



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2018

C O R A M

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.20281 of 2017
and
WMP (MD) .Nos.16526 & 16527 of 2017

Mottaiyan

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

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

3.The Thasildar,
Taluk Office,
Sattur,
Virudhunagar District.

4.The Thasildar,
Taluk Office,
Vembakottai,
Virudhunagar District.

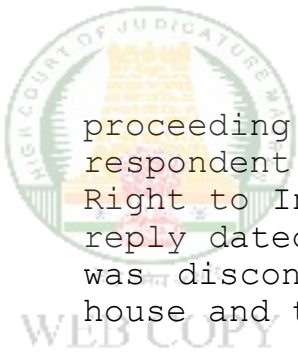
... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of dismissal of the petitioner old age pension through serial No.207, dated 10.07.2015 passed by the third respondent and quash the same and consequently directing the respondents 2 to 4 to disburse old age pension to the petitioner continuously.

For Petitioner : Mr.R.Murugappan
For Respondents : Mr.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

The petitioner, who is aged about 72 years, was extended the benefit of old age pension by the third respondent herein in his



proceeding No.P3/2996/12, dated 02.01.2013. Subsequently, the respondent stopped the pension. The petitioner sent a petition under Right to Information Act, to which, the third respondent had given a reply dated 28.02.2017 stating that the petitioner's old age pension was discontinued, since he was found to have three daughters, a house and that he worked as Night Watchman.

2. According to the learned counsel for the petitioner, all the petitioner's daughters are aged more than 20 years and they are married and living separately away from the petitioner. The petitioner is now residing at the house along with his aged wife. He also has a disability in one leg and hence, the allegation that he is employed as watchman is incorrect. It is further submitted that for the purpose of getting his three daughters' marriage, he had already mortgaged his own house and therefore, he is finding himself extremely difficult to repay the mortgage loan amount along with interest.

3. The learned Additional Government Pleader on the other hand submitted that the criteria for sanctioning the old-age pension under the Social Security Scheme is regulated by proceeding in ROC.No.Rev.Aud5(1)/44665/2014 dated 24.04.2015. As per the said proceedings, a destitute person without any income and owning fixed assets valuing less than Rs.50,000/-, and who have no relatives above the age about 20 years is entitled for old-age pension. Since the petitioner does not fall under the category of destitute person, he is not entitled for the pension.

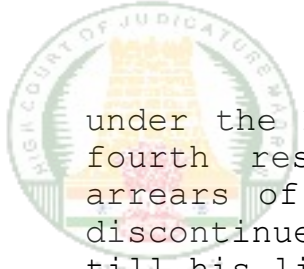
4. I have given careful consideration in the submission made by the respective counsel.

5. Before the dealing with the case of the petitioner, it would be appropriate to refer to the social security pension scheme, dated 22.04.2015, whereby the old-age pension was extended to destitute person and the definition of destitute person was given a wider meaning. As submitted by the learned Additional Government Pleader, a destitute person is one who has,

(a) Without any income or source of income;

(b) Without any income or source of income and owning fixed assets valuing less than Rs.50,000/, who have no relative of 20 years of age and under the categories of son, son's son, husband/wife and other related persons, who normally live together. The proviso to the said definition of the destitute person states that a person will be deemed to be a destitute, if all the relatives falling within the categories specified above are themselves below the poverty line. Such a fact being proved to the satisfaction of the sanctioning authority or is continuously missing, and the sanctioning authority has satisfied himself by such enquiry as he deems necessary that the relatives are so missing.

6. On a plain reading of the eligibility condition prescribed for grant of old-age pension, it is seen that the person would be



under the Right to Information Act, is quashed. Consequently, the fourth respondent is directed to forthwith release the entire arrears of old-age pension to the petitioner from the date it was discontinued and thereafter, continue to pay the pension every month till his life-time.

11. With the above observation, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District,
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2. The Revenue Divisional Officer,
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4. The Thasildar,
Taluk Office,
Vembakottai,
Virudhunagar District.

+1cc to Mr.R.Murugappan, Advocate, SR.No.60432
+1cc to The Special Government Pleader, SR.No.60467

rmk
RL/7C/4P/KK/SAR1/26/4/2018

W.P. (MD) No.20281 of 2017

09.04.2018