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WP No. 17952 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-02-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 17952 of 2024

Nagoor Gani

S/o.Late Mohamed Hanifa, No.8 7th Street,
Bharathi Nagar, Korrukupettai, Chennai 600021.

..Petitioner(s)

Vs

1. The Additional Secretary To The Government
Of Tamil Nadu
Public (political Pension -iii) Department, Fort
St. George, Secretariat, Chennai.
2. The Join Secretary To The Government Of
Tamil Nadu
Political Pension Department (P.P-iii),
Secretariat, St. George Fort, Chennai 600009.
3. The District Collector
Chennai District, Singaravelan Maligai, Rajaji
Salai, Chennai 600009.
4. The Tashildar
Tondiarpettai Taluk Office, Chennai 600081.



..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India for a writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 1st respondent vide Government Letter No. e1187/A.O.3(1)/2020-13 dated 29.04.2024 and quash the same and consequently direct the 1st respondent to pay arrears of pension payable from the date of the death of the petitioners father Mohamed Hanifa i.e., 10.05.2020 till the 1st payment of Dependent Freedom Fighter Pension paid to petitioner with interest.

For Petitioner(s): T.Muruganantham

For Respondent(s): Mr. L.S.M.Hasan Fizal
Additional Government Pleader

Order

The petitioner is a son of a Freedom Fighter namely Mr. Mohamed Hanifa. Mr. Hanifa had been benefitted with Freedom Fighter family pension by the State of Tamil Nadu. Mr. Hanifa was drawing the said pension till his death on 10.05.2020. He had married one Katchiyammal. The wedlock resulted in two children namely Kadhar Beevi and the writ petitioner. I had heard that the writ petitioner is a physically challenged person.

2. On the death of Mr. Mohamed Hanifa, the pension be granted to him in an by way of his representation dated 24.08.2020 along with the said



representation, he also enclosed the consent letter given by his elder sister Kadhar Beevi.

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3. Despite the application answering all the requirements, the petitioner was not afforded the benefit of pension. Hence he approached the Hon'ble Chief Minister and gave a representation on 06.07.2022. As none of this elicited any response, he filed a writ petition in W.P.No.27572/2023 before this Court. This Court directed the Tahsildar, Tondiarpet Taluk, Chennai, to submit the necessary reports to the Government in order to enable the Government to grant dependant Freedom Fighter pension to the writ petitioner. This order was passed on 21.09.2023. After the report has been submitted, the petitioner was granted pension from 27.11.2023. The petitioner states that he had not been granted pension from the date of death of his father namely 10.05.2020 or from the date of his application dated 24.08.2020 but had been granted pension only from December 2023. he pleads on account of his age and physical ailments that he is suffering from, he is constrained to make this request. The petitioner states he is a bachelor and there is no one to take care of him. Seeking payment of pension, he made a representation on 30.03.2024. The Government responded by way of the impugned proceedings dated 29.04.2024 that there is no provision to pay arrears of pension from the date of death of the original pensioner. Hence, the petitioner is again before this Court, challenging the proceedings dated 20.04.2024. This Court entertained the writ petition and called upon the



respondents to file a counter. After the matter had suffered several adjournments, Mr.L.S.M.Hasan Fizal has filed a counter affidavit of the respondents 1 and 2. The Counter affidavit accepts the facts set forth in the writ petition but a plea is being taken that since corroborative documents were submitted only after the judgment dated 27.09.2023, the Government is not in a position to grant pension from the date of death of Mr.Mohamed Hanifa.

4. Mr.Raj Kumar, learned counsel for the petitioner invites attention of this Court to an order passed in a similar situation in ***WP.No.20859 of 2016 (Rahima Bivi Vs. Under Secretary to Government of Tamil Nadu, Public (Political Pension), III Department, Secretariat, Fort St.George, Chennai 600 009 and another)***, dated 09.10.2017. The Honourable Mr.Justice K.Ravichandrababu held that the stand taken by the Government that pension cannot be granted from the next date of the death of the Freedom Fighter, is not acceptable and the relevant paragraph of the judgment are extracted hereunder:

5. I do not think that the respondents, by way of their counter can improve the impugned order in this writ petition which only states that such pension cannot be granted from the next day of death of the petitioner's father. In other words, the impugned order does not state or indicate that the petitioner is not at all entitled to the subject matter pension, as stated in the counter affidavit. It is also stated that the sanctioning order already passed on 05.11.2015 in favour of the petitioner is still in force. When that being the factual position, the only question that is to be seen is as to whether the petitioner is entitled to get the arrears of such pension from the next day of death of her father or from the date of issuance of the said order i.e., on 05.11.2015.



6. *I have already pointed out that in respect of a similar claim, the present respondents have issued an order dated 19.07.2011 granting pension from the next day of the death of the freedom fighter therein. Therefore, the respondents cannot apply different yardstick and discriminate the petitioner and she should also be given similar benefits. Accordingly, I find every justification to interfere with the order passed by the 1st respondent. Thus, the writ petition is allowed and the impugned order is set aside. Consequently, the respondents are directed to pay the arrears of dependent freedom fighter pension to the petitioner from the next day of the death of the petitioner's father, namely Samsukani. The respondents shall make the payment within a period of eight weeks from the date of receipt of a copy of this order. no costs. Consequently, connected miscellaneous petition is closed.*

5. Apart from this position, a reading of the Freedom Fighter pension scheme brought about by the Government of Tamil Nadu in G.O.No.2064 Public (General.C) Department, dated 28.09.1966, shows that in case of death of the petitioner, the amount of pension till the date of death including unpaid arrears will lapse yet the Government has retained with itself the power to consider the payment of arrears to a claimant in exceptional circumstances. The fact that the petitioner is a physically challenged person being born to a Freedom Fighter, in my view would fall under Clause 15 of the said scheme. This position true is no longer res integra and It has been so found by the Hon'ble Mr.Justice R.Subramanian in ***Seeni Margina Vs. The Joint Secretary to Government of Tamil Nadu, Public (Political Pension III) Department, Fort St.George, Chennai 09 and another (WP.No.25669 of 2018)*** dated 24.06.2022. the impugned order does not consider the scope of Clause 14 and 15. Even if I were to assume that the petitioner is not entitled for pension on the



next day from the date of death of his father dated 10.05.2020, he had tapped on the doors of the Government within a couple of months thereafter on 24.08.2020. Therefore, the impugned order holding that he is entitled only from the date of the sanction and not from the date of the application also does not stand legal scrutiny.

6. In the light of the above discussion, especially on account of the binding verdict in *Rahima Bivi* case referred to above, the impugned order is quashed. The Writ petition stands allowed. The 1st responded shall re-consider the entire issue afresh and it shall grant pension either from the next day after the death of Mr.Mohamed Anifa or from the date of the application. The arrears shall be paid within a period of four week from today. No costs.

11-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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Public (political Pension -iii) Department, Fort
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2. The Join Secretary To The Government Of
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V.LAKSHMINARAYANAN J.

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