



W.A.No.1551 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 11.06.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A.No.1551 of 2025
and
C.M.P.No.11825 of 2025

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Public (Political Pension -IV) Department,
Fort St.Geroge,
Chennai - 600 009.
 2. The Collector of Dharmapuri,
Dharmapuri District.
- ... Appellants/Respondents

-VS-

1. H.R.Balaraman (Died)
 2. Tmt.Alamelu
 3. Sasirekha
 4. Kumar
 5. Usha
 6. Sridhar
 7. Padmavathy
 8. Krishnamoorthy
 9. Naagalakshmi
- ... Respondent/Petitioner
- ... Respondents

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent, seeking to set aside the order dated 03.08.2009 made in W.P.No.29962 of 2003.



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For Appellants : Mr.M.Venkateswaran
Spl. Govt. Pleader

ORDER

(By J.Nisha Banu,J.)

A challenge in this Writ Appeal is to the order dated 03.08.2009 made in W.P.No.29962 of 2003, by which, the 1st respondent in the Writ Petition was directed to grant Freedom Fighters pension to the Writ Petitioner.

2. Notice to the respondents is dispensed with, as no adverse order is going to be passed against them.

Brief Facts:

3. In the Writ Petition, the Writ Petitioner sought to quash the order of the 1st respondent. His claim for Freedom Fighters Pension was rejected on 21.03.2002 on the ground that the Writ Petitioner had not produced a clear cut evidence to justify his date of birth as 04.10.1922. When the said order was challenged before the learned Single Judge, this Court, by an order dated 03.08.2009 impugned herein, set aside the order of



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the 1st respondent, holding that the Government should take a pragmatic view and cannot reject such claims on a hyper-technical view in terms of the judgments of the Apex Court in AIR 1990 SC 746. A direction was also issued to grant pension to the Writ Petitioner within eight weeks. Aggrieved by the findings of the learned Single Judge, the Government / Appellants are before this Court.

4. Mr.M.Venkateswaran, learned Special Government Pleader for the appellants assailed the order of the Writ Court, stating that the District Screening Committee had considered all aspects and rejected the claim of the Writ Petitioner. He contended that there were many discrepancies in the certificates produced by the Writ Petitioner, such as co-prisoner's certificate, date of birth certificate, etc. Since the Writ Petitioner had failed to substantiate his claim with sufficient documents, his claim for pension was rejected. However, the Writ Court failed to take into consideration all these aspects and simply set aside the order of the 1st respondent therein, which is liable to be reversed.



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5. A perusal of the affidavit of the Writ Petitioner filed in the

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Writ Petition discloses the fact that he had participated in the Quit India Movement and confined in Alipuram Camp Jail, Karnataka. At the stage of filing the Writ Petition, he was 86 years old. The Writ Petitioner had obtained a positive order from this Court on 03.08.2009. Though the Appellants had filed a Writ Appeal in the year 2009, it was numbered only in the year 2025. In the interregnum, the Writ Petitioner was reported dead on 12.09.2011. The Writ Petitioner, having obtained a favourable order from this Court as early as on 03.08.2009, did not enjoy the fruits of the order, as the appellants kept the file pending on hyper technical ground as well as citing the reason of pendency of the Writ Appeal. Now, the legal heirs of the Writ Petitioner are before this Court to prosecute the case. There was also a huge delay of 1739 days in filing application to bring on record the legal heirs of the Writ Petitioner. As rightly held by the learned Single Judge, the Apex Court in various judgments categorically held that it is difficult to preserve officials records for over many years in proof of participation in the freedom struggle and the Government should not stand in the way of granting freedom fighters pension on technical ground.



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6. In this case, the Writ Petitioner had obtained a co-prisoner's certificate from one G.L.Munusamy on 17.10.1999 in proof of his imprisonment in the jail along with him for six months from 01.10.1942 to 31.03.1943. The appellants, having received the said certificate, had chosen to reject the claim of the Writ Petitioner for granting Freedom Fighters Pension, which is not acceptable. It is saddening to note that the Writ Petitioner was beaten by the British Rulers physically and sent him to jail only. However, the appellants have chosen to send him to the Heaven without granting pension, as the Writ Petitioner died on 12.09.2011.

7. In the result, we are not inclined to interfere with the order of the Writ Court, as the appeal is hit by delay and laches. Thus, finding no infirmity or illegality in the order of the Writ Court, the ***Writ Appeal is dismissed***. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.J.) (M.J.R,J.)
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