

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDIRAN

W.P.No.27603 of 2016

1. M.Myilee
2. C.Kamala
3. V.Saroja
4. R.Manikkam

... Petitioners

Versus

1. The District Collector,
Salem District,
Salem.
2. The Sub Collector/Revenue
Divisional Officer,
Mettur Revenue Division,
Mettur Dam, Salem District.
3. The Special Tahsildar,
Social Security Scheme (SSS),
Kadayampatti Taluk,
Kadayampatti, Salem District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India seeking the issuance of writ of mandamus, to direct the third respondent to sanction and disburse the Old Age Pension (OAP) as per the scheme based on the applications of the petitioners herein dated 06.02.2016 forthwith for protecting their livelihood.

For Petitioners : Mr.M.R.Jothimanian
For Respondents : Mr.R.A.S.Senthilvel,
Additional Govt. Pleader

ORDER

By consent of both parties, the present writ petition is taken up for final disposal.

2. The prayer in the writ petition is to direct the 3rd respondent to sanction and disburse the Old Age Pension (OAP) as per the Scheme based on the applications of the petitioners herein dated 06.02.2016 forthwith for protecting their livelihood.

3. The case of the petitioners is that the first and second petitioners are widow and the third petitioner is a destitute women. After the death of their husbands, they are having no

sufficient income for their livelihood. Hence, they have made applications before the 3rd respondent, on 06.02.2016, seeking to grant Old Age Pension to them. The fourth respondent, who is aged about 61 years, is also without sufficient income for his livelihood. Hence, he has also made an application before the 3rd respondent, on 06.02.2016, seeking to grant Old Age Pension to him.

4. According to the petitioners, the Government of Tamil Nadu has framed a special scheme, namely, Old Age Pension Scheme under various categories to provide monetary benefits to persons who are without any means for livelihood. For the purpose of disbursing such amount, the Government has fixed eligibility criteria in G.O.Ms.No.26 dated 07.04.2016, Social Welfare and Nutritious Meal Programme (SW6 (1)) Department. Based on the said G.O., the petitioners claim Old Age Pension. According to them, originally, they filed applications before the Special Tahsildhar, Social Security Scheme, Omalur in the year 2015. Since the third respondent Kadyampatti Taluk was created by the Government, their applications were transferred to the third respondent. But, there was no reply from the 3rd respondent till date. Thereafter, the petitioners sent applications dated 06.02.2016, seeking Old Age Pension, through post, to the third respondent. But, there was no response on the said applications. They have also made another representation dated 11.04.2016 for the very same relief, before the third respondent. But, the same is pending before the third respondent. Hence, the petitioners are before this Court.

5. The learned counsel appearing for the petitioners submitted that originally, a sum of Rs.500/- has been paid to the beneficiaries towards pension as per G.O. 41 dated 17.05.2011 and subsequently, it was increased from Rs.500/- to Rs.1,000/- by the Government by issuing G.O.Ms.No.26, dated 07.04.2016 (as stated above). Based on the said G.O.Ms.No.26, the petitioners made representations dated 06.02.2016 before the third respondent, but there was no response. Since the petitioners are aged persons, they are eligible to get Old Age Pension as per Scheme. Hence, the 3rd respondent may be directed to sanction the Old Age Pension to the petitioners.

6. Mr.R.A.S.Senthilvel, learned Additional Government Pleader, submitted that the petitioners' requirements have been properly examined. On examination, the petitioners are found to be not eligible and the respondents are prepared to pass orders on the applications submitted by them.

7. Having regard to the submission made by the learned Additional Government Pleader, the respondents are directed to pass orders on the said representations of the petitioners' dated 06.02.2016 on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

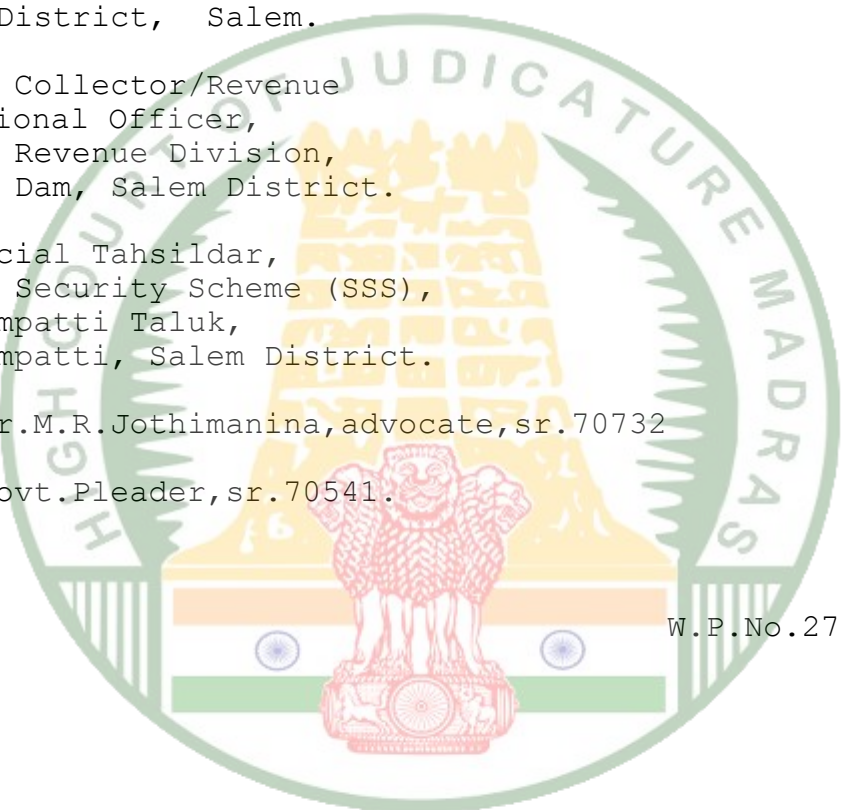
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Kadayampatti, Salem District.

+1 cc to Mr.M.R.Jothimanina,advocate,sr.70732

+1 cc to Govt.Pleader,sr.70541.

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krd 5/1

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The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion standing in front of it. The lion is facing forward and is flanked by two smaller lions. Below the lion is a red wheel. The entire emblem is set against a green background with a white border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the emblem. At the bottom, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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