



WP(MD)No.16077 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.16077 of 2023
and
WMP(MD)Nos.13466, 13467 of 2023

A.Ganesan

.. Petitioner

v.

1.The Director,
Directorate of Ex-Servicemen Welfare,
22, Rajamuthiah Salai,
Choolai, Chennai – 600 003.

2.The District Collector,
Theni District,
Theni – 625 531.

3.The Deputy Director of Ex-Servicemen Welfare,
Theni District,
Theni – 625 531.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.No.448/2021/A2 dated 18.05.2023 issued by the third respondent and quash the same and



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consequently, directing the respondents to resume the MRCG grants for the petitioner's two children with effect from 03.02.2021 to till date, as arrears and thereafter for life and relevant interests as per the proceedings of the third respondent vide No.3059/2017/A2 dated 17.10.2017.

For Petitioner : Mr.L.Rajiah

For Respondents : Mr.M.Sarangan,
Additional Government Pleader

ORDER

The petitioner is an Ex-Serviceman and is having three children. Of his three children, one daughter and one son are affected with Autism. For this two children, the Government is providing a grant (MR CG) to the tune of Rs.7,500/- per month, per child. However, from March, 2021, the grant has been stopped and with this grievance, the petitioner has moved this Court.

2.The case of the petitioner is that the third respondent initially vide proceedings dated 17.10.2017 granted Rs.3000/- per month as grant, which was also increased to Rs.7500/- per month upto February, 2021.



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Meanwhile, in view of some matrimonial dispute between the petitioner and his wife, HMOP.No.1 of 2022 and MC.No.9 of 2021 were instituted and pending before the concerned Courts. Thereafter, the third respondent, without any notice, stopped the grant to the petitioner's children. Hence, the petitioner preferred a legal notice dated 17.02.2023 and submitted the life certificate of his children on 17.04.2023. Despite the same, the third respondent has passed the impugned order dated 18.05.2023 that the petitioner has not submitted the life certificate, as instructed and upon submission of those documents, the grant would be continued.

3.Learned Additional Government Pleader, on instructions, submitted that the mother of the children, ie., the petitioner's wife, has raised an objection with the authorities that they are living separately and that the children are with her custody. Therefore, the grant has not been provided to the petitioner from March, 2021. After ascertaining that the children are with the petitioner, the grant is being provided to the petitioner from February, 2023.



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4.From the above submissions, it appears that the grant was initially provided to the petitioner and in view of the objections raised by the petitioner's wife, the grant was stopped from March, 2021 to January, 2023. Now, the grant is being provided to the petitioner from February, 2023.

5.The learned Additional Government Pleader has also produced the written instructions received from the Assistant Director, Ex-Servicemen's Welfare, Theni, dated 25.07.2023, stating that the arrears from March, 2021 to January, 2023 will be disbursed depending upon the decision by the State Financial Sub-Committee of Benevolent Fund meeting.

6.If anybody raises any objection for the grant, the authorities ought to have conducted an enquiry / inspection to ascertain as to who is taking care of the children and ought to have provided the grant to the concerned person, with whom the children are living. Without conducting any such enquiry, the respondents have stopped the grant from March, 2021 to



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January, 2023, simply based on the objections raised by the wife, which is not proper.

7. Therefore, this writ petition is allowed and the impugned order is set aside. The respondents are directed to pay the eligible grant to the petitioner, including arrears, immediately, for the entire period from March, 2021, together with interest @ 12% per annum. The first respondent / Director is at liberty to recover the interest from the officer concerned, who has stopped the grant without conducting any enquiry as noted in the preceding paragraph.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

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To

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B.PUGALENDHI, J.

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