

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

WRIT PETITION No.18252 of 2015

BETWEEN:

Muddalameni Rajanna,
and 6 others.

.. Petitioners

AND

The State of Andhra Pradesh,
rep.by its Principal Secretary,
Department of Panchayat Raj and Rural Development,
Secretariat, Hyderabad
and 2 others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 27.08.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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| 1. Whether reports of Local newspapers
may be allowed to see the judgments? | YES/NO |
| 2. Whether the copies of judgments may be
marked to Law Reporters/Journals. | YES/NO |
| 3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment ? | YES/NO |

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

Writ Petition No.18252 of 2015

ORDER:

The writ petition is filed seeking a *Mandamus* declaring the
action of the respondents 2 & 3 in declaring the petitioners as

ineligible persons under Social Security Pension Scheme of Yarrakotapalle Gram Panchayat, Kalakada Mandal, Chittoor District, as illegal, arbitrary and consequently to direct the second respondent to continue the petitioners as eligible physically disabled pensioners.

Heard Sri Kothapalli Narasimha Reddy, learned counsel for the petitioners and the learned Government Pleader for Panchayat Raj appearing for the respondents 1 & 2 and Sri Ch. Ravi, learned counsel for the third respondent-Yarrakotapalle Gram Panchayat.

The petitioners claim to be having more than 40% physical disability. Government launched social security pension scheme to various sections of the society who are suffering from part or full disability, including physical disability. According to the petitioners, earlier they were certified by the competent authorities as physically disabled persons of Yarrakotapalle Gram Panchayat, Kalakada Mandal and they were also granted pension, but the pension was stopped to them since October, 2014. It is further stated that in the month of September, 2014 a survey of eligibility of existing pensioners was conducted and in the said survey, the petitioners were declared as not eligible and their names were not recommended for sanction of pension under the said scheme on the ground that they were not physically disabled persons.

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Aggrieved by the same, the petitioners submitted a representation to the District Collector, Chittoor as well as to the second respondent-Mandal Parishad Development Officer, Kalakada Mandal on 18.03.2015 for resumption of social security pension with arrears from October, 2014. So far, no reply is furnished to the petitioners on the representations submitted by them. Aggrieved by the inaction of the respondents in considering their claim for grant of pension, the writ petition is filed.

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On a reading of the statement prepared by the Panchayat Secretary of the village, it shows that petitioners are described as persons not classified as physically disabled persons under the said scheme, whereas petitioners filed certificates issued by the competent authority declaring them as physically disabled persons.

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Having regard to the claim of the petitioners, I am of the opinion that the petitioners shall approach the second respondent and produce their disability certificates. The second respondent shall verify the disability certificates submitted by the petitioners and if he has any doubt regarding the disability of the petitioners, he may subject them to medical examination in the District Headquarters Hospital and obtain medical reports regarding the nature of disability suffered by the petitioners. If the petitioners are certified as having required disability, the pension under the said scheme shall be granted to them retrospectively from the date on which the pension was stopped. After verification of certificates/ medical reports, decision shall be taken by the second respondent as directed above. This exercise shall be completed within six weeks from the date of receipt of a copy of this order.

With the above directions, 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.

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P. NAVEEN RAO, J

Date: 27.08.2015

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THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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