



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.12.2016

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CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.19901 of 2016

A.Sikanthar

... Petitioner

Vs.

1.The District Collector,
O/o.The District Collector
Tirunelveli District.

2.The Tahsildar,
(Social Security Scheme)
O/o.the Tirunelveli Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings issued by the 2nd Respondent in his proceedings in Na.Ka.No.Aa7/2735/2016 dated 23.08.2016 and quash the same as illegal and consequently to direct the respondents to provide the old age pension amount a sum of Rs.1,000/- (Thousand Rupees only) periodically.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.A.Muthukaruppan

Additional Government Pleader

O R D E R

The petitioner is aggrieved against the order of the second respondent, dated 23.08.2016, denying the Old Age Pension under Indira Gandhi National Old Age Pension Scheme.

2. The petitioner is aged about 70 years and approached the first respondent and submitted an application, seeking for Old Age Pension under the above said Scheme. After field enquiry, the petitioner's request was rejected through the impugned order. The reason stated in the impugned order is that the petitioner is living with his second wife and his two daughters and they are earning Rs.200/- per day, as Daily Coolies.

<https://hcservices.courts.gov.in/hcservices/> The learned counsel appearing for the petitioner contended that as per the eligibility criteria referred to in the said Scheme, the petitioner is satisfying the requirement and thus, he



is entitled to grant of Old Age Pension. The learned counsel has also relied on a decision made by the Division Bench of this Court in W.A(MD)No.1420 of 2014, dated 04.06.2015, wherein such benefit was given to a person similarly situated.

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4. On the other hand, in the counter-affidavit filed by the respondents, it is contended that already a sum of Rs.20,000/- was paid to the petitioner for his medical treatment and therefore, the petitioner cannot be given the Old Age Pension as he is living with his second wife and children.

5. It is not in dispute that the petitioner is 70 years old. From the perusal of the reason set out in the impugned order, it is evident that the petitioner's family members, namely, his second wife and two daughters are only Daily Coolies and earning very meagre sum for the sustenance of the family. Therefore, there cannot be any doubt as to the poor financial condition of the petitioner and therefore, he would certainly come under the category of 'Below the Poverty Line'. Merely because he is living with his two daughters and the second wife, who are admittedly Daily Coolies, the respondents cannot deny such benefit to the petitioner. The Division Bench of this Court in W.A(MD) No.1420 of 2014, dated 04.06.2015, considered a case identical to the present one and observed as follows:

19.The fact that even now, all the sons of the respondent are working as Coolies(Labourers), shows that their economic condition. Therefore, at the time, when the respondent attained 60 years of age, it would not be better than the present condition. During the course of hearing, it was also submitted that the respondent does not own any lands. Thus, the name of the respondent ought to have been included, either under the Old Age Pension Scheme or under the Hon'ble Chief Minister Uzhavar Paadhukaapu Thittam(CMUPT), under which, a person aged above 60 years, without any working capacity and not supported by a son or daughter is eligible to be registered under the Indira Gandhi National Old Age Pension Scheme (IGNOAPS). Here again, there is a failure on the part of the revenue officials, to bring him, under the abovesaid scheme. When it is the duty of the revenue officials, to enlist the beneficiaries, taking into consideration their economic status, or in other words, inclusion in 'below poverty list', so as to enable them, to avail the benefits, merely because, the respondent was not registered under any of the schemes, this Court is not inclined to deny the benefits, to which, the beneficiary is entitled to, as per the scheme, as on date of completion of 60 years.



20. From the material on record, it could be deducted that the respondent had completed 60 years long back. For the mistake of the revenue officials, in not including the name of the respondent in the below poverty list, the petitioner cannot be denied old age pension from the date of his entitlement. Thus from the above discussion, we are of the view that the respondent is entitled to old age pension, from the date on which, he attained 60 years. The revenue officials are directed to include the name of the petitioner in the below poverty list.

6. I am of the view that the petitioner should also be given the same benefit as extended to the other man in the above Writ Appeal. Accordingly, the impugned order, dated 23.08.2016 passed by the second respondent, is set aside and the Writ Petition is allowed. The respondents are directed to disburse the Old Age Pension to the petitioner from the Month of August, 2016 onwards, within a period of four weeks from the date of receipt of a copy of this order. No Costs.

Sd/
Assistant Registrar(C.S-I)

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Sub Assistant Registrar

To

1.The District Collector, O/o.The District Collector
Tirunelveli District.

2.The Tahsildar, (Social Security Scheme)
O/o.the Tirunelveli Taluk, Tirunelveli District.

+1cc to Special Government Pleader in SR.No.80508.

W.P.(MD)No.19901 of 2016
09.12.2016

pm
msm/ck/sar3/16.12.16/p3/4c(IT)