

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 24.07.2018****CORAM:****THE HONOURABLE MR.JUSTICE M.S.RAMESH****W.P(MD)Nos.14460 to 14462 of 2018****WEB COPY**

P.Rangammal

... Petitioner
in W.P.(MD)No.14460 of 2018

P.Polayakkoundar

... Petitioner
in W.P.(MD)No.14461 of 2018

S.Vellathai

... Petitioner
in W.P.(MD)No.14462 of 2018

vs.

1. The District Collector,
Office of District Collectorate,
Theni District.

2. The Special Tahsildar,
Social Security Scheme,
Taluk Office, Andipatty,
Theni District.

... Respondents
in all W.Ps.

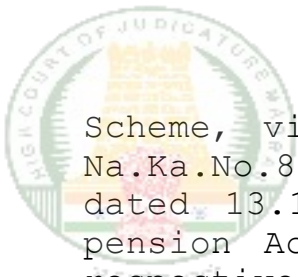
COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to continue to pay the monthly Old Age Pension to the petitioners under Indira Gandhi National Old Age Pension Scheme (IGNOAS) from January, 2018 and further ensure the respondent to pay the monthly Old Age Pension to the petitioners till life time of the petitioners by considering their representations dated 19.06.2018 within a time frame fixed by this Court.

For Petitioners : Mr.J.Senthil Kumaraiah
in all W.Ps.
For Respondents : Mr.J.Gunaseelan Muthiah,
in all W.Ps. Additional Government Pleader.

COMMON ORDER

Since the issue involved in all the writ petitions, is one and the same, they are taken up for hearing together and disposed of by this common order.

2.The petitioners, who claim to be 64, 60 and 64 years of age respectively, were sanctioned with the old age monthly pension of Rs.1,000/- under the Indira Gandhi National Old Age Pension



Scheme, vide orders in Na.Ka.No.11350/E1/2011, dated 29.02.2012, Na.Ka.No.886/E1/2011 dated 24.02.2011 and Na.Ka.No.14114/E1/2010, dated 13.12.2010 respectively and payment was made in Old age pension Account Nos.244 of 2012, 3076 of 2011 and 90 of 2011 respectively.

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3.The learned counsel appearing for the petitioners submitted that from the month of January, 2018, the second respondent has discontinued the payment of Old Age Pension, without assigning any reason or without conducting an enquiry. In view of the same, the present writ petitions have been filed.

4.According to the learned counsel for the petitioners, the petitioners are destitute persons, who do not have adequate means of income or any properties to support themselves and as such, they have also sought for the payment of arrears of the Old Age Pension along with interest.

5.On the other hand, the learned Additional Government Pleader appearing for the respondents submitted that the petitioners herein have adequate financial resources to maintain themselves and in view of the same, the second respondent was constrained to discontinue the Old Age Pension. He further submitted that the petitioners will not fall under the qualifications for continuance under the Old Age Pension Scheme.

6.I have given my careful consideration to the rival submissions made by the learned counsel on either side.

7.Admittedly, the petitioners herein were earlier sanctioned with Old Age Monthly Pension Scheme. As such, it can only be concluded that when the original pension scheme was extended to the petitioners herein, they had met the eligibility criteria and qualified themselves for the Old Age Monthly Pension Scheme. If at all, the second respondent had subsequently taken a view that the financial status of the petitioners have increased and had disqualified themselves under the scheme, the petitioners should have been given an opportunity to show cause as to why such a pension should not be discontinued. Further, before coming to the conclusion that the petitioners' pension has to be discontinued, the second respondent ought to have conducted due enquiry for arriving at such a conclusion. In the instant case, there was neither a show cause notice calling the petitioners to show cause as to why pension should not be discontinued nor was any proper enquiry conducted to ascertain the financial status of the petitioners. Furthermore, in cases of this nature, when a beneficial scheme was already extended to the petitioners, it would appropriate that the decision taken to discontinue such a pension should be supported by relevant materials and due consideration of the petitioners' objections. In the absence of all the above, the discontinuance as such, would not only be



proper, but also illegal and violation of the principles of natural justice.

8. For all the aforesaid reasons, I am of the view that the petitioners are entitled for continuance of payment of the Old Age Monthly Pension under the Indira Gandhi National Old Age Pension Scheme from January, 2018 onwards. In view of the arbitrary discontinuance of the pension, the petitioners shall also be entitled for interest on the arrears of the pension payable.

9. In the result, these Writ Petitions are allowed and consequently, there shall be a direction to the first respondent to suitably instruct the second respondent to pay the petitioners' monthly Old Age Pension from the month of January, 2018 and continue to pay the same till the lifetime of the petitioners herein. The first respondent shall also issue appropriate orders for payment of the interest on the arrears, at the rate of 9% per annum. The entire exercise for payment of the arrears as well as continuance of the pension, shall be made within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The District Collector,
Office of District Collectorate,
Theni District.
2. The Special Tahsildar,
Social Security Scheme,
Taluk Office, Andipatty,
Theni District.

+3cc to Mr.J.Senthil Kumaraiah, Advocate SR.No.74717

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.74831

Cp

MK/SKN/SAR 3/07.08.2018/3P/7C

COMMON ORDER MADE IN
W.P(MD) Nos.14460 to 14462 of 2018
24.07.2018