetime. This is a sensitive case which has to be approached with abundance of sympathy, rather than taking a dogmatic view as would be taken in a case of a commercial transaction.



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WEB COPY 14.This Writ Petition is ordered. The 1st respondent shall decide on the application taking into consideration the observations made by this Court within a period of four (4) weeks from the date of receipt of a copy of this order.

15.Post this case 'for reporting compliance' on 13.10.2025.

03.09.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

NOTE: Issue order copy on **09.09.2025**.

To

1.Union of India,
Represented by its Secretary to Government,



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Ministry of Home Affairs,
New Delhi – 110 013.

2.The Director (Pension),
FFR Division,
Second Floor, NDCC-II Building,
Jai Sing Road, New Delhi – 110 001.

3.The Secretary to Government,
Government of Tamil Nadu,
Public (Political Pension-II) Department,
Secretariat, Fort St. George,
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4.The District Collector,
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V.LAKSHMINARAYANAN, J.

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