

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

WEDNESDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.30266 of 2015

Between:

Shaik Masthan Bi,
W/o. Gali Bi, Aged about 74 years,
R/o. Mandepudi Village,
Amaravathi Mandal,
Guntur District, A.P. & 14 others

.. Petitioners

AND

The State of Andhra Pradesh,
Rep. by its Prl. Secretary,
Panchayat Raj and Rural Development Department,
Secretariat Buildings,
Hyderabad & 4 others

..
Respondents

The Court made the following:

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ORDER:

Petitioners are residents of Mandepudi Village, Amaravathi Mandal, Guntur District. Petitioners 1 to 12 and 14 are above the age of 65 years and classified as senior citizens. Petitioners 13 and 15 are widows. In consequent to the scheme formulated by the State Government for payment of monthly pension to the old-aged and widowed persons, the petitioners were identified as eligible and were granted pension. In November, 2014, revised guidelines are formulated by the State and as per the norms laid down, the eligibility to draw such pensions were reviewed and in the said review, the petitioners' claim for grant of pension was rejected.

2. According to the learned counsel for the petitioners, aggrieved by the rejection of their entitlement and not continuing to pay the pension as earlier paid, they have represented to the Project Director, District Rural Development Authority (DRDA), Guntur District (3rd respondent) on 24.11.2014 and on consideration of the said representations, the petitioners were informed vide letter, dated 02.12.2014, that their claims were rejected for the reasons assigned in the tabulated side column of the table of the said letter and directed them to appear before the Mandal Parishad

Development Officer, Amaravathi Mandal, Guntur District (4th respondent) with supporting documents to show that the entries made in the records regarding their age and ownership of land is not correct.

3. According to the learned counsel for the petitioners, the petitioners have obtained appropriate certificates from the Tahsildar, Amaravathi Mandal, Guntur District, which would disclose that the petitioners do not have the land above Ac. 5.00 as initially recorded and the petitioners' age is also certified by the competent authority of the APVVP-Area Hospital, Sattenapalli, Guntur District, showing their age as above 65 years. All these documents were submitted to the Mandal Parishad Development Officer and in support of the claim that the documents are submitted, the postal acknowledgements are also enclosed in the material papers. Learned counsel further contends that even though the requisite documents are already submitted, so far no action is taken and illegally the petitioners are denied payment of monthly pension.

4. The averments of the petitioners and the documents enclosed do not disclose their appearance before the Mandal Parishad Development Officer in person or submission of a representation detailing their entitlement, the justification of submission of representation and the documents on which the reliance is placed. It is not known why the decision is not taken so far if the representations are received by the Mandal Parishad Development Officer.

5. Since there is no clarity on the issue of submission of detailed representation and appearance before the Mandal Parishad Development Officer, the petitioners are granted liberty to submit a detailed representation enclosing the relevant documents in support of their claim and to appear in person before the Mandal Parishad Development Officer along with the relevant documents on a working day and on such appearance, the Mandal Parishad Development Officer shall consider the claim of the petitioners and if satisfied with the claim made by the petitioners, an appropriate report, as warranted by law, be submitted to the Project Director, District Rural Development Authority (DRDA), Guntur District (3rd respondent) within a further period of two (2) weeks from the date of appearance. On receipt of such report, if the report recommends the claims of all or any of the petitioners, a decision for sanctioning of the pension to them may be taken within a further period of three (3) weeks. If all or any of the petitioners are found to be not eligible, an order be communicated to them indicating the ineligibility of the petitioners within a period of three (3) weeks by the Mandal Parishad Development Officer.

5. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 28th October, 2015

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HON’BLE SRI JUSTICE P.NAVEEN RAO

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