

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.11.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WP.No.41139/2016 & WMP.No.35136/2016

R.Mathiyas

.. Petitioner

Versus

1.The Director
Tamil Development and Culture
Department, 1st Floor, Tamil
Development Campus, Tamil Salai
Egmore, Chennai-8.

2.The District Collector
Kanyakumari District, Nagerkoil.
Respondents

..

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to sanction monthly pension to the petitioner with effect from 13.11.2002 and pay the same continuously as per the Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions Act, 1983.

For Petitioner : Mr.K.Sathish Kumar
For RR 1 & 2 : Mr.P.Senthilvel, GA

ORDER

Heard the learned counsel for the petitioner and Mr.P.Senthilvel, learned Government Advocate who accepts notice on behalf of the respondents and with the consent on either side, the writ petition is taken up for final disposal.

2 The case of the petitioner is that he participated in the agitation seeking for merger of Tamil area with the State of Tiruvangur on 03.08.1954 and that he was imprisoned for one month along with one Ambrose, Sobanam, Selvamani and others. Most of the agitators received pension under section 3 of the Payment of Tamil Scholar and Miscellaneous Provision Act, 1983 and therefore, the petitioner

sent a representation on 13.11.2002 along with the Certificates of the Co-prisoners, viz., Ambrose and Cabrial. The petitioner also annexed the certificate issued by the MLAs of the said Constituency, certifying that the petitioner participated in the said agitation on 03.08.1954 and was also issued with yet another certificate from the Kumari Maavatta Viduthalai Thiyagigal Thalaimai Sangam, acknowledging the participation of the petitioner in the agitation. Since the jail records of the petitioner were destroyed by the then Tiruvangur Government, the petitioner was not in possession of the same and hence, annexed the certificates issued to the co-prisoners. The 1st respondent vide communication dated 10.02.2003 had informed the petitioner that his request will be considered soon. Since no action was initiated, the petitioner approached the respondents once again and on 02.03.2016, the 1st respondent directed the 2nd respondent to conduct an enquiry, pursuant to which, the 2nd respondent directed the Tahsildar, Vilavangodu to conduct the enquiry, who in turn, directed the Revenue Inspector in this regard. After enquiry, the Revenue Inspector recommended the case of the petitioner for receiving pension vide his order dated 23.04.2016 and the said recommendation was placed before the 2nd respondent and was forwarded to the 1st respondent and thereafter, no fruitful action was initiated. Hence, the petitioner, who is a senior citizen, is constrained to approach this Court by filing the present writ petition.

3 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in this writ petition or in his representation, directs the 1st respondent to consider the representation of the petitioner dated 02.12.2015 on merits and in accordance with law, after taking into consideration the recommendation made by the Revenue Inspector vide his order dated 23.04.2016 and pass orders within a period of two months from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

4 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

23.11.2016

AP

To

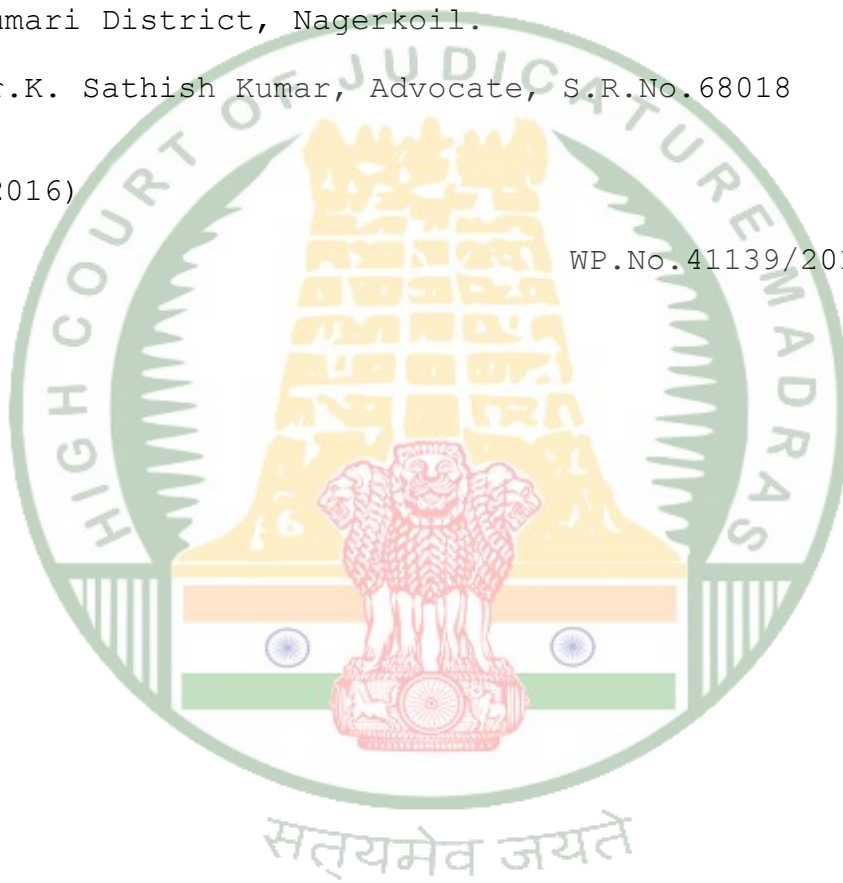
1.The Director
Tamil Development and Culture
Department, 1st Floor, Tamil
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2.The District Collector
Kanyakumari District, Nagerkoil.

+1cc to Mr.K. Sathish Kumar, Advocate, S.R.No.68018

md(19/12/2016)

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