



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.7396 of 2022

Sivakumaran

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by Secretary to Government,
Public (Political Pension 2) Department,
Secretariat,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

3.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the third respondent in Oo.Mu.P5/2203/2019 dated 28.06.2019 and quash the same as illegal and consequently direct the respondents to grant political family pension in favour of the petitioner as the descendant of Maruthupandiar Brothers and son of the pension recipient K.Meenakshi Sundaram in terms of G.O.Ms.No.1143 dated 19.07.1982 and G.O.Ms.No.957 dated 30.08.1996 with arrears and interest accrued till the date of payment within the time stipulated by this Court.

For Petitioner	:	Mr.M.Kannan
For Respondents	:	Mr.B.Saravanan, Additional Government Pleader.

ORDER

This Writ Petition has been filed challenging the order dated 28.06.2019 passed by the third respondent rejecting the petitioner's application for political pension on the ground that the petitioner is not a resident of Soodiur Village at Ramanathapuram District.

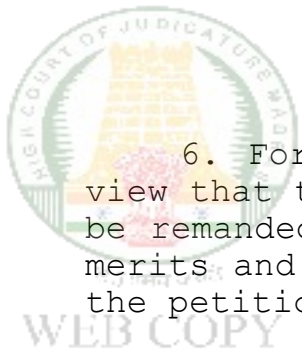


2. The petitioner is the son of K.Meenakshi Sundaram, who was earlier granted political pension as per G.O.Ms.No.1143 dated 19.07.1982 till his death. As per the G.O.Ms.No.1143 dated 19.07.1982, the petitioner, who is the son, being the first generation and a direct descendant of K.Meenakshi Sundaram, is entitled to continue receiving pension which was earlier received by his father. Since the same was stopped, he applied for political pension after the death of his father to the respondents. Under the impugned order, the petitioner's application has been rejected only on the ground that the petitioner is not a resident of Soodiyur Village at Ramanathapuram District. According to the petitioner, under G.O.Ms. No.1143 dated 19.07.1982, there is no such requirement stipulated. However, according to him, arbitrarily and by total non-application of mind to G.O.Ms.No.1143 dated 19.07.1982, the impugned order came to be passed. The petitioner has challenged the impugned order on the ground of violation of the principles of natural justice, as no opportunity of hearing was granted to him and further on the ground that by total non-application of mind to G.O.Ms.No.1143 dated 19.07.1982, the impugned order has been passed.

3. Heard Mr.M.Kannan, learned counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. Learned counsel for the petitioner drew the attention of this Court to G.O.Ms.No.1143 dated 19.07.1982 and would submit that the requirements, as mentioned in the impugned order, are not mentioned in the said Government Order. He would submit that even at the time of passing of G.O.Ms.No.1143 dated 19.07.1982, the petitioner's father, K.Meenakshi Sundaram, was residing only at Madurai, as seen from the annexure to the said Government Order and despite the same, his father was granted political pension. Therefore, according to him, by total non-application of mind, the impugned order has been passed rejecting the petitioner's application seeking for political pension, which was earlier received by his late father during his life time. He would also submit that no opportunity of hearing was granted to the petitioner by the third respondent before passing the impugned order.

5. Admittedly, no opportunity of hearing has been granted to the petitioner by the third respondent before passing the impugned order. The contentions of the petitioner raised in this Writ Petition have also not been considered under the impugned order. Hence, this Court is of the considered view that the third respondent has violated the principles of natural justice and the documents and contentions relied upon by the petitioner in this Writ Petition have not been considered in the impugned order.



6. For the foregoing reasons, this Court is of the considered view that the impugned order has to be quashed and the matter has to be remanded back to the third respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing.

7. In the result, the impugned order dated 28.06.2019 passed by the third respondent is hereby quashed and the matter is remanded back to the third respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing. The third respondent is directed to pass final orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (A.D.I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Public (Political Pension 2) Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
- 2.The District Collector,
Ramanathapuram District, Ramanathapuram.
- 3.The Tahsildar,
Paramakudi Taluk, Ramanathapuram District.

+1 CC to M/s.M. KANNAN, Advocate (SR-19760[F] dated 20/04/2022)
+1 CC to M/s.SPL.GP (SR-20135[F] dated 21/04/2022)

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RD(29.04.2022) 3P 6C