



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.2790 of 2021

WEB COPY

M.Gowri

... Petitioner

/Vs./

1.The District Collector,
District Collector Office,
Dindigul,
Dindigul District.

2.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office Campus,
Dindigul,
Dindigul District.

3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Kodaikanal,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus respondents No.1 to 3 to provide employment to the petitioner and pension amount from the date of death of the petitioner's husband i.e., 26-12-2016 and other reliefs as per Serial No.46 of Annexure-I read with Rule 12(4) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.A.Sahaya Philomin Raj

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to provide employment to the petitioner and pension amount from the date of death of the petitioner's husband i.e., 26-12-2016 as per Serial No.46 of Annexure-I read with Rule 12(4) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016, within a time frame to be



fixed by this Court.

2. According to the petitioner, her husband, Mr. Muruganandam was murdered by an upper caste person and therefore, the petitioner being his wife, is entitled for pension and employment as per the provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018 and its Rules. According to the petitioner, she has been receiving the pension from the respondents since the death of her husband on 26.12.2016 but thereafter stopped for reasons best known to the respondents. In such circumstances, this writ petition has been filed.

3. Heard Mr. A. Sahaya Philomin Raj, learned Counsel for the writ petitioner and Mr. D. Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. At the outset, the learned counsel appearing for the petitioner would submit that though the petitioner had sought for employment in this writ petition, she restricts her relief only to the payment of pension under the provisions of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018 and its Rules.

5. The learned Additional Government Pleader appearing for the respondents has placed before this Court the proceedings dated February, 2021 passed by the District Collector, stating that the petitioner has been receiving pension right from the date of death of her husband till 31.01.2021 and till date, she has received a sum of Rs. 2,73,236/-. He would submit that only due to the present financial position, the pension amount was not paid to the petitioner by the respondents from the month of February, 2021 onwards. On instructions, he would submit that the respondents are willing to pay arrears to the petitioner, if sufficient time is granted to them to make payment and continue to pay the monthly pension to the petitioner in future. The said statement is recorded.

6. The learned counsel appearing for the petitioner has also not raised any serious objection for the submission made by the learned Additional Government Pleader appearing for the respondents.

7. After recording the submissions made by the respective counsels, this Court directs the second respondent to pay arrears of pension payable to the petitioner, which is due from February 2021 upto date within a period of four (4) months from the date of receipt of a copy of this order. It is made clear that the second respondent shall continue to pay pension for future periods to the petitioner, within the stipulated time.



8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

WEB COPY

/ /2022

Sub Assistant Registrar (CS)

sm

To

1. The District Collector,
District Collector Office,
Dindigul,
Dindigul District.

2. The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office Campus,
Dindigul,
Dindigul District.

3. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Kodaikanal,
Dindigul District.

+1 CC to M/s.SPL.GP. (SR-19716[F] dated 20/04/2022)

W.P. [MD]No.2790 of 2021

19.04.2022

=RD(12.05.2022) 3P 5C