

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 12.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN**AND****THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM****W.P (MD) No.7810 of 2020**

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 filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the 1st respondent dated 09.12.2019 in Kaditha No.30309/A.O2/2017-21 and quash the same and consequently direct the 1st 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 the G.O.No.36 Public (Political Pension2) Department dated 08.01.2003 within a time frame as fixed by this Court.

For Petitioner	: Mr.R.Gowrishankar
For Respondent	: Mr.VR.Shanmuganathan Special Government Pleader

ORDER

(Order of the Court was made by **M.SATHYANARAYANAN, J.**)

The petitioner claims to be one of the legal heirs of Ravikula Sri.Rebel Muthuramalinga Vijaya Ragunatha Sethupathy, who was the King of the Ramanathapuram Samasthanam and also a Freedom Fighter.

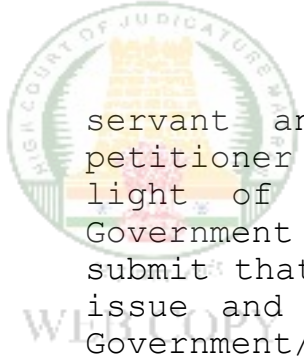
2. The petitioner, on an earlier occasion, filed W.P.(MD). No.7629 of 2012 praying for issuance of a writ of Mandamus directing the respondents 1 and 2 to grant political pension to him on par with his brothers and sister, based on the proposals sent by the third respondent, dated 27.02.2004 and 23.07.2004 with effect from the date of passing G.O.No.36, Public (Political Pension 2)



Department, dated 08.01.2003 within a time frame stipulated and it was disposed of on 20.11.2012 with a direction to consider and dispose of the petitioner's representation dated 18.05.2012 and pass appropriate orders on merits and in accordance with law within a stipulated time frame. Pursuant to the said order, the second respondent, vide proceedings dated 11.02.2013, had rejected the same.

3. The petitioner made a challenge to the said order by filing W.P.(MD).No.10561 of 2013 and it was dismissed on 17.06.2014. The petitioner made a challenge to the said order by filing W.A.(MD).No.967 of 2014 and vide judgment, dated 29.11.2016, the Division Bench of this Court has remanded the matter to the first respondent for fresh consideration and adjudication and accordingly, the said exercise was done and the first respondent, vide communication in Letter No.35148/A.O-2/2016-6, dated 13.03.2017, has rejected the prayer sought for by the petitioner and challenging the legality of the proceedings, once again, the petitioner filed W.P.(MD).No.14604/2017 and a Division Bench of this Court, having taken note of the fact that Enquiry Committee has been constituted under the leadership of the District Collector, has directed the petitioner to approach the said Committee and directed the listing of the matter for further hearing on 19.12.2017 and the Committee headed by the second respondent/District Collector made a positive recommendation, dated 31.03.2017. However, the first respondent, once again rejected the said request and in the meanwhile, the Division Bench of this Court, vide order dated 05.11.2019, passed in W.P.(MD).No.14604 of 2017, has directed the first respondent to consider the above recommendation of the second respondent and pass appropriate orders within a stipulated time frame and unfortunately, for the petitioner, it was once again rejected by the first respondent by the impugned communication, dated 09.12.2019 and in the interregnum, the petitioner filed a Contempt Petition in Cont.P.(MD).No.153 of 2020 and a Division Bench having taken note of the impugned communication, dated 09.12.2019, has closed the Contempt Petition with liberty to challenge to the same. Accordingly, the present writ petition has been filed.

4. When the writ petition was listed for hearing on 22.07.2020, Mr.VR.Shanmuganathan, learned Special Government Pleader accepted notice on behalf of the respondents and sought time to get instructions and accordingly, a typed set of documents on behalf of the official respondents has been filed and he has invited the attention of this Court to the communication of the second respondent, vide Na.Ka.G2/45768/2016, dated 03.08.2020, addressed to the learned Special Government Pleader and would submit that admittedly, the petitioner is a retired Village Administrative Officer and he is in receipt of pension of Rs.8,000/- per month. In the light of the said fact, though the Committee headed by the District Collector recommended the name of the petitioner for grant of political pension, taking note of the fact that he is not under indigent circumstances and further, he is a retired Government



servant and getting pension, it was already informed to the petitioner that he is not entitled for political pension. In the light of the plea taken by the petitioner that the retired Government persons are accorded with political pension, he would submit that the jurisdictional District Collector is going into the issue and if it is found that the pensioners are in receipt of Government/Family Pension, necessary proceedings would be taken in accordance with law.

5. This Court has carefully considered the rival submissions made on either side and perused the materials placed on record.

6. The sanction of the political pension had no legal sanctity and it is the nature of the benevolent extended by the Government and in the light of the same, this Court cannot issue any positive direction, directing the first respondent to accord political pension to the petitioner. It is also to be noted at this juncture that the petitioner is not indigent as he has got retired as a Village Administrative Officer and in receipt of pension also. Though it is the stand of the petitioner that the retired Government servants, who are similarly placed, have been accorded with such benevolence, in the light of the stand taken by the official respondents, he may not be entitled for grant of political pension, since appropriate proceedings are issued to cancel the political pension in accordance with law by adhering to the principles of natural justice and hence, the said stand of the petitioner cannot be countenanced. The petitioner made repeated attempts to get political pension and all his endeavours ended in failure. In the light of the above facts and circumstances, this Court is not in a position to issue any positive direction directing the official respondents to issue political pension.

7. In the result, the Writ Petition is dismissed. However, in the light of the facts and circumstances of the case, there shall be no order as to costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

VS

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.



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 M/s.R. GOWRISHANKAR, Advocate (SR-14035[F] dated
13/08/2020)

W.P. (MD) .No.7810 of 2020
12.08.2020

AP(25/08/2020) 4P 4C