

THE HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.30648 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the inaction of the respondents 2 to 4 in considering the case of the petitioner for grant of old age pension as illegal and arbitrary.

2. Heard Sri Koti Reddy Idamakanti, learned counsel for the petitioner, learned Assistant Government Pleader for Panchayat Raj and Rural Development (Andhra Pradesh) representing the first respondent, learned Government Pleader for Revenue (Andhra Pradesh) representing the second respondent and Sri G.Seshadri, learned standing counsel for Panchayat Raj, representing the respondents 3 to 5.

3. The petitioner is a resident of Cheruvukommupalem village of Ongole Mandal, Prakasam District. Up to the year 2015, the petitioner used to get Social Security Pension (Old Age, Widow and Physically Handicapped) vide I.D.No.190583. For one reason or other, the name of the petitioner was deleted from the list of eligible pensioners. On 10.08.2016, the petitioner submitted a representation to the fifth respondent to recommend his name to the third respondent for sanction of the old age pension. The grievance of the petitioner is that the fifth respondent has not taken any action on the representation of the petitioner.

4. The learned standing counsel for Panchayat Raj submitted that one has to submit the application to the Janmabhoomi committee of the village. After scrutinizing the application, the Janmabhoomi committee, will transmit the same to Mandal Parishad Development Officer, who in turn will forward the same to the Project Director, District Rural Development Agency, i.e. third respondent. Ultimately, the third respondent has to sanction the old age pension to the petitioner.

5. The petitioner is aged about 72 years. It may not be possible for him to attend even to coolie work. Even if he is willing to attend to coolie work, nobody will avail his services. The fact remains that the petitioner got the old age pension up to the year 2015 vide I.D.No.190583. It appears that recently the respondents deleted the name of the petitioner from the list of eligible pensioners for the reasons best known to them. The petitioner had approached the fifth respondent to include his name in the list of eligible candidates. The fifth respondent is the competent authority to verify whether the petitioner has satisfied the conditions stipulated in G.O.Ms.No. 135, Panchayat Raj and Rural Development (RD.1) Department dated 17.09.2014. It is the case of the petitioner that he submitted an application to the Janmabhoomi committee on 10.08.2016.

6. Having regard to the facts and circumstances of the case, the fifth respondent is hereby directed to consider the application of the petitioner in the light of G.O.Ms.No.135, Panchayat Raj and

Rural Development (RD.1) Department dated 17.09.2014, objectively and pass appropriate orders. If the fifth respondent comes to a conclusion that the petitioner has satisfied the conditions stipulated in the said G.O., he is directed to forward the same to fourth respondent. Thereupon the fourth respondent shall forward the same to the third respondent and the third respondent shall consider the recommendations and take appropriate decision as warranted by the scheme. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

7. 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.

15th September, 2016.
Rns

T.SUNIL CHOWDARY, J.

