

HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.22862 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the respondents in deleting the names of the petitioners from the list of existing eligible pensioners of SB Kothuru Grampanchayat, Santhabommali Mandal, Srikakulam District as illegal and arbitrary.

2. Heard Sri Y.Nagi Reddy, learned counsel for the petitioners, learned Assistant Government Pleader for Panchayat Raj and Rural Development (Andhra Pradesh) representing the respondents 1 to 3 and Sri Ravi Cheemalapati, learned standing counsel for Panchayat Raj, representing the respondents 4 to 7.

3. A perusal of the record reveals that the petitioners are permanent residents of SB Kothuru Grampanchayat of Santhabommali Mandal, Srikakulam District. It is the case of the petitioners that prior to November 2015 they used to get Social Security Pension (Old Age, Widow and Physically Handicapped). It is the further case of the petitioners that due to intervention of local politicians, the names of the petitioners were deleted even though they are eligible for pension as per the guide lines of Social Security Scheme. A perusal of the record reveals that the petitioners herein submitted a representation on 14.03.2016 to the second respondent to consider their case for grant of pension. The

second respondent in turn transmitted the representation of the petitioners to the third respondent. The third respondent in turn transmitted the same to the fourth respondent to examine into the matter and submit report. The grievance of the petitioners is that the fourth respondent has not taken any action basing on the representation of the petitioners. It is the case of the petitioners that they are eligible for pension as per the guidelines of G.O.Ms.No.135, Panchayat Raj and Rural Development (RD.1) Department dated 17.09.2014.

4. At the time of arguments, both the counsel with one voice submitted that the issue involved in this writ petition is squarely covered by the orders of this Court dated 29.10.2015 in W.P.No.27497 of 2015 and batch. Both counsel with one voice submitted that this writ petition may be disposed of in terms of the orders in Writ Petition No.27497 of 2015 and batch.

5. Having regard to the facts and circumstances of the case and also the submissions made by both the counsel, in so far as the petitioners whose names are found to be eligible, now, the Mandal Parishat Development Officer, shall forward his recommendations to the Project Director, DRDA, within a period of two weeks from the date of receipt of copy of this order. The Project Director, DRDA, shall consider the recommendations and take appropriate decision as warranted by the scheme, within a further period of four weeks and if those petitioners are found to be eligible for grant of pension, they shall be granted pension retrospectively

from the date from which pension was stopped to them. The entire exercise with reference to these persons shall also be completed within a period of eight weeks from the date of receipt of proposals from the Mandal Parishat Development Officer. The respondents are hereby directed to consider the case of the petitioners objectively in the light of G.O.Ms.No.135 dated 17.09.2014.

6. With the above directions, this writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

September 1, 2016.
Pns.

T. SUNIL CHOWDARY, J

