



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.3676 of 2019

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Preetha

... Petitioner

Vs.

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

2. The District Collector,
Ramanathapuram District,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the second respondent through his proceedings O.Mu.G.2/48202/2018, dated 09.11.2018 and quash the same and consequently direct the second respondent to sanction the political pension for the petitioner by declaring the petitioner as the descendant of King Maruthupandiyar Brothers.

For Petitioner : Mr.T.S.Mohamed Mohideen
For Respondents : Mr.P.Subbaraj
Government Advocate

ORDER

This writ petition is filed to quash the impugned order, dated 09.11.2018, passed by the second respondent in O.Mu.G.2/48202/2018 and consequently direct the second respondent to sanction the political pension for the petitioner by declaring her as the descendant of King Maruthupandiyar Brothers.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

3. The petitioner is claiming Political Pension as descendant of King Maruthupandiyar brothers. According to the petitioner, the Government, by G.O (Ms)No.1143, Public (Political A) Department, dated 19.07.1982, identified 202 persons as descendants of King Maruthupandiyar brothers and granted Political Pension. In the said



Government Order, it has been stated that after the death of the said 202 persons, direct descendants of said persons are eligible for Political Pension. After their death the Political Pension will be stopped. In the list of 202 persons annexed to G.O.(Ms) No.1143, dated 19.07.1982, the names of petitioner's mother Kalyani and maternal aunt Kasthuri Kannan were not included in the said list. Hence, they have given representation for Political Pension and filed writ petitions in W.P(MD)Nos.7234 & 7235 of 2009. This Court, by order, dated 13.10.2019, directed the respondents therein to consider the representation and pass orders. After the orders of this Court, the first respondent taking into consideration the report of the District Collector that the mother of the petitioner and maternal aunt of the petitioner are eligible to get Political Pension as descendants of King Maruthupandiyar brothers, ordered payment of pension in G.O.(Ms).No.207, Public (Political Pension 2) Department, dated 02.03.2010. It is the contention of the learned counsel appearing for the petitioner that the petitioner is a direct descendant of her mother Kalyani and produced the legal heirship certificate to that effect and she is entitled to receive Political Pension after death of her mother as per G.O(Ms) No.1143, dated 19.07.1982.

4. On the other hand, it is the case of the respondents that as per G.O.(Ms) No.1143, dated 19.07.1982, G.O.(Ms) No.1428, Public (Political Pension-4) Department, dated 03.09.1987; and Government letter, dated 15.04.1998, Political Pension will be paid only to 202 persons and after their death, payment of pension will be stopped automatically. By G.O.(Ms)No.1428, Public (Political Pension-4) Department, dated 03.09.1987, the Government clarified that the pension to be continued to the next generation only and subsequently, it will be automatically stopped. The petitioner's mother is not coming under G.O.(Ms)No.1143 Public (Political A) Department, dated 19.07.1982, and hence, the petitioner is not entitled to get Political Pension and prayed for dismissal of the writ petition.

5. From the Government Order in G.O(Ms) No.1143, Public (Political A), Department, dated 19.07.1982 and G.O(Ms) No.207 Public (Political Pension 2) Department, dated 02.03.2010 and materials on record, it is seen that the Political Pension was sanctioned only for 202 persons mentioned in the list annexed to G.O (Ms) No.1143, Public (Political Pension), Department, dated 19.07.1982. In G.O(Ms)No.1428, Public (Political Pension-4) Department, dated 03.09.1987, it has been mentioned that the Political Pension sanctioned for the persons mentioned in the list annexed to G.O(Ms)No.1143, dated 19.07.1982, will also continue to their descendants also and then, it will be automatically stopped.

6. At this juncture, it is relevant to extract the relevant portion of the Government Order in G.O(Ms)No.1143 Public (Political A) Department, dated 19.07.1982, hereunder:-



"2.The Government after careful consideration of the report submitted by the committee, accept its recommendation and accordingly sanction an adhoc political pension of Rs.150/- (Rupees one hundred and fifty only) per mensem to each family of the descendants of Marudhupandiar Brothers of Sivaganga with effect from the date of this order. The names of the existing descendants and their addresses are given in the Annexure to this order.

3. The adhoc pension sanctioned in paragraph 2 above will continue to their descendants also and then it will automatically cease. The political pension will be paid to the individuals by Money Order at Government expense, as in the case of pension to freedom fighters. "

7. It is not in dispute that the petitioner's mother and petitioner's maternal aunt were also granted Political Pension in G.O(Ms)No.207 Public (Political Pension 2) Department, dated 02.03.2010 as decendants of King Maruthupandiyar brothers. In such case, as per G.O(Ms)No.1143, dated 19.07.1982, the petitioner is a descendant of her mother Kalyani, who is the descendant of King Maruthupandiyar brothers, is entitled to political pension.

8. Considering paragraphs-2 & 3 of G.O.(Ms)No.1143, dated 19.07.1982 and the fact that the petitioner's mother was granted political pension in G.O(Ms)No.207 Public (Political Pension 2) Department, dated 02.03.2010, the petitioner, who is also a direct descendant of her mother, is entitled to get political pension after the death of her mother.

9. For the above reasons, the impugned order of the second respondent, dated 09.11.2018, is set aside. The respondents are directed to consider the case of the petitioner taking into consideration the Government Orders in G.O.(Ms)No.1143 Public (Political A) Department, dated 19.07.1982, G.O.(Ms)No.1428 Public (Political Pension-4) Department, dated 03.09.1987 and G.O(Ms) No.207, Public (Political Pension-2) Department, dated 02.03.2010 and the Government letter, dated 15.04.1998, issued with regard to grant of Political Pension, from the date of death of the petitioner's mother, and pass orders within a period of eight weeks from the date of receipt of a copy of this order.

10. For the above direction, the writ petition is allowed. No costs.

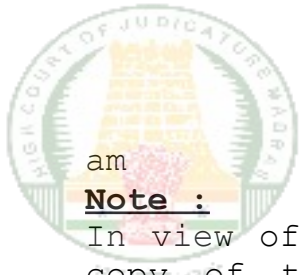
Sd/-

Assistant Registrar (AS)

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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 Secretary to Government,
Public Department (Political Pension),
Fort St. George,
Chennai.
2. The District Collector,
Ramanathapuram District,
Ramanathapuram.

+1 CC to M/s.T.S.MOHAMED MOHIDEEN, Advocate (SR-21564[F] dated 07/07/2021)

+1 CC to M/s.SPL GP (SR-21710[F] dated 08/07/2021)

W.P. (MD)No.3676 of 2019
07.07.2021

RC (20.07.2021) 4P-5C