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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal(MD) No.983 of 2015

- 1.Anaiammal
- 2.Chinnayan
- 3.Chittammal
- 4.Dhanushkodi
- 5.Irullayee
- 6.Kamatchi
- 7.Kasbar Mary
- 8.Kulanthaisamy
- 9.Mathalai Mary
- 10.Palaniyappan
- 11.Periyasamy
- 12.D.Peter
- 13.Rajaram
- 14.Rassammal
- 15.C.S.Selvaraj
- 16.Thangasamy
- 17.Therassammal
- 18.Thirumeny
- 19.Veluthayee
- 20.Vijaya

... Appellants/Petitioners

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Special Tahsildar,
(Pauper Relief)
Tahsildar Office,
Nilakottai,
Dindigul District.

3.The Tahsildar,
Social Welfare Scheme,
Nilakottai,
Dindigul District.

... Respondents/Respondents

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 17.04.2014 made in W.P.(MD)Nos.5182, 5185, 5186 and 5468 of 2011.

Prayer in WP(MD). 5182/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS, directing the Respondents to give monthly Pension of Rs.400/- to the Petitioners from the month of November 2010 as per the proceedings of the 2nd Respondent dated 18-10-2010 within the period stipulated by this Honourable Court.

Prayer in WP(MD). 5185/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing respondents to give monthly pension of Rs.400/- to the petitioner from the month of November 2010 as per the order passed by the 2nd Respondent dated 15.10.2010 within the period stipulated by this Honourable Court.

Prayer in WP(MD). 5186/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS, directing the Respondents to give monthly Pension of Rs.400/- to the Petitioners from the month of November 2010 as per the proceedings of the 2nd Respondent dated 15-10-2010 and 18-10-2010 within the period stipulated by this Honourable Court.

Prayer in WP(MD). 5468/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS, directing the Respondents to give monthly Pension of Rs.400/- to the Petitioners from the month of November 2010 as per the proceedings of the 2nd Respondent dated 18-10-2010 within the period stipulated by this Honourable Court.

For Appellants : Mr.A.Haja Mohideen

For Respondents : Mr.A.K.Baskarapandian,
Special Government Pleader takes notice

JUDGMENT

(Judgment of the Court was delivered by V. RAMASUBRAMANIAN, J)

The writ appeal arises out a dismissal of a writ petition filed by the appellants seeking the grant of old age pension.

2.Heard Mr.A.Hajamohideen, learned counsel for the appellants. Mr.A.K.Baskarapandian, learned Special Government Pleader takes notice for the respondents.

3.The appellants herein were granted old age pension of Rs.400/- per month. But it appears that suddenly it was stopped. Therefore, the appellants came up with a batch of writ petitions in W.P.(MD)Nos.5182, 5185, 5186 and 5468 of 2011. The writ petitions were dismissed by a common order dated 17.04.2014 on the basis of the stand taken by the respondents. Therefore, the appellants have come up with the above appeal.

4.The learned Judge has dismissed the writ petition on the basis of certain facts which we are afraid cannot be controverted. The Tahsildar who originally granted the old age pension to the appellants, was proceeded against departmentally with the issue of a charge memo on 02.02.2011 under Rule 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules for granting old age pension on the basis of false information. In the counter affidavit filed by the respondents, they have indicated the reasons as to why the appellants who were ineligible



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for the grant of old age pension, got old age pension on the basis of false information. Therefore, we see no merits in the writ appeal. Hence, it is dismissed. No costs.

Sd/-

Assistant Registrar(AE)

/True copy/

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Sub Assistant Registrar

sms

To

1.The District Collector, Dindigul District, Dindigul.

2.The Special Tahsildar, (Pauper Relief)
Tahsildar Office, Nilakottai, Dindigul District.

3.The Tahsildar,
Social Welfare Scheme, Nilakottai, Dindigul District.

+one cc to The Special Government Pleader in SR.No. 65011/15

CSL/JGB-DP/20.11.2015

3P/5C

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