

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).No. 1758 of 2015 (T)

PETITIONER(S):

**UNNIKRISHNAN. B., SOBHANALAYAM,
KEEZHOOR P.O., THALAYOLAPARAMBU,
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.V.G.ARUN,
SRI.T.R.HARIKUMAR,
SRI.ARJUN RAGHAVAN.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
AGRICULTURE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR OF AGRICULTURE,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE PRINCIPAL AGRICULTURAL OFFICER,
OFFICE OF THE PRINCIPAL AGRICULTURE OFFICER,
KOTTAYAM DISTRICT - 686 001.**
- 4. THE DEPUTY DIRECTOR OF AGRICULTURE (YP),
OFFICE OF THE PRINCIPAL AGRICULTURAL OFFICER,
KOTTAYAM - 686 001.**
- 5. THE AGRICULTURAL OFFICER,
KRISHI BHAVAN, MULAKULAM, KOTTAYAM - 686 610.**

BY GOVT. PLEADER SRI.K.C. VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT-P1- TRUE COPY OF THE RELEVANT PAGES OF THE IDENTITY CARD OF THE PETITIONER ISSUED BY THE 5TH RESPONDENT.
- EXHIBIT-P2- TRUE COPY OF THE RELEVANT PAGES OF THE OBJECT AND GUIDELINES UNDER THE EMPLOYMENT SCHEME.
- EXHIBIT-P3- TRUE COPY OF THE RECEIPT DATED 17/06/1995 ISSUED BY THE 5TH RESPONDENT.
- EXHIBIT-P4- TRUE COPY OF THE RECEIPT DATED 29/08/1995 ISSUED BY THE 5TH RESPONDENT.
- EXHIBIT-P5- TRUE COPY OF THE LAND TAX RECEIPT OF THE PETITIONER'S PROPERTY DATED 07/06/1995.
- EXHIBIT-P6- TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE VILLAGE OFFICER, MULAKULAM DATED 07/06/1995.
- EXHIBIT-P7- TRUE COPY OF THE DISABILITY CERTIFICATE ISSUED TO THE PETITIONER FROM THE MEDICAL COLLEGE, KOTTAYAM DATED 01/02/2001.
- EXHIBIT-P8- TRUE COPY OF THE DISCHARGE SUMMARY ALONG WITH C.T SCAN REPORT DATED 21/06/2000 AND 26/06/2000, ISSUED FROM THE MEDICAL TRUST HOSPITAL, ERNAKULAM, WHERE THE PETITIONER WAS TREATED.
- EXHIBIT-P9- TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 5TH RESPONDENT DATED 06/02/2001.
- EXHIBIT-P10- TRUE COPY OF THE COVERING LETTER DATED 15/02/2001, FORWARDED BY THE 5TH RESPONDENT ALONG WITH EXHIBIT-P9 REPRESENTATION, TO THE ASSISTANT DIRECTOR OF AGRICULTURE, KADUTHURUTHY.
- EXHIBIT-P11- TRUE COPY OF THE COVERING LETTER DATED 02/06/2001, FORWARDED BY THE 5TH RESPONDENT.
- EXHIBIT-P12- TRUE COPY OF THE COMMUNICATION NO. Y P (1) 6634/2001 DATED 27/11/2001 OF THE 3RD RESPONDENT TO THE 5TH RESPONDENT.
- EXHIBIT-P13- TRUE COPY OF THE COVERING LETTER DATED 11/12/2001 FORWARDED BY THE 5TH RESPONDENT TO THE 4TH RESPONDENT.

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- EXHIBIT-P14- TRUE COPY OF THE REPRESENTATION DATED 08/11/2011 FILED BY THE PETITIONER BEFORE THE HONOURABLE CHIEF MINISTER.**
- EXHIBIT-P15- TRUE COPY OF THE COMMUNICATION FROM THE CHIEF MINISTER'S OFFICE TO THE 2ND RESPONDENT DATED 12/11/2011.**
- EXHIBIT-P16- TRUE COPY OF THE COMMUNICATION DATED 21/02/2012 OF THE 5TH RESPONDENT TO THE 3RD RESPONDENT.**
- EXHIBIT-P17- TRUE COPY OF THE COMMUNICATION NO. T.B (3) 12151/11 DATED 16/04/2012 OF THE 3RD RESPONDENT TO THE 5TH RESPONDENT.**
- EXHIBIT-P18- TRUE COPY OF THE COMMUNICATION NO. KM.ML 45/12-13 DATED 16/05/2012 OF THE 5TH RESPONDENT TO THE 3RD RESPONDENT.**
- EXHIBIT-P19- TRUE COPY OF THE COMMUNICATION NO. TB(3) 12151/11 DATED 23/05/2013 OF THE 3RD RESPONDENT TO THE 5TH RESPONDENT.**

