

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.37381 of 2015

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02.12.2015

Between:

Nelaturu Marthamma .. Petitioner

and

The State of Andhra Pradesh, represented by its Principal Secretary,
Panchayat Raj and Rural Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.Amancharla Satish Babu

Counsel for respondent No.1: Assistant Government Pleader
for Panchayat Raj and Rural Development (AP)

Counsel for respondent Nos.2 to 5: Government Pleader for Revenue (AP)

Counsel for respondent No.6: --

Counsel for respondent Nos.7 to 13: --

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent Nos.5 to 13 in not continuing the petitioner's pension under Card No.147978 of Isukapalem Village, Buchireddypalem Mandal, S.P.S.R.Nellore District, as illegal, arbitrary and contrary to G.O.Ms.No.135, dated 17.09.2014.

On 18.11.2015, this Court, while observing that *prima facie* the petitioner is entitled to restoration of her pension as per the letter, dated 19.06.2015, of respondent No.4, directed respondent No.3 to be personally present on 02.12.2015, if pension is not restored by that date.

Today, at the hearing, learned Assistant Government Pleader for Panchayat Raj (AP), on instructions, submitted that on the letter, dated 19.06.2015, addressed by respondent No.4, respondent No.3 has sanctioned pension to the petitioner from the month of November, 2015 and the same has also been paid.

Learned counsel for the petitioner submitted that his client is entitled to the arrears of pension from the time of its discontinuance.

In my opinion, as could be seen from the letter, dated 19.06.2015, of respondent No.4, the petitioner is eligible for pension as she belongs to schedule caste - madiga community, not having any means to eke out her livelihood except on cooli work and she is also a person, who is living below the poverty line. From this, it is evident that the resolution of Gram Sabha based on which the petitioner's pension was discontinued was illegal. Therefore, respondent No.3, instead of sanctioning pension afresh, ought to have restored the petitioner's pension to enable her to receive the arrears from the month of October, 2014.

Accordingly, respondent No.3 is directed to treat his decision to sanction pension to the petitioner as the one for restoration of her pension and pay the arrears from October, 2014 to September, 2015 within a period of two months from the date of receipt of a copy of this order.

Subject to the above directions, the Writ Petition is allowed.

As a sequel to allowing the writ petition, W.P.M.P.No.48100 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

02nd December, 2015

GHN

