



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.21310 of 2019

S.Mariyammal

...Petitioner

Vs.

1. The Secretary to Government,
Social Welfare Department,
Fort St. George, Chennai-09.
2. The District Collector,
Collectorate Office, Theni.
3. The Tahsildar,
(Social Security Scheme), Periakulam Taluk,
Theni District.
4. The Tahsildar,
(Social Security Scheme),
Madurai North Taluk, Madurai District. ... Respondents

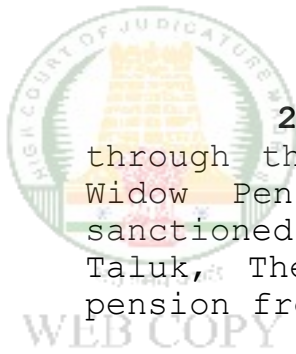
Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to regularize and disburse the Destitute Widow Pension, which was sanctioned by the third respondent by his proceedings in Na.Ka.No.13694/07/A4, dated, 20.12.2007 and also to transfer the address based on the petitioner's representation, dated 22.08.2019, within a time frame to be fixed by this Court.

For Petitioner : Mr.A.Arumugam

For Respondents : Mr.S.Angappan
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to regularize and disburse the Destitute Widow Pension that was sanctioned in favour of the petitioner by the third respondent through the proceedings dated 20.12.2007.



2. The case of the petitioner is that the third respondent through the proceedings dated 20.12.2007 sanctioned the Destitute Widow Pension to the petitioner. When the third respondent sanctioned the pension, the petitioner was residing at Periyakulam Taluk, Theni District. The petitioner was also receiving the pension from the year 2007 to July 2015 without any interruption.

3. The further case of the petitioner is that a murder took place during April 2015 and an F.I.R., came to be registered by Periyakulam Police Station in Crime No.183 of 2015, against the sister of the petitioner and her son and daughters. The petitioner was asked to be an eye witness in this case and there was a threat on the life of the petitioner and therefore, the petitioner had to leave from Periyakulam Taluk and she started living within the jurisdiction of Madurai North Taluk.

4. Since the petitioner had shifted her residence to the Madurai North Taluk, the third respondent stopped paying the pension to the petitioner. The petitioner made a representation in this regard on 22.08.2019 and sought for the regularization and disbursement of the Destitute Widow Pension. Since the same was not considered, the present Writ Petition has been filed before this Court.

5. The third respondent has filed a counter affidavit in this case and the relevant portions in the counter affidavit are extracted hereunder:-

"6. I respectfully submit that during the verification carried on by the third respondent Officer it was confirmed that she had left the said above address and her whereabouts were not known and report was also received said in that "no such person in the address". Based on the confirmation that the "No such person in the above said address" the payment of the widow pension was stopped with effect from 15.07.2015. It is pertinent to point out here that payment of the stopped widow pension can be restored if the widow pensioner shows, evidences within three months that the said widow pensioner is residing in the said address only and not gone elsewhere. Since the petitioner has left the said address, the petitioner's name automatically removed from the website portal of the widow pensioner. Therefore, the said exercise was made as the petitioner was residing in said address with effect from 15.07.2015 and she has not returned to the said address within a period of three months from the date of leaving the address.

7. I respectfully submit that there was no representation during the last four years on the part



of the petitioner after 15.07.2015. While so, after a period of four years the petitioner has sent representation dated 22.08.2019 making request stating that she has been residing at M/2, 318, Sector-6, Koodalpudur, TNHB Colony, Madurai and therefore requested to transfer her old age pension account to the above said address. On received the said representation the petitioner was informed that since her name is deleted from the website portal of the widow pensioner in the website of widow pensioner of the third respondent office and was accordingly advised to apply to the respective jurisdiction special Tahsildar (Social Security Scheme) with relevant documents by this office memo in Na.Ka.No.4140/2019/D1, dated 06.09.2019. Thereafter, there was no any representation on the part of the petitioner. On the contrary, she has filed the present Writ Petition for transfer of the widow pension to the present address of the petitioner.

8. I respectfully submit that it is always open to the petitioner to represent before the fourth respondent (Social Security Scheme) with relevant documents and said documents after verification by the fourth respondent if forwarded to the third respondent Office appropriate action will be taken to transfer the particulars available in the third respondent Office to the fourth respondent Officer for favour of considering the petitioner's representation by the fourth respondent herein. Under these above said circumstances the writ petition was not maintainable either in law or facts and is liable to be dismissed."

6. Heard A.Arumugam, learned counsel appearing for the petitioner and Mr.S.Angappan, learned Government Advocate appearing for the respondents.

7. On a careful perusal of the records, it is clear that the petitioner was found to be eligible for the Destitute Widow Pension by the third respondent and she was receiving the same from the year 2007 to July 2015. The petitioner was forced to leave from Periyakulam Taluk due to a situation beyond her control. The third respondent stopped the payment of the pension with effect from July 2015, since the petitioner was not found the address given by her.

8. The petitioner after nearly four years made a representation to the third respondent and sought for the transfer of the pension account to the new address of the petitioner at Madurai North Taluk.



9. The learned Government Advocate appearing on behalf of the respondents submitted that the records pertaining to the Destitute Widow Pension will have to be transferred from the file of the third respondent to the file of the fourth respondent, since the petitioner is residing within the jurisdiction of the fourth respondent.

10. In view of the un-disputed facts, this Court deems it fit to dispose of this Writ Petition with the following directions:-

(a). The petitioner is directed to make a fresh representation to the fourth respondent along with all the relevant documents and a copy of this order within a period of two (2) weeks from the date of receipt of a copy of this order.

(b). The third respondent shall forward the entire records pertaining to the petitioner to the file of the fourth respondent within a period of four (4) weeks from the date of receipt of a copy of this order.

(c). The fourth respondent on receipt of the representation from the petitioner and the records from the third respondent, shall pass appropriate orders regularizing the Destitute Widow Pension of the petitioner and shall sanction the pension including the arrears payable to the petitioner by passing appropriate orders within a period of six (6) weeks from the date of receipt of the records from the third respondent.

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

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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,
Social Welfare Department,
Fort St. George, Chennai-09.



2. The District Collector,
Collectorate Office, Theni.

3. The Tahsildar,
(Social Security Scheme), Periakulam Taluk,
Theni District.

4. The Tahsildar,
(Social Security Scheme),
Madurai North Taluk, Madurai District.

+1 CC to M/s.SPL GP (SR-16045[F] dated 16/04/2021)

+1 CC to M/s.A.ARUMUGAM, Advocate (SR-16143[F] dated 17/04/2021)

Order made in
W.P. (MD) .No.21310 of 2019
Dated:

15.04.2021

RK (26.04.2021) 5P 7C