

(2007) 02 MAD CK 0233

In the Madras High Court

Case No : Writ Petition No. 2229 of 2005 and M.P. No's. 25 and 26 of 2007

A.K. Gopal

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 05-02-2007

Acts Referred:

Citation : (2007) 02 MAD CK 0233

Hon'ble Judges : N. Paul Vasanthakumar, J

Bench : Single Bench

Advocate : D. Anandan, for the Appellant; I. Paranthaman, Government Advocate, for the Respondent

Judgement

N. Paul Vasanthakumar, J.—By consent of the learned Counsel for the petitioner as well as the learend Government Advocate, the writ petition is taken up for final disposal.

2. Petitioner seeks a direction to the respondent to grant Freedom Fighters Pension under the State Scheme pursuant to his application dated 27.1.1982.

3. In the affidavit in support of the writ petition petitioner states that he participated in several freedom movements against the British Government and he was imprisoned at Vellore Jail for one month. The Central and State Governments announced schemes for paying pension to the Freedom Fighters and as per the scheme issued by the Central Government, six months imprisonment is necessary to avail the said benefit and as per the State Scheme, three weeks imprisonment is sufficient. Petitioner having underwent one month imprisonment, applied for the sanction of Freedom Fighters Pension under the State scheme on 27.1.1982. Since the petitioner was not having the jail certificate, he enclosed co-prisoner's certificates obtained from one P.S.K.Lakshmipathi Raju, M.L.A., and also from the members of the High Level Committee, empowered to certify the Freedom Fighters, i.e., M.P.Sivagnanam, Chairman, State Advisory Committee and Tmt.Manjubashini, a member.

4. According to the petitioner, the District Collector conducted enquiry through Tahsildar on 29.8.1996 and submitted a report recommending grant of Freedom Fighter's pension and till date no order is passed, despite production of Co-Prisoner's certificate as stated supra and the certificate issued by the Advisory Committee members. Hence the petitioner filed W.P. No. 2169 of 1997 and by order dated 11.12.1997, this Court directed the Government to consider the case of the petitioner within a period of six months. Petitioner's claim was rejected by the Government and the said rejection was challenged by the petitioner in W.P. No. 10244 of 2000 before this Court. This Court by order dated 7.3.2001, directed the petitioner to produce the required co-prisoner's certificate along with representation within one month and the respondent was directed to consider the same in accordance with law within a period of four months. According to the petitioner in compliance with the said direction, he sent a representation and thereafter he was directed to appear for enquiry before the Revenue Inspector, Tondyarpur and produced all the records. Till date no order is passed by the respondent even though he made representations repeatedly to the Chief Minister's Cell. Hence the petitioner filed this writ petition with the above prayer.

5. No counter affidavit having been filed by the respondent, I am unable to pass orders on merits and therefore I am passing the following order.

6. The grievance of the petitioner is that in spite of the direction of this Court in W.P. No. 10243 and 10244 of 2000 dated 7.3.2001, the Government has not considered his representation and no order is passed thereon till date. Since the representation is addressed only to the Chief Minister's Cell and as there is no proof that the same is forwarded to the respondent, I direct the petitioner to submit a detailed representation with copies of the required certificates to the respondent herein by registered post with acknowledgment due along with copy of this order within two weeks from the date of receipt of copy of this order. The respondent is directed to consider the same in the light of sanction of State Freedom Fighters pension scheme and pass orders taking note of the decisions of this Court reported in 1991 WLR 49 (G. Gabriel v. Government of India) 1994 WLR 137 (R. Thangavelu v. Government of India and Anr.) and the judgment of the Honourable Supreme Court reported in Mukund Lal Bhandari and others Vs. Union of India and others, , within six weeks from the date of receipt of the representation with enclosures from the petitioner.

7. The writ petition is disposed of with the above direction. No costs. Connected miscellaneous petitions are closed.