



WEB COPY



W.P.No.21728 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.21728 of 2022

A.Muthukumar, Male, Aged 67 Yrs,
S/o.Late.Mr.Angamuthu,
Door No.2/46, Chinna Palaniyapuram,
Singipuram Post,
Vazhapadi Post,
Singhipuram,
Salem-636 115.

Represented by his Power Agent,

Mr.Prabhu,

S/o.Mr.A.Muthukumar,

Residing at:

F3, Mahavir Homes,

4/9 South Sector 1st Street,

Adambakkam, Kancheepuram,

Tamil Nadu – 600 088.

... Petitioner

Versus

1.The Principal Secretary,
Adi Dravidar and Tribal Welfare Department,
Chennai-600 009.

2.The District Collector,
Salem Collectorate,
Salem-636 001.

3.The Director,
Adi Dravidar Welfare Department,
Chennai- 600 005.



W.P.No.21728 of 2022

WEB COPY

4.The Commissioner,
Adi Dravidar Welfare Department,
Chennai- 600 005.

5.The Tahsildar,
Taluk Office,
Gangavalli,
Gangavalli Taluk,
Salem District- 636 105.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ, order, direction or any other appropriate order or orders in the nature of Writ of Mandamus directing the 5th respondent to pay the fixed provisional pension of 50% from the salary along with respective House Rent & Compensatory Allowance as per the order passed in Na.Ka.No.E1/8571/13 by the 4th respondent dated 30.04.2013.

For Petitioner : Mr.S.V.Pravin Rathinam

For Respondents : Mr.P.Baladhandayutham,
Special Government Pleader

ORDER

This Writ Petition has been filed to direct the 5th respondent to pay the fixed provisional pension of 50% from the salary along with respective House Rent & Compensatory Allowance as per the order passed in Na.Ka.No.E1/8571/13 by the 4th respondent, dated 30.04.2013.



W.P.No.21728 of 2022

WEB COPY

2.In an earlier order, dated 14.06.2023, this Court had dispensed with the production of a certificate under Fundamental Rules 53(2) taking note of the fact that the service records of the petitioner's father have lost by the respondents and had also directed the respondents 2 to 5 to pay the Subsistence Allowance to the petitioner from December 2011 to till date (14.06.2023) on or before 30.06.2023.

3.Now, it is submitted by the learned Special Government Pleader that the payment of Subsistence Allowance to the tune of Rs.23,82,108/- (Twenty three lakhs eighty two thousand one hundred and eight only) has been paid to the individual. The proceedings also produced before this Court to that effect.

4.In such view of the matter, the respondents 2 to 5 shall continue to pay the 50% of the pension from 75% of the Subsistence Allowance as per proceedings, dated 30.04.2013 without insisting any certificate, which has already been dispensed with by this Court, vide order, dated 14.06.2023.



W.P.No.21728 of 2022

WEB COPY

5. With the above directions, this Writ Petition is disposed of. The respondents to consider and accept the photo copy of the Service Register as directed by the District Collector, Salem/2nd respondent. No costs.

13.07.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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1. The Principal Secretary,
Adi Dravidar and Tribal Welfare Department,
Chennai-600 009.
2. The District Collector,
Salem Collectorate,
Salem-636 001.
3. The Director,
Adi Dravidar Welfare Department,
Chennai- 600 005.
4. The Commissioner,
Adi Dravidar Welfare Department,
Chennai- 600 005.



W.P.No.21728 of 2022

5.The Tahsildar,
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WEB COPY



W.P.No.21728 of 2022

N.SATHISH KUMAR, J.

vv2

W.P.No.21728 of 2022

13.07.2023