

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2020

CORAM

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.16753 of 2020

Mr.V.Logan

... Petitioner

Vs.

1. The Joint Director,
Medical and Rural Welfare Office,
Vellore District.

2. The Chairman,
District Medical Board,
Velapadi, Vellore - 632 001.

3. The Assistant Director,
Ex. Servicemen Welfare Board,
Vellore - 632 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to examine the petitioner along with the observation dated 17.09.2019 and 30.10.2019 issued by the 2nd respondent and issue disability certificate in favour of the petitioner in a time bound period as claimed in the petitioner's representation dated 10.01.2020 in a time bound period.

For Petitioner : Mr.K.Mohanamurali

For Respondents : Mr.V.Shanmugasundar
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction, directing the 1st respondent to examine the petitioner along with the observation dated 17.09.2019 and 30.10.2019 issued by the 2nd respondent and issue disability certificate in favour of the petitioner in a time bound period as claimed in his representation dated 10.01.2020.

2. It is stated that the father of the petitioner served as a Sagar in the Madras Engineering Groups since 28.05.1935 and retired in the year 1953. He died on 23.03.2000, after which, the petitioner's mother was receiving the family pension till her death on 20.09.2004. The petitioner is the third son in the family and he has a disability of 75%.

3. It is also stated that as per the Circular No.505 dated 17.01.2013 issued by the Principal Controller of Defence Accounts Pensions under the G.O., the petitioner is entitled to family pension. Hence, he applied for the same on 09.09.2005. However, the brother of the petitioner who also has a disability of 45% managed to obtain the family pension.

4. It is further stated that after availing the disability certificate from the authorities concerned, the petitioner approached the 3rd respondent board vide letter 08.08.2019 for the purpose of availing family pension and the 3rd respondent issued a letter in O.M.No.6850/2019/A7 dated 16.08.2019 to the 2nd respondent in this regard. Thereafter, the petitioner was directed to appear before the board for examination, accordingly the petitioner appeared before the 2nd respondent board and he was examined in full. The observation made by the board was forwarded to the 1st respondent and the petitioner also sent a representation to the 1st respondent on 10.01.2020 for examination and issuance of disability certificate. But, there has been no reply from the 1st respondent. Hence, the petitioner has filed this Writ Petition, seeking a direction to be issued.

5. Upon instructions, Mr.V.Shanmugasundar, Learned Special Government Pleader, would submit that the petitioner would be sent a call letter, directing him to appear before the board on the day to be fixed.

6. As already the petitioner is 59 years old, there cannot be any further delay in taking an exercise of examining the petitioner and evaluating his disability.

7. Hence, the 1st respondent is directed to send a call letter, directing the petitioner to submit himself for medical examination and evaluating the physical disability, within a period of four weeks from the date of receipt of a copy of this order and thereafter submit a report within two weeks, marking the copy of the same to the petitioner also.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

raja

To

1. The Joint Director,
Medical and Rural Welfare Office,
Vellore District.
2. The Chairman,
District Medical Board,
Velapadi, Vellore - 632 001.
3. The Assistant Director,
Ex. Servicemen Welfare Board,
Vellore - 632 001.

+1cc to Mr.K.Mohanamurali, Advocate Sr.39722

W.P.No.16753 of 2020

br[co]
srg 08/01/2021

सत्यमेव जयते
WEB COPY