

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.9106 of 2013

S.Lalitha

... Petitioner

Vs

1.The Secretary to Government,  
Revenue Department,  
Fort St. George,  
Chennai - 600 009.

2.The Secretary to Government,  
Rural Development Department,  
Fort St. George,  
Chennai - 600 009.

3.The Secretary to Government,  
Finance Department,  
Fort St. George,  
Chennai - 600 009.

4.The Secretary to Government,  
Personnel & Administrative Reforms Department,  
Fort St. George,  
Chennai - 600 009.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to grant monthly pension benefits/medical allowance, transport pass etc., to the Panchayat President/Councilor provided they have completed five years term.

For Petitioner : Mr.R.Chandrasekaran

For Respondents : Mr.D.Raghu  
Government Advocate

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents herein to grant monthly pension benefits/medical allowance, transport pass etc., to the Panchayat President/Councilor, provided he/she has completed five years term.

2.The petitioner was elected as the President of Mullipakkam Village Panchayat in the year 2001 and she served till 2006. The petitioner claims that once again, she was elected as the President of the said Panchayat in the year 2011 and she was performing her services for the betterment of the village Panchayat in all respects. It is contended that the writ petitioner was performing her duties and responsibilities, attached to the post of the President, with care and devotion.

3.The learned counsel for the writ petitioner states that after demitting the office, the writ petitioner, who has sincerely served for the welfare of the public for more than five years, has not been paid with any monetary benefits and therefore, a pension scheme has to be formulated to all such elected Presidents, who serve for the welfare of the Panchayat.

4.Admittedly, there is no scheme for pension for such elected representatives of the Panchayat, under the statues or in the Rules. Contrarily, the petitioner claims that a pension scheme has to be formulated.

5.The learned Government Advocate, appearing on behalf of the respondents states that there is no pension scheme in force in respect of the elected Presidents, who demit their office after completion of their tenure. Hence, the claim of the writ petitioner in the present writ petition, cannot be considered.

6.This Court is of an opinion that constitution of a pension scheme is a policy decision to be taken by the Government. Courts cannot issue any direction to formulate the said policy in relation to grant of pension to elected representatives of the Panchayat. Thus, the very claim set out in the present writ petition is misconceived and this Court cannot issue any direction to the respondents to formulate a pension scheme for the benefit of the elected representatives of the Panchayat.

This being the principles to be followed, the writ petitioner has not established any acceptable legal grounds for the purpose of considering the claim set out in the present writ petition. Hence, the writ petition stands dismissed. No costs.

Sd/-  
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mkn

To

1.The Secretary to Government,  
Revenue Department,  
Fort St. George,  
Chennai - 600 009.

2.The Secretary to Government,  
Rural Development Department,  
Fort St. George,  
Chennai - 600 009.

3.The Secretary to Government,  
Finance Department,  
Fort St. George,  
Chennai - 600 009.

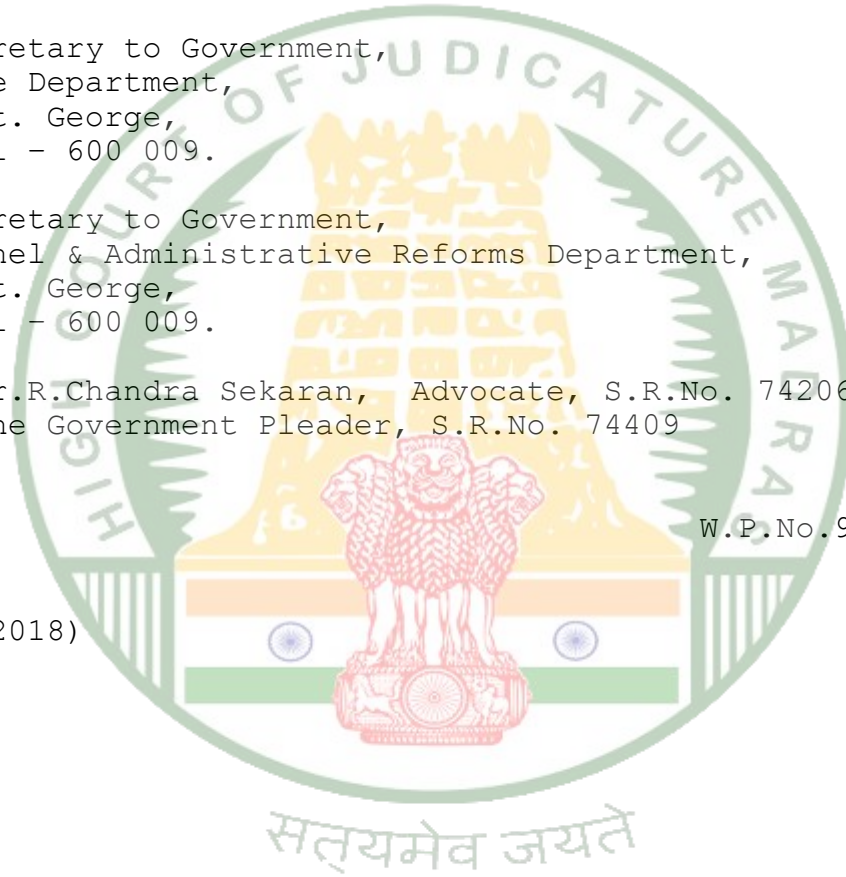
4.The Secretary to Government,  
Personnel & Administrative Reforms Department,  
Fort St. George,  
Chennai - 600 009.

+1cc to Mr.R.Chandra Sekaran, Advocate, S.R.No. 74206

+1cc to the Government Pleader, S.R.No. 74409

W.P.No.9106 of 2013

RJ(CO)  
GN(28/11/2018)



WEB COPY