



W.P.(MD) No.17129 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.08.2025

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD)No.17129 of 2025

S.Ganesan

... Petitioner

Vs

1. State of Tamil Nadu,
Rep by its Joint Secretary,
Public (Political Pension) Department,
Fort St . George,
Chennai 600 009.

2. The District Collector,
Madurai District,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 21.05.2024 passed by the 2nd respondent and quash the same as illegal and consequently directing the respondents to provide the petitioner's father Shanmugam Pillai's freedom fighter pension arrears to the petitioner.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.M.Gangatharan,
Govt. Advocate.



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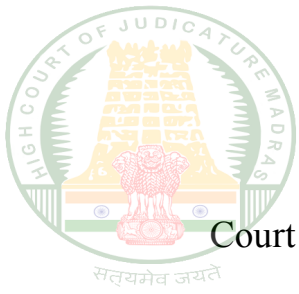
ORDER

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This Writ Petition is filed challenging the order passed by the second respondent rejecting the representation of the petitioner seeking payment of arrears of freedom fighter pension payable to his deceased father Shanmugam Pillai.

2. Heard the arguments of Mr.R.Venkatesan, learned counsel for the petitioner and Mr.M.Gangatharan, learned Government Advocate appearing for the respondents.

3. The petitioner's father Shanmugam Pillai filed a petition before the second respondent seeking freedom fighter pension in the year 2006. According to him, he participated in the Quit India Movement during the year 1943 and hence, he was entitled to freedom fighter pension. The said application submitted by the petitioner's father was not considered during his life time and ultimately, he died on 26.12.2009. Therefore, the petitioner submitted a representation before the second respondent seeking payment of freedom fighter pension arrears payable to the petitioner's father to him. The said representation has not been considered. Hence, the petitioner has filed a Writ Petition before this



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Court in W.P.(MD)No.19383 of 2018. The said Writ Petition was disposed of with the following directions:

“8. The petitioner further claims that he is the legal heir of Shanmugam Pillai and therefore, he is entitled for freedom fighter pension which was due to be paid from the date of his application, i.e. from the year 2006 to 2009. Therefore, he has submitted a representation to the respondents, but, the same has also not been considered by the respondents. The petitioner further claims that he is having all required documents and he is ready to produce the same before the respondents.

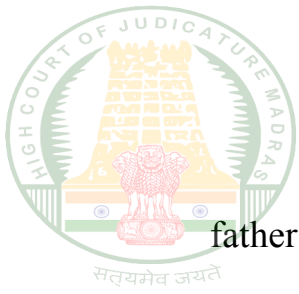
9. In view of the same, the writ petition is disposed of with a direction to the respondents to conduct a fresh enquiry on 18.03.2024. On that day, the petitioner shall appear before the respondents along with the relevant documents. If any further documents are required, the respondent shall provide an opportunity to the petitioner to produce the same and take a decision within a period of six weeks from thereon. No costs.”.

4. Subsequently, pursuant to the direction issued by this Court in the earlier Writ Petition, the impugned order was passed negating the request of the petitioner for payment of arrears of freedom fighter pension on the ground that under the Rules, the petitioner's request for freedom fighter pension could not be considered.



5. The petitioner is not claiming freedom fighters pension for himself. He is only claiming the arrears of freedom fighter pension payable to his father on the ground that he was a freedom fighter. In the earlier Writ Petition, this Court made it clear that the petitioner claims only freedom fighter pension payable to his father from the date of petition to the date of his death (ie., 2006 to 2009). The petitioner as a legal heir was directed to submit all the relevant documents before the second respondent and second respondent was directed to pass fresh orders after affording opportunity to the petitioner. The second respondent, without considering whether the petitioner's father was a freedom fighter and whether he was entitled to freedom fighter pension for the relevant period from 2006 to 2009, simply rejected the application submitted by the petitioner on the assumption that the petitioner himself claiming freedom fighter pension. Therefore, the impugned order is liable to be set aside and the same was not passed in the light of the directions issued by this Court in the earlier Writ Petition.

6. Accordingly, the impugned order passed by the second respondent is set aside and the matter is remitted to the file of the second respondent with a direction to consider the eligibility of petitioner's



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father to get freedom fighter pension as per the earlier order passed in W.P.(MD)No.19383 of 2018. If the second respondent comes to the conclusion that the petitioner's father is entitled to freedom fighter pension, the amount payable to him from the date of application filed by him in the year 2006 to the date of his death in the year 2009 and arrears for that period shall be paid to the petitioner as arrears of family pension in his capacity as legal heir of the deceased Shanmugam Pillai. The petitioner shall establish before the second respondent that he is the sole heir of deceased Shanmugam Pillai. If there are other legal heirs of deceased Shanmugam Pillai, the petitioner is entitled to receive the amount along with other legal heirs. The final orders shall be passed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. This Writ Petition is allowed accordingly, as stated above.

There shall be no order as to costs.

20.08.2025

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No



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