



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P.(MD) No.8757 of 2015

1. S. Shanmugam
2. M. Banumathi
3. S. Senthilvel
4. M.Muthusamy
5. M. Punniamoorthy

: Petitioners

Vs.

1. The Revenue Divisonal Officer,
Paramakudi,
Ramanathapuram District.
2. The Tahsildar (Social Security Scheme),
Mudukulathur,
Ramanathapuram District.

: Respondents

Prayer: This Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certioraified Mandamus calling for the records in Na.Ka.No.A4/6638/2013, dated 14.08.2014 and quash the same and further direct the respondents to include petitioners in the Social Security Scheme.

For Petitioners : Mr. K. Kumaravel

For Respondents : Mr. J. Gunaseelan Muthiah
Government Advocate

O R D E R

The petitioner has filed the present Writ Petition challenging the order passed by the first respondent cancelling the old age pension granted to the petitioners, under Chief Minister's Uzhavar Padhukappu Thittam, 2011.

2. According to the petitioners, the second respondent earlier granted old age pension to the petitioners, under the Chief Minster's Uzhavar Padhukappu Thittam, 2011, by an order dated 10.01.2013 and they have been continuously receiving pension. Subsequently, by the impugned order, dated 14.08.2014, the respondent cancelled the pension granted to the petitioners without conducting any enquiry or giving notice.



Challenging the above said order, the petitioner has filed the present Writ Petition.

3. In support of his contention, the learned counsel for the petitioners relied on a judgment reported in 2016(2) MLJ 713 (*R. Senbagam Vs. Collector of Nagapattinam District, District Collector, Nagapattinam and another*), which arises in the similar circumstances.

4. The second respondent filed counter affidavit stating that earlier old age pension was granted, based on the enquiry conducted by the second respondent / Thasildar (Social Security Scheme), Mudhukulathur, Ramanathapuram District. Subsequently, during enquiry, the second respondent found that the petitioners are ineligible to get the pension. The first respondent, Revenue Divisional Officer, Paramakudi passed an order cancelling the pension granted to the petitioners. According to the second respondent, as per G.O.Ms.No.25, dated 17.04.2015, the petitioners have to fulfil the following criteria for obtaining pension:

(i) 60 years and above

(ii) Destitute (i.e) without any source of income and owning fixed assets valuing less than Rs.50,000/- who have no relatives of 20 years of age and over of the following categories, son, son's son and husband / wife who normally live together.

(iii) Belonging to poverty line.

The old age pension granted to the petitioners was cancelled on the ground that some of the petitioners are having concrete terrace, agricultural lands etc., and some others are economically rich and hence, they are not entitled to pension as per G.O.Ms.No.25, dated 17.04.2015.

5. Admittedly, the impugned order is passed by the first respondent without conducting any enquiry and giving an opportunity to the petitioners to raise their objections. Since the petitioners were granted pension in the year 2011 and they are continuously receiving pension, while cancelling the pension, the petitioners ought to have given an opportunity to raise their objections. Without doing so, the respondents can not cancel the pension granted to the petitioners.

6. In the present case, the first respondent cancelled the pension without conducting any enquiry and is is violation of principles of natural justice and hence, the impugned order passed by the first respondent, in so far as the petitioners, is set aside and the matter is remanded back to the second respondent, and the second respondent is directed to conduct an enquiry afresh after issuing show-cause notice to the petitioners, and after giving an opportunity of hearing to the petitioners, pass suitable orders within a period of eight weeks from the date of receipt of a copy of this order.



7. With the above direction, the Writ Petition is allowed.
No costs.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.
2. The Tahsildar (Social Security Scheme),
Mudukulathur, Ramanathapuram District.

+1 cc to The Special Government Pleader in SR.No. 54499

+1 cc to M/s.K.Kumaravel, Advocate in SR.No.54388

trp

CSL/PV/05.10.2016: 3P/5C

W.P. (MD) No.8757 of 2015
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