



W.P.(MD).No.10892 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.10892 of 2016

and

W.M.P.(MD).Nos.8432 and 8433 of 2016

Muthulakshmi

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Tourism, Culture and Endowment (Pan-2) Department,
Secretariat,
Chennai – 600 009.
- 2.The Commissioner,
Directorate of Arts and Culture,
Chennai – 600 008.
- 3.The Member / Secretary,
Tamil Nadu Iyal Isai Nadaga Mandram,
Chennai – 600 028.
- 4.The District Collector,
Dindigul District,
Dindigul.
- 5.The District Treasury Officer,
Dindigul District,
Dindigul.



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6.The Sub-Treasury Officer,
Sub-Treasury,
Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned communication passed by the first respondent in Letter No.15078/Pan-2/2013-7 dated 27.11.2015 and consequential impugned orders passed by the sixth and fifth respondents in Na.Ka.No.2146/2013/G dated .03.2016 and Na.Ka.No.5028/2016/A2 dated 26.5.2016 respectively and quash the same and consequently directing the fifth respondent to repay a sum of Rs.3,813/- which was deducted from the Government pension account of the petitioner in O.Ko.No.A1008232 and directing the respondents to pay the financial assistance to the petitioner as she is an indigent music artist.

For Petitioner : Mr.M.Karthikeya Venkitachalapathy

For Respondents : Mr.P.Thambi Durai,
Government Advocate.

ORDER

This Writ Petition is filed challenging the impugned communication dated 27.11.2015 and consequential impugned orders dated Nil.03.2016 and 26.5.2016 with a consequential relief to direct the fifth respondent to repay a sum of Rs.3,813/- which was deducted from the Pension Account of the petitioner and also directs the respondents to pay the financial assistance to the petitioner as she is an indigent music artist.



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2. The contention of the petitioner is that she is a Vocal Music artist and chanting Holy Thevaram and Thiruvagasam songs in Temples. She frequently visited the Temple and sings the songs in front of God. The Government has issued G.O.Ms.No.70 Tourism and Cultural (Pan-2) Department dated 15.04.2010, whereby the Government ordered to pay financial assistance to the indigent artists. In order to identify the indigent persons, a committee was constituted and the petitioner is one among the 500 beneficiaries. The respondents have disbursed the amount of Rs.1000/- to the petitioner from 01.08.2009 onwards.

3. However, subsequently it was brought to the knowledge of the respondents that the petitioner had already worked in Government School as Record Clerk and she is receiving the pension amount of 2093/- per month with effect from 01.08.2006. Now, the petitioner is receiving two finance assistance from the Government.

4. The contention of the learned counsel appearing for the petitioner is that the pension is not a bounty and she is receiving based on her service. However, based on her special service to God, the respondents are paying Rs.1000/- to her. Moreover, inspite of receiving the pension amount, the



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petitioner is in real financial distress. Therefore, the petitioner was identified by the Committee and the respondents started paying the same. When the Selection Committee selected indigent persons, the Committee has visited the petitioner's house and after ascertaining the indigent circumstances, the petitioner's name was included in the list. Moreover, the petitioner was aged 69 at the time of filing the present Writ Petition and now she is 75 years old. Therefore, the learned counsel appearing for the petitioner prays to quash the impugned order of recovery and also prays to direct the respondents to continue to pay the said amount. Therefore, this Court is inclined to direct the respondents not to recover the amount of Rs.53,000/- from the petitioner.

5. As far as entitlement is concerned, the petitioner had rendered service to "Tamil" by chanting Holy Thevaram and Thiruvagasam songs in Temples and the petitioner was identified by the committee as one of the beneficiaries. The petitioner is 75 years and the Government is paying to elder citizens some stipend. Therefore, this Court after considering the petitioner's case sympathetically is directing to continue to pay the said amount to the petitioner.



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6. Therefore the following order is passed:

- (i) The impugned orders are quashed.
- (ii) The respondents shall not to recover the amount of Rs.53,000/-.
- (iii) The respondents shall continue to pay Rs.1000/- (Rupees One Thousand only) until the petitioner's life time.
- (iv) The respondents had stopped paying from May 2016 onwards, the respondents are directed to pay the arrears to the petitioner.
- (v) The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

14.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

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