

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.1730 of 2019
and
W.M.P.Nos.1930 of 2019

G.Poorkalaiselvi

...Petitioner

Vs.

The Deputy Director,
Department of Women and
Child Development,
Government of Puducherry,
Puducherry - 605013.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in Communication No: 4923/MKuMayTo/MoOP/2017/1986 dated 24.10.2017 from the Respondent and to quash the order dated 24.10.2017 in Communication No: 4923/MKuMayTo/MoOP/2017/1986.

For Petitioner : Mr.K.S.Vaithianathan

For Respondent : Mr.Stalin Abhimanyu
Government Advocate (Puducherry)

O R D E R

The petitioner is aggrieved against the order of the respondent dated 24.10.2017 in informing the petitioner that the widow pension being paid to her is stopped and that she has to repay a sum of Rs.99,950/- so far received as pension from the Government. The respondent has chosen to pass the impugned order on the reason that the petitioner was receiving the said pension, even though her income exceeds the ceiling limit fixed for granting such monetary benefit.

2. The main grievance of the petitioner before this Court in challenging the impugned order is that the same was passed in violation of the principles of natural justice, as the petitioner was not put on notice before passing the impugned order. It is also contended by the petitioner that she is fully eligible to receive such pension as per the relevant scheme and therefore, the reason stated in the impugned order is also factually incorrect.

3. Learned Government Advocate appearing for the respondent though contended that the respondent has passed the impugned order only because the petitioner's income is beyond the ceiling limit fixed as the criteria for receiving the pension, is however not disputing the fact that before passing the impugned order, the petitioner was not put on notice.

4. Heard both sides.

5. Admittedly, the petitioner was receiving the widow pension, till the impugned order is passed. Even though a reason is stated by the respondent in passing the impugned order, the admitted fact remains that the same was passed without giving an opportunity of hearing to the petitioner.

6. Needless to say that when an adverse order is passed against the petitioner, that too, stopping the pension and to recover the amount already paid to her, the respondent ought to have issued a notice to the petitioner and heard her before taking a decision. As the respondent has not followed the above procedure in accordance with the principles of natural justice, this Court is of the view that the impugned order cannot be sustained anymore. Accordingly, this writ petition is allowed and the impugned order is set aside. It is open to the respondent to issue notice to the petitioner and thereafter, pass fresh order after hearing her. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vri

To

The Deputy Director,
Department of Women and
Child Development,
Government of Puducherry,
Puducherry - 605013.

+1cc to Mr.K.S.Vaithianathan, Advocate, S.R.No.18039

+1cc to the Spl.Government Pleader for puducherry,S.R.No.18017

W.P.No.1730 of 2019

AK(CO)

SSM(27/03/2019) .

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