



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.07.2018

CORAM:
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)NO.888 OF 2018
and
C.M.P(MD)No.5632 of 2018

1. The District Collector,
Madurai District.
2. The Tahsildar,
(Social Security Scheme),
Madurai West Taluk,
Madurai.

:Appellants/Respondents

.Vs.

Rukmaniammal

: Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.8502 of 2018, dated 11.06.2018.

Prayer in WP(MD). 8502/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings of the 2nd respondent in Na.Ka.No.5452/G/2017 dated 02.03.2018 and quash the same and further direct the 2nd respondent to sanction the arrears of Old age pension which was stopped from June 2014- March 2017.

For Appellants : Mr.VR.Shanmuganathan
Special Govt.Pleader

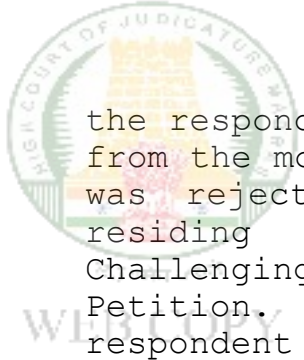
JUDGEMENT

[Judgement of the Court was made by K.RAVICHANDRABAABU,J.]

This Writ Appeal is directed against the order of the learned Single Judge passed in W.P(MD)No.8502 of 2018, dated 11.06.2018.

2.Heard Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the appellants and perused the materials placed before us, including the order passed by the Writ Court.

3.The respondent herein is admittedly a recipient of old age pension. It is claimed by the respondent that such pension is being paid to the respondent from the year 2012 onwards and however, the same was stopped from June 2014 to April 2017, unreasonably. Further, it is an admitted fact that the old age pension was resumed to the respondent from the month of April 2017 onwards. Therefore,



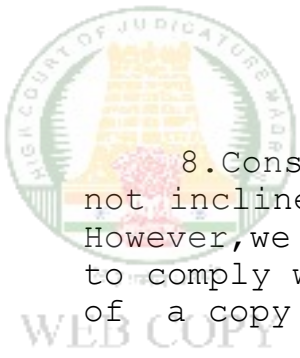
the respondent made a request for payment of arrears of such pension from the month of June 2014 to April 2017. However, the said request was rejected on the reason that the respondent was not found residing in the address to which the pension was paid previously. Challenging the said order, the respondent filed the above Writ Petition. The Writ Court, after considering the fact that the respondent is receiving the old age pension from April 2017 and such pension is payable till her life-time, directed the first appellant/The District Collector, Madurai District to pay the arrears of old age pension to the respondent for the period from June 2014 to March 2017 together with interest at the rate of 8% p.a. The Writ Court also directed the matter to be listed on 09.07.2018, 'for reporting compliance'. Now, the said order of the Writ Court is challenged before us.

4.The learned Special Government Pleader appearing for the appellants contended that as the respondent was not residing in the given address for a particular period, she was not given the pension during such period. He further contended that in any event as the State Government alone is competent to pay the pension and the arrears, issuing a direction to the District Collector, Madurai District by the Writ Court to pay the same is not proper. Therefore, he contended that the order of the Writ Court is to be interfered with.

5.We are not convinced with the above submissions. First of all, the old age pension is given to the person and therefore, what is to be seen is as to whether such person is alive and available to receive such pension. Merely because such person has shifted his/her residence temporarily to some other place for some time, that itself cannot be a reason to deny the pension to such person for such period, since payment of such pension goes with a person and not with the place in which she or he resides. Therefore, on these flimsy reasons, old age pension arrears cannot be denied to the respondent.

6.The next contention with regard to the competency of the District Collector to pay the arrears is concerned, We could neither conceive nor comprehend ourselves with the submission of the learned Special Government Pleader that it is for the Government to pay such arrears and therefore, the District Collector cannot be issued with such direction. The District Collector being the Officer of the Government, cannot escape or wash of his hands by shifting the ball to the Government. Therefore, if a direction is issued to the District Collector, it is for him to work out with the Government and get the amount released for paying the same to the respondent herein.

7.At this juncture, the learned Special Government Pleader fairly submitted that if sufficient time is granted, the District Collector will work out to comply with the order passed by the Writ Court.



8.Considering the above-stated facts and circumstances, We are not inclined to interfere with the order passed by the Writ Court. However, we are convinced to grant four weeks time to the appellants to comply with the order of the Writ Court from the date of receipt of a copy of this order.

9.With the above modification of the order passed by the writ Court, the Writ Appeal is disposed of. No costs. Consequently, Connected Civil Miscellaneous Petition is dismissed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District.
2. The Tahsildar,
(Social Security Scheme),
Madurai West Taluk,
Madurai.

+1CC to the Special Government Pleader SR.No.71066

W.A (MD) NO.888 OF 2018
and
C.M.P (MD) No.5632 of 2018
03.07.2018

VSN
ES/RP/SAR 2/10.07.2018/3P/4C