



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.06.2021**

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.13887 of 2017

S.Jakkaiyan

... Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Tahsildar,
Social Welfare Scheme,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

3.The Special Thasildar,
Social Welfare Scheme,
Uthamapalayam Taluk,
Uthamapalayam, Theni District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in Na.Ka.No.17378/2016/Aa2, dated 08.12.2016 and quash the same and directing the respondents to sanction the old age monthly pension under senior citizen (Aged Person) category to the petitioner.

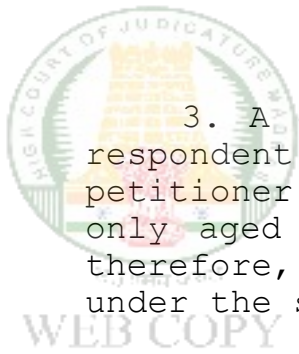
For Petitioner : Mr.K.Guhan

For Respondents : Mr.M.Lingadurai,
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the third respondent dated 08.12.2016, wherein the petitioner has sought for sanctioning old age monthly pension under the senior citizen category.

2. Heard Mr.K.Guhan, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents.



3. A careful reading of the impugned proceedings of the third respondent reveals the fact that the application made by the petitioner was rejected mainly on the ground that the petitioner was only aged 59 years at the time when the application was made and therefore, he is not entitled to be considered for monthly pension under the senior citizen category.

4. This Writ Petition was filed in the year 2017 and the learned counsel for the petitioner submitted that presently, the petitioner is qualified to be considered for old age pension under the senior citizen category and therefore, a direction can be given to the third respondent to pass appropriate orders in accordance with the scheme.

5. The learned Government Advocate appearing on behalf of the respondents submitted that the third respondent will consider the claim made by the petitioner as per rules and take a decision within the time stipulated by this court.

6. Taking into consideration the facts and circumstances of the case and also the subsequent development, where the petitioner has now become entitled to be considered under the scheme as a senior citizen, there shall be a direction to the petitioner to make a fresh representation to the third respondent and the third respondent, on receipt of the same, shall pass appropriate orders in accordance with the rules, within a period of four weeks from the date of receipt of the application from the petitioner.

7. The petitioner while submitting the application shall also annex all the relevant documents to enable the third respondent to take a decision.

8. This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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,
Theni District, Theni.

2.The Tahsildar,
Social Welfare Scheme,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

3.The Special Thasildar,
Social Welfare Scheme,
Uthamapalayam Taluk,
Uthamapalayam, Theni District.

+1 CC to M/s.K.GUHAN, Advocate (SR-20244[F] dated 25/06/2021)

+1 CC to M/s.SPL GP (SR-20144[F] dated 24/06/2021)

W.P. (MD) .No.13887 of 2017

23.06.2021

SE (CO)

TR(02.07.2021) 3P 6C