

In the High Court of Judicature at Madras

Dated : 27.2.2018

Coram :

The Honourable Mr. Justice K.KALYANASUNDARAM

Writ Petition No.32154 of 2013 & MP.Nos.1 of 2013 & 1 of 2014

1.N.Kumarasamy

2.A.Subramaniam

3.M.Arumugam ...Petitioners

Vs

1.The Government of Tamil Nadu,
rep.by its Secretary to Government,
Tamil Development & Cultural
Department, Fort.St.George,
Chennai-9.

2.The Director of Tamil Development,
Halls Road, Egmore, Chennai-8.

3.The District Collector, Salem
District, Salem. ...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus directing the
respondents to disburse the arrears by calculating from the date
of order passed by this Court i.e. on and from 21.11.2011 in
W.P.Nos.21796 to 21803 of 2011 till the date of pension has been
sanctioned to the petitioners.

For Petitioners : Mr.C.Prakasam

For Respondents : Mr.V.Shanmuga Sundar, SGP

ORDER

Heard both and perused the records.

2. This writ petition has been filed seeking a direction to
the respondents to disburse the arrears by calculating from the
date of the order passed by this Court in W.P.Nos.21796 to 21803
of 2011 dated 21.11.2011.

3. The case of the petitioners is that they participated in the agitation for merger of Tamil areas in northern belt of Tamil Nadu with the other States. According to the petitioners, during the agitation, they were arrested and remanded to judicial custody in the year 1953 and they are entitled to pension under the Tamil Nadu Payment of Pension to Tamil Scholars and Miscellaneous Provisions Act, 1983 (Tamil Nadu Act 23 of 1983).

4. The grievance of the petitioners is that pursuant to the orders of this Court dated 21.11.2011 in WP.Nos.21796 to 21803 of 2011, pension is paid from the date of the Government Order in G.O.Ms.Nos.357, 358 and 360 dated 30.10.2012, but not from the date of the order. The further case of the petitioners is that they are entitled to pension from 21.11.2011.

5. On the other hand, the learned Special Government Pleader submits that as per Rule 7 of the Rules framed under the Tamil Nadu Act 23 of 1983, the pension amount can be paid only from the date of the said Government Orders.

6. In the case on hand, it is not in dispute that the petitioners are receiving pension in pursuance of the orders of this Court in the earlier writ petitions from the date of the Government Order. It is to be noted that except making claim, no other materials have been produced by the petitioners in support of their case.

7. In the light of the above undisputed facts, in the considered view of this Court, the petitioners are not entitled to pension from the date of the order passed in the said writ petitions.

8. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected MPs are also dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government of Tamil Nadu,
Tamil Development & Cultural Department,
Fort.St.George, Chennai-9.

2.The Director of Tamil Development, Halls Road, Egmore,
Chennai-8.

3.The District Collector, Salem District, Salem.

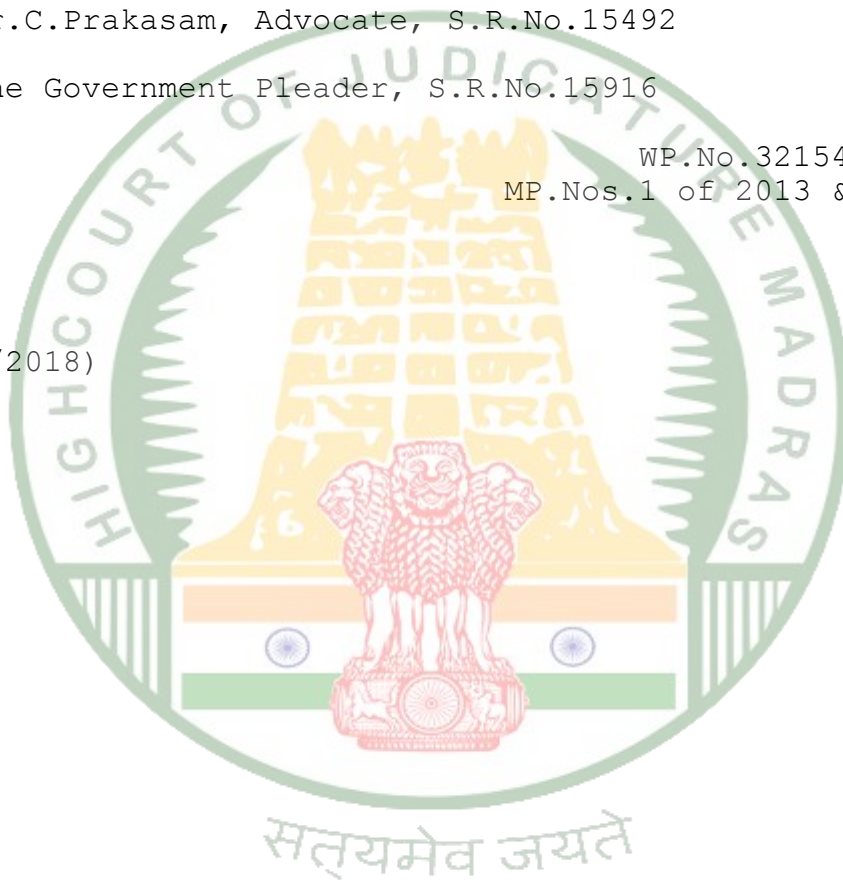
+1cc to Mr.C.Prakasam, Advocate, S.R.No.15492

+1cc to the Government Pleader, S.R.No.15916

WP.No.32154 of 2013 &
MP.Nos.1 of 2013 & 1 of 2014

RR(CO)

RRK(11/04/2018)



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