



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.A. (MD) .No.967 of 2014

T.K.Naganathan .. Appellant/Petitioner
versus

1.The Secretary to Government,
Public (Political Pension 2) Department,
St.George Fort,
Chennai.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

3.The Tahsildar,
Ramanathapuram,
Ramanathapuram District.

.. Respondents/Respondents

Writ Appeal filed under Clause 15 of Letter Patent Act to set aside the order, dated 17.06.2014, made in W.P.(MD).No.10561 of 2013 on the file this Court.

Prayer in WP(MD). 10561/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the Impugned proceedings of the 2nd respondent in Na.Ka.G3/24759/2012 dated 11.02.2013 and quash the same and consequently direct the 1st and 2nd respondents to grant political pension to the petitioner on par with his brothers and sister based on the proposal sent by the 3rd respondent in Na.Ka.A9/19507/03 dated 27.02.2004 and 23.07.2004 with effect from the date of passing the G.O.No.36 Public (Political Pension 2) Department dated 08.01.2003 with in a time frame as fixed by this Honble Court.

For Petitioner

: Mr.R.Gowrishankar
: Mr.D.Muruganantham

Additional Government Pleader



JUDGMENT

(Judgment of the Court was made by M.SATHYANARAYANAN , J.)

By consent, the writ appeal is taken up for final disposal.

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2. The appellant/writ petitioner is a retired Village Administrative Officer aged about 63 years and according to him, his ancestor Ravikula Sri. Rebel Muthuramalinga Vijaya Ragunatha Sethupathy was the king of Ramnad Samasthanam between the year 1760 and 1809 and also participated in the freedom struggle. The appellant/writ petitioner would further state that one Sowrirajan, General State Secretary of Mamannar Sethupathy Makkal Iyakkam has filed W.P.No.30576 of 2002 before this Court and prayed for political pension to the legal heirs of the aforesaid king and he also given the names of 189 legal heirs. This Court vide order, dated 29.07.2002 has directed the Government to consider the said request made by the petitioner therein and pass appropriate orders. Accordingly the first respondent has issued G.O.Ms.No.36 Public (Political Pension 2) Department, dated 08.01.2003 granting political pension to the 87 legal heirs out of 189, leaving out the appellant/writ petitioner.

3. The appellant/writ petitioner has also pointed out that his own brothers and sister are getting political pension on account of the above cited Government Order and they are, K.Nambukumar, K.Sethurajan, K.Mariswaran, K.Muniyasamy and K.Mageswari. The appellant/writ petitioner in this regard sent a representation dated 17.04.2003 praying for political pension. The appellant/writ petitioner had also submitted a representation, dated 24.12.2003 to the third respondent for grant of political pension and the said official has submitted a proposal, dated 27.02.2004 to the second respondent making a positive recommendation. Further, the appellant/writ petitioner has also sent reminders praying for political pension. Since it has not been disposed of, the appellant/writ petitioner has filed W.P.(MD).No.7629 of 2012 before this Court praying to grant political pension. This Court, vide order dated 23.07.2004 has directed the second respondent to consider the representation of the appellant/writ petitioner, dated 18.05.2012 and pass appropriate orders in accordance with law. In compliance of the order, the impugned order came to be passed stating that the appellant/writ petitioner did not participate in the selection committee and that apart he is a retired Village Administrative Officer and on receipt of Government Pension, he is ineligible to grant political pension. The appellant/writ petitioner challenging the legality of the said order, has filed W.P.(MD).No.10561 of 2013. This Court vide order, dated 17.06.2014, has dismissed the writ petition on the ground that the appellant/writ petitioner's name is not found in the Government Order. Challenging the legality of the same, the present Writ Appeal is filed.



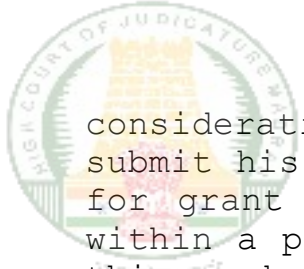
4. The learned counsel appearing for the appellant would submit that the only reason cited for declining the appellant's request is that his absence before the Selection Committee/Scrutiny Committee. Since he was employed as Village Administrative Officer, he did not appear before the Selection Committee/Scrutiny Committee on account of his work assignment. Admittedly, his brothers and sister were granted political pension. The fact remains, nearly about 8 persons, who were Government Servants, are receiving political pension in terms of the above said Government Order and prays for appropriate orders.

5. Per contra, Mr.D.Muraganantham, the learned Additional Government Pleader, who accepts notice on behalf of the respondents, has drawn the attention of this court to the counter affidavit filed by the respondents and submitted that in terms of G.O.No.36 Public (Political Pension-2) Department, dated 08.01.2003, a Selection Committee was formed and despite issuance of notice/summons, the appellant did not appear and therefore 87 beneficiaries were identified and they were given political pension and insofar as the stand taken by the appellant that the retired Government Servants are also having the benefit of Government Orders, the learned Additional Government Pleader would contend that 8 retired Government Servants are having the benefit of political pension as they appeared before the Scrutiny Committee for enquiry.

6. This Court paid its best attention on the rival submissions made by the learned counsel on either side and also perused the typed set of papers.

7. It is not seriously disputed that the appellant at the relevant point of time, was employed as Village Administrative Officer and in the light of the stand taken by the appellant even on his representation, dated 17.04.2003 that he did not receive any notice or summons coupled with the fact that assignment with occupation and an important fact that his brothers and sister are also conferred with the grant of Political Pension, this Court is of the view that the impugned order rejecting his request as well as dismissing the writ petition warranting interference. It is also very pertinent to point out at this juncture that as per the proceedings of the Thasildar, Ramanathapuram, dated 23.07.2004, addressed to the District Collector, Ramanathapuram District, 8 former Government Servants are also accorded with Political Pension. Therefore, it cannot be cited as a reason for rejecting the claim of Political Pension to the appellant.

8. In the result, the Writ Appeal is allowed. The order dated 11.02.2013 of the District Collector, P. (MD).No.10561 of 2013 as well as the proceedings of the second respondent dated 11.02.2013 are set aside. The matter is once again remanded to the first respondent for fresh



consideration and adjudication. It is open to the appellant to submit his detailed representation to the first respondent praying for grant of political pension along with a copy of this order, within a period of 4 weeks from the date of receipt of a copy of this order. The first respondent on receipt of a same, is directed to consider the same on merits and in accordance with law and pass appropriate orders, within a period of 10 weeks thereafter and communicate the decision taken to the appellant/writ petitioner. No costs.

Sd/-

Assistant Registrar(crl.side)

/True copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
Public (Political Pension 2) Department,
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Chennai.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

3.The Tahsildar,
Ramanathapuram,
Ramanathapuram District.

+1cc to MR.R.Gowrishankar, Advocate SR.No.74028

jikr

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