



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 17.08.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.13721 of 2016

S.Sankara Pandian

..Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai North,
Madurai District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to grant old age pension to the petitioner by every month with arrears too, under Indira Gandhi Old Age Pension Scheme to the Petitioner.

For Petitioner :M/s.K.K.Samy

For Respondents :Mr.J.Gunaseelan Muthiah
Govt.Advocate

ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3.No counter is filed on behalf of the Respondents.

4.According to the Petitioner, he is the senior citizen and eligible to obtain Old Age Pension as per the Indira Gandhi Old Age Pension Scheme, introduced by the Government. Earlier, he made an application before the Second Respondent and it was duly considered on 1.3.2013 and a separate Account Number was allotted to him. In fact, the said Account Number was 38659. He received a sum of Rs.1,000/-p.m from 1.3.2013 onwards. The specific case of the Petitioner is that till June 2014, he received the Old Age Pension and thereafter, he did not receive the said pension amount till date. In this regard, he made a representation on 13.7.2015 and 14.9.2015 before the Second Respondent/The Tahsildar, Madurai North, Madurai District. However, the Second Respondent had not taken any



effective steps to settle the arrears to him. Therefore, he approached the First Respondent/The District Collector, Madurai to intervene in the subject-matter in issue on 13.06.2016. Unfortunately, the First Respondent had not taken any effective steps to settle his case. Hence he has filed the present Writ Petition praying for passing of an order by this Court in directing the Respondents to grant Old Age Pension every month to the petitioner and the arrears too.

5. At this stage, the Learned Counsel for the Petitioner relies on a decision of this Court in **R. Shenbagam .vs. The Collector of Nagapattinam District, District Collectorate, Nagapattinam- 611 001, Tamil Nadu and another reported in (2016) 2 MLJ 713**, whereby and where-under, it is observed and held as follows:

'On a careful consideration of respective contentions and although the Respondents placed reliance on the amendment to Rule 5 of the Madras Old Age Pension Rules coupled with G.O.(Ms).No.26, dated 17.04.2015 [in regard to change of eligibility criteria relating to Pension Scheme implemented under Social Security Scheme] and also this Court, taking note of the attendant facts and circumstances of the instant case in an encircling manner, comes to an inescapable conclusion that the impugned order dated 24.04.2015 in R.C.No.2739 /2005/A8 of the 2nd Respondent stopping the old age pension to the Appellant/Petitioner from October 2014 was an illegal one, because of the simple reason that before stopping the old age monthly payment pension from October 2014, no prior notice or enquiry was issued/ conducted in the subject matter in issue, especially when the stoppage of monthly old age pension is one of civil consequences. Suffice it for this Court to relevantly point out that the Principles of Natural Justice were not adhered to by the 2nd Respondent prior to passing of the impugned order dated 24.04.2015 in so far as the Appellant/Petitioner was concerned. As such, this Court interferes with the impugned order of the Learned Single Judge in W.P.No.15901 of 2015 dated 22.07.2015 as well as the impugned order of the 2nd Respondent dated 24.04.2015 in R.C. No.2739/2005/A8 and set aside the same, in furtherance of substantial cause of Justice. Consequently, the Writ Appeal succeeds. In fine, the Writ Appeal is allowed. The order dated 22.07.2015 in W.P.No.15901 of 2015 of the Learned Single Judge as well as the order dated 24.04.2015 in R.C.No.2739/2005/A8 of the 2nd Respondent are set aside by this Court for the reasons assigned in this Writ Appeal. The Respondents are directed to continue to pay the Old Age Pension to the Appellant/Petitioner under IGNOAPS from October 2014 onwards, as per order passed



by this Court dated 23.04.2010 in W.P.No.24745 of 2009. The arrears, in this regard, is directed to be paid by the Respondents to the Appellant/Petitioner within a period of six weeks from the date of receipt of copy of this Judgment.''

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6.At this Stage, the Learned Government Advocate for the Respondents 1 and 2 brings it to the notice of this Court that the Special Tahsildar, Thiruparankundram Taluk, Madurai District is the proper/competent authority to look into the representation of the Petitioner in regard to the Petitioner's claim of Old Age Pension.

7.considering the fact that the Special Tahsildar, Thiruparankundram Taluk, Madurai District is the proper/competent authority to look into the case of the Petitioner pertaining to his grant of Old Age Pension in his favour, at this stage, this Court, directs the Petitioner to submit a fresh representation addressed to the Special Tahsildar, Thiruparankundram Taluk, Madurai District within a period of five days from the date of receipt of a copy of this order. Thereafter, the Special Tahsildar, Thiruparankundram Taluk, Madurai District is to consider the said representation of the Petitioner and dispose of the same by passing a detailed speaking order, on merits, within a period of three weeks thereafter, by adhering to the principles of natural justice in true letter and spirit after providing necessary/enough opportunity to the Petitioner and others concerned, if any, in the subject-matter in issue. At the time of passing of the order based on the fresh representation of the Petitioner, the Special Tahsildar, Thiruparankundram Taluk, Madurai District is to take into account the decision between **R.Shenbagam .vs. The Collector of Nagapattinam District, District Collectorate, Nagapattinam- 611 001, Tamil Nadu and another reported in (2016) 2 MLJ 713** and to do the needful within the time prescribed by this Court. It is needless for this Court to relevantly point out that the Petitioner is to render his assistance and co-operation to the Special Tahsildar, Thiruparankundram Taluk, Madurai District, so as to enable the latter to do the needful in the subject-matter in issue within the time determined by this Court, as stated supra.

8.With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai North,
Madurai District.

Copy to

The Special Tahsildar,
Thiruparankundram Taluk,
Madurai District.

+1 cc to Mr.K.K.SAMY,Advocate, Sr.No: 45483

+1cc to M/S Special Government Pleader, Sr No. 45341

jam/24.08.16/AAL-MPA/ 4P-6C

W.P (MD) No.13721 of 2016

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