

WA(MD)No.2551 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.01.2025

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**WA(MD)No.2551 of 2024
and
CMP(MD)No.17989 of 2024**

1. The State of Tamil Nadu,
Rep. by Deputy Secretary to the Government Public,
(Political Pension Department)
Secretariat, Chennai-9.

2. The District Collector,
Theni District.

3. The Special Deputy Collector (Sa.Pa.Thi),
Theni District.

... Appellants

vs.

M.Saiyedha Begum

... Respondent

Prayer : Appeal filed under Clause XV of the Letters Patent, against the order dated 27.09.2023 made in W.P(MD)No.23231 of 2023.

For Appellants : Mr.S.Shaji Bino
Special Government Pleader
For Respondent : Mr.Suriya Narayanan



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JUDGMENT

(Judgment of the Court was made by **M.S.RAMESH, J.**)

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By consent of both the counsels, the writ appeal itself is taken up for final disposal.

2. The present Writ Appeal is directed against the order passed by the Writ Court dated 27.09.2023 made in W.P(MD)No.23231 of 2023.

3. On the application made by the respondent herein seeking for freedom fighters family pension after the death of her husband, who is a freedom fighter, in the year 1985, the appellants rejected the same on more than one occasion, which had prompted the respondent to file a writ petition in W.P(MD)No.3407 of 2017 and the Writ Court, by order dated 11.12.2018, had set aside the rejection order dated 07.02.2017. Subsequently, since the pension was not released, she had filed another writ petition in W.P(MD)No.18369 of 2019, which also was allowed in favour of the respondent herein. Ultimately, on 15.03.2022, the appellants have released the freedom fighters family pension. However, since the same was not granted from the date of her application, she preferred another writ petition in W.P(MD)No.23231 of 2023 and by order dated 27.09.2023, this Court had directed the authorities to pay the family pension from the date of the application.



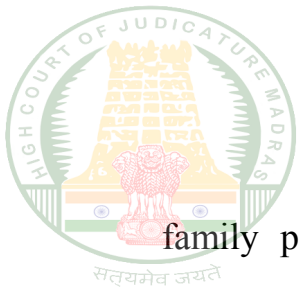
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4. The fact that the petitioner's husband was a freedom fighter, who is eligible for the freedom fighters pension, is not in dispute. Likewise, the fact that the respondent herein had made an application, seeking for freedom fighters family pension on 04.06.2004, is also not under dispute.

5. The only ground assailed in this intra-court appeal is that the Government had rejected the respondent's application seeking for family pension on several occasions and therefore, she is not entitled to family pension from the date of the application.

6. We are unable to appreciate this ground. The very fact that this Court had intervened and set aside the rejection orders of the Government, coupled with the fact that the appellants have also thereafter commenced to pay the family pension, substantiates that the rejection orders were illegal and that the respondent was always eligible to seek for freedom fighters family pension. If that be so, her entitlement to claim family pension would revert back to the date on which she had made the application for release of freedom fighters family pension. Merely because certain illegal orders of rejection were passed, that will not entitle the appellants to take shelter and deny the freedom fighters



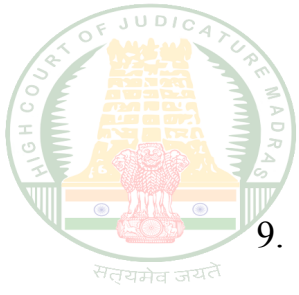
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family pension to the respondent from the date of application, if she is otherwise eligible.

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7. It is pertinent to point out here that any eligible claim for monetary benefits will commence from the date of the application and not from the date of consideration of the application. In the light of these findings, the Writ Court had also entertained the writ petition and set aside the orders rejecting the respondent's claim of freedom fighters family pension from the date of application. We find no reason to interfere with such order. As such, there are no merits in the writ appeal.

8. It is now brought to our notice that the respondent herein is 94 years old and has been fighting for the family pension for the past 20 years. Taking into consideration of her age, the appellants shall forthwith disburse the entire accrued freedom fighters family pension to the respondent from the date of her application i.e., 04.06.2004 till the date she was granted the first monthly pension, within a period of four weeks from the date of receipt of a copy of this judgment. The appellants shall also continue to pay the freedom fighters family pension to the respondent, every month without any default.



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9. Accordingly, the Writ Appeal stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

(M.S.R, J.) (A.D.M.C, J.)
08.01.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

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and
A.D.MARIA CLETE, J.

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JUDGMENT MADE IN
WA(MD)No.2551 of 2024
DATED : 08.01.2025