

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2018

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THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.31218 of 2018
and W.M.P.No.36421 of 2018

P. Murugesan

.. Petitioner

Vs.

1. The District Collector,
District Collector Office,
Dharmapuri District.
 2. The Tahsildar,
Taluk Office,
Pappireddipatti Taluk,
Dharmapuri District.
 3. The Special Tahsildar,
(Social Security Scheme),
Taluk Office, Pappireddipatti Taluk,
Dharmapuri District.
- .. Respondents

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to resume the old age pension given to the petitioner and pay the arrears amount, that is pending from November, 2015 till date with 9% interest per annum.

For Petitioner : Mr.M.Muruganantham

For Respondents: Mr.N.Inbanathan
Additional Government Pleader

O R D E R

The present Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondents to resume the old age pension given to the petitioner and pay the arrears amount, that is pending from November, 2015 till date with 9% interest per annum.

2. The petitioner is aged about 67 years and is a bachelor. He is living alone in Vasigoundanoor, Dharmapuri District. He was found to be eligible by the respondents and by an order dated 01.08.2012, the petitioner was enrolled as a beneficiary under the old age pension scheme. However, from November, 2015, the pension was suddenly stopped and the petitioner did not have any reason as there was no communication from the respondents. His personal enquiry was not received very well.

3. It is stated by the learned counsel appearing for the petitioner that when the respondents have visited his place in Village, he was away from the village. As he was not available on the date of inspection, his pension has been cancelled.

4. This Court already directed the respondents to produce the file in this regard. The learned Additional Government Pleader appearing for the respondents submitted that as per Rule 23 of the then Madras Old Age Pension Rules issued in G.O.No.73, Finance (Pension) Department, dated 22.01.1962, it shall be the duty of the Old Age Pensioner to intimate any change of address to the Tahsildar. The Village Administrative Officer is also duty bound to submit his report to the Tahsildar in Form OAP VI regarding the death of a pensioner or a change of address of the recipient as per Rule 15 of the Madras Old Age Pension Rules, 1962. It is stated that only on the report of the Village Administrative Officer, the pension was withheld from the month of November, 2015. The petitioner has also produced his Aadhar Card, which shows that he has been residing in the same village.

5. A perusal of the files produced by the respondents shows that no reason, whatsoever is mentioned for withdrawal of the old age pension. In fact, after the stoppage, based on his representation to sanction the old age pension, the Village Administrative Officer, B.Pallipati, and the Revenue Inspector, Bommidi, have given the recommendation based on the evidence given by the residents of the village. The evidence of the villagers have been written by the Revenue Inspector, wherein, it is stated that the petitioner was taking treatment in his relative's house outside the village. A recommendation by the Village Administrative Officer and the Revenue Inspector was made as early as in May, 2018, despite the same, no action has been taken by the respondents to disburse the old age pension to the petitioner. As the petitioner is found eligible and he had been receiving pension, due to this act of stopping the old age pension without any valid reasons by the respondents, the petitioner is put to irreparable loss and hardship.

6. The denial of the old age pension suddenly in this manner would defeat the very scheme of granting old age pension to the needy and deserving. As it is found that the petitioner has met all the eligible criteria and qualified to receive the benefit under the pension scheme, the beneficial scheme, which was extended to him, cannot be suddenly withdrawn without any relevant materials. Hence, discontinuance of the old age pension to the petitioner is illegal and violative of the principles of natural justice.

7. In the light of the above findings, this Court is of the view that the petitioner is entitled to continuation of the payment of old age monthly pension from the month of November, 2015, onwards. The respondents are directed to disburse the arrears of the pension within a period of six (6) weeks from the date of receipt of a copy of this order and continue to pay the same as long as he is eligible.

8. With the above observations and directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

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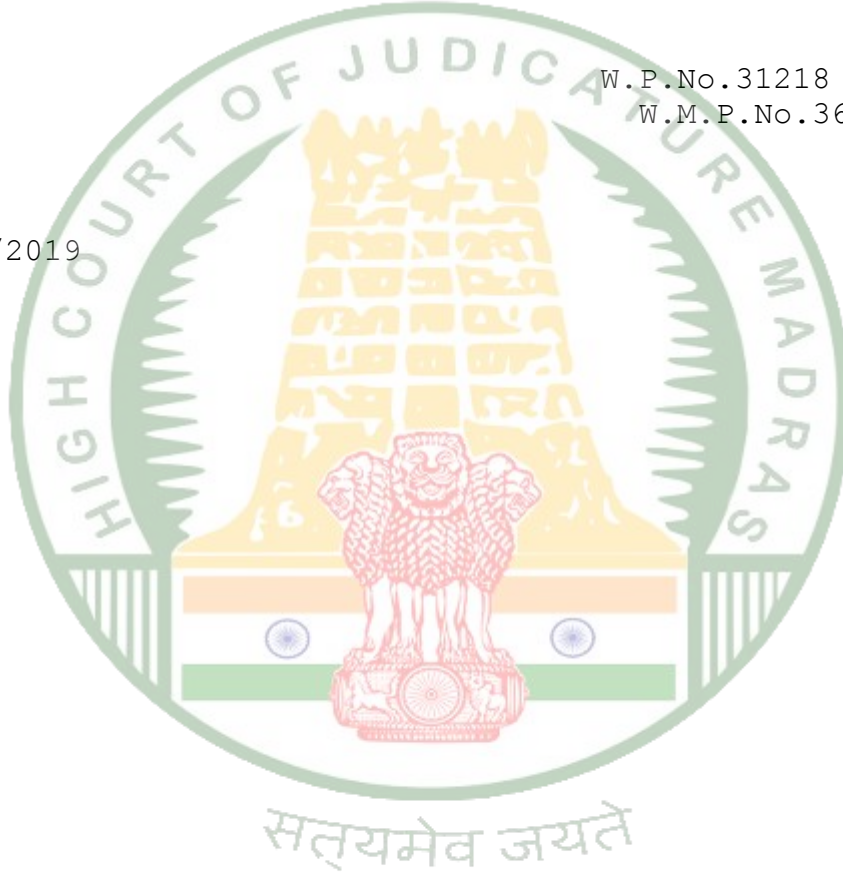
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+1cc to M/S.M.Muruganantham, advocate Sr.87821
+1cc to the Government Pleader Sr.87928

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