



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 30.10.2018

CORAM

WEB COPY

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

W.A(MD)No.1095 of 2018
and
C.M.P(MD)No.7856 of 2018

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

.. Appellants/Respondents

Vs.

Paramaguru

.. Respondent/writ petitioner

Prayer : Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 18.07.2018 passed in W.P(MD)No.14880 of 2018.

Prayer in WP(MD)No.14880 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of O.Mu.A4/12194/2017 dated 28.3.2018 passed by the 3rd respondent and quash the same and consequently directing the 3rd respondent to pay monthly old age pension to the petitioner.

For Appellants : Mrs.J.Padmavathi Devi,
Special Government Pleader

For Respondent : Mr.R.Murugappan

**JUDGMENT**

**[Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.]**

This writ appeal is filed by the appellants / respondents, challenging the order dated 18.07.2018 passed by the learned single Judge in W.P(MD)No.14880 of 2018, giving a direction to the appellants / respondents, to release the entire arrears of old-age pension to the writ petitioner / respondent from the date it was discontinued and thereafter, continue to pay the same.

2. We have heard the submissions made on either side and perused the materials placed before us.

3. The matter in issue relates to payment of old age pension. In similar circumstances, we have considered the same issue in W.A (MD)No.1099 of 2018 and passed the following order:

"3. Even though the Social Security Pension Scheme says that any eligible destitute person has to be without having any income or source of income and owning fixed assets valuing less than Rs.50,000/- and without having relative of 20 years of age under the categories of son, son's son, husband / wife and other related persons, who normally live together, further it says that if all the relatives falling within the categories specified above themselves are below the poverty line, then the person is deemed to be a destitute person. Only on subjective satisfaction of the third appellant / Tahsildar, earlier, the orders were passed granting old-age pension to the respondent / writ petitioner and he had been receiving his pension. However, the same was withdrawn abruptly without any notice to him. Therefore, the same was challenged and it was also rightly allowed by the learned single Judge.

4. The authorities are expected to do the preliminary enquiry on which any benefit is extended to a person, thoroughly. But, the officials are only doing a half baked job, without verifying the eligibility criteria extending the benefits to the applicants and subsequently withdrawing the said benefit on a second thought, which is also without any prior enquiry. Schemes won't be effective without willingness to implement it, keeping in view the needs of the community.

5. It is also observed by the learned single Judge that there is no enquiry conducted for the purpose of discontinuing the writ petitioner's old-age pension. Hence, considering the overall circumstances, the learned single Judge had rightly allowed the writ petition and



there is no merit in this writ appeal and the same is liable to be dismissed."

4. In the present case, the respondent / writ petitioner herein is of 81 years old. Though having five male children and one female child, they are all not ready to help him. Admittedly, he is living with his daughter, who is a widow, who is also a Court staff having got an appointment on compassionate ground after the death of her husband. In addition to that, he is suffering from leprosy.

5. It was stated in the writ affidavit that because of his disease, the writ petitioner is not been treated even as a human being by his own children. Only because of the above old age pension, he is allowed to stay along with his daughter. It is specifically stated that he is provided food only two times a day.

6. In view of the above, considering the old age and the disease the respondent is suffering, we are of the view that the learned single Judge had rightly allowed the writ petition and there is no reason to interfere with the same.

7. In the result, the writ appeal is dismissed confirming the order passed by the learned single Judge dated 18.07.2018 in W.P(MD) No.14880 of 2018. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-II)

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.

+ 1 CC TO Mr.R.MURUGAPPAN, ADVOCATE IN SR No. 93087
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 93404

PM

TE/RSK/SAR-2 : 27/11/2018 : 3P/6C