

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.5553 of 2017

Panchavaranam

... Petitioner

vs.

1.The District Collector,  
Salem District.

2.The Special Tahsildar (Social Welfare Scheme)  
Taluk Office, Omalur,  
Salem District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of certiorarified mandamus to call for the records pertaining to the impugned order Na.Ka.No.17/2017 A3 dated 24.02.2017 issued by the 2<sup>nd</sup> respondent and quash the same and consequently to direct the 2<sup>nd</sup> respondent to provide the Pension under the scheme of IGNWPS (Indira Gandhi National Widow pension Scheme) to the petitioner with arrears of Pension from January 2016 to till date.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.R.S.Selvam,  
Government Advocate

ORDER

This writ petition has been filed challenging the order dated 24.02.2017 passed by the second respondent rejecting the representation made by the petitioner for grant of pension to her under the Indira Gandhi National Widow pension Scheme (IGNWPS).

2. It is the case of the petitioner that she is a widow and she has been receiving pension under the aforesaid scheme, while she was staying at Gengavalli Taluk, Salem District. According to her, ever since she shifted her residence to Karupur Village, Omalur Taluk, Salem district i.e., in the month of January 2016, the respondents have stopped paying her the pension of her late husband. Earlier since the representation given by the petitioner was not considered by the respondents, the petitioner filed W.P.No.2312 of 2017 before this Court seeking for a mandamus. By order dated 01.02.2017 passed in

W.P.No.2312 of 2017, this Court directed the second respondent to consider the representation dated 03.01.2017 submitted by the petitioner seeking payment of widow pension from January 2016 in accordance with aforesaid scheme.

3. Pursuant to the order dated 01.02.2017 passed in W.P.No.2312 of 2017, the second respondent disposed of the representation of the petitioner by passing final orders dated 24.02.2017 rejecting the claim of the petitioner for widow pension on the ground that the petitioner is living with her son and is not a destitute widow. Aggrieved by the same, this writ petition has been filed.

4. A counter affidavit has also been filed by the second respondent stating that the widow pension under the Indira Gandhi National Widow pension Scheme (IGNWPS) is payable only to a destitute widow and not payable to a widow who is having a son. Therefore according to him, the petitioner is not eligible to receive the pension.

5. This Court has perused the Office Memorandum dated 30.09.2009 issued by the Government of India, Ministry of Rural Development framing guidelines for central assistance under the said Indira Gandhi National Widow pension Scheme (IGNWPS) as part of the National Social Assistance Programme (NSAP). As per the said scheme, eligibility criteria for grant of old age pension are as follows:

(a) The age of the widow shall be between 40 - 64 years.

(b) The applicant must belong to a household below the poverty line according to the criteria prescribed by the Government of India.

6. In the case on hand, the petitioner has satisfied both the aforesaid eligibility criteria. The only contention raised by the respondents is that the petitioner should be a destitute widow and since the petitioner is having a son, she cannot be treated as a destitute widow. But as seen from the eligibility criteria, as extracted above, it is clear that it is not necessary that the beneficiary should be a destitute widow. It is sufficient that the petitioner is a widow, aged between 40 and 64 years and she belongs to a household living below the poverty line.

7. Further in the case on hand, the petitioner was receiving the widow pension under the Indira Gandhi National Widow pension Scheme (IGNWPS) prior to her shifting of residence from Gengavalli Taluk, Salem District to Karupur Village, Omalur Taluk, Salem district. In order to prove the same, the

petitioner has also produced the money order receipts issued by the Department of posts for the payments made by the respondents towards widow pension to the petitioner while she was residing at Gengavalli Taluk, Salem District.

8. This being the case when the petitioner was earlier receiving the widow pension under the Indira Gandhi National Widow pension Scheme (IGNWPS), the respondents have arbitrarily stopped the payment of pension to the petitioner on shifting of her residence to Karupur Village, Omalur Taluk, Salem District. Having satisfied with the eligibility criteria for grant of widow pension under the Indira Gandhi National Widow pension Scheme (IGNWPS), the petitioner is entitled to continue to receive the widow pension as per the aforesaid scheme. Therefore, the impugned order rejecting the widow pension to the petitioner under the aforesaid scheme is an arbitrary and erroneous order.

9. For the foregoing reasons, this Court is of the considered view that the impugned order dated 24.02.2017 passed by the second respondent in Na.Ka.17/2017A3 will have to be set aside and consequently, the respondent must be directed to pay the widow pension to the petitioner under the Indira Gandhi National Widow pension Scheme (IGNWPS). In view of the above, the impugned order dated 24.02.2017 passed by the second respondent in Na.Ka.17/2017A3 is hereby set aside and the respondent is directed to pay the widow pension to the petitioner under the Indira Gandhi National Widow pension Scheme (IGNWPS) together with arrears of pension, if any, within a period of eight weeks from the date of receipt of a copy of this order.

10. With the aforesaid direction, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector, Salem District.
- 2.The Special Tahsildar (Social Welfare Scheme)  
Taluk Office, Omalur, Salem District.

+1 cc to M/s.P.Vijendran, Advocate Sr.No. 102977

+1 cc to The Special Government Pleader, Sr.No. 103660

AKM/27.01.2020/4P-5C /

W.P.No.5553 of 2017

3/3