

W.P.(MD)No.17478 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2025

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THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.17478 of 2019

Lakshmi Ammal [Died]

1.Damayanthi

2.Parasuraman

3.Jegadeeswaran

: Petitioners

[Petitioners are substituted vide order of this Court in W.M.P.
(MD)No.12795 of 2020 dated 21.04.2025]

Vs.

1.The Union of India,

Rep. by its Secretary to Government,
Ministry of Home Affairs,
Lok Nayak Bavan, Khan Market,
New Delhi – 110 003.

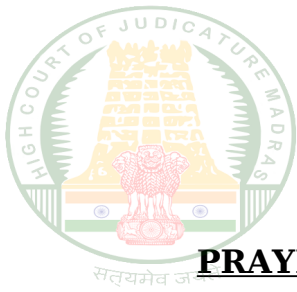
2.The Government of Tamil Nadu,

Rep. by its Secretary to Government,
Public (Political Pension) Department,
Secretariat, Chennai – 9.

3.The District Collector,

Sivagangai District,
Sivagangai.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first and second respondent to pass necessary orders as to sanction the 'Swatanthara Sainik Samman Pension' forthwith to the petitioner based on the proposal sent by the third respondent herein vide his proceedings in Roc.H2/95832019 dated 28.05.2019.

For Petitioner : Mr.S.Sukumar
For Respondents No.1 : Mr.K.Govindarajan,
Deputy Solicitor General of India
For Respondents 2&3 : Mr.M.Lingadurai,
Special Government Pleader

ORDER

Heard Mr.S.Sukumar, learned Counsel for the petitioner, Mr.K.Govindarajan, learned Deputy Solicitor General of India appearing for the first respondent and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 2 & 3.

2.The learned Counsel for the petitioner submits that the petitioner was a Nursing Sepoy during the freedom struggle against the British. Originally, the petitioner Lakshmi Ammal had sought for pension under the Swatanthara Sainik Samman Pension, which is payable by the Central Government and according to the learned



Counsel for the petitioner, despite favourable report from the State Government, the first respondent has not considered the petitioner's request for pension and therefore, the petitioner came forward with the present Writ Petition, by way of issuance of a Writ of Mandamus.

3. Admittedly, the petitioner is no more and now, the legal representatives have been substituted in the place of the petitioner.

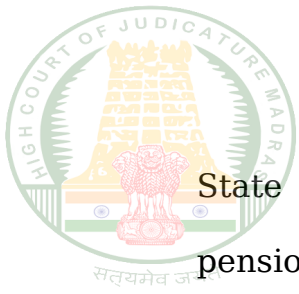
4. At the outset, learned Deputy Solicitor General submits that the legal representatives are not entitled to pension, since the petitioner is not alive. However, I am not going into the merits of the matter. In terms of the SSS Yojana, the petitioner's case has to be recommended by the State Government, after verifying all documents which are relevant for the purpose of entitlement of pension. According to the learned Deputy Solicitor General of India, the proceedings which has been relied on by the petitioner are not in the form of report recommending pension in favour of the original petitioner. Therefore, the proceedings in Roc.H2/9583/2019 dated 28.05.2019, in and by which the District Collector has sent a recommendation to the Secretary to Government, Public (Political Pension) Department, Chennai – 600 009, marking only a copy to the writ petitioner and not even to the Central Government, cannot be considered.



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5.I find force in the submission of the learned Deputy Solicitor General of India, since the said communication calls upon only the petitioner to obtain necessary orders from the Central Government. As seen from the counter affidavit filed by the first respondent, as per the provisions of the SSS Yojana, the claims of Swatantara Sainik Samman Pension can be considered by the Central Government only when the claim is duly verified and recommended by the State Government / Union Territory in accordance with the provisions of the Yojana. On receipt of the recommendation report from the State Government, which is mandatory, the Central Government in its wisdom, shall pass orders on the entitlement of the pension. In other words, it is not mandatory for the Central Government to accept the recommendation of the petitioner and the Central Government shall decide the issue independently.

6.Admittedly, in the present case, I do not find any report recommending the case of the petitioner for pension. Therefore, the present Writ Petition, seeking a Writ of Mandamus cannot be considered as prayed for. However, considering the fact that the Writ Petition is pending from 2019, liberty is granted to the legal representatives of the deceased Lakshmi Ammal to approach the



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State Government to request for conducting due enquiry on the pension request under SSS Yojana and forward a report to the

Central Government, within a period of twelve [12] weeks from the date of receipt of a copy of this order. On forwarding a report from the State Government, the Central Government, taking into consideration the said report and also all independent evidence, shall pass final orders within a period of twelve [12] weeks, thereafter. It is made clear that ration card is not mandatory as held by this Court in **A.Pitchai's** case, in W.P.(MD)No.7758 of 2015. This Court has held that ration card shall not be a material documentary evidence to ascertain or fix the age of a person. Therefore, the averments insofar the age of Lakshmi Ammal as set out in counter affidavit, placing reliance on ration card may not affect the ultimate decision to be taken independent of the incapacity of the petitioner on account of age. Once the report of the State Government is received by the Central Government, the first respondent shall independently consider the same and pass final orders on the petitioner's entitlement for pension. It is made clear that since Lakshmi Ammal is no more and already the Collector has conducted enquiry and filed a report, the said report shall be forwarded to the first respondent.



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7. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs.

21.04.2025

Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

1.The Secretary to Government,
Union of India,
Ministry of Home Affairs,
Lok Nayak Bavan, Khan Market,
New Delhi – 110 003.

2.The Secretary to Government,
Government of Tamil Nadu,
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P.B.BALAJI., J.

MR

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