

THE HON'BLE SRI JUSTICE A. RAJASEKHAR REDDY

WRIT PETITION No.1995 of 2015

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Between:

1. Mandla Sankaraiah

PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary,
Panchayat Raj & Rural Development (RD-I) Department,
Secretariat Building, Hyderabad, and others.

RESPONDENTS

ORDER:

This writ petition is filed to declare the action of 3rd and 4th respondents in not disbursing/paying the pension amount, which was already sanctioned and lying in their office by directing the petitioners to go to local political boss of the village and to get clearance from him, as illegal and arbitrary, and consequently to direct 3rd and 4th respondents to forthwith disburse/pay the pension amount to the petitioners.

The case of the petitioners is that they are all residents of Kudikilla Village, Kollapur Mandal, Mahabubnagar District. As per G.O.Ms.No.17 dated 05.11.2014 they are eligible for grant of old age pension and they applied for the same. The 1st respondent conducted survey and identified all the eligible persons for grant of pension under the category of old age, widow, physically handicapped. It is their case that though the amount granted to them was stated to be lying in the 3rd respondent office, he is not disbursing the same to them. Hence they approached this Court by way of the present writ petition.

A counter affidavit is filed by the 3rd respondent. It is admitted in the counter affidavit that as per G.O.Ms.No.17, dated 05.11.2014 the government has conducted Smagra Kutumba Survey on 19.08.2014 and identified some of the eligible persons including Kurkilla Gram Panchayat. It is also stated in the counter that Petitioner Nos.19, 29, 31, 34 & 35 are concerned no pension is sanctioned. But petitioner Nos.31 and 35 are concerned, pension is sanctioned in the month of February 2015 and they will be paid the pension. So far as petitioner Nos.14, 21, 25, 26 and 30 are concerned the old age pension has already been paid for the months November, 2014, December, 2014 and January, 2015. So far as other petitioners are concerned a

complaint is received by the 3rd respondent on 22.12.2014 from the Single Window Chairman and 9 others stating that as per G.O.Ms.No.17, dated 5.11.2014, the minimum age should be 65 years and above for getting old age pension. But as per the complaint, none of them have reached the age of 65 years, and as such, the complaint is referred to the concerned Gram Panchayat to enquire into the matter. Accordingly Panchayat Secretary, Kudikilla Gram panchayat has submitted a report on 10.01.2015 stating that the persons mentioned in the complaint are not eligible for old age pension. Accordingly the same is intimated to the Project Director, DRDA, Mahabubnagar on 22.01.2015 and the pension amount is being remitted back to the pension account. As such the other petitioners were not paid the pension as some of them are not eligible.

Learned counsel for the petitioner contended that a survey was conducted and the petitioners are shown to be eligible persons for grant of pension to which the 3rd respondent was also a party. He also contended that the respondents have not issued any notice to the petitioners before cancelling the pension sanctioned and no proceedings have been communicated to the petitioners.

Sri P. Raghavender Reddy, learned Standing Counsel for the 3rd respondent contended that on receiving the complaint dated 22.12.2014 the same has been placed before the Panchayat Secretary, Kudikilla Gram Panchayat, and the Panchayat Secretary submitted report dated 10.01.2015 basing on the same old age pension was stopped in respect of the persons, who are not eligible and the amount was remitted back to the pension account.

On perusal of the counter, it is evident that before cancelling the pension, the petitioners were not put on notice and no proceedings are filed to show that the old age pension sanctioned to the petitioners was cancelled.

In view of the same, the respondents are directed to pay the old age pension to the petitioners as long as the sanction orders are valid

and subsisting. However, if any irregularity is found, the respondents are at liberty to take action as per law.

With the above observations, the writ petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

A. RAJASEKHAR REDDY, J.

02nd March, 2015
Js.