



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.3509 of 2011

and

M.P (MD) No.1 of 2011

Tamil Nadu Rural Development Department
Pensioners Association Rep. By its
Kanyakumari District Secretary,
Mr.S.Chandran,
S/o.Late V.Sathianesan,
444/7, VVC Complex,
Chettikulam Junction,
Kottar Post,
Nagercoil-629 002.
Kanyakumari District.

... Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. By the Secretary to Government
Rural Development Department &
Panchayat Raj Department,
Chennai-9.
2. The Director of Rural Development,
Panagal Building,
Saidapet, Chennai-15.
3. The Director of Local Fund Audit,
4th Floor, Kuralagam,
Chennai-108.
4. The District Collector,
Office of the Collectorate,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the G.O.No.209 Rural Development (E7) Department, dated 04.10.1999 passed by the first respondent and



quash the condition No.5 and 6 in the para No.4 in the above said Government Order and consequently directing the first respondent to implement the Health Fund Scheme and Family Benefit Funds Scheme to the members of the petitioner's Association within the time framed by this Court.

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For Petitioner : No appearance

For Respondents : Mr.M.Muthu,
Addl.Govt. Pleader

O R D E R

The Government Order issued in G.O.(Ms) No.209 Rural Development Department, dated 04.10.1999 passed by the first respondent, is under challenge in this writ petition, more specifically, the conditions in Nos.5 & 6 in para-4 of the above G.O., is said to be illegal by the writ petitioner.

2.The writ petitioner is a Pensioners Association namely Tamil Nadu Rural Development Department Pensioners Association. The challenge is made in respect of the Government Order passed in G.O.(MS)No.209, dated 04.10.1999.

3.The grievances of the writ petitioner's Association is that the first respondent has extended all the new schemes to the pensioners also. However, in respect of the impugned G.O(MS)No.209 they have imposed two conditions in para-4 of the Government orders. Accordingly, the willingness is to be submitted before 31.12.1999 to join the scheme. If the strength of the members is below 50%, then the scheme will not be implemented. The writ petitioner challenges the same on the ground that it must be open to all the pensioners irrespective of cut of date fixed in the Government Order.

4.On a perusal of the order impugned it is seen that it is a welfare scheme introduced by the Government in respect of providing Medical Assistance by fixing of cut of date. In this regard, a policy was introduced by the Government and the same cannot be questioned. The writ petitioners have not established any point of discrimination or otherwise in this writ petition. The writ petitioners are also entitled to claim medical reimbursement scheme under the policy introduced by the Government.

5.Thus, there is no discrimination is established by the writ petitioners so as to say that the writ petitioners are not entitled to avail any medical reimbursement under any other scheme. In the writ petition, the Government Order challenged is a policy decision introduced by the Government and the petitioners' Association has not established any discrimination or violations in respect of the Constitutional provisions. Thus, no further adjudication needs to be undertaken in respect of the other grounds raised in the writ



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petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government
Rural Development Department &
Panchayat Raj Department,
Chennai-9.
2. The Director of Rural Development,
Panagal Building,
Saidapet, Chennai-15.
3. The Director of Local Fund Audit,
4th Floor, Kuralagam,
Chennai-108.
4. The District Collector,
Office of the Collectorate,
Nagercoil,
Kanyakumari District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 41719

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TE/GT/SAR-4 : 25/01/2018 : 3P/6C

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M.P (MD) No.1 of 2011
09.01.2018