



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD)No.408 of 2018

and

W.M.P. (MD)Nos.415 & 416 of 2018

WEB COPY

Paramaguru

... Petitioner

-Vs-

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

3. The Tahsildar,
Social Security Scheme,
Srivilliputhur,
Virudhunagar District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in O.Mu.P4/12194/2017 dated 13.11.2017 passed by the third respondent and quash the same and consequently directing the third respondent to pay monthly old age pension to the petitioner.

For Petitioner
For Respondents

: Mr.R.Murugappan
: Mr.M.Rajarajan,
Government Advocate.

ORDER

The Writ Petition has been filed challenging the order dated 13.11.2017 passed by the third respondent stopping old age pension granted to the petitioner.

2.According to the petitioner, he is a Senior Citizen aged about 81 years having five children. They are married and living separately. They abandoned the petitioner and the petitioner is suffering from leprosy. Earlier, he applied for old age pension before the third respondent. The third respondent by an order dated 28.09.2010, granted old age pension to the petitioner. Subsequently, without issuing any notice to the petitioner, the old age pension has been stopped.



3. In these circumstances, the petitioner made a representation to the third respondent seeking reason for stopping old age pension. For which in the impugned proceedings dated 13.11.2017, the third respondent stated that the petitioner having 6 sons. Among the sons, three sons were working in a private company at Chennai and his daughter is working as writer in the Judicial Department. Apart from that the petitioner is also working as Accountant in a Spinning Mill. Hence, he is not entitled to get old age pension. Challenging the said order, the Writ Petition has been filed.

4. The learned counsel appearing for the petitioner would contend that the respondents without conducting any enquiry and without passing any orders abruptly stopped the old age pension. He further submitted that it is the specific case of the petitioner that his children have abandoned him and he is suffering from leprosy and he is not doing any work. Considering all these facts, old age pension has been granted to the petitioner. Now, without issuing any notice to the petitioner, the third respondent abruptly stopped the old age pension.

5. The learned Government Advocate appearing for the respondents submitted that based on the report filed by the Village Administrative Officer, the petitioner was not entitled to get the old age pension on the ground that the petitioner's children are employed and the petitioner himself was worked as Accountant in a spinning mill.

6. I have heard the learned counsel for the petitioner as well as the learned Government Advocate for the respondents and perused the materials available on record carefully.

7. On perusal of the information given by the third respondent, it is seen that before stopping old age pension, no enquiry was conducted by the third respondent and he abruptly stopped the pension based on the report submitted by the Village Administrative Officer. Stopping of pension, the petitioner with visit with civil consequences. Hence, before passing an order of stopping of old age pension, the respondents ought to have conduct an enquiry and due opportunity must be given to the petitioner to submit his objections. Without doing so, the third respondent abruptly stopped the pension.

8. In the above circumstances, the impugned order passed by the third respondent is set aside and the matter is remanded back to the third respondent, and the third respondent is directed to conduct an enquiry and pass appropriate orders, after issuing notice to the petitioner, within a period of six weeks from the date of a copy of this order.



9. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T&P)

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/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
3. The Tahsildar,
Social Security Scheme,
Srivilliputhur,
Virudhunagar District.

+1cc to Mr.R.Murugappan, Advocate Sr.No.43716

+1cc to The Spl. Government Pleader Sr.No.44012

MYR

VB/KKR/SAR4/19.02.2018/3P/6C

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