



W.P(MD)No.8965 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8965 of 2015

T.Alagu

... Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by its Secretary,
Social Welfare and Nutritious Meal
Programme Department,
Fort St.George, Secretariat,
Chennai-600 009.

2.The Director,
Tamil Nadu Social Welfare and Nutritious
Meal Programme Department,
Chennai-600 009.

3.The Tahsildar,
(Social Security Scheme)
Madurai North,
Madurai 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 pertaining to the impugned order passed by the 3rd respondent in Na.Ka.No.3533/2015/Vu.Tho.1, dated 31.03.2015, quash the same and consequently direct the respondents to pay the widow pension to the petitioner as per the Destitute Widow Pension Scheme from the day it was stopped.



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For Petitioner : Mr.P.Kalaiyasi Bharathi

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The writ petitioner's husband was working as plumber. He died in the year 2009 leaving behind the petitioner and three children. The petitioner is eking out her livelihood as housemaid. She applied for destitute widow pension. The Government of Tamil Nadu had issued a scheme and the petitioner's case was considered under the said scheme and the pension sanction order was issued in the year 2010. The petitioner was getting monthly pension for almost four years. Suddenly, in the year 2014, it was stopped. The petitioner submitted representation on 10.09.2014 and filed W.P.(MD)No.2051 of 2015. This Court directed the jurisdictional Tahsildar, Madurai North to go into the said representation. Pursuant to the said direction, the impugned order dated 31.03.2015 was passed rejecting the petitioner's request. Challenging the same, the present writ petition came to be filed.



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3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4. The learned Special Government Pleader appearing for the official respondents submitted that the impugned order has to be sustained. He pointed out that the petitioner's only son is working as electrician and that the petitioner is receiving his support. It is also stated that the petitioner is working as housemaid and also paying a sum of Rs.2,000/- towards rent. He therefore submitted that since the petitioner as well as her son are earning, the present writ petition has to be dismissed.

5. I carefully considered the rival contentions and went through the materials on record.

6. I find considerable force in the contention of the learned counsel appearing for the petitioner that when once pension sanction order was passed in the year 2010 and that for over four years monthly pension was paid to the petitioner, it could not have been suddenly stopped. So long as the pension



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sanction order was holding good, the authorities are bound to pay her monthly pension. The sanction order states that the pension amount will be credited to the account till the petitioner's death or till her remarriage. Admittedly, the petitioner has not remarried. Therefore, so long as the pension sanction order has not been cancelled in the manner known to law, the authorities could not have suddenly stopped the payment of the monthly pension. Originally, the petitioner was getting a sum of Rs.4,00/- per month. Only in the last month, it has been enhanced to Rs.1,200/-. It is not the case of the authorities that the petitioner had indulged in any suppression of material or made misrepresentation. The reasons set out in the impugned order are not referable to the terms of the sanction order. On this ground, the impugned order is set aside. The respondents are directed to resume payment of the monthly widow pension to the petitioner. The arrears shall also be paid to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

7. The Writ Petition is allowed. No costs.

22.08.2023

Index : Yes / No
Internet : Yes/ No
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To



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G.R.SWAMINATHAN, J.

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