

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION Nos.27497, 27500, 27507, 27541 & 27560 of 2015

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DATED : 29.10.2015

W.P.No.27497 of 2015:

Between :

Medida Bhaskar Rao S/o.Musalaiah,
Aged 52 yrs, Occu : Handicapped Pensioner,
R/o.Paluru Dondapadu Village,
Kandukuru Mandal, Prakasam District & others.

.. Petitioners

and

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

.. Respondents

W.P.No.27500 of 2015:

Between :

Uttipalli Venkaiah S/o.Lakshmaiah,
Aged about 70 yrs, Occu : Coolie,
R/o.Oguru Village, Kandukuru Mandal,
Prakasam District & others.

.. Petitioners

and

The State of Andhra Pradesh

Rep., by its Principal Secretary,

Panchayat Raj & Rural Development Department,

Secretariat Buildings, Hyderabad & others.

.. Respondents

W.P.No.27507 of 2015:

Between :

P. Venkata Narayana, S/o.Venkateswarlu,

Aged about 35 yrs, Occu : Agricultural Coolie,

R/o.G. Mekapadu Village,

Kandukuru Mandal, Prakasam District & others.

.. Petitioners

and

The State of Andhra Pradesh

Rep., by its Principal Secretary,

Panchayat Raj & Rural Development Department,

Secretariat Buildings, Hyderabad & others.

.. Respondents

W.P.No.27541 of 2015:

Between :

Palepu Venkateswarlu S/o.Ramaiah,

Aged about 65 yrs, Occu : Coolie,

R/o.Kouru Village,

Kandukuru Mandal, Prakasam District & others.

.. Petitioners

and

The State of Andhra Pradesh

Rep., by its Principal Secretary,

Panchayat Raj & Rural Development Department,

Secretariat Buildings, Hyderabad & others.

.. Respondents

W.P.No.27560 of 2015:

Between :

T.Venkata Narasa Raju S/o.T. Narasa Raju,

Aged about 78 yrs, Occu : Coolie,

R/o.Machavaram Village,

Kandukuru Mandal, Prakasam District & others.

.. Petitioners

and

The State of Andhra Pradesh

Rep., by its Principal Secretary,

Panchayat Raj & Rural Development Department,

Secretariat Buildings, Hyderabad & others.

.. Respondents

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No. 27497, 27500, 27507, 27541 & 27560 of 2015

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COMMON ORDER :

The petitioners in these writ petitions claim that they are the residents of Paluru Dondapadu Village, Oguru Village, G.Mekapadu Village, Kouru Village & Kancharagunta Village, & Machavarm, Anandapuram Villages, of Kandukuru Mandal, Prakasam District respectively. From the year 2006 till the end of the year 2014, the petitioners were receiving pension under Social Security Scheme

launched by the State Government to various categories of deprived persons such as old aged widows, physically handicapped etc. In the year 2014, Government issued revised guidelines notified by G.O.Ms.No.135 dated 17.09.2014. After the revised guidelines are notified, the eligibility of persons to draw Social Security pension were reviewed and in the said review, the claims of the petitioners for grant of pensions was rejected. Aggrieved by the denial of pensions to the petitioners, these writ petitions are filed.

2. According to learned counsel for the petitioners, the rejection is unjustified, all the petitioners are eligible and after verifying their eligibility, pensions were sanctioned to them in the year 2006 and there is no justification to stop the pension in the year 2014. All this happened only because of change in the ruling party.

3. Learned counsel further contends that the Sarpanch of the village is the President of the Grampanchayat Pension Committee. But the incumbant Sarpanch was ignored again on political consideration, since he belongs to different political party and his views are not obtained before determining the eligibility of villagers for grant of pension. Learned counsel submits that the material on record would clearly substantiate that the petitioners were eligible to receive the pension and denial of the same is ex-facie illegal.

4. Learned Standing counsel representing the Mandal Parishat Development Officer –Cum-Member Convener Mandal Pension Committee and the Gram Panchayat Secretary-cum-Member Convener Panchayat Pension Committee of respective villages, produced the statements prepared by the Mandal Parishat Development Officer and Gram Panchayat Secretary in each of the writ petitions. According to learned Standing counsel, some of the petitioners in the respective writ petitions are found to be eligible and accordingly the Mandal Parishat Development Officer, has recommended their names for sanction of pension by the District Rural Development Authority (DRDA), and the issue of sanction of pension to the persons who are found to be eligible would be finalized shortly. On further review of eligibility, some of the petitioners in this batch of writ petitions are found to be ineligible and therefore, they were accordingly informed of their ineligibility.

5. He submits that against a decision of the Mandal Parishat Development Officer, the aggrieved parties can represent to the Project Director, DRDA.

6. Learned counsel for the petitioners submit that even the present rejections

are on illegal grounds. The petitioners have sufficient material and the material in support of the petitioners was not considered by the Mandal Parishat Development Officer before rejecting their claim. The documents enclosed to the writ petitions would disclose their eligibility and suitability for drawing the pensions.

7. Having regard to the assertions made by the learned counsel for the petitioners that initially all the petitioners are eligible for drawing of pensions and on reconsideration of the same, some of the petitioners are found to be ineligible, the Project Director, DRDA is directed to examine eligibility of such of those petitioners who were found to be ineligible by the Mandal Parishat Development Officer, by scrutinizing the eligibility.

8. Learned counsel for the petitioners or any other authorized person is permitted to file all the documents, directly in the office of the Project Director, DRDA, on behalf of such of those persons who were found to be ineligible by the Mandal Parishat Development Officer. On presentation of all the relevant documents in support of the claim of such of those petitioners, whose names are not recommended by Mandal Parishat Development Officer, the Project Director, DRDA shall scrutinize their eligibility and place the same before the District Pension Committee and review their eligibility. If such of those persons are also found to be eligible, their pension shall be released. If those persons are found to be ineligible, a specific decision shall be taken by assigning reasons and the same shall be communicated to the individuals. The entire exercise in so far as the persons whose names are now rejected shall be completed within a period of four weeks, from the date of submission of particulars of the petitioners, by the Project Director, DRDA, in consultation with the District Pension Committee.

9. In so far as the petitioners whose names are found to be eligible, now, the Mandal Parishat Development Officer, shall forward the recommendations to the Project Director, DRDA, within a period of one week from the date of receipt of this order. The Project Director, DRDA, shall consider the recommendations and take appropriate decision as warranted by the scheme, within a further period of three weeks and if those petitioners are found to be eligible for grant of pension, they shall be granted pension retrospectively from the date from which pension was stopped to them. The entire exercise with reference to these persons shall also be completed within a period of three weeks from the date of receipt of proposals from the Mandal

Parishat Development Officer.

10. With the above directions, all the writ petitions are disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

_____ **P.NAVEEN RAO,J**

29th October, 2015.

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