



W.P.No.29671 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.29671 of 2022

S.Bagavathinayagam

... Petitioner

VS.

1 Government of Tamil Nadu
Rep. by principal Secretary to Government
health and Family Welfare Department
Secretariat Chennai 600 009

2 The principal Secretary and commissioner
Indian Medicine and Homeopathy,
Arumbakkam, Chennai 600 106

3 The Principal Secretary to Government
Finance (PC) Department,
Chennai 600 009

4 The District collector
Chennai District, Chennai

5 The Thasildar,
Aminjikarai Taluk, Chennai.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus, directing the respondent to provide petitioner the



W.P.No.29671 of 2022

homoeopathy Pension from the year 2016 till date and to further provide the petitioner monthly pension with the increased pension Rs 3,000/- per month as applicable under the under the Siddha, Ayurveda and Homoeopathy medicine on a hereditary basis.

For Petitioners : Mr.K.Venkateswaran
For Respondents 1 & 2 : Mr.Stalin Abimanyu,
Additional Government Pleader
For Respondent 3 : Mr.V.Ravi,
Special Government Pleader
For Respondents 4 & 5 : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to provide the petitioner with homoeopathy Pension from the year 2016, based on his representation dated 04.06.2018 within a time frame to be fixed by this Court.

2. Mr.Stalin Abimanyu, learned Additional Government Pleader accepts notice on behalf of the respondents 1 & 2, Mr.V.Ravi, learned



W.P.No.29671 of 2022

Special Government Pleader accepts notice on behalf of the third respondent and Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader accepts notice on behalf of the respondents 4 & 5. By consent of both the parties, this petition is taken up for final disposal in the admission stage itself.

3. The petitioner claims that he is aged 85 years and has been practising Homoeopathy Medicine for the past several years. He claims that as per the proceedings of the District Collector dated 03.01.2014, he is entitled for pension at the rate of Rs.1,000/- per month and he was also receiving the same till 2016. According to him, from the year 2016, the monthly pension paid to him has been stopped. The petitioner also claims that the pension amount has now been revised from Rs.1,000/- to Rs.3,000/-. The petitioner has given a representation on 04.06.2018 requesting the respondents to pay the pension to him from the year 2016. Since the representation has not been considered till date, he has filed this writ petition.



W.P.No.29671 of 2022

4. Heard Mr.K.Venkateswaran, learned counsel for the petitioner, Mr.Stalin Abimanyu, learned Additional Government Pleader appearing for the respondents 1 & 2, Mr.V.Ravi, learned Special Government Pleader appearing for the third respondent and Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader appearing for the respondents 4 & 5.

5. The petitioner has filed documents along with this writ petition to show that he was receiving pension up to the year 2016. The petitioner has also filed the proceedings of the District Collector dated 03.01.2014 to show that he is entitled for monthly pension at Rs.1,000/-. The petitioner claims that being a practitioner of homoeopathy medicine and having reached old age, he is entitled for monthly pension. The petitioner has given his representation on 04.06.2018.

6. No prejudice would be caused to the respondents, if the petitioner is allowed to give a fresh representation to the respondents as the representation given by him is an old one and if the representation of the petitioner is considered on merits and in accordance with law within a time



W.P.No.29671 of 2022

frame to be fixed by this court.

WEB COPY

7. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the fourth respondent requesting for payment of homoeopathy monthly pension from the year 2016 within a period of one week from the date of receipt of a copy of this Order. On receipt of the said representation, the fourth respondent shall pass final orders on merits and in accordance with law within a period of eight weeks thereafter.

8. With the aforesaid direction, the Writ Petition is disposed of. No costs.

10.11.2022

nl

Index: Yes/ No

Speaking Order/Non-speaking Order

5/7



W.P.No.29671 of 2022

To

WEB COPY

- 1 Government of Tamil Nadu
Rep. by principal Secretary to Government
health and Family Welfare Department
Secretariat Chennai 600 009
- 2 The principal Secretary and commissioner
Indian Medicine and Homeopathy
Arumbakkam Chennai 600 106
- 3 The Principal Secretary to Government
Finance (PC) Department Chennai
600 009
- 4 The District collector
Chennai District Chennai
- 5 The Thasildar
Aminjikarai Taluk Chennai.



WEB COPY



W.P.No.29671 of 2022

ABDUL QUDDHOSE, J.

nl

W.P.No.29671 of 2022

10.11.2022