

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2017

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.NO.27595 of 2004

M.Mani

... Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by its Secretary
Tamil Development Culture &
Religious Endowments Department
Fort St. George, Chennai - 600 009.

2.The Collector
Thiruvannamalai District,
Thiruvannamalai.

3.The Director
Tamil Development and Cultural Department
Kuralagam,
Chennai - 600 108.

... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the proceedings of the 3rd respondent dated 01.01.2004 in Proceedings No. Na.Ka.Tamilzh-2/14647/03 and quash the same and direct the respondents to grant pension to the petitioner from 14.04.1987 onwards as per G.O.Ms.No.155, Tamil Development and Cultural Department, dated 23.07.1990.

For Petitioner : Ms.Gladys K. D'Mello

For Respondents : Mr.R.Prathap Kumar
Additional Government Pleader

O R D E R

The writ petitioner has filed the above writ petition for disbursement of pension in accordance with G.O.Ms.No.155, Tamil Development and Culture Department, dated 23.07.1990. The writ petitioner state that he has participated in the Anti Hindi Agitation in the year 1986 along with 243 persons. Those who have participated in the Anti Hindi Agitation were granted

pension of Rs.350/- with effect from 14.04.1987. Since he had also participated in the Agitation, being a sympathiser of the political party, he was arrested on 05.12.1986. The petitioner would further state that he had joined the unlawful assembly with an object to setting fire to a part of the Constitution of India knowing well that it is in contravention of the order passed under Section 30 (2) of the Police Act, 1861. Therefore, he would claim that he should be considered as a person who sacrifice for Tamil language and is entitled to the benefits of the Government Order mentioned above.

2. The third respondent has rejected the request of the petitioner in his proceedings Na.Ka.No.Tamizh-2/14647/2003, dated 01.01.2004. The reason for rejection is that there is no certificate of incarceration and there is no scheme for giving pension to those who have participated in the agitation in setting fire to a part of the Constitution of India, in the year 1986.

3. The respondents have filed a counter affidavit setting out the scheme of paying pension to the Tamil Scholars for their noble service to the Tamil Language as well as sacrifice for the preservation of Tamil culture. Pension is granted to the families of the Scholars, who have exhibited their courage or nobility in their zeal to preserve the growth of Tamil language. Whereas, the petitioner has participated in the agitation and was charged for the offence of unlawful assembly on 05.12.1986 violating the order promulgated under Section 30(2) of the Police Act 1861. The Director General of Prisons has also informed that for those persons, who have involved in criminal offences, jail certificates should not be issued for the purpose of getting pension. Pension is given only for noble causes and not for the offenders.

4. The learned Additional Government Pleader would produce a copy of the Government Letter M.S.No.1717, Home Department, dated 18.11.1996, wherein it is clearly mentioned that those who have participated in the Hindi Agitation for the preservation of Tamil language in the year 1965 are entitled for getting the jail certificate and there is no objection for issuing the same to the deserving persons. Whereas it is clearly mentioned that those who have participated in setting fire to a part of the Constitution of India in the year 1986-87 are not entitled to any jail certificate and there is no pension scheme in force for such an agitation.

5. Recording the submission and after pursuing the Government letter, this Court is of the considered view that the claim made in the writ petition is not sustainable. Accordingly, the writ petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

TK

To

- 1.The Secretary
Government of Tamil Nadu
Tamil Development Culture &
Religious Endowments Department
Fort St. George, Chennai - 600 009.
- 2.The Collector
Thiruvannamalai District
Thiruvannamalai.
- 3.The Director
Tamil Development and Cultural Department
Kuralagam,
Chennai - 600 108.

+1 cc to R.Prathap Kumar Advocate sr 45801

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aa03/08/2017