

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.7398 of 2015

R.Emayavalli

[Petitioner]

Vs

- 1 The Collector
Thiruvallur District Thiruvallur
- 2 The Special Tahsildar
Thiruvottriyur Taluk Thiruvottriyur

[Respondents]

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the 1st and 2nd respondents to grant pension under the Social Welfare Scheme aged/destitute Womens Physically Challenge Widows under the application MT/14/05345 on the file of the 1st respondent and 2nd respondent.

For Petitioner : Mr.B.Rajkumar Ashok Singh
For Respondents : Mr.R.Vijayakumar, AGP

ORDER

Heard Mr.B.Rajkumar Ashok Singh, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who took notice for the respondents and with their consent, the main writ petition is taken up for disposal at the admission stage.

2. The petitioner is a visually challenged person and she is married to G.Ramesh, who is a physically handicapped person, certified to be suffering from 30% physical disability by the Department of Plastic Surgery, Government Stanley Hospital. That fact that the petitioner is a visually challenged person is not disputed, as she holds a certificate of the State Government. The petitioner seeks for the relief under the scheme formulated by the Government, which provides certain financial assistance. Though the petitioner has applied under the scheme, the respondents have not considered her application and granted the benefits. Hence, the petitioner has approached this Court.

3. The learned Additional Government Pleader, on instructions, submitted that when an enquiry was conducted by the officials of the 2nd respondent as regards the financial status of the petitioner, it came to know that the petitioner's husband is an auto driver and they are living in a rented premises paying Rs.2,000/- as monthly rent and therefore, the petitioner is not in indigent circumstances.

4. It is to be noted that the financial assistance claimed by the petitioner is on account of her physical disability, as she has been certificated to be 100% blind in both the eyes by the Director and Superintendent, Regional Institute of Ophthalmology, Government Ophthalmic Hospital, Chennai. Further more, the petitioner's husband is also a physically challenged person, certified to be suffering from 30% permanent disability. Therefore, merely because the petitioner and her husband are paying Rs.2,000/- per month as rent, that by itself will not make the petitioner a financially sound person, so as to deny or refuse to grant the benefit under the scheme, which was formulated by the Government, which provides for a small financial assistance to persons of old age and persons suffering from disability. Further, the petitioner's husband, despite, he being a partially disabled person, is earning a meager income by working as an auto driver. Therefore, it is a fit case where the respondents should consider the petitioner's physical disability that she is 100% blind in both the eyes and grant financial benefit, which in fact, is not a pension, but only in the nature of honorarium.

5. In the light of the above, there will be a direction to the respondents to consider the case of the petitioner and sanction the financial benefit under the Social Welfare Scheme from today, taking into consideration the fact that the petitioner is 100% visually challenged person and her husband is also a 30% physically disabled person. The above direction shall be complied with, within a period of three weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1 The Collector
Thiruvallur District Thiruvallur

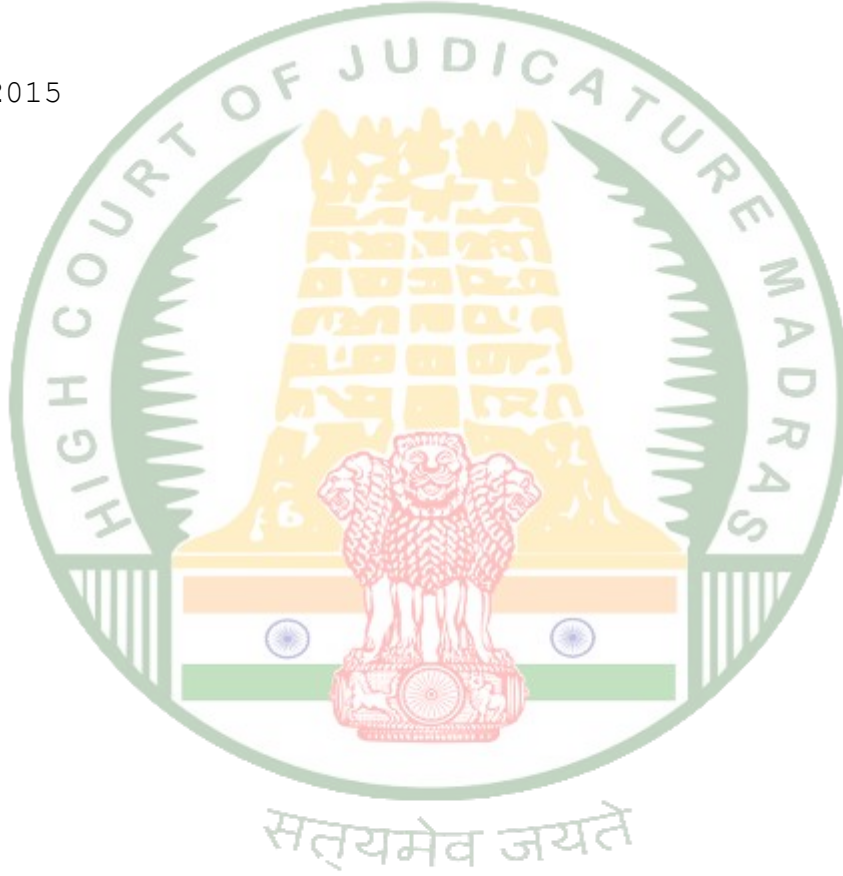
2 The Special Tahsildar
Thiruvottriyur Taluk Thiruvottriyur.

1 cc to Government Pleader, Sr.No15596

1 cc to Mr. B.Rajkumar, Advocate, SR.No.15295

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rj (co)
pmk.24.3.2015



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