



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.02.2020**

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)NO.27042 OF 2019

Lakshmi

:Petitioner

.vs.

1.The District Collector,
Office of the District Collectorate,
Theni District.

2.The Special Tahsildar,
Social Security Scheme,
Taluk Office,
Andipatty,
Theni District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.1842/2019/E1, dated 30.7.2019, as illegal and to quash the same and consequently to direct the respondents to continue to pay the Old Age Widow Pension to the Petitioner till her lifetime along with arrears within the time frame fixed by this Court.

For Petitioner

:Mr.J.Senthil Kumaraiah

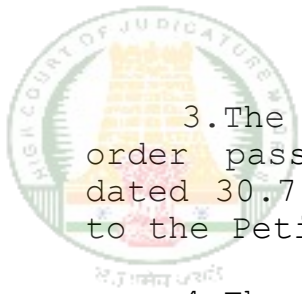
For Respondents

:Mrs.J.Padmavathi Devi,
Special Govt.Pleader

O R D E R

This Writ Petition has been filed seeking to quash the impugned order passed by the second respondent in Na.Ka.No.1842/2019/E1, dated 30.7.2019, as illegal and consequently to direct the respondents to continue to pay the Old Age Widow Pension to the Petitioner till her lifetime along with arrears.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.



3.The Petitioner is a destitute widow challenging the impugned order passed by the second respondent in Na.Ka.No.1842/2019/E1, dated 30.7.2019, which is withdrawal of the Old Age Widow Pension to the Petitioner.

4.The Petitioner has a daughter and two sons and they are living separately. She had applied for the Indira Gandhi Widow Pension Scheme and the second respondent herein issued a Sanction Order in Na.Ka.No.11883/E1/10, dated 13.3.2012 for her life-time and the second respondent had also paying the pension under widow Pension Account No.319 of 2012. Suddenly, the said pension was withdrawn and the Petitioner did not receive the same from October 2013. Though the Petitioner had made several requests to the second respondent, there was no response. From October 2013, the second respondent stopped the payment of monthly pension payable to her. Thereafter, at the interference of this Court in W.P(MD)No.14460 to 14462 of 2018 and also W.P(MD)No.13516 of 2019 filed by the Petitioner herein, the impugned order came to be passed. In the impugned order, it is stated that the Petitioner is the owner of two acres of land and the Petitioner is aged 80 years old. Her two sons are all 62 and 58 years old respectively. The impugned order specifically states that both the sons are jobless and the two acres of land sought to be owned by the Petitioner was also partitioned among the two sons. The Petitioner is also hearing impaired and unable to do any work by herself and is in a very pathetic state. The only reason given in the impugned order is that on enquiry, it is found that she owns lands and she has got the support of two sons.

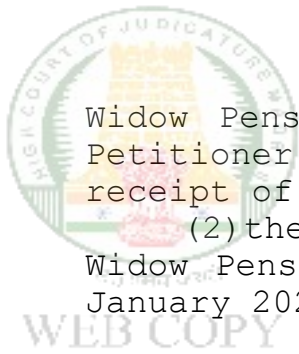
5.After hearing the learned counsels for some time and after some deliberations, the learned Special Government Pleader reported that considering the age of the Petitioner, they are willing to continue to pay the above said pension of Rs.1000/-p.m., from January 2020. When there is no reason for withdrawal of the pension from October 2013 and the so-called reasons furnished in the impugned order also are not sustainable, the respondents are duty bound to pay the Petitioner the arrears which are payable by them.

6.The learned Special Government Pleader would further submit that it is difficult to heed to the said request, as it will lead to many petitions being filed claiming arrears. However, as a special case, the learned Special Government Pleader submitted that the arrears for the year 2019 will be paid to the Petitioner i.e., Rs.12,000/- in one stroke.

7.The learned counsel for the Petitioner had also agreed with the above said submission and for receipt of the above said payment.

8.Accordingly, this Court passes the following order:

<https://hcservices.ecourt.gov.in/hcservices> and respondent is directed to pay arrears of Old Age



Widow Pension for the year 2019(Rs.1000/- x 12=Rs.12,000/-)to the Petitioner directly, within a period of four weeks from the date of receipt of a copy of this order;

(2)the second respondent is also directed to pay the Old Age Widow Pension at Rs.1000/-p.m. to the Petitioner from the month of January 2020 till her life-time, without any stoppage.

9.With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

To

1.The District Collector,
Office of the District Collectorate,
Theni District.

2.The Special Tahsildar,
Social Security Scheme,
Taluk Office,
Andipatty,
Theni District.

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-4644[F] dated 04/02/2020)

+1 CC to M/s.SPL GP (SR-5137[F] dated 06/02/2020)

ORDER MADE IN
W.P (MD) NO.27042 OF 2019
04.02.2020

KK/SAR/14.02.2020/3P-5C/