

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.33107 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 fourth respondent in considering the representations of the petitioners dated 24.8.2016 for restoration of Widow pension and Old age pension as the case may be, as illegal and arbitrary.

2. Heard the learned counsel for the petitioners, learned Government Pleader for Revenue, learned Government Pleader for Panchayat Raj & Rural Development, and the learned Standing Counsel for fourth respondent.

3. The petitioners are residents of Chalamcharla Village, Kavali Mandal, SPSR Nellore District. It is the case of the petitioners that they received pensions up to 2014. Their further case is that the respondents deleted their names from the list of candidates eligible for respective category of social security pensions without following due process of law. As the petitioners were not getting pensions, they approached the fourth respondent and made representations on 24.8.2016 to include their names in the list of eligible pensioners. Whether the petitioners are eligible for pension or not is purely a disputed question of fact, which cannot be gone into while exercising the jurisdiction under Article 226 of Constitution of India. A perusal of the record reveals that for one reason or the other, the representations of the petitioners are kept pending.

4. At the time of the arguments, the only relief sought by the learned counsel for the petitioners is that the fourth respondent may be directed to dispose of the representations of the petitioners dated 24.8.2016. The learned standing counsel also consented for the same.

5. Having regard to the facts and circumstances of the case and in view of the submissions made by learned counsel for both the parties, the fourth respondent is hereby directed to dispose of the representations of the petitioners dated 24.8.2016, in the light of G.O.Ms.No.135, Panchayat Raj and Rural Development (RD.I) Department, dated 17.9.2014, as early as possible preferably within a period of two months from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

September 28, 2016
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T.SUNIL CHOWDARY, J