
(2011) 08 MAD CK 0014
In the Madras High Court
Case No : Writ Petition (MD) No. 9355 of 2007

M. Kanniammal	Vs	APPELLANT
Union of India		RESPONDENT

Date of Decision : 12-08-2011

Acts Referred:

Citation : (2011) 08 MAD CK 0014

Hon'ble Judges : Vinod K. Sharma, J

Bench : Single Bench

Advocate : K. Vaithilingam, for the Appellant; P. Krishnasamy, Central Government Standing Counsel, for the Respondent

Final Decision : Allowed

Judgement

The Honourable Mr. Justice Vinod K. Sharma, J.—The Petitioner has approached this Court, with a prayer for issuance of a writ, in the

nature of mandamus, to consider the application moved by the petitioner, for payment of Freedom Fighters pension to the wife of Ex-Indian

National Army, Sepoy, Thiru.P. Muthaiyan, S/o. Palanisamy.

2. The Petitioner is wife of late P,Muthaiyan. Four female and one male child, were born out of wedlock of the Petitioner with Late P. Mathiayan.

3. It is pleaded by the Petitioner that her husband had joined as a Sepoy in the Indian National Army of Netaji Subash Chandra Bose. He served

in the force as a Sepoy, in the 4th Guerrilla Regiment, Nehru Brigade, Platoon No. 3 under CompanySha Nawaz Khan, Col. Khillon and Capt.

Santha Singh.B. On occupation of Burmah, the husband of the Petitioner was arrested along-with other INA volunteers and detained in jail from

May 1945 to December 1945. After the release from the jail,

he settled at Thanjavur District. The husband of the Petitioner was sanctioned State Government pension with effect from 29th March 1967, vide,

sanction letter, dated 26th February 1968, vide order E.F.P.O. No. 1562/68, but the Petitioner was not granted pension.

4. The Petitioner, being widow applied for pension in the year 1978. The application moved by the Petitioner was returned for rectification of certain defects, and calling upon her to give full particulars, i.e. co-prisoner affidavit and other details.

5. According to the Petitioner, necessary rectification was carried out and the application was resubmitted. The Petitioner submitted another application on 7th December 1995, but till date, no action has been taken thereon.

6. No counter has been filed, prima facie, there seems to be, no reason to deny the pension to the Petitioner, as Freedom Fighters pension was sanctioned to her deceased husband, vide order, E.F.P.O. No. 1652/68.

7. In any case, the Respondents have no justification in not dealing with the application moved by the Petitioner, for number of years.

8. The scheme for payment of pension to Freedom Fighters, imposes a statutory obligation on the Respondents to consider and decide the application moved by the beneficiary, which has to be accepted or rejected, but the respondents cannot keep the application pending without deciding it.

9. Consequently, the writ petition is allowed, a writ in nature of mandamus is issued directing the Respondents to take a final decision, on the application moved by the Petitioner, for grant of Freedom Fighters pension from the date of death of her husband.

10. The needful be done within three months of the receipt of certified copy of this order. No costs.