



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14100 of 2020

and

W.M.P.No.17504 of 2020

Federation of Tamilnadu Differently
Abled Associations,
(State Level Disability Rights Group)
Represented by its President,
Mr.P.Simmachandran,
No.10, 4th Cross Street, Balaji Nagar,
Ekkatuthangal, Chennai – 600 032.

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Represented by its Secretary to Government,
Social Welfare and Nutritious,
Meal Programme Department,
Chief Secretariat Fort St.George,
Chennai – 600 009.
- 2.Principal Secretary/Commissioner of
Revenue Administration,
Disaster Management and Mitigation Department,
Chepauk, Chennai – 600 005.
- 3.The Commissionerate
for the Welfare of Differently Abled,
No.5,Kamarajar Salai,
Lady Wellington College Campus,
Chennai – 600 005.



4. The Chief Postmaster General,
Anna Salai, Chennai – 600 002.
(R4-Impleaded as per order dated 02.01.2024
in W.P.No.14100 of 2020 by SMSJ)

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of 1st respondent relating to G.O.(Ms)No.44 Social Welfare and Nutritious Programme Department dated 07.06.2011 and quash the paragraph No.2 and further call for the G.O.(Ms)No.59 Social Welfare and Nutritious Programme (SW6(1)) Department dated 17.08.2011 and quash paragraph No.4(a), (d) and paragraph No.5 (a), (d) and consequently direct the 2nd respondent herein to issue smart cards (ATM cards) and pin numbers to the pensioners under the Social Security Pension Schemes of the respondents.

For Petitioner	: Mr.K.Elangoo
For R1 to R3	: Mr.P.Balathandayutham Special Government Pleader
For R4	: Mr.C.Kulanthaivel Senior Panel Counsel

ORDER

The writ on hand has been instituted questioning the validity of the Government Order issued under G.O.Ms.No.44 Social Welfare and Nutritious Programme Department dated 07.06.2011 and to direct the 2nd respondent to issue smart cards (ATM cards) and PIN numbers to the



pensioners under the Social Security Pension scheme of the respondents.

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2. The petitioner is Federation of Tamil Nadu Differently Abled Association which is registered under the Trust Act, 1882. The grievance of the petitioner/Association is that the Government of Tamil Nadu has issued G.O.Ms.No.44 dated 07.06.2011, to disburse the Social Security Pension through nationalised banks.

3. Learned counsel for the petitioner/Association Mr.K.Elangoo would mainly contend that the differently abled persons are unable to go-in-person and receive the Social Security Pension from the Banks and the Banks are disbursing such pension through Agents. In turn, the Agents are compelling the members of the petitioner/Association to pay some commission for disbursing the pension amount, since the pension itself is only to a sum of Rs.1,000/-, any demand of commission by such Bank Agents would cause prejudice to the interest of the differently abled persons. Therefore, the writ came to be filed for providing ATM cards, enabling the members of the petitioner/Association to withdraw the money directly.



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4. Considering the grievances of the differently abled persons, the Government of Tamil Nadu subsequently changed its policy and handed over the job of disbursing the pension to the Postal Department. Now the Postal Department is disbursing the Social Security Pension Scheme to the differently abled persons. Here also, the learned counsel for the Petitioner raised an apprehension that the Postman while delivering the pension amount, may seek commission from the beneficiaries. In this regard, this Court has *Suo motu* impleaded the Chief Postmaster General, Chennai to offer opinions and the measures taken to prevent such demand of Commission by the Postman, while disbursing pension amount to the differently abled persons at their door steps.

5. The learned counsel appearing on behalf of the Postal Department Mr. C.Kulanthaivel, Submitted a copy of the circular issued by the Department of Post on 07.01.2019. The circular would reveal that as per Rule 8 of 121 of Postal Manual Volume VI part III regarding collecting of the Bakshis is reiterated as under:



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“A Postman who asks for, or receives, a commission or present on paying a money order is liable to removal”

The Circular was communicated to all the branches of the Postal Department regarding the stringent actions that will be initiated against the Postman concerned, if such demand is made. When the system is in force for initiation of appropriate actions against the bribe receivers, the members of the petitioner/association, in the event of any such demand or acceptance by any Postman, while disbursing the pension amount, may register a complaint before the Postal Department for initiation of action against all such employees of the Postal Department. Now, the pension amount is being disbursed at the door-steps of the differently abled persons across the State of Tamil Nadu. In the event of any demand of Commission for bribe or otherwise by any employee of the Postal Department, the petitioner/ Association may itself take the cause and place it before the Postal Department for appropriate actions. In the event of receiving any such complaint, either from the member of the petitioner/Association or from the association itself, the Chief Postmaster General is expected to initiate prompt action without causing any undue delay.



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With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

09.01.2024

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Index : Yes / No

Speaking order / Non-Speaking Order

Neutral Citation : Yes / No

To

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