



WEB COPY

Writ Petition (MD).No.14604 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs. JUSTICE R.THARANI

Writ Petition (MD).No.14604 of 2017

and

W.M.P.(MD)No.11456 of 2017

T.K.Naganathan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Public (Political Pension 2) Department,
St.George Fort, Chennai - 09.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records to the impugned proceedings of the first respondent dated 13.03.2017 in Letter 35148/A.O -2/2016-6 and consequential impugned proceedings of the second respondent dated 31.03.2017 in Na.Ka.G2/45768/2016 and quash the same and consequently direct the first respondent to grant political pension to the petitioner on par with his brothers and sister and other relatives with effect from the date of passing G.O.No.36 Public (Political Pension 2) Department dated 08.01.2003 within a time frame as fixed by this Court.

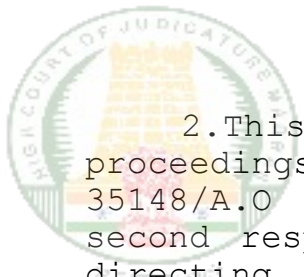
For Petitioner : Mr.R.Gowrishankar

For Respondents : Mr.S.Angappan, GA

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.R.Gowrishankar, learned counsel appearing for the petitioner and Mr.S.Angappan, learned Government Advocate appearing for the respondents.



2.This writ petition has been filed for quashing the impugned proceedings of the first respondent dated 13.03.2017 in Letter 35148/A.O -2/2016-6 and consequential impugned proceedings of the second respondent dated 31.03.2017 in Na.Ka.G2/45768/2016 and for directing the first respondent to grant political pension to the petitioner on par with his brothers and sister and other relatives with effect from the date of passing G.O.No.36 Public (Political Pension 2) Department dated 08.01.2003 within a time frame as fixed by this Court.

3.When the case was heard earlier on 22.09.2017, the Hon'ble Division Bench has issued the following direction:-

"From the impugned order, it appears that the petitioner's request was not considered primarily on the ground that he did not appear before the enquiry committee. The learned counsel for the petitioner would submit that the legal heir certificate produced would show that the petitioner is the legal heir of the deceased Muthuramalinga Vijaya Ragunatha Sethupathi. The learned counsel for the petitioner further submitted that his own blood relations have been given benefit under G.O.(Ms.).No.36 Public (Political Pension2) Department.

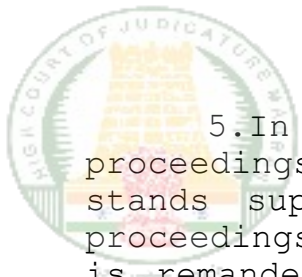
2.We do not propose to go into the said controversy. For resolving it, it would be better to permit the petitioner to appear before the enquiry committee under the leadership of the District Collector. The petitioner is at liberty to produce all the records and satisfy the committee that he is a legal heir of the said Muthuramalinga Vijaya Ragunatha Sethupathi.

3.Thereafter the committee will have to place its decision before this Court. The said exercise will have to be done by the committee within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that the committee will have to serve notice to the petitioner indicating the date of this appearance.

4.A copy of this order is direction to be marked to the second respondent.

Post this matter for further hearing on 19.12.2017."

4.Pursuant to the interim direction, the District Collector by proceedings dated 23.07.2019, recommended for the grant of political pension to the petitioner. The recommendation has been forwarded to the first respondent.



5.In the light of the above proceedings, the earlier proceedings passed by the District Collector dated 31.03.2017, stands superseded and accordingly quashed and consequently, the proceedings of the first respondent are also quashed and the matter is remanded back to the first respondent for fresh consideration, taking note of the recommendation of the District Collector dated 23.07.2019.

6.In the light of the above, we direct the first respondent to consider the recommendation made by the District Collector and pass orders on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order.

7.With the above directions, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Mrn

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Public (Political Pension 2) Department,
St.George Fort, Chennai - 09.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

+1 CC to Mr.R.GOWRISHANKAR, Advocate(SR-96220[F] dated 05/11/2019)

+1 CC to M/s.SPL GP (SR-96320[F] dated 06/11/2019)

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VB(15.11.2019) 3P 5C