



W.P(MD)No.10848 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10848 of 2017

G.Manimaran

... Petitioner

Vs

1.The State represented by
The Secretary,
General (Political Pension – 2) Department,
Secretariat,
St.George Fort,
Kamarajar Salai,
Chennai – 600 009.

2.The District Collector,
Ramanathapuram District,
Collectorate Campus,
Ramanathapuram.

3.The Treasury Officer,
Ramanathapuram,
Collectorate Campus,
Ramanathapuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the records in



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connection with the impugned order of the second respondent in Na.Ka.G2/38201/2012 dated 16.02.2015 and to quash the same and also to pass a direction to the respondents to sanction the 'Political Pension' to the petitioner @ Rs.5,000/- per month together with the arrears of pension amount from 07.07.2000 to till the date of disbursement on the prevailing rates and also for subsequent months till the death of petitioner.

For Petitioner : Mr.S.Chandrasekaran

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader

ORDER

Heard both sides.

2. The writ petitioner is a law graduate. The learned counsel appearing for the petitioner claims that he is not practicing and that he has devoted himself entirely to agriculture. The petitioner submitted a representation before the second respondent for payment of political pension on the ground that he is a descendant of one of Maruthu Pandiyar Brothers. The petitioner pointed out that his father was a recipient of the said political pension and since his father is no more, he should be awarded the said pension. The petitioner's request was rejected vide memorandum dated 16.02.2015. 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. He relied on the following orders passed by various Judges of this Court:

- a) Order dated 17.07.2014 in W.P(MD)No.3569 of 2014 (K.Gandhimathi Vs The Secretary to Government of Tamil Nadu & Others)
- b) Order dated 11.09.2020 made in W.P(MD)No.1271 of 2018 (V.Kanaga & 2 Others vs The State of Tamil Nadu & Others)

He called upon this Court to set aside the impugned order and grant relief as prayed for.

4. The learned Additional Government Pleader appearing for the respondents submitted that the impugned order does not warrant interference.

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

6. The Government of Tamil Nadu issued G.O(Ms)No.1143 Public (Political.A) Department dated 19.07.1982 sanctioning payment of adhoc political pension to each family of the descendants of Maruthu Pandiyar Brothers of Sivaganga. Since certain difficulties were experienced following



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continuation of pension on the death of the pensioner, G.O(Ms)No.1428 Public (Political Pension – 4) Department dated 03.09.1987 was also issued.

Paragraphs 3 and 4 of the G.O(Ms)No.1428 Public (Political Pension – 4)

Department read as follows:

“3. The Government have examined the proposals of the Collector of Ramanathapuram. At present sanction of continuance of pension is ordered by Government based on the legal heirship certificate, death certificate etc., furnished by the Collectors and on the basis of the enquiry reports of the Collectors. Keeping in line with the view that any hardship experienced by the pensioners or their dependants in the operation of the pension scheme will be alleviated in the best manner possible, the Government have decided to empower the Collectors of the Districts concerned to sanction continuance of pension in order to minimize the time consumed for such sanction, as it is only a natural corollary following the death of a pensioner.

4. The Government accordingly, direct that the Collectors in their respective districts, be empowered to sanction continuance of pension to the widows and children of the deceased pensioner under the Marudhu Pandiar Brothers Pension Scheme. ”



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7. It is beyond dispute that the petitioner's father was recognised as a descendant of one of Maruthu Pandiyar Brothers. The petitioner's father's name was Shri.Sathuragirinathan. He had changed his name as "S.Girinathan". The petitioner has enclosed the pension payment order of his father. I am more than satisfied that "Sathuragirinathan" and "S.Girinathan" is one and the same and that the petitioner is very much his son. In the impugned memorandum, the District Collector, Ramanathapuram has committed two errors. The first error is that G.O(Ms)No.1428 dated 03.09.1987 contemplates continuance of pension in favour of his wife and minor children of the deceased pensioner. I carefully went through the said Government Order. The operative portion of the said Government Order employs the expression "Widows and children of the deceased pensioner". Whether the expression "Children" would include legal heir who was attained majority is the moot question. Since quite a few writ petitions filed by similarly placed individuals had been allowed, I do not want to strike a contra note. But I cannot help observing that sanctioning such monetary assistance deserves to be extended only to those descendants of the legendary freedom fighters who are in financial distress. The petitioner's father was holding a high post of District Judge. The petitioner is also a law graduate. The case on hand is yet another instance of freebie culture being pushed to silly



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extremes. However as rightly pointed out by the learned counsel appearing for the petitioner, this is a policy decision that has been taken by the Government and it is not for the Court to question its wisdom. I wish that this Rs.5000/- is paid to someone who really needs it. The order impugned in this writ petition is set aside. The respondents are directed to the sanction political pension to the petitioner. Arrears shall also be paid.

8. This writ petition is allowed accordingly. There shall be no order as to costs.

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

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Kamarajar Salai,
Chennai – 600 009.

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G.R.SWAMINATHAN, J.

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