



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10977 of 2020

and

W.M.P.(MD)No.9627 of 2020

Niraikulathal

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The District Social Welfare Officer,
Tenkasi District,
Tenkasi.

3.The Tahsildar,
Distress Relief Scheme,
Sivagiri Taluk,
Tenkasi District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing these respondents to sanction the old age pension under the Distress Relief Scheme as before and other privileges like food, shelter etc. which was stopped recently.

For Petitioner : Mr.F.X.Eugene

For Respondents : Mr.P.Mahendran

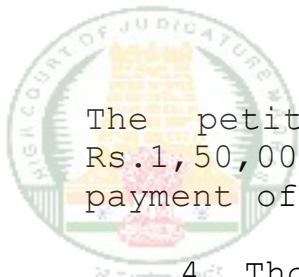
Additional Government Pleader

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner seeks payment of old age pension. It is seen that the petitioner was originally granted the said pension vide order dated 24.11.2012 passed by the third respondent. The pension was being paid till the year 2016. The officials came to know that the petitioner is having three sons and two daughters.



The petitioner is also said to be having a house worth Rs.1,50,000/-. In view of the discovery of these facts, further payment of pension was stopped.

4. Though the learned Additional Government Pleader citing the reasons for stoppage of pension wanted me to dismiss the writ petition, I am unable to agree. This is because, there is nothing on record to show that the petitioner is being supported and cared for by her sons. Even though the house is said to be in the name of her husband, mere possession of a share in the house may not be sufficient to reject the claim for the payment of pension. The petitioner is not having any source of her own. What is being paid is only a sum of Rs.1,000/-. It may meet her most basic minimum needs. Therefore, I am of the view that the respondents ought not to adopt a technical approach in this matters.

5.The petitioner's counsel states that he would not insist on payment of arrears.

6.Recording the said submission, I direct the respondents to resume payment of old age pension from November 2020 onwards.

7.With this direction, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 District Collector,
Tenkasi District,
Tenkasi.



2.The District Social Welfare Officer,
Tenkasi District,
Tenkasi.

3.The Tahsildar,
Distress Relief Scheme,
Sivagiri Taluk,
Tenkasi District.

+1 CC to M/s.F.X. EUGENE, Advocate (SR-16162[F] dated
07/09/2020)

+1 CC to M/s.GP (SR-16203[F] dated 08/09/2020)

W.P. (MD)No.10977 of 2020
07.09.2020

RV(CO)
TR(14.09.2020) 3P 6C