

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 25.06.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.13916 of 2012

JANAKIAMMAL

... PETITIONER

Versus

- 1 THE SECRETARY TO GOVT.
TAMIL DEVELOPMENT CULTURE ENDOWMENTS &
INFORMATION DEPT.,
FORT ST.GEORGE, CHENNAI-9
- 2 THE DIRECTOR OF TAMIL
DEVELOPMENT HALLS ROAD EGMORE CHENNAI-8
- 3 THE COLLECTOR
THIRUVALLUR DISTRICT ... RESPONDENTS

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the respondents herein more particularly the 1st respondent (Government) who is the sanctioning authority of Pension to reconsider the issue in the light of the petitioners previous representations and the present representation for arrears in the Family Pension of Ellai Poratta Pension from the date of her earlier application dated 2.3.2007.

For Petitioner : Mr.A.L.Namasivayam

For Respondents : Mr.R.Vijayakumar

Additional Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner is a Widow of late Chidambaram and she is at present aged about 75 years. The petitioner on an earlier occasion filed W.P.No.5403 of 2010, praying for issuance of a writ of mandamus directing the 1st respondent therein to sanction "Ellai Poratta Pension" of Rs.2,000/- to her in the status of the Widow of late Chidambaram, who participated in the agitation relating to merger of Tamil areas with the State of Tamil Nadu from the date of her representation dated 02.03.2007 with the arrears and thereafter, to pay Rs.2,000/- per month, continuously till her life time. The said writ petition came to be disposed of on 31.03.2010 and it is relevant to extract the operative portion of the order:

"21. In the light of the above findings, the writ petition is ordered with direction to the High Level Committee head by the second respondent to consider the claim of the petitioner, who is the widow of late M.Chidambaram, who underwent imprisonment in Central Prison, Chennai-3 from 24.9.1956 to 30.9.1956 for the cause of merger of Tiruthani with the State of Tamil Nadu. The second respondent is directed to submit the recommendation of the High Level Committee to the first respondent for the sanction of Tamil Scholar (Family) Pension to the petitioner at the rate of Rs.2,000/- per month. The first respondent is directed to pass orders accordingly within a period of eight weeks from the date of receipt of copy of this order. It is made clear that till orders are passed as directed above, the payment of old age pension hitherto paid to the petitioner shall be continued."

3. Thereafter, the 1st respondent has passed G.O. (Per.) 375 TD, Endts. & Information Department dated 17.09.2010, ordering pension from the date of the disposal of the writ petition i.e. 31.03.2010 and also to pay her the arrears of Rs.16,202/-. Thereafter, the petitioner submitted a representation dated 06.03.2012, praying for the payment of pension from the date of her representation dated 02.03.2007 and since, she has not been favoured with any response, came forward to file this writ petition.

4. The learned counsel appearing for the petitioner would submit that inspite of positive observations made in the orders passed in W.P.No.5403 of 2010, the 1st respondent thought fit to award pension only from the date of the order and not from the date of her representation and taking into consideration the role played by the husband of the petitioner for merger of certain tamil areas with the State of Tamilnadu, the representation submitted by her may be positively considered.

5. Per contra, Mr.R.Vijayakumar, the learned Additional Government Pleader, who on instructions would submit that since, there is no positive direction given in the order dated 31.03.2010 made in W.P.No.5403 of 2010, directing the 1st respondent to pay arrears of pension from the date of representation, the Government thought it fit to pay the arrears from the date of the order.

6. The Court has carefully considered the rival submissions and also perused the materials placed before it.

7. It is not in dispute that the husband of the petitioner participated in the agitation / struggle for merger of certain areas with State of Tamil Nadu while State reorganisation took place and she has submitted a representation as early as on 02.03.2007 to pay the pension and since, the said representation was not given disposal, she was constrained to approach this Court by filing W.P.No.5403 of 2010, which came to be disposed of on

31.03.2010. This Court, taking into consideration the role played by the husband of the petitioner and considering the other facts and circumstances, especially the age of the petitioner, who is at present aged about 75 years, further that the arrears payable between 02.03.2007 and 31.03.2010, may not be a huge amount, is of the view that the 1st respondent has to pay the arrears for that period also.

8. Therefore, in the peculiar facts and circumstances of the case and for the reasons assigned above, the writ petition is disposed of and the 1st respondent is directed to pay arrears of pension to the petitioner for the period between 02.03.2007 and 31.03.2010, by passing appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. No Costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 THE SECRETARY TO GOVT.
TAMIL DEVELOPMENT CULTURE ENDOWMENTS &
INFORMATION DEPT. FORT ST.GEORGE CHENNAI-9
- 2 THE DIRECTOR OF TAMIL
DEVELOPMENT HALLS ROAD EGMORE CHENNAI-8
- 3 THE COLLECTOR
THIRUVALLUR DISTRICT

+1 CC TO MR.AL.NAMASIVAYAM, ADVOCATE, SR.31216

+1 CC TO GOVERNMENT PLEADER, SR.31449.

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