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W.P.No.2189 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.2189 of 2025

N.Krishnaveni

...Petitioner

Vs.

1.The Govt of Tamil Nadu
Represented By The Additional Secretary
Public (Political Pension) Department,
Secretariat, St. George Fort, Chennai 600009.

2.The District Collector of Chennai
Chennai 600001.

3.The Tahsildar of Perambur
Perambur 600011.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent pertaining to the order dated 12.07.2024 made in F.No. e4634/A.O.3-1/2024-1 and quash the same and direct the first respondent to provide the state freedom fighters pension arrears from the date of the application on 15.10.1997 along with the rate of interest 12 % per annum for belated payment.

For Petitioner
For respondents

: Mr.V.Nandagopalan
:Mr.V.Jeevagiridharan for R1 to R3
Additional Government Pleader



ORDER

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The writ petition is filed challenging the order passed by the 1st respondent rejecting the application filed by the petitioner seeking freedom fighters pension.

2. According to the petitioner, her husband associated with the Indian National Army founded by Netaji Subash Chandra Bose and fought against the British. The petitioner's husband died on 12.02.2014. The petitioner submitted a representation before the 1st respondent seeking freedom fighters pension by enclosing the copies of the legal heir certificate and the co-prisoner certificate issued by one Muthu. The representation of the petitioner dated 13.05.2024 seeking freedom fighters pension was rejected by the impugned order without giving any reasons. Therefore, the petitioner has come before this Court.

3. The learned counsel for the petitioner submits that 1st respondent has not given any reasons on what ground the petitioner is not entitled to freedom fighters pension and hence, being a non-speaking order, the same is liable to be set aside.

4. Mr.V.Jeevagiridharan, learned Additional Government Pleader, takes notice for the respondents 1 to 3.



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5. A perusal of the impugned order would suggest that 1st respondent has not given any reason for rejecting the claim of the petitioner seeking freedom fighter pension. It is settled law that the Administrative Authority shall give sufficient reasons for rejecting the claim made by the applicant. The order passed by Administrative Authority not supported by any reason is liable to be set aside on the ground that it is a non speaking order. The first respondent, especially while rejecting the claim of petitioner seeking freedom fighters pension, is expected to record reasons to indicate he applied his mind on the points raised by the petitioner. The impugned order, being non-speaking one, is liable to be set aside on the fact of it.

6. Accordingly, the impugned order passed by the 1st respondent is set aside and the matter is remanded back to the file of 1st respondent with direction to consider the claim of the petitioner and pass detailed order on merits giving reasons for closure within a period of twelve weeks from the date of receipt of copy of this order.



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7. With the above directions, this writ petition stands disposed of. No costs.

28.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr

To
1. The Additional Secretary
Public (Political Pension) Department,
Secretariat, St. George Fort, Chennai 600009.

2.The District Collector of Chennai
Chennai 600001.

3.The Tahsildar of Perambur
Perambur 600011.

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S.SOUNTHAR, J.

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