



W.P.No.12251 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **20.04.2023**

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.12251 of 2023

Dhanam

... Petitioner

Vs

- 1.The Collector,
Salem District,
Salem.
- 2.The Revenue Divisional Officer,
Mettur,
Salem District.
- 3.The Special Tahsildar,
Social Welfare Scheme,
Mettur Taluk Office,
Mettur,
Salem District.
- 4.The Revenue Inspector,
Kolathur Village,
Mettur Taluk,
Salem District.

Page No.1 of 8



W.P.No.12251 of 2023

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5. The Village Administrative Officer,
Kolathur Village,
Mettur Taluk, Salem District.

... Respondents

Prayer : Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the rejection order passed by the 3rd respondent in TN-9020220110228 dated NIL, quash the same and direct the 3rd respondent to sanction the Indira Gandhi National Old Age Pension Scheme to the petitioner.

For Petitioner : Ms.K.Sujeetha

For Respondents : Mr.U.Baranidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the proceedings of the third respondent rejecting her request for sanction of pension under the Indira Gandhi National Old Age Pension Scheme.

2. Mr.U.Baranidharan, learned Additional Government Pleader accepts notice for the respondents. In view of the consent expressed by the



W.P.No.12251 of 2023

learned counsel appearing on either side, this petition is taken up for final disposal.

3. The petitioner claims to be a widow and senior citizen. She filed an application dated 10.01.2022 enclosing all the necessary documents before the third respondent seeking pension under the Indira Gandhi National Old Age Pension Scheme. However, nothing was forthcoming. Hence, she verified the status of her application through online and found that her request was rejected by the third respondent by the impugned order on the ground that the petitioner's son is earning a sum of Rs.40,000/- in the Transport Corporation and her daughter is residing at Karnataka. Challenging the same, the petitioner filed the above writ petition.

4. Though very many grounds have been raised in this writ petition, the learned counsel for the petitioner submits that, this Court may issue a direction to the Tahsildar to forward the said petitioner's application to the second respondent and to direct the second respondent to consider the same



W.P.No.12251 of 2023

and pass appropriate orders under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 by issuing summons to the petitioner's son, within a time frame that may be fixed by this Court.

5. The learned Additional Government Pleader appearing for the respondents produced a copy of the rules for awarding Old Age Pension, which reads as follows:

“The following definition of 'destitute' shall be substituted to Rule 5 of the Madras Pension Rules:

A “Destitute” is a person,

*(a) without any income or source of income,
(b) without any income or source of income
and owning fixed assets valuing less than
Rs.50,000/-, who have no relatives of 20 years of
age and over of the following categories:-*

- i) Son;*
- ii) Son's son; and*
- iii) husband/wife and other related
persons, who normally live together;*



W.P.No.12251 of 2023

Provided that a person will be deemed to be a destitute if all the relatives falling with the categories specified above are

(a) themselves below poverty line, such a fact being proved to the satisfaction of the sanctioning authority; or

(b) continuously missing and the sanctioning authority has satisfied him/herself by such enquiry as he/she deems necessary that the relatives are so missing;”

6. He also produced a copy of the letter bearing Na.Ka.No.337/196/2023 dated 20.04.2023, in which, it has been stated that the petitioner's daughter was residing at Karnataka and her son was employed in Tamil Nadu Transport Corporation and earning a sum of Rs.40,000/- per month. Hence, on the basis of the said facts only, the third respondent had passed the impugned order, which is perfectly in order and the same cannot be interfered.



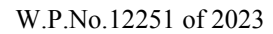
W.P.No.12251 of 2023

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7. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent and perused the materials available on record.

8. Admittedly, the petitioner made an application seeking pension under the Indira Gandhi National Old Age Pension Scheme. However, the said application was rejected on the ground that the petitioner's son was employed in the Tamil Nadu Transport Corporation and earning a sum of Rs.40,000/- per month. Hence, as per the above rules, the petitioner is not entitle to claim pension under the Indira Gandhi National Old Age Pension Scheme.

9. In view of the above, this Court, without going into the merits of the case, directs the petitioner to make a fresh representation before the second respondent under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, within a period of two (2) weeks from the date of receipt of a copy of this order and on receipt of the same, the second



10. With the above directions, the Writ Petition is disposed of. No

Index : Yes (or) No
 Speaking order (or) Non-speaking order
 Neutral Citation Case : Yes (or) No
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1.The Collector,
Salem District,
Salem.

Page No.7 of 8



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W.P.No.12251 of 2023

M.DHANDAPANI,J.,

sp

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Social Welfare Scheme,
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W.P.No.12251 of 2023

20.04.2023
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