



W.P.(MD)No.23320 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

WP(MD)No.23320 of 2018

and

W.M.P.(MD)Nos.21187 & 21186 of 2018

T. Ranjitham

... Petitioner

Vs.

1. The Govt. of India,
Rep. by its Secretary,
Ministry of Home Affairs,
Freedom Fighter Division,
Lok Nyak Bhavan, New Delhi.
2. The Govt. of Tamilnadu,
Rep. by its Secretary, Public
(Political Pension) Department,
Fort St. George, Chennai-600 014.
3. The District Collector,
Pudukkottai & District.
4. The District Treasury Officer,
Pudukkottai District.



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5. The Tahsildhar,

Aranthangi Taluk,

Pudukkottai District.

6. The Chief Manager,

Indian Bank (CPPC), No.66, Rajaji Salai,

Chennai.

7. The Manager,

Indian Bank, Vembangudi Branch,

Keeramangalam, Aranthangi Taluk,

Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No.4415-3/2008/Aa4 dated 06.07.2018 and quash the same as illegal and further direct the 1st and 2nd respondents to disburse the withholding Freedom Fighters dependents pension payable to the petitioner without any stoppage along with arrears and interest.

For Petitioner : Mr.R.Surya Narayanan

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R2-5

: Mr. R.Senthil Kumar,
Standing Counsel for R1

: No appearance for R6 & R7



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ORDER

I have heard Mr.R.Surya Narayanan, learned counsel for the petitioner; Mr.M.Lingadurai, learned Special Government Pleader for respondents 2 to 5; Mr. R.Senthil Kumar, learned Standing Counsel for the first respondent; there is no appearance on behalf of the respondents 6 and 7.

2. The petitioner challenges the order of the third respondent in proceedings dated 06.07.2018 and consequently direct the respondents 1 and 2, to disburse the withheld Freedom Fighters dependents pension payable to the petitioner without any stoppage together with arrears and interest.

3. By an earlier order dated 18.03.2025, after hearing the petitioner and the learned Special Government Pleader and after taking note of the judgment of the Hon'ble Division Bench of this Court in W.A.(MD)No.717 of 2011 dated 04.12.2023, I directed that the State Government to get instructions. The learned Special Government Pleader



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fairly stated that there is no impediment for the State Government to pay pension and medical allowances, in all Rs.1000/- per month,

4. The learned Special Government Pleader submits that the petitioner is entitled to such pension at the rate of Rs.500/- towards freedom fighters pension and Rs.500/- towards medical allowances in all Rs.1000/- and the same is payable from December 2017 onwards in terms of G.O.No.491, Public (Political Pension-2) Department, dated 28.04.1997 and G.O.(Ms.)No.918, Public (Political Pension-2) Department, dated 19.10.2012. It shall be payable from December 2017 onwards, at the rate of Rs.1000/-.

5. The learned Special Government Pleader would submit that the excess payment has been made to the petitioner and without bringing it to the notice of the respondents that the petitioner's husband had expired, a full pension has been paid and therefore, the same is required to be adjusted.



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6. The learned counsel for the petitioner would invite my attention to the order of the Division Bench in the writ appeal preferred by the petitioner herself in WA.(MD)No.717 of 2011, wherein, the Hon'ble Division Bench specifically directing that the excess payment made to the petitioner should not be adjusted and treating it as a special case and not to be treated as a precedent, passed suitable orders. Therefore, it is no longer open to the State Government to contend that the excess payment has been made and therefore, they are liable to pay Rs.1000/- per month (all including from December 2017 onwards). Coming to the Central Government, namely, the first respondent, the learned Standing Counsel would invite my attention to the revised pension scheme, Swatantrata Sainik Samman Pension Scheme 1980 and would submit that the eligibility for pension has been revised and unless the petitioner satisfies her entitlement under the revised Guidelines / Scheme, the petitioner may not be entitled to seek pension.

7. Considering the fact that even under the revised scheme, spouse is not disentitled for compensation and as long as the spouse is able to satisfy the requirements for transfer of the dependent pension, the



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petitioner as wife in the present case, is entitled to seek the pension. It is a peculiar case, where subsequent to the demise of the freedom fighter, the petitioner was already paid pension by not only the State Government but also the Central Government. However, the difficulty faced by the first respondent is with regard to the revised guidelines. In view of the above, the first respondent shall call the petitioner for an enquiry and the petitioner shall submit all relevant documents in support of her entitlement to Central Government Dependent Pension under the scheme and subject to the petitioner being entitled to under the prevailing Rules, the Central Government shall pass suitable orders, directing payment of pension together with arrears from December 2017.

8. In view of the above, the third respondent shall pass necessary orders based on the two Government Order above mentioned, the judgment of the Hon'ble Division Bench and this order and direct release of pension payable from December 2017 onwards, within a period of eight weeks from the date of receipt of copy of this order.



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9. With the above directions, this Writ Petition is disposed of.

There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

28.04.2025

Internet : Yes/No
NCC : Yes/No
LS

To

1. The Secretary,
Ministry of Home Affairs,
Freedom Fighter Division,
Lok Nyak Bhavan, New Delhi.
2. The Govt. of Tamilnadu,
Rep. by its Secretary, Public
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P.B. BALAJI, J.

LS

Note: Issue order copy on 12.05.2025.

Order made in
W.P.(MD)No.23320 of 2018

Dated:
28.04.2025