RESPONDENT'S ANNEXURES:-

- ANNEXURE R3A COPY OF THE G.O.(MS) NO.87/14/AGRI DATED 16/04/2014.**
- ANNEXURE R3B COPY OF THE CIRCULAR NO.TK(2)42095/08 DATED 22/05/2014.**

//TRUE COPY//

PA. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.1758 of 2015

Dated this the 12th day of March, 2015

JUDGMENT

The petitioner has approached this Court seeking for a direction to be given to the respondents to sanction the eligible pension in terms of Ext.P2 scheme and to disburse the pension accordingly. The petitioner contends that, in the said scheme it is provided that if any person under the scheme suffers any mental or physical trauma completely, he/she will be entitled for monthly pension of Rs.200/- to 750/-. It is submitted that, the petitioner had met with an accident and due to which, the petitioner is not in a position to do any work. The petitioner filed Ext.P9 representation before the 5th respondent requiring to disburse the pension. The 3rd respondent directed the 5th respondent vide Ext.P12 communication dated 27.11.2001 to produce the Medical Board Certificate and the Income Certificate issued by the Village Officer. It is stated that the 5th respondent forwarded the said

documents to the 4th respondent. The petitioner preferred a representation before the Chief Minister stating his plight, which is stated as forwarded to the 2nd respondent to take speedy and necessary action. But the same has not been considered yet and hence the writ petition.

2. A statement has been filed on behalf of the 3rd respondent, paragraphs 2 and 3 of which reads as follows:

*"2. The petitioner herein applied for the above pension. It is submitted that the Government considered similar matters earlier, on the request of the Director of Agriculture and after considering the request, Government issued GO(MS) 87/14/Agri. dated 16.04.2014 which is produced herewith and marked as **Annexure R3(a)**, authorising the Director of Agriculture to settle the claims on a one time basis paying Rs.25,000/- in lumpsum. In furtherance of the above Government Order detailed instructions were also issued to all Principal Agricultural Officers in the form of Circular No.TK 42095/08 dated 22.05.2014. The documents required to be furnished along with claim petitions are mentioned in above circular. A copy of the same is produced herewith and marked as **Annexure R3 (b)**. This respondent office has already directed the 5th respondent Agricultural Officer, Mulakulam to contact the petitioner and to collect necessary documents from the petitioner for forwarding to the Director of Agriculture for approval from that office. It is also informed that the Agricultural Officer, Mulakulam the 5th respondent has already issued the communication to the petitioner directing him to furnish necessary documents. On receipt of the*

same from the petitioner, other document/certificate to the prepared by this respondent department will be made available and the application will be sent to the Director of Agriculture for further steps.

3. It is also submitted that presently the proposal of the Government is to settle the claims by paying lumpsum of Rs.25,000/-. It is also submitted that till today all applications submitted for pension were considered and disposed in the above manner. Nobody is paid with monthly pension from this department. It is submitted that this statement may be accepted and the writ petition may be dismissed otherwise irreparable loss and injury will be caused to the respondents."

3. The learned Government Pleader points out that, nobody has been given the benefit of pension, but the Government has been paying a lumpsum amount of Rs.25,000/- (Rupees Twenty five thousand only) to all the eligible hands. It is also stated that, the scheme as such, may not last for ever and it is always open for the Government to change the policy.

4. The learned counsel for the petitioner submits after getting instructions from the petitioner that, the petitioner is ready to accept the lumpsum amount ordered in terms of Annexure R3(a) G.O.(MS) No.87/14/Agri dated 16.04.2014.

5. In the said circumstances, the writ petition is disposed of,

directing the respondents to disburse the amount of Rs.25,000/-, in furtherance to Ext.P2 followed by Annexure R3(a), which shall be done at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment, subject to verification of the documents stated as forwarded vide Ext.P10 by the 5th respondent.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the concerned respondents, for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE**

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