



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.03.2018
CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P.(MD)No.5058 of 2016
and
W.M.P.(MD)No.16867 of 2017

V.Rajayyan Robin @ Thangappan ... Petitioner

-Vs-

1.The State of Tamil Nadu,
Represented by its Secretary,
Tamil Nadu Development and Culture and
Religious Endowment Department,
Fort St.George, Chennai-600 009.

2.The Director,
Tamil Department,
Kuralagam, Chennai.

3.The District Collector,
Kanyakumari District at Nagercoil. ..Respondents

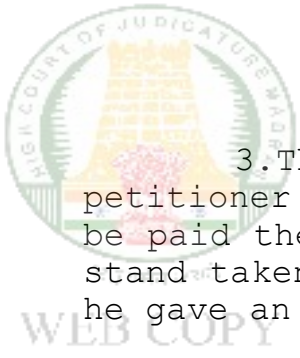
PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in G.O.Ms.No.120 dated 25.08.2014 and quash it in so far as it grants the petitioner pension from the date of the G.O. and direct him to sanction the petitioner pension from the original date of application namely 15.11.1993.

For Petitioner : Mr.T.S.R.Venkataramana
For Respondents : Mr.K.Saravanan

ORDER

The petitioner contends that he is an "Ellaipor Thiyagi" and he is entitled for "Ellaipor Thiyagigal Protection Pension". His claim was rejected. Therefore, he filed W.P.(MD)No.4936 of 2011 before this Court. This Court by an order dated 30.06.2014 set aside the order of rejection and directed the authorities to consider the case of the petitioner for grant of pension.

2.Pursuant to the aforesaid order dated 30.06.2014, the Government has issued G.O.Ms.No.120 dated 25.08.2014 sanctioning a sum of Rs.4,000/- to the petitioner per month. But then in the said G.O. it was stipulated that he would be paid such pension from the date of issuance of the government orders and the same is questioned in this writ petition.



3.The Government Order has accepted the claim of the writ petitioner that he is an "Ellaipor Thiyagi". Then he will have to be paid the pension amount from the very inception. Therefore, the stand taken by the authorities that there is no record to show that he gave an application on 15.11.1993 is not sustainable.

4.When once the entitlement of the petitioner is accepted by the Government, then the necessary consequence is that he must be paid from the very beginning. Therefore, the first respondent is not justified in limiting the claim of the writ petitioner from the date of issuance of the Government Order. It is also seen that the petitioner is having two mentally retarded daughters.

5.Therefore, considering the facts a direction is given to the respondent to quantify the arrears of pension payable to the petitioner and disburse the same within a period of eight weeks from the date of receipt of a copy of this order. Accordingly this Writ Petition is allowed. No costs. Consequently, W.M.P.(MD)No.16867 of 2017 is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary,
Tamil Nadu Development and Culture and
Religious Endowment Department,
Fort St.George, Chennai-600 009.

2.The Director,
Tamil Department,
Kuralagam, Chennai.

3.The District Collector,
Kanyakumari District at Nagercoil.

+1cc to M/S.T.S.R.Venkataramana, Advocate SR.No. 54868
+1cc to Special Government Pleader, SR.No. 54926

W.P. (MD) No.5058 of 2016
12.03.2018

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JM/SKN RSK/SAR 4/16.03.2018/2P/6C